

THE REPORT OF THE STRUCTURAL REVIEW COMMITTEE 2004

1. Executive Summary

Following considerable discussion by delegates at the 2003 NZNO Conference on a proposal for significant change to the structure of NZNO it was decided further consultation with members should occur before any decision was made. This report is built substantially on the work of the Structural Review Committee in preparing the proposal that was discussed at the 2003 Conference and has also given careful consideration to the discussion that took place at that conference and to the many submissions received from individual NZNO members and groups. As a result of that consideration the proposal outlined in this report contains a number of changes. The most significant changes to the 2003 proposal are that;

- Membership of the Professional Committee includes a representative of the Student Unit.
- Representation to Regional Conventions includes up to five student representatives.
- Regional Councils are not abolished although it is proposed their name is changed to District Councils and they do not retain their current decision making function.

In addition to these substantive changes the structure of this report allows separate parts of the overall structural change proposed to be considered separately. While it is the recommendation of the Structural Review Committee that Conference approves the complete set of changes recommended the proposal may be considered in parts.

2. Introduction

At the 2002 NZNO Conference members passed the following recommendation:
"That a Structural Review Committee be set up comprising:

- three representatives chosen by the Board of Directors;
- two representatives chosen by Te Runanga;
- two representatives chosen by Colleges and Sections;
- one representative chosen from Health Professionals New Zealand; and
- two staff members (Area Manager and Business Manager).

With the task of:

- i) Reviewing current structures in terms of effectiveness.
- ii) Considering alternative structures that are democratic inclusive and representative.
- iii) Determining rule changes necessary to give effect to any structural change.

- iv) Developing a paper with recommendations to modernise NZNO structures (including rule changes) to be circulated between membership prior to consideration at conference.”

This committee completed these tasks. All regional councils were visited in the course of the committee’s work and a document setting out comprehensive structural changes was circulated in June 2003 for consideration at the 2003 NZNO conference. The conference considered that document and passed the following recommendation:

“That the Structural Review document be distributed to the membership as consultation open to submissions, a final draft to be distributed prior to the 2004 AGC and that the NSU be included on the committee when submissions come in from the membership.”

This 2004 report of the structural review committee fulfils that instruction of conference. It builds upon the work of the committee in 2002 and 2003 and takes into account the submissions of NZNO members and groups. The structure of the document has been changed so that conference may give separate consideration to different parts of the changes proposed. This change has been made in response to comments by delegates at the 2003 Conference that it may be useful to consider the proposal in parts. It also responds to the fact that while some aspects of the 2003 report were widely supported, other aspects were controversial. As with the 2003 report, a complete new set of NZNO rules accompanies this paper.

3. Background

Discussion and debate at NZNO conferences about structural issues are not new.

- The 1996 conference passed a remit calling for a review of the support needs of the President and requested a paper outlining advantages and disadvantages of having a full-time paid President.
- The 1997 conference delegates discussed a paper on the role of the President and the possibility of having the President as a full-time position.
- The 1999 conference considered a paper entitled ‘Review of NZNO Regional Councils’. That paper made various recommendations which were implemented in the subsequent year.
- In 2000 conference delegates passed a remit calling for the development of a consultation paper to consider the issues surrounding growing numbers of members who are not nurses or midwives and the implications this trend brings to the organisation.
- Arising from that remit a paper was prepared and circulated to Regional Councils and discussed at Regional Conventions throughout the year 2002. It was that paper that led to the remit establishing the Structural Review Committee.
- The 2003 Conference discussed the report of the Structural Review Committee with its full set of proposed changes and deferred a decision to allow further consultation with members.

4. The Structural Review Committee

- 4.1 The Structural Review Committee was established in late 2002 in accordance with the instruction of the 2002 Conference. The Committee has worked continuously since then. Most of the current members have been members since the Committee was established. Resignations of two of the three Board representatives and one staff member have resulted in three new members joining the Committee since the 2003 Conference. One other new member has

also joined the Committee as a result of the 2003 Conference decision to add a Student Unit representative.

