



Constitution

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New Zealand Council of Trade Unions Te Kauae Kaimahi Inc.

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1. NAME, OBJECTS AND POWERS

1.1. Name

- 1.1.1. The name of the Society shall be The New Zealand Council of Trade Unions Te Kauae Kaimahi Incorporated hereinafter referred to as the NZCTU.

1.2. Preamble

- 1.2.1. The NZCTU exists to unite democratic Trade Unions, to enable them to consult and co-operate with each other for the common good, and to help achieve the agreed aims and objects of the NZCTU by acting in unison and in accordance with democratic majority decisions.

The NZCTU recognises as a Trade Union, an organisation established by workers that has as its objective the development of collective activity among its members relating to their relationship with their employer; and that performs all the functions of representing, negotiating, and servicing those members within the workplace and agitating for the economic, social, and political rights of its members and their families; and which governs itself with explicitly democratic procedures.

- 1.2.2. The NZCTU declares that wage and salary earners, and the unions which represent them, have certain basic rights which are recognised in international declarations:

- (a) the right to useful employment, to social security, to social justice, human rights and equal opportunity.
- (b) the right to organise and to form and join Trade Unions.
- (c) the right to bargain collectively with the employer.
- (d) the right to strike.

- 1.2.3. The NZCTU will:

- (a) recognise Te Tiriti o Waitangi 1840 as the founding document of Aotearoa/ New Zealand; He Wakaputanga o Te Rangatiratanga o Nu Tireni (Declaration of Independence of New Zealand) 1835 as the precursor to Te Tiriti; the United Nations Declaration on the Rights of Indigenous Peoples 2007; and be guided in its Tiriti relationship by Te Takawaenga (relationship accord).
- (b) uphold the principles of democracy, including the democratic means of changing Governments.

- (c) champion the cause of peace and human freedom.
- (d) oppose and combat totalitarianism and aggression in any form. It pledges solidarity and support to all working people deprived of their rights as workers and human beings by oppressive regimes.

1.2.4. The NZCTU declares that all workers should enjoy equal rights and opportunity at the workplace, within Trade Unions, and in society at large.

1.3. Objects

1.3.1. The objects of the NZCTU shall be:

- (a) to promote and protect the economic, social, industrial, political and educational interests, and civil rights of the working people of New Zealand including the right to useful and secure employment.
- (b) to promote economic policies which lead to growth, high employment, and a stable economy, and to work for a more equitable share of the national income and production, and the provision of services for social use and not for private profit.
- (c) to achieve and maintain a united organisation for all workers and Trade Unions in New Zealand, for the purpose of promoting unity and mutual assistance in seeking to achieve the objectives and policies of the NZCTU and to give every assistance to the individual affiliates of the NZCTU.
- (d) to collaborate with and assist workers' organisations in other countries and to affiliate with appropriate international bodies as determined by the NZCTU.
- (e) to promote the basic rights and principles referred to in Section 1.2 (Preamble) of this constitution.
- (f) in pursuing its objects, the NZCTU shall have regard to the need to:
 - (i) co-ordinate research on behalf of the union movement.
 - (ii) prepare, submit and advocate reports and papers on industrial, political, social, educational and economic legislation.
 - (iii) establish a media research/liaison capability.

- (iv) engage in and foster educational and publicity work with the object of increasing the knowledge and understanding of national and international problems confronting affiliate members.
- (v) to initiate and co-ordinate national campaigns with the participation of affiliates.
- (vi) if required by an implicated affiliate, co-ordinate all possible support in industrial and other disputes; and
- (vii) encourage and assist unions to form membership coverage patterns which ensure:
 - the maximum membership of workers in unions.
 - the maximum unity of workers in the workplace.
 - the most effective bargaining structures.

1.4. Powers

1.4.1. The NZCTU shall have power, by such means as it thinks fit to take all action it considers appropriate to advance the NZCTU's objects and policies.

1.4.2. Without in any way limiting the generality of clause 1.4.1, the NZCTU shall have all necessary powers for establishing and conducting its administration and organisation including the powers:

- (a) to own and maintain such premises, facilities, and resources.
- (b) to receive, borrow, invest, or expend such monies.
- (c) to enter into such commercial and other arrangements.
- (d) to make such donations or contributions.

as are deemed necessary; and through the office of Secretary/Treasurer

- (e) to employ such staff,
- (f) achieve or advance the objects or policies of the NZCTU; or
- (g) are incidental matters of organisational or administrative convenience.

2. MEMBERSHIP

2.1. Eligibility

- 2.1.1. Membership of the NZCTU shall be open to any genuine Trade Union upon written application to and acceptance by the National Affiliate Council of the NZCTU and the members shall be known as the affiliates of the NZCTU. Consent is given by the completion of this process.

2.2. Conditions of Membership

- 2.2.1. Membership of the NZCTU shall in no way affect the autonomy and independence of individual affiliates, subject only to the principle that majority decisions taken in democratic votes within the NZCTU then become the policy of the NZCTU.
- 2.2.2. No affiliate to the NZCTU may be directed by the NZCTU to take industrial action, or any other action.
- 2.2.3. Affiliates shall refer any disputes or grievances between affiliates to the national NZCTU bodies as appropriate.
- 2.2.4. Affiliates shall pay, when due, all capitation fees and other monies owing to the NZCTU.
- 2.2.5. NZCTU will compile and maintain a register of all Affiliates, giving their dates of joining or withdrawal as the case may be.

2.3. Political Affiliations

- 2.3.1. The question of affiliation to political parties is a matter for individual unions themselves to determine. The NZCTU shall not affiliate to or make financial contributions to any political party.

2.4. Withdrawal of Membership

- 2.4.1. Three months' notice in writing shall be given to the NZCTU by any affiliate proposing to withdraw from the organisation and opportunity will be given for an officer of NZCTU to be heard by the affiliate before any decision is taken to withdraw.
- 2.4.2. No withdrawal shall take place by any affiliate unless that affiliate has settled all outstanding debts to the NZCTU; provided that should such debts not be honoured, the Finance and Administration Committee (see section 7 Finance and Administration Committee) shall be empowered to take any appropriate action in their recovery.

3. FINANCIAL AND ADMINISTRATIVE MATTERS

3.1. Financial Year

- 3.1.1. The financial year of the NZCTU shall be from 1 April in each year to 31 March of the following year.

