

Survey responses

SECTION 1 – Introduction

I am entitled to be a member of NZNO because I am:

✓ A person qualified for registration as a nurse or midwife under the Health Practitioners Competence Assurance Act 2003

As a member, I participate with NZNO as an organisation in the following ways:

(a) I am a past President of NZNO, serving in that role from 2015-2020.

(b) I am currently a member of the Mental Health Nurses Section Committee, where I hold the role of newsletter editor.

(c) I am a member of the Greater Wellington Regional Council, representing the Mental Health Nurses Section.

(d) My survey responses are my own individual views only, and may not reflect those of either body listed above.

SECTION 2 – General Understanding of Constitution

What is your general understanding of the

Constitution?

✓ I am very familiar with the Constitution and what it contains

Do you find the Constitution easy to understand?

✓ I find the Constitution easy to read and navigate

I think the Constitution should reflect the history and whakapapa of the Organisation to enable those referring to, and using, the Constitution to be informed of that context:

✓ Strongly agree

The Constitution should clearly set out the underlying purpose and objectives of the Organisation:

✓ Strongly agree

The Constitution should clearly set out organisation structures and their purpose:

✓ Strongly agree

The Constitution should retain some flexibility so that the Organisation can grow and develop within the bounds of the constitution:

✓ Agree

The Constitution should reflect the role of the Organisation as being both a union and a professional organisation:

✓ Strongly agree

The functions of the Union and the functions of the professional organisation should be equal in status and importance:

✓ Strongly agree

I understand the role of Te Poari o Te Rūnanga as a permanent standing committee:

✓ Strongly agree

What do you think the most important functions of the Te Poari o Te Rūnanga Standing Committee are:

The general function of Te Poari is to work in partnership with the Board to achieve NZNO strategic aims in giving effect to te Tiriti o Waitangi.

In order to perform this function, both parties must live up to the ideals of reciprocity and mutual benefit, including an obligation to act reasonably, honourably, and in good faith. In so recognising, both parties must acknowledge the need for, and emphasis on, mutual recognition, respect, accountability, compromise, and a balancing of interests (Clause 2.1.27). This has not

always been the case.

Underneath this general function, seven specific functions are listed in the Constitution. All of these are important, in their own way. One function, however, ought to be more important than it has been in practice in recent times: “Assist NZNO where appropriate to ensure it is responsive to the needs of Te Rūnanga and member issues” (Clause 24.2.5). In order to perform this function, Te Poari will need to become more membership-driven so that the diverse needs of all members of Te Rūnanga, not just for example Tauria Māori and the small minority who work for Māori and Iwi Providers, are consistently elevated within NZNO.

Another function of Te Poari ought to be amended. Clause 24.2.7 of the Constitution currently states that “the relationship between the NZNO and Te Rūnanga is founded on and is carried on in accordance with Kawa”. “Kawa” is defined (in Clause 2.1.14) as “proper protocol... under the guidance and mana of Te Poari.”

A relationship where one party sets the “proper protocol” for both sides is not one which lives up to the ideals of reciprocity and of mutual benefit. Nor does it acknowledge the need for, and emphasis on, mutual recognition, respect, accountability, compromise, and a balancing of interests. In order to form a genuine Partnership, therefore, the relationship between the NZNO and Te Rūnanga should be founded on, and carried on in accordance with a mutually agreed alternative to “Kawa”.

This may involve the refreshing and updating of the Memorandum of Understanding of July 2000 between Te Rūnanga and the NZNO – a document which has never been made available to me in my 20 years in the organisation, as NZNO member, workplace delegate, Regional Council Chair, Membership Committee Chair, Section Committee member, Board member or President. Updating of the MoU was placed on the Board Action List in October 2012, and remained as an item “in progress” for the rest of the decade, without being completed.