- 4.2 Current membership comprises:
- 3 Board of Director representatives:
 - Catherine Logan (Auckland and Vice-President)
 - Al McDougal (Canterbury) replaced Julie Livesy from October 2003
 - Helen Tuck (BOP Tairāwhiti replaced Carol Mitchell from October 2003)
 - 2 Te Runanga representatives:
 - Rhoda Waitere
 - Te Maramatanga Hunter
 - 2 College and Section representatives:
 - Andrea Rooderkerk (Diabetes Nurse Specialists of NZ)
 - Jan Featherstone (Gerontology Section)
 - 1 Health Professionals of NZ (HPNZ) representatives:
 - Not taken up.*
 - 1 Student Unit representative:
 - Kaye Johnson from January 2004
 - 2 Staff representatives:
 - Dragan Radic (Business Services Manager)
 - Geoff Annals replaced Trevor Warr from April 2004 (Professional Services Manager)
- 4.3 Prior to the 2003 Conference the Committee considered and reviewed the following NZNO documents:
- a) A 1997 discussion paper entitled 'Review of Support Needs, NZNO Presidential Position'.
 - b) A 1999 paper on the review of NZNO Regional Councils. This paper led to rule changes concerning the role of Regional Councils.
 - c) A paper entitled 'NZNO Structures: A Timely Review', which was discussed at Regional Conventions throughout 2002.
 - d) A paper from Jo Duffy (NZNO Educator) concerning the role of Regional Conventions, which arose from a decision of the Board of Directors in October 2002.
 - e) The NZNO Rule Book.
- 4.4 In addition to the above documents the Committee considered the social and political context of the 1980s and 1990s to better understand the reasons behind the development of the current NZNO structures. The main drivers behind our present structure were legislative requirements in the Labour Relations Act 1987 and the Employment Contracts Act 1991.
- 4.5 In preparing its report to the 2003 Conference the Committee considered the current structures of NZNO. In particular it assessed:
- What was effective and should be kept.
 - What was not effective and should be dispensed with.
 - What was working but needed modifying.
- 4.6 It identified a set of principles against which any new structures could be assessed in terms of meeting the objectives of the 2002 NZNO Conference remit. Those principles were that any new structure must be:
- Democratic
 - Transparent – easy to understand
 - Lawful – compliant with legislation
 - Bicultural – partnership
 - Representative – opportunities to be heard

- Participatory – enables members to participate
 - Professional – acknowledges professional role
 - Dynamic – can adapt to change
 - Financially viable
- 4.7 In its report to the 2003 Conference the Committee recommended significant changes to the current NZNO structure and drew up a new set of rules to give effect to those changes.
- 4.8 Following the 2003 Conference the Committee reconvened. It considered how best to fulfil the instruction of conference to obtain further submissions on the proposed changes. The Committee also sought a representative from the Student Unit.
- 4.9 A questionnaire was devised to seek submissions on the Report of the Structural Review Committee 2003. It was distributed in December 2003 to all Regional Councils, Te Runanga, National Student Unit, Colleges and Sections, Regional Offices, Workplaces and was made generally available to the wider membership.
- 4.10 Two Regional Councils expressed concern the questionnaire contained bias against the existing structure. The Committee gave careful consideration to this concern. It was the Committee's intention the questionnaire stimulate dialogue and provide a framework for submissions while also encouraging open discussion but it acknowledged some of its rationale for change showed through in some of the questions and may be construed as bias. However the Committee is confident the questionnaire elicited a full range of responses that informed the Committee fully about members' views.
- 4.11 Responses were received from 115 individual NZNO members, 9 national colleges and sections, 8 regional colleges and sections, 8 regional councils, 9 workplaces, Te Runanga and the Student Unit.
- 4.12 The Committee reviewed these submissions and was informed by them in preparing this discussion paper for circulation prior to its presentation at the 2004 Conference.