3.2. Capitation

- 3.2.1. An annual capitation fee shall be determined by the Biennial Conference or in non-conference years by National Affiliate Council no later than 30th November. The Conference may in addition to or in lieu of a fee establish a mechanism to adjust the fee.
- 3.2.2. Notwithstanding that the capitation fee is an annual one, affiliates may, in lieu of paying the full amount at the beginning of the financial year, pay capitation by four quarterly instalments, instalments to be paid at the beginning of each quarter, or by monthly automatic transfer.
- 3.2.3. Any new affiliate which affiliates during a financial year shall not be bound to pay the full year's capitation but shall pay capitation for each quarter during which it is affiliated.
- 3.2.4. Capitation shall be based on the number of fee-paying members calculated as the effective full-time equivalent of members and/or the equivalent of members paying the full rate of union subscription. This calculation may be made on membership levels at 1 January or on a forecast of average membership over the twelve month period from 1 January.
- Membership calculations may be revised and capitation adjustments made at the end of the twelve-month period according to the actual average membership over the period, provided the adjusted membership is not less than 90% of the membership at the beginning of the period.
- 3.2.5. The Finance and Administration Committee may, on application from individual affiliates, approve variations to capitation levels arising from any changes in forecasts of average membership, from transfers of members between unions, or in recognition of special circumstances.
- 3.2.6. Where an affiliate is three months overdue in meeting its capitation obligations, that affiliate shall be deemed to be unfinancial and shall not be entitled to take part in the business or activities of the NZCTU unless given dispensation by the National Affiliate Council.

3.3. Financial Report

- 3.3.1. The Finance and Administration Committee shall present to the National Affiliate Council:
- (a) Audited copies of the Income and Expenditure Accounts and Balance Sheets.
 - (b) A Financial Report, or Reports on the past year.
 - (c) A Financial Report and Budget for the forthcoming year; and
 - (d) A recommendation on capitation.
 - (e) Any required disclosures
- 3.3.2. National Affiliate Council will report on the above to Biennial Conference. The August meeting of the National Affiliate Council will also hold the Annual General Meeting.
- 3.3.3. The Finance and Administration Committee shall present to the Council, for recommendation to the Biennial Conference:
- (a) Audited copies of the Income and Expenditure Accounts and Balance Sheets of the previous two years.
 - (b) A Financial Report, or reports, on the past two years.
 - (c) A Financial Report and Budget for the forthcoming two years.
 - (d) A recommendation on capitation fees for the next two financial years for endorsement.
 - (e) Any required disclosures

3.4. Trustees

- 3.4.1. The NZCTU shall have three trustees:
- (a) one of whom shall be appointed by virtue of being the National Secretary/Treasurer of the NZCTU.
 - (b) two of whom shall be elected by the Biennial Conference.
- 3.4.2. The National Affiliate Council shall recommend two persons to the Biennial Conference to be the trustees referred to in clause 3.4.1(b).
- 3.4.3. Where a casual vacancy arises in respect of the trustees referred to in clause 3.4.1(b), the National Affiliate Council may appoint a replacement, such appointment to be effective until the next Biennial Conference.
- 3.4.4. Subject to clause 8.4.1, the trustees shall hold office until they die, resign, or until their successors are elected.

- 3.4.5. The NZCTU's bank accounts shall be operated by the National Secretary/Treasurer and the signatories shall be:
- (a) the National Secretary/Treasurer; and
 - (b) one of the President, Vice-Presidents, or a trustee referred to in clause 3.4.1 (b), or a non-trustee Finance and Administration Committee member, or a staff member as designated from time to time by the Finance and Administration Committee.

Provided that should the National Secretary/Treasurer be unavailable the signatories shall be:

- (c) the President and one of the Vice-Presidents; or
 - (d) any two of the President or Vice-Presidents, or the Trustees, or a non-trustee Finance and Administration Committee member, or a staff member as designated from time to time by the Finance and Administration Committee.
- 3.4.6 For the purposes of the Incorporated Societies Act 2022, the National Affiliate Council appoints the 3 trustees of the organisation to be the society officers listed on the Companies Office.

3.5. Auditor

- 3.5.1. A qualified Auditor shall be appointed by the National Affiliate Council who shall conduct an annual audit of the books and accounts of the NZCTU, and the National Secretary/Treasurer shall submit all books and vouchers for that purpose.

3.6. Payment for NZCTU Business

- 3.6.1. Any officer, or other person empowered to perform work for the NZCTU shall be paid such sum for their services, and reimbursement of reasonable expenses incurred, subject to the approval of the Finance and Administration Committee.

3.7. Seal

- 3.7.1. The NZCTU shall have a seal which shall be kept by the National Secretary/Treasurer. It may be affixed to all official letters and documents of the NZCTU but shall not be affixed to other documents except pursuant to the resolution of the National Affiliate Council.
- 3.7.2. Signatories to accompany the seal shall be those outlined in clause 3.4.5.

3.8. Delegation of Powers in Legal Proceedings

- 3.8.1. In any legal proceedings, the National Affiliate Council may, if it thinks fit, authorise any NZCTU officer or employee, or any lawyer or other person, to appear on behalf of the NZCTU.

4. CONFERENCES

4.1. General

- 4.1.1. The NZCTU shall hold a National Conference once every two years, normally in October, for a maximum of five days, such conference to be known as the Biennial Conference. Notice of such conference shall be received no later than 6 months prior to that meeting.
- 4.1.2. The Biennial Conference shall be the supreme authority of the NZCTU and shall determine the policy of the NZCTU.
- 4.1.3. The Tiriti relationship shall be the first item of business on the biennial conference agenda and the Vice-President Māori and Te Rūnanga o Ngā Kaimahi Māori (Te Rūnanga) Co-Convenors reports prioritised.
- 4.1.4. The Biennial Conference or the National Affiliate Council shall have power to call special conferences as and when required.
- 4.1.5. An opportunity shall be provided at conferences for the National Women's Council, Out @ Work, National Young Worker's Council (Stand Up) and National Komiti Pasifika, National Kaimahi Whaikaha and National Ngā Manu Kanorau to present their views.
- 4.1.6. Resolution in Lieu of Meeting.
No resolutions can be passed without a general or special meeting.