Finally, I note that Clause 24.3 of the Constitution (which states that, “Te Poari membership shall be appointed at Te Rūnanga Hui ā-Tau and shall consist of up to 17 regional representatives, and the Kaiwhakahaere and Tumu whakarae and Kaumātua”) conflicts with Rule 5.6 of Ngā Ture (the rules of Te Rūnanga). The two clauses should be brought into harmony, and any inconsistencies in both can be addressed in the process.

I understand the role of the Membership Committee as a permanent standing committee:

Strongly agree

What do you think the most important functions of the Membership Committee are:

The most important functions of the Membership

Committee, as reflected in its founding Charter, are:

- Representing the views and needs of the diverse membership of NZNO and providing a link to the local level
- Ensuring the NZNO (in particular the Board) is responsive to the needs and issues of members
- Receiving and considering the summary of Board meetings and providing feedback

It has never been able to perform these functions in its nine years in existence. It has become apparent that it cannot possibly do so under current Constitutional arrangements, so long as 80 percent of its makeup and representation is derived from Regional Councils which are themselves incapable of representing the views and needs of the diverse membership of NZNO. The Membership Committee has recently rewritten its Charter to remove two of these three functions, thereby removing its own reason for being. Notably, however, one of the deleted functions remains in the Constitution, at Clause 23.2.

All the important functions from its original Charter should be restored. And as explained below in answers in Sections 3 and 7 of this survey, the lines of accountability for the Membership Committee within NZNO membership structures need to be reformed, in order for it to perform any useful function linked to the needs and issues of members.

The main benefits I receive from my membership(s) that I want the Constitution to protect are as follows:

I want the Constitution to protect all of the benefits and rights I receive as an NZNO member.

SECTION 3 – Connection to the NZNO

I belong to a Regional Council:

✓ Yes

I attend Regional Council meetings:

✓ Always

The benefits that I obtain from a Regional Council are as follows:

1. Nothing.

2. As a Regional Council member since 2008, and former Regional Council Chair, it is my considered opinion that there are no functions of a Regional Council which could not, and should not be transferred to other, more effective NZNO structures.

The most important functions of a Regional Council are as follows:

Since first being established by the former New Zealand Nurses Association in 1989, as a response to legislative requirements for registration under the Labour Relations

Act 1987, Regional Councils have been successively divested of their functions. With the adoption of the NZNO Constitution in 2012, Regional Councils lost the function of appointing members of the NZNO Board. Since 2018, when the “One Member, One Vote” system came into effect, Regional Councils no longer vote on the policy and constitutional remits. The Regional Councils did have a (relatively small) role in organising Regional Conventions, but these have now been cancelled.

The functions remaining largely consist of proposing remits, endorsing candidates wishing to stand for Board, assisting with implementation of NZNO policies and strategies, electing Membership Committee reps and working in partnership with Te Rūnanga. Other functions listed in the Constitution are now defunct.

In accordance with the recommended of the previous NZNO structural review in 2004, the functions of the Regional Councils should be devolved to formally constituted Worksite Organising Committees which are more capable and effective vehicles for membership engagement. Serving no further function, the Regional Councils should then be disestablished.

Do you know who your “workplace” delegate is:

✓ Yes

Are you a delegate:

✓ No

The benefits that I obtain through the workplace are as follows:

The Workplace (or formal self-defined group of NZNO members) is one of the fundamental and most functional structures of NZNO. Most large Workplaces have an elected Worksite Organising Committees (aka WOC, or the “monthly delegates meeting”), led by an elected Convenor (or “Lead Delegate”).

It is through these structures that NZNO members obtain innumerable benefits, with the support of NZNO Organisers, ranging from resolution of individual Payroll errors to joint representations on any issue to the management and Boards of health sector employers. Further responses on Workplaces are contained in my answers in Section 7 of this survey (below).

The important functions of a delegate in a workplace are as follows:

The important functions of a delegate are accurately described in the *NZNO Delegates Handbook*, and in the separately published excerpt from the *Handbook* titled, *NZNO delegate job description – Goals And Responsibilities*. In updating the Constitution, it should be brought into accord with these two documents.