5. NZNO Membership

5.1 The Issue

- 5.1.1 The current NZNO membership rule is clumsy and at times confusing. Rule 7 sets out who can be a member of NZNO. It lists various categories of nurses together with other non-nurse health professionals who are entitled to be a member of NZNO. Rule 7(g) states that anyone else can be a member so long as the Board of Directors or Conference agrees. In theory, any person could be a member of NZNO provided the Board agrees.
- 5.1.2 Members at NZNO conferences in the past have expressed concern about the implications of non-nurses within a nursing organisation. There can be matters that arise from time to time that are the concerns of a single occupational class and should not therefore be determined or influenced in any way by members from another occupational class. For instance, nursing standards should not be influenced nor determined by any other group of members apart from nurses.

5.1.3 There have been occasions where our multi-occupational membership has been used in an attempt to discredit particular policy positions NZNO has taken in relation to nursing practice issues.

5.1.4 The present rules of NZNO are discriminatory and undemocratic in relation to members of HPNZ. They specifically exclude HPNZ members from holding office at a regional or national level. They also exclude HPNZ members from some services.

5.1.5 The Employment Relations Act clearly states that rules of a union cannot be unfairly discriminatory or undemocratic.

5.2 Rationale for Proposed Changes

5.2.1 To make NZNO membership rules clearer, to ensure there is a clear separation in the structures between nurses and non-nurses and to ensure NZNO membership rules comply with the Employment Relations Act.

5.2.2 The majority of HPNZ members are currently x-ray workers whose professional organisation is the New Zealand Institute of Medical Radiation Technology (NZIMRT). They were invited to be on the working party, but declined. The changes proposed in this section have been discussed with NZIMRT and they have advised they "... find nothing that would cause either NZIMRT or our members any concern."

5.2.3 The NZIMRT has suggested that if these rules are adopted by NZNO, both NZNO and NZIMRT should review the existing Memorandum of Understanding between the two organisations.

5.2.4 Consideration was given to the minority submission that there be 4 categories of membership. This option was rejected because it did not seem to respond so much to the matters at issue in the rules as to a preference to make a distinction in membership between nurses, midwives and caregivers. While such distinction exists, in practice it has little relevance within NZNO rules.

5.3 Submissions on Change Proposed in the 2003 Report

5.3.1 A large majority of submissions supported the changes proposed for membership

5.3.2 A minority view suggested there be 4 categories of membership;

- Nurse
- Midwife
- Health care worker
- Other health professional

5.4 Proposed Changes.

5.4.1 The Committee proposes a new membership Rule 7 that states there shall be two categories of members:

- Nurses; and
- Non-nurses.

5.4.2 The Committee proposes that nurse members are defined as Registered and Enrolled Nurses, Students for Registration or Enrolment with Nursing Council New Zealand, Caregivers, Hospital Aides and assistants to the nursing team.

The definition of nurse members will also include midwives even though NZNO recognises midwifery is a separate profession from nursing. Non-nurse members are other health workers. Non-nurse members shall automatically become a member of Health Professionals New Zealand (HPNZ).

5.4.3 It is proposed non-nurse members shall be deemed to be members of Health Professionals New Zealand (HPNZ) and HPNZ members shall be organised separately from nurse members.

5.4.4 The proposed structure maintains a separation between both categories of membership. It is recognised that in some workplaces both nurse and non-nurse members may come together from time to time. There are no impediments to this occurring.

5.4.5 Further it is proposed that provision be made for a representative of HPNZ to be a member of the National Executive. The only proviso being that this person does not vote on any matter directly affecting nursing practice. This is a provision that HPNZ members do not have at the present time.

6. Student Unit

6.1 The Issue

6.1.1 When the rules were established under which the Student Unit operates the only model available was that of a national committee. However this model is not particularly well suited to nature of the Student Unit. National Committees are established by the Board of Directors for a defined purpose and for a defined period of time. The Student Unit is intended to support, represent, promote and advocate for the interests of NZNO members who are nursing students. The Student Unit is not intended to undertake a specific purpose for the Board of Directors or to have a specified term. Thus the rules under which the Student Unit operates are not ideally suited to the nature and purpose of the Student Unit even though they are the specific rules of the Student Unit made in accordance with the Rules of NZNO and approved by the Board of Directors.

6.2 Rationale for Proposed Changes.

6.2.1 To propose rules for the operation of the Student Unit that best enables it to represent the interests of student members of NZNO.

