

POLICY REMIT 2:

RECEIVED FROM Mental Health Nurses Section (MHNS) and Cancer Nurses College (CNC)

Remit Committee explanatory note:

The remit from the Mental Health Nurses Section (MHNS) and Cancer Nurses College (CNC) is about a review of the Constitution with a view to having it amended as a result of that review. Therefore it is closer to a Constitutional remit proposing amendments and alterations to the Constitution than it is a policy remit proposing a change in policy direction.

The Board passed a resolution in December 2019 to undertake a review of the Constitution, with independent persons to lead such a review. The draft Terms of Reference for this Constitutional review are to be presented at the 2020 NZNO AGM. The draft Terms of Reference are included in the AGM information pack to be provided to members.

In accordance with the Constitution clause 25.2.3.3ii the remit was presented for endorsement at a Special Hui ā Tau before being presented to the NZNO AGM, as it is closer to a Constitutional remit proposing amendments and alterations to the Constitution than it is a policy remit.

The Special Hui ā Tau did not endorse the remit.

Constitution clause 25.2.3.3ii states:

Identifies possible risks associated with the remit, and consequences of the remit both intended and unintended. Where Constitutional Remits affect Te Rūnanga or are inconsistent with Nga Ture, these will be presented for endorsement at Hui a Tau before being presented to the NZNO AGM.

Policy Remit:

Full independent review of the NZNO Constitution.

Policy Remit – Recommendation:

That the NZNO Constitution be independently reviewed in its entirety, with full member consultation / participation and with any changes or amendments subject to an all member 'one person, one vote' decision making process and that this is expedited in the next 12 months. The report should be completed, with a plan for implementation, to be reported back to members in time for voting at the NZNO AGM 2021. Voting systems within the revised document should also encompass the one person, one vote concept with vote occurring electronically and as necessary according to member by postal vote. The reviewer must be a person external to the organisation with strong knowledge of constitutional law, preferably within bicultural organisations, and no vested interest in NZNO.

Rationale:

Our remit is linked to the NZNO Strategic Plan which requires us to achieve our mission to represent members and the promotion of nursing by focusing on an effective organisation.

Over the past year, there have been situations arising within NZNO which have been linked to constitutional requirements and have contributed to divisions within the NZNO community. For example, the two 2019 SGMs were linked to constitutional requirements for addressing issues

with the immediate past President. There are expressions of seats of accountability within these divisions, but we believe accountability will be better achieved by an external independent review which identifies the obstacles to an effective organisation which may be embedded within a constitution.

Whilst one member one vote has now been introduced, within the current constitution there is potential for exceptions where voting can take place via representative voting/voting groups (e.g. Regional councils, C&S, NSU, etc) such as at SGMs or when an issue is raised for ballot at the AGM.

Voting groups are no longer seen as being democratically effected due to the overall member participation percentages in those structures – e.g. regional councils, C&S, NSU, etc.

There is continued discussion around how NZNO demonstrates a commitment to Tiriti o Waitangi and integrates bicultural practices within the leadership groups and committees. We believe it is important that an independent review critically analyses the legal implications of each section of the constitution and makes recommendations for changes that will support the practice of leaders and members to enhance the mana of our members and organisation. This requires an examination of how democratic processes for individual members can work within a bicultural partnership.

We acknowledge the cost of an extensive independent constitutional review but view it is essential in order to ensure NZNO moves forward with members who are committed to the organisation and demonstrate respect for the leadership.

Potential impacts may include future long-term cost savings if one electronic platform is set up for all voting within NZNO that suits all needs and reduced cost of mailing out ballot papers. We would like to recommend that delegates continue to meet with members for discussion regarding voting matters as a supportive measure and to maintain engagement.

The MHNS and CNC are aware that the NZNO board has passed a resolution to undertake a review of the constitution with for the terms of reference to be presented at the 2020 NZNO AGM. There are a number of limitations to the terms of reference for the review proposed by the board. This includes excluding parts of the constitution from the review, including clauses 1-5 (including Vision, Mission and Philosophy), 25.2.3 (remit committee) and schedule three (election of board members) and having two external reviewers who have prior knowledge and engagement with NZNO.

For a full and truly independent review that supports a transparent democratic process, it is essential that the review is not limited in its scope and that the independent reviewer has a strong knowledge of constitutional law and bicultural partnerships and has not had exposure to any potential biases that are at play with the political structure of NZNO.