The functions (or “duties”) listed in Schedule Seven, Clause 2.2.8 are not current. The following functions are

obsolete:

“2.2.8.3 to carry out instructions from Regional Council meetings and act as a means of communication between the Regional Council and the Board of Directors of NZNO and the members in the workplace; 2.2.8.4 to gather any information required by the Board of Directors or Regional Council for research purposes”

Having become a delegate in 2002, a Regional Councillor in 2008 and a Board member in 2012, I am not aware of any “instruction” from any Regional Council to a delegate, or any request from the Board of Directors or Regional Council for a delegate to gather information for research purposes. These obsolete clauses can therefore be safely deleted.

The words “Regional Council” should be replaced by “Worksite Organising Committee” in the the clause following:

“2.2.8.5 to report to Regional Council or an Organiser immediately any suspected breach of the employment agreement currently in force in her/his workplace, impending redundancy, or other concern in the workplace.”

I belong to a section(s):

✓ Yes

The benefits that I obtain from the section(s) are as follows:

From the Mental Health Nurses Section, I receive the benefit of their leadership, education and professional development of mental health nursing in Aotearoa/New Zealand.

The most important functions of the section(s) are as follows:

To bring mental health nurses together in their diversity to positively influence policy and practice for the development of consumer-centred care in Aotearoa/New Zealand.

I am part of a College(s):

✓ More than one

The benefits I receive from the College(s) are as follows:

From my membership of Colleges, I receive benefits from:

- Advances in practice through policy and professional development opportunities
- Being informed through newsletters and publications
- Expert knowledge and advice
- Participating in the development of evidence-based guidelines and specialty competencies.

The most important functions of the College(s) are as follows:

The most important functions are the development of specialty knowledge and skills, to meet unique health needs for populations and in different practice settings.

I am a member of Te Rūnanga o Aotearoa:

✓ No

The most important functions of Te Rūnanga o Aotearoa are as follows:

This is for Te Rūnanga o Aotearoa to self-determine, through a democratic, membership-driven process.

I am part of the National Student Unit:

✓ No

The most important functions of the National Student Unit are as follows:

This is for the National Student Unit to self-determine, in partnership with Te Rūnanga Tauira and through a democratic, membership-driven process.

SECTION 4 – Objects of the NZNO in the Constitution

Set out below are the objects of NZNO as currently set out in the Constitution.

Please rank each object:

- **Vitally important**
- **Significant to the direction of the Organisation**
- **Of lesser importance**
- **Irrelevant to me as a member**

✓ All vitally important

Is there any other critical objective that you think should be included in the Constitution, please indicate below:

There are no other critical objectives that I think should be included in the Constitution.

SECTION 5 – Board

The Board size of 11 elected member directors is the right size:

✓ Agree

The current term for board members, with the exception of the Kaiwhakahaere and the Tumu whakarae is three years, with a right of re- election for a further consecutive three years in any one position. A director may serve up to two terms in any one position. The maximum consecutive terms on the board in any combination of positions is four. Following two terms in any one position or four terms in a combination of positions, a director may be eligible to stand for office again after a break of

two years.

I think this is:

✓ About the right length

I understand the process for Board elections:

✓ Strongly agree

I participate in the process for Board elections:

✓ Strongly agree

I have voted for the positions of the President and the Vice President on a regular basis:

✓ Strongly agree

I have voted for the 7 non-officer directors on a regular basis (every 3 years):

✓ Strongly agree

I understand the election and ballot process well:

✓ Strongly agree

I understand the nomination process for directors:

✓ Strongly agree

I read the candidates' statements against the

eligibility criteria in Schedule 4 carefully before voting:

✓ Strongly agree

I only vote for the people I know:

✓ Disagree

Please indicate if you think the criteria for Board of Directors set out in Schedule 4 should be amended in any way, and if so, how:

I think there should be minor technical amendments only in the criteria for Board of Directors in Schedule Four. Clause 4.3 (which currently refers to the Companies Act 1955 and the Companies Act 1993) should be updated to read:

“4.3 A person who is disqualified from being an officer of a society registered under the Incorporated Societies Act 2022.”