6.2.2 Students are an important group of members with unique issues and interests. On the one hand the purpose of the Student Unit is analogous to that of Colleges and Sections in that it represents members from throughout New Zealand who have a common interest. On the other hand it is also different in that its members are not employed and retain their common interest, of being students, only for the relatively short period until they graduate.

6.3 Submissions on Change Proposed in the 2003 Report

6.3.1 While most submissions supported the establishment of the Student Unit on a similar basis to that of Colleges and Sections the Committee gave significant consideration to the submission of the Student Unit. Their submission detailed the vision, values, objectives and strategies of the Student Unit and raised a number of key concerns with the 2003 report's recommendations. Those key concerns were;

- The support of Regional Councils is significant to students and is important for the dissemination of information.
- A seat on the Board of Directors is significant to students both for communication and the dissemination of information.
- A strong student presence at conference is critical for students to profile their unique issues and to support each other.
- The proposed changes have the potential to result in a loss of confidence by students if information and support does not continue as it does at present.

6.3.2 Regional Councils tended to support the concerns raised by the Student Unit. Te Runanga fully supported their concerns.

6.4 Proposed Changes

6.4.1 It is proposed that the Student Unit be established essentially according to the same principles by which National Colleges and Sections operate but with the additional provision that the Student Unit shall be entitled to 1 member on the Professional Committee.

6.4.2 It is proposed that funding to the Student Unit shall be the responsibility of the Executive in accordance with the principle of funding core activities as for College and Section funding with the acknowledgement that the core activities of the Student Unit differ significantly from those of Colleges and Sections. In particular the Committee recognises the importance of enabling student involvement in the Organisation.

6.4.3 It is proposed that in addition to the entitlement of the Student Unit to two representatives at the NZNO Conference, core funding recognises the need to fund student members as observers.

7. President

7.1 The Issue

7.1.1 Conferences in 1996 and 1997 considered the question of a full-time paid President but made no decision on the matter. Each year since then Boards of Directors have given consideration to the matter. The fundamental issue is whether it is realistic to expect a President to fulfil their responsibilities in a part-time capacity.

7.2 Rationale for Proposed Changes.

7.2.1 To eliminate the competing demands of the presidential role and their own full-time 'primary' employment. NZNO demands first commitment from its Presidents but constrains them in a part-time, secondary position. If the presidential role was a full-time, paid position this would enable the President to devote themselves to leadership of NZNO.

7.3 Submissions on Change Proposed in the 2003 Report

7.3.1 Most submissions supported the recommendation the President position become a fulltime, salaried position.

7.3.2 A range of concerns were raised in quite a number of submissions. The most commonly raised concerns were;

- Blurring governance and management roles may arise if the President becomes involved in the day to day management of staff.
- President placed outside nursing practice should they resign from employment in clinical practice.
- Key membership leader role converted to a staff position may occur in effect if the President is seen as an employee.
- Additional cost

7.3.3 Te Runanga expressed their clear expectation that in the event the President position be made a full-time, paid position then partnership commitments require that the position of Te Runanga Chair also be made a full-time paid position.

7.4 Proposed Changes

7.4.1 The Committee proposes that the elected President position be a full-time position, paid by NZNO at a rate comparable to that paid to nurses in senior executive nursing positions.

8. Conference and Regional Conventions

8.1 The Issue

8.1.1 When Regional Conventions were first held they took place biennially. They now occur every year. A major difficulty this gives rise to is that the planning and running of Regional Conventions significantly disrupts the planning of the more important NZNO Conference. NZNO rules require significant NZNO Conference planning decisions to be made at least six months prior to the NZNO Conference but this is exactly when it is necessary to hold Regional Conventions if they are annual. In addition to this major logistical problem, it is also very costly to hold Regional Conventions every year.

8.1.2 The role of the NZNO Conference is as the highest decision making body of NZNO where high level strategic and policy direction is established. Strategic decision making requires a considered approach with time to consult widely and to develop recommendations for strategic direction to guide national committees and staff of NZNO. It is essential to the integrity of NZNO that the pre-eminence of the NZNO Conference is maintained.