4.2. Representation at Conferences

- 4.2.1. The Conference shall consist of delegates from financial affiliated unions on the basis of the following maximum entitlement:

Up to	-	1000 members	-	2 delegates
1001	-	2500 members	-	3 delegates
2501	-	5000 members	-	4 delegates
5001	-	7500 members	-	6 delegates
7501	-	10000 members	-	8 delegates
10001	-	15000 members	-	10 delegates
15001	-	20000 members	-	15 delegates
20001	-	25000 members	-	20 delegates
25001	-	30000 members	-	25 delegates
30001	-	40000 members	-	30 delegates
Over	-	40000 members	-	35 delegates

- 4.2.2. Affiliated unions shall determine their delegate representation at Conference in accordance with their own rules and/or policy subject to the requirements in 4.2.1, and subject also to the requirement that delegates be a member, hold office in, or be an employee of an affiliated union.

4.3. Voting at Conferences

- 4.3.1. The system of voting at Conferences on all except procedural issues shall be by simple card vote. Each affiliated union shall be allocated a card voting strength based on the declared membership of the union for which capitation has been paid.
- 4.3.2. A card vote shall only be taken where such a vote is called for after a vote of voices or a show of hands.
- 4.3.3. On purely procedural matters, voting shall be on the basis of one delegate one vote.

4.4. Remits to Biennial Conference

- 4.4.1. The National Secretary/Treasurer of the NZCTU shall call for remits for the Biennial Conference no less than six months prior to the date of the Conference, and affiliates shall forward remits to be received by the National Secretary/Treasurer not less than four months prior to the date of the Biennial Conference.
- 4.4.2. The National Affiliate Council of the NZCTU shall appoint such remit committees as it thinks fit. The role of the remit committees shall be:
- (a) to receive and consider all remits.
 - (b) to receive written or verbal submissions from affiliates in respect of all remits.
 - (c) to make recommendations to affiliates in respect of remits.
 - (d) to advise affiliates of any Finance and Administration Committee report on the implications of any remit which raises a question of expenditure.
- 4.4.3. Not less than three months prior to the date of the Biennial Conference, the National Secretary/Treasurer of the NZCTU shall forward to all affiliates:
- (a) copies of all remits received by the due date; and
 - (b) a notification of a time when remit committees will sit to consider written and verbal submissions from affiliates.

- 4.4.4. Not less than six weeks prior to the date of the Biennial Conference, the National Secretary/Treasurer of the NZCTU shall forward copies of the remit committees' recommendations to all affiliates.
- 4.4.5. Late remits on policy may be forwarded to the National Secretary/Treasurer of the NZCTU at any time prior to or during the Biennial or Special Conference if the matter is urgent and compliance with the above time frame is not practicable. Affiliates forwarding late remits shall endeavour to give as much notice as possible and the National Secretary/Treasurer shall, if practicable, circulate late remits to all affiliates for their consideration prior to Conference.
- 4.4.6. Where any policy or constitutional remit raises a question of expenditure, the Finance and Administration Committee shall report on the implications giving as much notice as possible.
- 4.4.7. Recommendations of National Affiliate Council shall have the same status as the report of the remit committee and shall, where possible, be distributed no less than six weeks prior to the date of the Biennial Conference.
- 4.4.8. Late recommendations may be forwarded to the conference by National Affiliate Council if the matter is urgent and compliance with the above time frame is not practicable.

4.5. Special Conferences

- 4.5.1. Special conferences of affiliates can be called from time to time by the National Affiliate Council and shall have the power to form policy on the specific issues for which the meetings have been called.
- 4.5.2. Special conferences of affiliates shall deal only with the subject matter which has been advised to affiliates in the notice calling the meeting.

5. NATIONAL AFFILIATE COUNCIL

5.1. General

- 5.1.1. The National Affiliate Council shall be empowered to make day to day decisions between Conferences.
- 5.1.2. The National Affiliate Council is a signatory with Te Rūnanga to Te Takawaenga.
- 5.1.3. The National Affiliate Council shall meet up to five times annually. Special meetings of National Affiliate Council may be called by the Council, the President or National Secretary/Treasurer. In each year in which a National Conference is not held, the August meeting of the

National Affiliate Council will be the general meeting of the NZCTU. Notice to that effect shall be given no later than 4 weeks before the meeting.

5.1.4. The system of voting at National Affiliate Council on policy and financial issues may be by simple card vote. Each affiliated union shall be allocated a card voting strength based on the declared membership of the union for which capitation has been paid.

5.1.4. (a) Voting in ballots on representation may be exercised on declared membership for which capitation has been paid as follows:

Up to	-	5,000 members	1 vote
5,001	-	10,000 members	2 votes
10,001	-	20,000 members	3 votes
20,001	-	30,000 members	4 votes
more than		30,000 members	5 votes

5.1.4. (b) A card vote shall only be taken where such a vote is called for after a vote of voices or a show of hands.

5.1.5 On all matters other than policy, financial or representation as provided for above, voting shall be by simple majority of those attending the meeting(s).

5.2. Composition of National Affiliate Council

5.2.1. The National Affiliate Council shall consist of:

- (a) The four officers of the NZCTU
- (b) A representative of each affiliate.
- (c) Te Rūnanga, Women, Young Workers (Stand Up), Pacific Island and LGBTTTQIA+, Kaimahi Whaikaha (workers with disabilities) and Ethnic Community (Asian/Melaa) Worker, representatives noted in clauses 9, 10,11, 12, 13, 14 and 15.

5.2.2. Fifty percent plus one of members of National Affiliate Council shall represent a quorum.

5.3. Appointment to National Affiliate Council

5.3.1. Each affiliate shall appoint a representative to the National Affiliate Council by advising the National Secretary/Treasurer in writing not less than twenty-one days before the opening of the Biennial Conference.

- 5.3.2. Any person who is a member, an office holder or an employee of an affiliated union may be appointed to represent that affiliate. Selection of representatives shall be according to the rules of the affiliate.
- 5.3.3. Appointment to the National Affiliate Council shall be for a two year term except that the appointing affiliate may replace their representative at any time by giving twenty one day's notice to the National Secretary/Treasurer of the NZCTU.
- 5.3.4. Representatives for Women's Council, Te Rūnanga, Young Worker's Council (Stand Up), Komiti Pasifika, Out @ Work, Kaimahi Whaikaha (workers with disabilities) and Ethnic Community (Asian/MELAA) Workers are to be appointed within the terms of this section.
- 5.3.5. An affiliate, the Women's Council, Te Rūnanga, Young Worker's Council (Stand Up), Komiti Pasifika, Out @ Work, Kaimahi Whaikaha (workers with disabilities) and Ethnic Community (Asian/MELAA) Workers may appoint a proxy for a specific meeting or meetings. Such appointments are to be advised to the National Secretary/Treasurer before the beginning of the meeting(s).