There should remain no constitutional requirement for Board members to belong to the Institute of Directors, and no constitutional requirement for Board members to sign a non-disclosure agreement or “gagging order”.

If I could propose one process involving the Board that would benefit me as a member, that process would be:

To apply equal term limits for all Board members so they

each understand their stewardship role, as custodians serving on behalf the membership for a limited time only. In practice, this simply means undoing the change to Clause 10.3 of the Constitution which was made in 2017.

This seemingly simple change is of critical importance to NZNO.

SECTION 6 – Meetings

I have been involved in a Constitutional remit process:

✓ Regularly

What would improve your experience?

I have been involved in the Constitutional Remit process in a range of capacities. I have drafted multiple Constitutional Remits which were successfully passed through member votes. I have voted consistently on remits since 2009, first as a Regional delegate at AGMs and more recently as an individual member through the “One Member, One Vote” process. And I sat on the Remit Committee for four years, from 2016-2019.

My experience has included a great variety of difficulties over these years, but I will mention only one. As a member of the Remit Committee, my experience would have been improved by participation in the committee by

an NZNO lawyer (as required in Clause 25.2.3.2.v of the Constitution). Despite my efforts as President, this did not always happen. This led to some unnecessary conflict within the committee and the submission of at least one remit from Te Rūnanga and one from the Board which later turned out to be worded in ways that were legally unenforceable.

Despite these difficulties, I adamantly support the current process in Clause 29 of the Constitution for Voting for Constitutional and Policy Remits.

When I voted in a remit I received:

✓ Adequate information

What would assist you in voting?

The opportunity to discuss remits with fellow members, to debate pros and cons and obtain further information, would greatly assist members in voting.

The Q&A Fact Sheet for "One Member, One Vote", produced by the Membership Committee and dated 26/03/2018, contained the following pertinent point: "3. How will members find out the wider context? Answer: The rationale including impact on members and/or the organisation will be provided with the remit. In addition members will be able to contact or attend meetings with Regional Councils, Colleges and Sections, Student Units, Te Runanga delegates for further discussion."

The problem, of course, is that the majority of members do not belong to any of these structures. If instead of Regional Councils, the remits were placed on the agenda of a monthly meeting of the Worksite Organising Committees, then many more members would find out about remits and would cast informed votes. This is consistent with the general thrust of my survey responses, that functions and tasks currently sitting with Regional Councils should be devolved.

Is there anything that is voted on by one member one vote method that you think should not be?

No. We must keep the “One Member, One Vote” system for everything currently determined by this method.

Is there anything that is not voted as one member one vote that you think should be voted on in this way?

All voting (including for the items of business of AGMs and SGMs, for removal of officers and for a Decisions by Ballot in Schedule Five) should now be conducted according to the “One Member, One Vote” method.

Please explain your reasons for these answers

There are currently two different systems of voting in NZNO, “One Member, One Vote” and “Voting on a representational basis.” The problems with the voting “on a representational basis” are that:

- Under Section 30 of the Constitution, just 33 people (out of the 55,000 members in NZNO) are allowed to vote. They are the representatives of the 11 Regional Councils, 20 Colleges and Sections, the National Student Unit and Te Rūnanga o Aotearoa
- These 33 representatives (generally the Chairpersons) get the number of votes equal to the number of members in the group they're representing. This means you can have one rep casting the vote for up to 15,000 members
- The largest five membership groups comprise over half of the membership, meaning just five representatives could make a "majority" decision for all of NZNO
- Yet, there is no requirement for the "representatives" to consult the membership they're voting on behalf of – and many have been quite open about the fact they don't consult – or to vote in accordance with the wishes of their members, if these are known
- There's no way for members to know how their representatives even voted, because it's "secret"
- The eleven Regional Council Chairs, who wield two thirds of the total vote at AGMs and SGMs, aren't even elected by the membership of their Region

Members can see that an unelected handful casting thousands of secret votes is an open invitation to corruption, and this has contributed to a breakdown of trust in NZNO. It's also a pretty rotten system that so few can make a decision that's paraded around as a democratic decision of the membership.