8.2 Rationale for Proposed Changes.

8.2.1 To enhance the governance effectiveness of NZNO and the pre-eminence of the NZNO Conference by providing sufficient time between Conferences for planning, consultation and the development of strategic proposals. To clarify the role of Regional Conventions in support of the NZNO Conference as fora for members to follow up on Conference decisions, to discuss issues and to develop strategic and policy thinking prior to decision making at Conference.

8.3 Submissions on Change Proposed in the 2003 Report

8.3.1 The majority of submissions were in favour of changing Conference and Regional Conventions from annual to biennial.

8.3.2 Te Runanga and the National Student Unit opposed any change and Regional Councils were evenly split on this proposal.

8.4 Proposed Changes

8.4.1 There are two significant changes proposed:

- Frequency
- Representation

8.4.2 It is proposed that the NZNO Conference and Regional Conventions shall meet in alternate years with Regional Conventions being held in the year that Conference is not being held.

8.4.3 It is proposed representation be changed at Regional Conventions and Conference to five regions;

- Northern
- Midlands
- Central
- Canterbury
- Southern

(See Appendix 2 for their boundaries.)

8.4.4 It is proposed representation to Conference be changed such that;

- Each of the five regions be represented by up to 20 nurse member delegates. The members of the National Executive, Professional Committee and Industrial Committee attend Conference in their own right.
- Each national College and Section and the Student Unit be entitled to two representatives.

8.4.5 It is proposed that there be one biennial convention in each region.

8.4.6 It is proposed representation to Regional Convention for members domiciled in the Region be:

- Up to five representatives from each College and each regional or national Section.
- Up to five representatives from the Student Unit.
- Up to five representatives from NZNO District Councils.
- One workplace delegate from each workplace (within the region) with up to 50 nurse members.
- Two workplace delegates for each workplace (within the regions) with 51-250 nurse members.
- Up to five workplace delegates from each workplace, with more than 250 nurse members.
- Te Runanga will be represented as determined by Te Runanga.
- Any other nurse member may attend as an observer.

9. Decision making Structures

9.1 The Issue

9.1.1 The Committee recognises that much of the activity and work of NZNO carried out by members occurs at workplaces, Colleges and Sections and it seems appropriate to locate decision making where membership activity occurs.

9.1.2 While many Regional Councils function very effectively with large member participation this has not been true of all Regional Councils. A number of

Regional Councils struggle to achieve sufficient member participation to provide a sound and democratic basis for decision making.

9.1.3 The NZNO Conference in 1998 requested that the effectiveness of Regional Councils be reviewed. This resulted in recommendations being put to conference in 1999 with rule changes being passed in 2000. However, the effect of the changes was minor. One recommendation requested NZNO to consider ways of assisting Regional Councils to be more effective. A second change amended the role of Regional Councils. The third recommendation added a rule that required National Executive members to regularly consult with members. Those recommendations did little to increase the effectiveness of Regional Councils.

9.2 Rationale for Proposed Changes.

9.2.1 To ensure fundamental decision making processes in NZNO are fully inclusive, democratic and participatory by locating these processes where most membership activity already occurs.

9.2.2 To ensure NZNO's decision making processes are clear and transparent to members.

9.3 Submissions on Changes Proposed in the 2003 Report

9.3.1 While the majority of submissions favoured the devolution of decision making to workplaces, colleges and sections, (notable exceptions to this were Te Runanga and the Student Unit) support was much weaker for the proposed abolition of Regional Councils with the majority in favour of retaining them. The primary concern expressed focussed on the role of Regional Councils' receiving and disseminating information and in support of regional membership activities.

9.3.2 The majority of submissions also supported the establishment of two new national committees; Industrial and Professional. However both Te Runanga and the National Student Unit did not support this proposal.

9.3.3 Support for the changes proposed to the Board of Directors was mixed. While students were the only group fully opposed to the changes, only 13% of Regional Councils supported the changes. The largest group in support of the proposed changes were individual members.