6. NATIONAL OFFICERS

6.1. General

- 6.1.1. The President, two Vice-Presidents and National Secretary/Treasurer, shall be Officers of the NZCTU, elected for four-year terms at Biennial Conference. The President and National Secretary/Treasurer shall be full-time officers. The two Vice-Presidents shall be honorary officers. Pursuant to the NZCTU recognition of Te Tiriti o Waitangi one of the Vice Presidents shall be a Māori person. The four officers shall be entitled to one vote each at Biennial Conference.
- 6.1.2. Any person who is a member of an affiliated union, holds office or is an employee in an affiliated union may be nominated by any affiliate for any of the four officer positions in the NZCTU.
- Te Rūnanga will also be able to nominate any person who is a member of an affiliated union, holds office or is an employee of an affiliated union for the position of Māori Vice President.
- Any such nomination will be agreed at Te Rūnanga Biennial Hui except in the event of a casual vacancy in which case the nomination will be endorsed at a meeting of Te Rūnanga.
- 6.1.3. Nominations for the position of officers of the NZCTU shall be called for by the National Secretary/Treasurer in writing and all affiliates shall be notified, not less than forty clear days prior to the date set for the

closure of the nominations, setting out the position(s) up for election. Any nominations shall be in writing and carry the signature of the nominee agreeing to such a nomination.

6.1.4 The officers shall be elected at the Biennial Conference of the NZCTU for a four-year term and, subject to rule 8.4.1, hold their positions until they die, resign or until their successors are elected, and they shall be eligible for re-election notwithstanding the provisions of clause 6.1.2.

6.1.5. The President, Vice-Presidents and National Secretary/Treasurer may speak and vote on all matters at meetings of the National Affiliate Council, and all Conferences of the NZCTU; providing that where the President has exercised a deliberative vote and there is an equality of votes, the President shall have a casting vote.

6.2. Duties of the National Officers

6.2.1. General

The responsibilities of the four officers include:

- (a) advancement of the objects of the constitution nationally and internationally.
- (b) provision of affiliate and public leadership in respect of NZCTU campaigns and activities, and
- (c) acting as spokespeople promoting the objectives of the NZCTU.

6.2.2. President

The President shall preside over meetings of the National Affiliate Council, Finance and Administration Committee, and Conferences of the NZCTU at which the President is present.

The President shall:

- (a) enforce strict observance of this Constitution,
- (b) give impartial decisions on all matters placed before the meeting,
- (c) chair all decision making with the power to delegate facilitation of other parts of any meeting, and
- (d) shall perform such other work as pertains to this office.
- (e) Be the listed contact person on the Companies office for the organisation

6.2.3. Vice-Presidents

The Vice-Presidents shall render all necessary assistance to the President, and in the absence of the President, shall have all the powers and duties (where applicable) of the President. The Vice-President Māori shall render all necessary assistance to the President including work relating to Te Rūnanga o Ngā Kaimahi Māori.

6.2.4. National Secretary/Treasurer

The National Secretary/Treasurer shall be responsible for the efficient and effective operation of the office and staff and the allocation of resources to deliver the work programme and for servicing the constitutional structures, and shall:

- (a) keep true and complete minutes of all meetings of the National Affiliate Council, Finance and Administration Committee, all Conferences and meetings of the NZCTU.
- (b) be empowered to call meetings of the National Affiliate Council, receive, transmit and answer all correspondence, summon meetings, and perform such other duties as the National Affiliate Council, and Conferences of the NZCTU shall from time to time direct.
- (c) collect all fees and/or levies payable to the NZCTU and shall, as soon as possible thereafter, pay same into the NZCTU's bank account/s.
- (d) compile and maintain a register of all Affiliates, giving their dates of joining or withdrawal as the case may be.
- (e) prepare an Annual Report and Balance Sheet on behalf of the National Affiliate Council for endorsement by the National Affiliate Council, for subsequent presentation to the Biennial Conference.
- (f) prepare and forward reports on any matter affecting the NZCTU as shall from time to time be directed by the National Affiliate Council, Finance and Administration Committee, or any Conference of the NZCTU.
- (g) make available to the President and/or Vice-Presidents and/or Auditor at all times, all books, accounts, and vouchers pertaining to the business of the NZCTU.
- (h) pay all legal liabilities of the NZCTU and generally perform all such other work as is required from this office.

6.2.5. On the retirement, resignation or succession of the incumbent National Secretary/Treasurer, the National Secretary/Treasurer shall be

allowed fourteen days from the date of the retirement, resignation, or when the successor is declared elected, as the case may be, to make available to the successor all books, papers and other property of the NZCTU.

6.3 KAUMĀTUA

- 6.3.1 In accordance with the objects of this constitution and in particular object 1.2.3 which recognises Te Tiriti o Waitangi as the founding document of Aotearoa/ New Zealand, the NZCTU Te Kauae Kaimahi will recognise Kaumātua with experience in the union movement to provide advice and counsel to the NZCTU leadership and Te Rūnanga.
- 6.3.2 Te Rūnanga will identify two suitable Kaumātua for these roles.
- 6.3.3 The recognition of Kaumātua will be done by a consensus decision of the NZCTU officers and the Co-Convenors of Te Rūnanga.

7. FINANCE AND ADMINISTRATION COMMITTEE

7.1. Duties of the Finance and Administration Committee

- 7.1.1. The Finance and Administration Committee will:
- (a) receive financial reports from the National Secretary/Treasurer.
 - (b) advise on financial and administrative matters affecting the NZCTU budget.
 - (c) process applications to the Organising Activity Fund and make recommendations for funding allocations to National Affiliate Council.
 - (d) may assign specific responsibilities to the Officers, and
 - (e) report at least six monthly to National Affiliate Council on these matters.

7.2. Membership of the Finance and Administration Committee

- 7.2.1. Six members of the Finance and Administration Committee will be appointed by the Biennial Conference through the election of the four officers and two trustees.
- 7.2.2. Two additional members of the committee will be appointed by, and from, National Affiliate Council members at its first meeting after each Biennial Conference.