If this wasn't reason enough, the system of voting "on a representational basis" is now broken completely in a time when meetings are being held virtually by Zoom. The *NZNO Annual Report 2020/21* and the audited financial statements, for instance, were accepted through an AGM ballot where only a minority of the eligible reps voted on behalf of their members at all.

Since the introduction of online democratic voting for remits and industrial ballots in 2018, it has strengthened our organisation, massively increased participation, delivered better outcomes and improved member satisfaction. This "One Member, One Vote" system has been demonstrated to be superior to the secretive and unaccountable system of "voting on a representational basis".

All voting, including on the items of business of AGMs and SGMs, on removal of officers and in Decisions by Ballot in Schedule Five, should now be conducted according to the "One Member, One Vote" method.

I participate in the AGM as follows:

I have attended every NZNO AGM since the centennial conference in 2009, apart from the 2012 AGM. I have participated in a variety of roles – Regional delegate, Board member, Membership Committee member and President/AGM Co-Chair.

Please tick all that apply:

✓ I do not support voting at the AGM on a representational basis at all.

Bearing in mind the business of the AGM, do you support one member one vote on AGM matters:

✓ Yes

I have participated in proposing a Special General Meeting:

✓ Often

I found the experience:

✓ Very difficult

What would improve your experience?

My experience of SGMs is not reflective of the wider membership. I will therefore leave this question for others to answer.

Voting at a special general meeting should be:

✓ By one member, one vote to be carried out electronically or by post.

The Constitution provides that it cannot be altered in a way that alters the Partnership under Te Tiriti o Waitangi. As a member, the following statements apply to me:

- ✓ I understand very well the concept of a partnership under Te Tiriti o Waitangi.
- ✓ I find partnership issues under Te Tiriti o Waitangi difficult to navigate
- ✓ I would like to see more information and dialogue on the Partnership and how it is developing.
- ✓ I am interested in understanding the outcomes of the Partnership.
- ✓ I would like the opportunity to participate more fully within a partnership under Te Tiriti o Waitangi.
- ✓ The understanding of the Partnership needs to be more comprehensively promoted.

SECTION 7 – Schedules

I am aware of my rights and responsibilities of membership and the services for which I am eligible under Schedule 1 of the Constitution:

- ✓ Strongly agree

Indicate below if you have a specific comment with respect to any of the following in Schedule 1:

Membership of NZNO:

Clause 5.3 of Schedule One of the NZNO Constitution conflicts with Rule 2.1 of Ngā Ture (the rules of Te Rūnanga). This conflict should be resolved by amending the Constitution.

Honorary Membership:

No comment

Affiliate Membership:

No comment

Eligibility to Industrial Services:

No comment

Admission to Membership:

No comment

Rights and Responsibilities of Membership:

NZNO has a problem with openness and honesty, and the problem starts at the top. The withholding of information, particularly by the Board, actively disempowers NZNO members. In addition to the current membership rights, the Constitution should explicitly state, under “Rights and Responsibilities of Membership”, that members have a right to information held by NZNO, subject only to the statutory grounds for refusing information requests provided in the Incorporated Societies Act 2022.

Termination of Membership:

No comment

Disciplinary Matters:

No comment

Representation:

No comment

Negotiation and Ratification:

The Ratification Process prescribed in Schedule Seven, Clause 11.3 of the Constitution currently states:

“11.3.1 The standard ratification process is that voting on a proposed collective agreement is undertaken at meetings of members covered by the collective agreement

11.3.2 In situations where this is impracticable or undemocratic the negotiating team may recommend to the members that ratification voting be by postal ballot, online ballot or any combination of the standard and other methods.”