9.4 Proposed Changes

9.4.1 It is proposed that as far as possible NZNO should devolve its decision making and relate to, consult with, and organise its membership through Workplaces, Colleges and Sections.

9.4.2 The Committee proposes that Workplace Committees be formalised in the governance structure of NZNO. Under the proposed model general membership participation and decision making would be devolved to Workplaces, Colleges and Sections. The primary flow of communication would be directly from workplaces and Colleges and Sections to national structures and vice versa.

9.4.3 It is proposed that existing Regional Councils, (renamed District Councils to avoid confusion with the five regions proposed in 7.4.3) be retained for a period of two years and then reviewed.

- 9.4.4 It is further proposed the role of District Councils be to receive and disseminate information and to provide support to local membership activities. Their current decision making function would not be retained.
- 9.4.5 Where there are regional education trusts these would continue to operate in the same way as currently.
- 9.4.6 It is proposed that there be two new national committees to support the interchange of ideas and strategic thinking between the national and local levels:
- An Industrial Committee; and
 - A Professional Committee
- 9.4.7 It is proposed the Industrial Committee comprise of six nurse members nominated from workplaces and elected from the total nurse membership and two Te Runanga nurse representatives.
- 9.4.8 It is proposed the Professional Committee comprise of six nurse members nominated from Colleges and Sections and elected from the total nurse membership, two Te Runanga nurse representatives and one representative of the Student Unit. This committee would replace the current Nursing Midwifery Advisory Committee (NMAC).
- 9.4.9 It is proposed the name of the Board of Directors be changed to “National Executive”. The Committee considers this is a more appropriate name for a membership organisation and more accurately reflects the role and function of the committee.
- 9.4.10 It is proposed the membership of the National Executive consist of:
- A President;
 - Chairperson of Te Runanga, and one other Te Runanga representative;
 - One member of the Professional Committee;
 - One member of the Industrial Committee;
 - Three nurse member representatives elected at large with there being at least one representative from each of the North and South Islands;
 - One Health Professionals of New Zealand (HPNZ) representative who shall not participate in voting on any matter directly affecting nursing practice.
- 9.4.11 It is proposed the term of office be as it is currently; two years with the right of renewal for a further two years.

10. Te Runanga O Aotearoa NZNO (Te Runanga)

- 10.1 Within NZNO, Te Runanga has a special relationship with all other parts of NZNO within the partnership under Te Tiriti O Waitangi.
- 10.2 In considering the proposals within this paper it is important to appreciate that whatever structures are developed, they will need to embrace NZNO’s partnership with Te Runanga.
- 10.3 There are no specific changes proposed to the structures or rules affecting Te Runanga.

11. Colleges and Sections

- 11.1 There are no specific changes proposed to the structures affecting Colleges and Sections.

12. Implementation

- 12.1 The new structure can be implemented once new rules creating the structure are adopted by Conference in accordance with the Rules of NZNO.
- 12.2 New rules can be given effect after they have been registered with the Registrar of Incorporated Societies.
- 12.3 It is not necessary for all of the new structure to be implemented at the same time. There may be advantages in a staged transition.

13. Recommendations

While it is the view of the Structural Review Committee that the changes proposed in this paper should be debated as a complete package, the Committee believes it is for Conference to decide whether or not this should be so. The Committee has therefore made no recommendations in respect to this paper other than;

That Conference receives the ‘Report of the Structural Review Committee 2004’ for discussion.

Conference should then decide either to accept the overall structural changes proposed in the report or to consider the proposal in parts and resolve accordingly.

Following debate on the proposal, either in parts or as a whole and once Conference has decided whether or not to accept any parts or all of the proposed changes Conference then should direct that changes to the Rules of NZNO be prepared as required to give effect to such structural changes as have been decided upon. Further that these rule changes be circulated in time for them to be ratified at the 2005 Conference. If this course of action is decided upon it should also specify that debate at the 2005 Conference be restricted to debate on the ability of the draft rules to give effect to the changes decided at the 2004 Conference and not be an occasion to re-litigate the structural changes themselves.

The Committee commends this report to delegates and members for consideration.

The Structural Review Committee 2004