8. ELECTIONS

8.1. Ballots

- 8.1.1. Voting in ballots conducted by the NZCTU shall be on the basis of voting entitlements at the Biennial Conference as set out in clause 4.3.1.
- 8.1.2. Voting in ballots at the Biennial Conference shall be by exhaustive ballot until the successful candidate(s) attain(s) a majority vote.
- 8.1.3. All ballots shall be conducted by the duly elected returning officer and official scrutineer.

8.2. Casual Vacancies

- 8.2.1. Should any casual vacancy occur in any National Office (other than a temporary vacancy arising from extended leave, which is dealt with at clause 8.2.3), the remaining Officers shall call for nominations in accordance with this constitution; provided however that the vacancy does not occur less than two months prior to the closing of nominations normally called for the vacancy concerned.
- 8.2.2. All such casual vacancies shall be filled by **ballot** of all affiliates conducted under a preferential voting system, the successful candidate being elected to complete the term of the person holding the office prior to the vacancy occurring.
- 8.2.3. If a National Officer takes an extended period of leave of more than three months (eg, for sickness, parental, and/or family leave), the National Affiliates Council of NZCTU shall call for nominations from affiliates to fill the position for the length of the leave. Nominations will be open for three weeks. After the nominations have closed and if more than one nomination has been received then there will be a card vote of affiliates.

8.3. Scrutineer and Returning Officer

- 8.3.1. The Biennial Conference shall elect a scrutineer and a returning officer.
- 8.3.2. Clauses 6.1.2, 6.1.3 and 6.1.4 shall, with appropriate modifications, apply to the election of the scrutineer and returning officer provided that should a position for any reason be unfilled at the time of a Conference, nominations shall be called from the floor.

8.4. Removal of Officials

- 8.4.1. Any holder of a position that is subject to election at the Biennial Conference who is not performing his/her duties in a manner satisfactory to the National Affiliate Council may at a Special Conference convened for that purpose under clause 4.5.2, be removed from their office by a two-thirds majority vote of the Conference.

9. REPRESENTATION OF WOMEN

9.1. National

- 9.1.1. A National Women's Conference shall be held once every two years. The Women's Conference will consist of delegates and observers from affiliated unions on the basis of their numbers of women members on the same basis as for National Conference. Remits passed at this Conference, or in the event of Conference being held in a different year to NZCTU Biennial Conference, remits passed at a designated Women's Council meeting taking place in the year of NZCTU Biennial Conference, shall be forwarded to the Secretary of the NZCTU when remits are called for the Biennial Conference.
- 9.1.2. The NZCTU will incorporate a Women's Council consisting of members endorsed by their union. The National Women's Council shall consist of one-woman representative from each affiliated union, to be advised to the National Secretary/Treasurer in writing not less than twenty-one days before the opening of the Women's Conference.
- 9.1.3. The Council shall meet at least once a year, with further meetings to be determined by the Council.
- 9.1.4. Two representatives of the Women's Council shall be entitled to attend meetings of the National Affiliate Council and Biennial Conference, with voting rights.

9.2. Local Women’s Councils

- 9.2.1. Local Women’s Councils can be formed under the same terms as Local Affiliate councils in section 13 Local Affiliate Councils.

10. REPRESENTATION OF MĀORI

10.1. National

10.1.1. Te Rūnanga

The NZCTU will incorporate Te Rūnanga consisting of members endorsed by their union. Te Rūnanga will consist of at least one representative from each affiliated union, to be advised to the Secretary in writing not less than twenty-one days before the opening of Biennial Hui. Te Rūnanga will determine who else will attend, as is consistent with tikanga Māori. Te Rūnanga will meet at least once, and usually four times per calendar year, with further meetings determined by Te Rūnanga.

10.1.2. National Affiliate Council

Two representatives of Te Rūnanga, usually Co-Convenors of Te Rūnanga, will be entitled to attend meetings of the National Affiliate Council, with voting rights (See 5.3 Appointment to National Affiliate Council.). The Tiriti relationship shall be the first item of business on the National Affiliate Council agenda with the Vice-President Māori and Te Rūnanga Co-Convenors reports prioritised.

10.1.3. Biennial Conference

Ten representatives of Te Rūnanga will be entitled to attend Biennial Conference of the NZCTU, with voting rights. During the report from Te Rūnanga to the Biennial Conference, standing orders will be suspended and tikanga Māori protocol followed.

10.1.4. Tiriti Relationship Group

The NZCTU will incorporate a Tiriti Relationship Group consisting of Te Rūnanga representatives (Vice-President Māori, Co-convenors, and 2 Te Rūnanga members) and NZCTU (President, Vice-President, Secretary, and 2 National Affiliate Council members). Decisions shall be made by consensus. The Tiriti Relationship Group will meet after the quarterly National Affiliate Council meeting to discuss kaupapa of common interest, giving effect to Te Takawaenga, and advancing the Tiriti relationship. Te Takawaenga shall be reviewed at the Biennial Hui and Biennial Conference biennially.

10.1.5. Biennial Hui

A National Hui for Māori delegates shall be held once every two years. The Biennial Hui will consist of observers, and delegates from affiliated unions on the basis of their numbers of Māori members on the same basis as for Biennial Conference. The Biennial Hui shall establish a long-term strategic plan (e.g., 3 or 5 years), and develop the two-year workplan for Te Rūnanga. The Vice-President Māori, Te Rūnanga Co-Convenors, and Te Rūnanga shall ensure that the strategic plan and workplan are implemented. Remits passed at this Hui, or in the event of Hui being held in a different year to NZCTU Biennial Conference, remits passed at a designated Te Rūnanga meeting taking place in the year of NZCTU Biennial Conference shall be forwarded to the Secretary of the NZCTU when remits are called for the Biennial Conference. The Co-Convenors of Te Rūnanga shall be appointed by the Māori delegates at the Biennial Hui. Selection of Co-Convenors shall observe gender balance where wāhine and tāne are nominated.

10.2. Local Rūnanga

10.2.1. Local Rūnanga can be formed under the same terms as Local Affiliate Councils in section 14 Local Affiliate Councils.

11. REPRESENTATION OF PACIFIC ISLAND WORKERS

11.1. National

11.1.1. A National Fono for Pacific Island delegates shall be held once every two years. The Fono will consist of observers, and delegates from affiliated unions on the basis of their numbers of Pacific Island members on the same basis as for Biennial Conference. Remits passed at this Fono, or in the event of Fono being held in a different year to NZCTU Biennial Conference, remits passed at a designated Komiti meeting taking place in the year of NZCTU Biennial Conference, shall be forwarded to the Secretary of the NZCTU when remits are called for the Biennial Conference.

11.1.2. The NZCTU will incorporate a Komiti Pasifika consisting of members endorsed by their union.

The Komiti Pasifika will consist of a representative from each affiliated union to be advised to the Secretary in writing not less than twenty-one days before the opening of the Fono.

The Komiti will meet at least once a year, with further meetings determined by the Komiti.

11.1.3 Two representatives of Komiti Pasifika will be entitled to attend meetings of the National Affiliate Council and Biennial Conference, with voting rights. (See 5.3 Appointment to National Affiliate Council.)

11.1.4 Matua roles (male and female), for cultural guidance to Komiti Pasefika, shall be appointed by Komiti Pasefika at the Biennial Fono, upon recommendation by Komiti Convenors.

11.2 Local Komiti

11.2.1 Local Komiti can be formed under the same terms as Local Affiliate Councils in section 17 Local Affiliate Councils.

12 REPRESENTATION OF YOUNG WORKERS (STAND UP)

12.1 National

12.1.1. A Young Workers (Stand Up) Conference shall be held once every two years. The Young Workers (Stand Up) Conference will consist of delegates and observers from affiliated unions on the same basis as for National Conference. Remits passed at this Conference, or in the event of Conference being held in a different year to NZCTU Biennial Conference, remits passed at a designated Young Worker's Council (Stand Up) meeting taking place in the year of NZCTU Biennial Conference, shall be forwarded to the Secretary of the NZCTU when remits are called for the Biennial Conference.

12.1.2. The NZCTU will incorporate a Young Worker's Council (Stand Up) consisting of members endorsed by their union. Young Worker's Council (Stand Up) shall consist of at least one young worker from each affiliated union, to be advised to the National Secretary/Treasurer in writing not more than twenty-eight days after the closing of the Young Workers (Stand Up) Conference.

12.1.3. The Council shall meet at least once a year, with further meetings to be determined by the Council.

12.1.4. Two representatives of the Young Worker's Council (Stand Up) shall be entitled to attend meetings of the National Affiliate Council and Biennial Conference, with voting rights.

12.2. Local Young Workers (Stand Up) Councils

- 12.2.1. Local Young Worker's Councils (Stand Up) can be formed under the same terms as Local Affiliate Councils in section 14 Local Affiliate Councils.

13 REPRESENTATION OF LGBTTTQIA+ Workers

13.1 National

- 13.1.1 Out@work is the NZCTU network for lesbian, gay, bisexual, transgender, intersex, takatāpui, fa'afafine and queer workers (LGBTTTQIA+). An Out @ Work Council Conference shall be held once every two years. The Out @ Work Conference will consist of delegates and observers from affiliated unions on the same basis as for National Conference. Remits passed at this Conference, or in the event of Conference being held in a different year to NZCTU Biennial Conference, remits passed at a designated Out @ Work Council meeting taking place in the year of NZCTU Biennial Conference, shall be forwarded to the Secretary of the NZCTU when remits are called for the Biennial Conference.
- 13.1.2 The NZCTU will establish an Out @ Work Council consisting of members endorsed by their union. The Out @ Work Council shall consist of one LGBTTTQIA+ worker representative from each affiliated union, to be advised to the National Secretary/Treasurer in writing not less than twenty-one days before the Biennial Conference.
- 13.1.3. The Council shall meet at least once a year, with further meetings to be determined by the Council.
- 13.1.4. Two representatives of the Out @ Work Council shall be entitled to attend meetings of the national Affiliate Council and Biennial Conference, with voting rights.

13.2 Local Out @ Work Councils

- 13.2.1 Local Out @ Work Councils can be formed under the same terms as Local Affiliate Councils in section 17 Local Affiliate Councils.

14. REPRESENTATION OF KAIMAHI WHAIKAHA (WORKERS WITH DISABILITES)

14.1 National

- 14.1.1. A Kaimahi Whaikaha (Workers with Disabilities) Conference shall be held once every two years. The Kaimahi Whaikaha (Workers with

Disabilities) Conference will consist of delegates and observers from affiliated unions on the same basis as for National Conference. Remits passed at this Conference, or in the event of Conference being held in a different year to NZCTU Biennial Conference, remits passed at a designated Kaimahi Whaikaha (Workers with Disabilities) Council meeting taking place in the year of NZCTU Biennial Conference, shall be forwarded to the Secretary of the NZCTU when remits are called for the Biennial Conference.

- 14.1.2. The NZCTU will incorporate a Kaimahi Whaikaha (Workers with Disabilities) Council consisting of members endorsed by their union. The Kaimahi Whaikaha (Workers with Disabilities) Council shall consist of one worker with disability representative from each affiliated union, to be advised to the National Secretary/Treasurer in writing not less than twenty-one days before the opening of the Kaimahi Whaikaha (Workers with Disabilities) Conference.
- 14.1.3. The Council shall meet at least once a year, with further meetings to be determined by the Council.
- 14.1.4. Two representatives of the Kaimahi Whaikaha (Workers with Disabilities) Council shall be entitled to attend meetings of the National Affiliate Council and Biennial Conference, with voting rights.

14.2. Local Kaimahi Whaikaha (Workers with Disabilities) Councils

- 14.2.1. Local Kaimahi Whaikaha (Workers with Disabilities) Councils can be formed under the same terms as Local Affiliate councils in section 14 Local Affiliate Councils.

15. REPRESENTATION OF ETHNIC COMMUNITY (ASIAN/MELAA) WORKERS

15.1 National

- 15.1.1. A Workers of Ethnic Community (ASIAN/MELAA) Workers Conference shall be held once every two years. The Ethnic Community (ASIAN/MELAA) Workers Conference will consist of delegates and observers from affiliated unions on the same basis as for National Conference. Remits passed at this Conference, or in the event of Conference being held in a different year to NZCTU Biennial Conference, remits passed at a designated Ethnic Community (ASIAN/MELAA) Workers Council meeting taking place in the year of NZCTU Biennial Conference, shall be forwarded to the Secretary of the NZCTU when remits are called for the Biennial Conference.
- 15.1.2. The NZCTU will incorporate a Ethnic Community (ASIAN/MELAA) Workers Council consisting of members endorsed by their union. The

Ethnic Community ASIAN/MELAA) Workers Council shall consist of one worker of diverse cultures representative from each affiliated union, to be advised to the National Secretary/Treasurer in writing not less than twenty-one days before the opening of the Ethnic Community (ASIAN/MELAA) Workers Conference.

15.1.3. The Council shall meet at least once a year, with further meetings to be determined by the Council.

15.1.4. Two representatives of the Ethnic Community (ASIAN/MELAA) Workers Council shall be entitled to attend meetings of the National Affiliate Council and Biennial Conference, with voting rights.

15.2. Local Workers of Ethnic Community (ASIAN/MELAA) Workers Councils

15.2.1. Local Workers of Ethnic Community (ASIAN/MELAA) Workers Councils can be formed under the same terms as Local Affiliate councils in section 14 Local Affiliate Councils.

16. STANDING COMMITTEES

16.1. The Biennial Conference of the NZCTU is empowered to appoint standing committees to advise the National Affiliate Council on specific issues or to co-ordinate the activities of particular interest groups.

16.2. Standing committees will report to successive Biennial Conferences and their continuation will be determined by Biennial Conference.

17. LOCAL AFFILIATE COUNCILS

17.1. Role of Local Affiliate Councils

17.1.1. In any locality, at least five affiliated unions may determine to establish a Local Affiliate Council for the purposes of advancing the NZCTU constitution and work programme through education initiatives and organising activities.

17.2. Establishing a Local Affiliate Council

17.2.1. Affiliates determining to establish a Local Affiliate Council must apply to the National Affiliate Council outlining:

- (a) geographic location.
- (b) purpose.
- (c) structure of the Local Affiliate Council; and
- (d) rules, standing orders or terms of reference by which, the Local Affiliate Council will operate.

17.2.2. Approval to establish a Local Affiliate Council by National Affiliate Council will require an indication of:

- (a) funding arrangement or commitments for resourcing from affiliates; and
- (b) a work programme which reflects the strategic plan of the NZCTU nationally.

17.3. Responsibilities of Local Affiliate Councils

17.3.1. Once National Affiliate Council has given approval, the Local Affiliate Council shall:

- (a) nominate a Local Affiliate Council convener who may.
 - (i) maintain networks.
 - (ii) circulate NZCTU and affiliate information.
 - (iii) call meetings as needed.
 - (iv) arrange for co-ordination of local campaigns and education programmes; and
 - (v) form committees or groups as required for campaigns and local organisation; and shall.
- (b) with advice from and approval of the National Secretary/Treasurer; open a bank account with two signatories (one of whom must be the convener).
- (c) forward copies of minutes, reports and bank accounts to the National Secretary/Treasurer; and
- (d) ensure decisions for expenditure have prior approval of no fewer than four representatives of affiliate unions.

17.3.2. Participation in Local Affiliate Councils shall be by members, officers or employees of affiliated unions, specifically recognised to represent those affiliates.

17.3.3. Local Affiliate Councils are not able to enter into any contracts, including employment contracts, in their own right.

17.3.4. Any Local Affiliate Council recognised by the National Affiliate Council shall have the ability to seek funding for specific activities from the Organising Activity Fund in terms of section 14.

18. ORGANISING ACTIVITY FUND

18.1. Funding

- 18.1.1. Annually the Biennial Conference or National Affiliate Council shall, when establishing the NZCTU budget, allocate an amount to be designated as the Organising Activity Fund.
- 18.1.2. Allocation of this funding shall be determined by the National Affiliate Council, on advice of the Finance and Administration Committee.

National Affiliate Council can determine:

- (a) either to make a seeding grant to a Local Affiliate Council, for which expenditure is to be accounted to the National Secretary/Treasurer at the completion of the project; or
- (b) can determine that the National Secretary/Treasurer will reimburse accounts on receipt of invoices rendered by the Local Affiliate Council.

18.2. Application for Funding

- 18.2.1. Local Affiliate Councils, National Sector Groups including Te Rūnanga may make application to the Organising Activity Fund for the purpose of local activity and education to promote the constitution and work programme of the NZCTU.
- 18.2.2. Applications should include:
- (a) a written application with a stated purpose, outcome and time frame.
 - (b) a budget of proposed expenditure and information on other funding sources which may be contributing to the project; and
 - (c) names of affiliate representatives, with appropriate affiliate endorsement, who are accountable for any funding received.

18.3. Unused funds

- 18.3.1. On completion of any proposal for which funds were allocated, any remaining funds shall be repatriated to the national NZCTU office, and any funds not drawn shall return to the Organising Activity Fund.

19. AMENDMENTS TO THE CONSTITUTION

- 19.1. The Constitution of the NZCTU can only be amended by majority vote at Conferences and only after prior circulation among all affiliates of any remit proposing such an amendment.

20. MATTERS NOT PROVIDED FOR

- 20.1. Any matter not provided for in this Constitution, or by decisions of the Conference/s shall be decided by the National Affiliate Council subject to ratification at the next Biennial Conference.

21. STANDING ORDERS

- 21.1. No discussion shall take place except on a motion or an amendment. It shall be competent for any delegate to demand a motion in writing before any discussion takes place.
- 21.2. A delegate having moved a motion may, with the consent of the seconder and the meeting, withdraw it without a vote being taken.
- 21.3. When a question is before the meeting no motion shall be received unless:
- (a) to adjourn consideration for a given period.
 - (b) to lie on the table.
 - (c) to refer to a committee or amend.
 - (d) to proceed to next business.
 - (e) to move "That the question be now put". If this motion is carried, the mover of the original motion may reply and then the motion will be voted upon. No further amendments or motions are to be considered before the said motion is voted upon.
- of which (b) and (d) shall be put without further discussion.
- 21.4. Only one amendment upon any motion shall be taken and decided at a time, and should any amendment be carried, it shall become the substantive motion to which further amendments, one at a time, may be proposed and decided upon until the matter under consideration is finally disposed of.
- 21.5. No delegate shall propose more than one amendment to any one motion, and no delegate shall speak more than once to any motion or amendment, except the mover of the motion who shall have the right of reply; but a delegate having spoken to a motion previous to an amendment being moved, may speak on such amendment, except that if the mover of the motion speaks to any amendment s/he shall forfeit his/her right to reply.
- 21.6. An amendment altering the intention of a motion shall be in order, but not one destroying the intention or relating to a different topic.

- 21.7. All delegates shall stand when speaking and address the presiding officer.
- 21.8. Not more than two consecutive speakers shall be allowed to speak for or against any question.
- 21.9. When two or more delegates shall rise at the same time to speak, the chairperson shall decide between them.
- 21.10. When the question of "order" is raised, the delegate speaking shall resume his/her seat until the point is decided. The delegate raising the point of order shall state such point concisely; the chairperson shall then give the ruling without discussion.
- 21.11. When a delegate is speaking, no other delegate shall interrupt except to raise a point of order, or ask the chairperson's permission to explain, which explanation shall only be in reference to a misunderstanding.
- 21.12. In the event of any delegate being dissatisfied with the ruling of the chairperson, s/he may move that it be disagreed with. The chairperson shall thereupon vacate the chair, and the vice-president shall fill the position; in the absence of the vice-president then such delegate as the meeting shall appoint. The mover and chairperson shall respectively state their reasons, whereupon a vote shall be taken, the result of which shall not be appealed against, and shall be accepted by the chairperson, who shall thereupon resume the chair.
- 21.13. Should any delegate persist in defying the ruling of the chair, the chairperson shall ask the meeting to vote on the question of expulsion from the meeting, without any motion being moved.

22. RESOLVING DISPUTES

- 22.1. Complaints will be dealt with by NZCTU Te Kauae Kamahi in a fair, efficient, and effective manner using a process that ensures cultural appropriateness, adherence to tikanga, and compliance with the principles of natural justice
- 22.2. A member or an officer may make a complaint by giving to the Elected Officers of the NZCTU (or the disputes standing sub-committee) a notice in writing that—
- (a) states that the member or officer is starting a procedure for resolving a dispute in accordance with the society's constitution; and
 - (b) sets out the allegation to which the dispute relates and whom the allegation is against; and

- (c) sets out any other information reasonably required by the society.

22.3 The information given under subclause (22.2)(b) or (22.2)(c) must be enough to ensure that a person against whom an allegation is made is fairly advised of the allegation concerning them, with sufficient details given to enable them to prepare a response.

22.4 If the complaint involves an allegation against an Elected Officer of the NZCTU (President, Secretary, Vice President, Vice President Māori) then the member may also include the Trustees of the NZCTU when submitting notice as per 22.2

22.7. Investigating and determining dispute

22.7.1 The NZCTU must, as soon as is reasonably practicable after receiving a **written** complaint made in accordance with its constitution, ensure that the dispute is investigated and determined.

22.7.2 Disputes must be dealt with under the constitution in a fair, efficient, and effective manner with compliance to the principles of natural justice.

22.8 Person who makes complaint has right to be heard

22.8.1 A member or an officer who makes a complaint has a right to be heard before the complaint is resolved or any outcome is determined.

22.8.2 If the member makes a complaint, —

- (a) the member has a right to be heard before the complaint is resolved or any outcome is determined; and

22.8.3 Without limiting the manner in which the member, officer, or society may be given the right to be heard, they must be taken to have been given the right if—

- (a) they have a reasonable opportunity to be heard in writing or at an oral hearing (if one is held); and
- (b) an oral hearing is held if the decision maker considers that an oral hearing is needed to ensure an adequate hearing; and
- (c) an oral hearing (if any) is held before the decision maker; and
- (d) the member's, officer's, or society's written statement or submissions (if any) are considered by the decision maker.

22.9 Person who is subject of complaint has right to be heard

- 22.9.1 This clause applies if a complaint involves an allegation that a member, or an elected officer
- (a) has engaged in misconduct; or
 - (b) has breached, or is likely to breach, a duty under the NZCTU's constitution; or
 - (c) has damaged the rights or interests of a member or the rights or interests of members generally.
- 22.9.2 The respondent has a right to be heard before the complaint is resolved or any outcome is determined.

22.10 NZCTU may decide not to proceed further with complaint

- 22.10.1 A society may decide not to proceed further with a complaint if—
- (a) the complaint is trivial; or
 - (b) the complaint does not appear to disclose or involve any allegation of the following kind:
 - (i) that a member or an officer has engaged in material misconduct;
 - (ii) that a member, an officer, or the society has materially breached, or is likely to materially breach, a duty under the society's constitution;
 - (iii) that a member's rights or interests or members' rights or interests generally have been materially damaged;
 - (c) the complaint appears to be without foundation or there is no apparent evidence to support it; or
 - (d) the person who makes the complaint has an insignificant interest in the matter; or
 - (e) the conduct, incident, event, or issue giving rise to the complaint has already been investigated and dealt with under the constitution; or
 - (f) there has been an undue delay in making the complaint.

22.11 NZCTU may refer complaint

- 22.11.1 The NZCTU may refer a complaint to—

An elected disputes standing sub-committee being the President (or Vice President if President absent) and two elected representatives from the combined affiliates..

- (a) Members for this sub-committee are elected at Biennial Conference. Each union may only stand one nominee.
- (b) The members of the sub -committee may co-opt legal, technical or cultural support from an external person at its own discretion

22.11.2 A society may, with the consent of all parties to a complaint, refer the complaint to any type of consensual dispute resolution (for example, mediation, facilitation, or a tikanga-based practice).

22.12. Decision makers

A person may not act as a decision maker in relation to a complaint if 2 or more members of the committee or a complaints subcommittee consider that there are reasonable grounds to believe that the person may not be—

- (a) impartial; or
- (b) able to consider the matter without a predetermined view.

23. DISSOLUTION

23.1. Should the NZCTU, by two-thirds majority vote at a Biennial or Special Conference, resolve to dissolve itself, then the assets of the NZCTU shall be disposed of in such manner as the Conference, by majority vote, shall decide.

24. REGISTERED OFFICE

24.1. The registered office of the NZCTU shall be Level 3, 79 Boulcott Street, Wellington or such other address as National Affiliates Council may from time to time determine.

Appendix one

CHARTER OF AFFILIATION TO NZCTU

This charter is appended to the Constitution of NZCTU but is not part of the Constitution.

(See also section 2.2 of the constitution: Conditions of Membership.)

Draft charter still to be developed and confirmed by National Affiliate Council

SIGNATURES

Signed by these three members of the Society.



Date:

26-2-26



Date:

26-2-26



Date:

26.2.26