To reflect changed practice since 2018, the “standard ratification process” should be ratification by online or postal ballot. In some situations, for example in very small workplaces, it may be more practicable to undertake ratification at a meeting, so this alternative option should be retained.

Clause 11.3.3.2, as amended at the 2018 AGM, should

be retained in its current form so that, “NZNO will put the proposed collective agreement to the members with no recommendations.”

I understand the process for approving levies and subscriptions:

✓ Strongly agree

Indicate below if you have a specific comment in respect of Schedule 2 relating to subscriptions and levies:

In general, I support the current constitutional arrangements relating to subscriptions and levies.

Minor technical updates only are required. The reference to “payment by cheque” (Schedule Two, Clause 1.1.3) should be deleted as these are no longer supported by the banking system. Clause 1.3 should also be amended, since *Kaitiaki* is no longer published in the form of monthly issues.

Indicate below if you have a specific comment in respect of Schedule 3 relating to election of board members:

Under the current nomination process for all directors (Schedule Three, Clause 5), the involvement of all candidates in NZNO activities must be confirmed by either their Regional Council or Te Poari or national college or section.

As recognised as far back as the 2004 *Report of the Structural Review Committee*, the extremely low numbers involved in Regional Councils “cannot give any confidence that decision making structures based around Regional Council are inclusive, democratic and participatory.” In general, Regional Councils lack the necessary knowledge and ability to confirm the involvement of Board candidates in NZNO activities. Clause 5 of this Schedule should be amended, by replacing “their Regional Council” with “their Worksite Organising Committee”.

Indicate below if you have a specific comment in respect of Schedule 4 relating to the criteria for the board of directors:

I think there should be minor technical amendments only in the criteria for Board of Directors in Schedule Four. Clause 4.3 (which currently refers to the Companies Act 1955 and the Companies Act 1993) should be updated to read:

“4.3 A person who is disqualified from being an officer of a society registered under the Incorporated Societies Act 2022.”

There should remain no constitutional requirement for Board members to belong to the Institute of Directors, and no constitutional requirement for Board members to sign a non-disclosure agreement or “gagging order”.

I understand the processes for non-election ballots:

✓ Strongly agree

Indicate below if you have a specific comment in respect of Schedule 5 relating to balloting:

For reasons explained in answers to Section 6 of this survey (above), all voting should now be conducted according to the “One Member, One Vote” method. Clause 3 of Schedule Five (“Decision by Ballot of AGM Voting Groups”) should be deleted, in its entirety.

In addition, the following smaller changes should also be made to Schedule Five. Clause 1.2 states that, “... any financial member directly concerned with the result of any ballot, may each appoint a scrutineer to oversee the conduct of the ballot and the counting of votes at their own cost, and the returning officer shall afford each scrutineer all reasonable opportunity to carry out such function.”

In the case of Board election ballots, the returning officer “shall be an external independent person” (Clause 1.1.2). In practice, this has meant a person appointed by the Electionz.com company. During the 2015 Board election, I contacted Electionz.com returning officer Warwick Lampp to request the opportunity for a scrutineer to oversee the conduct of the ballot and the counting of votes, at my own cost. I was informed that this was not possible. On this basis, Clause 1.2 should therefore be removed from the Constitution, along with the reference to a scrutineer in Clause 2.6.

Clause 1.9.1, regarding casual vacancies, should be amended to reduce its scope of application, in accordance with long-standing practice. Where a position on the “workplace committee” (also known by the better title of Worksite Organising Committee) becomes vacant, it is not the practice to fill it in the manner described. The word “workplace” should therefore be deleted. In line with my answers regarding Schedule Seven below, the words “regional council” should also be deleted.

Finally, the wording of Clause 1.5 can probably be tidied up, as well.

Indicate below if you have a specific comment in respect of Schedule 6 relating to the removal of officers and other held positions:

For reasons explained in answers to Section 6 of this survey (above), all voting should now be conducted according to the “One Member, One Vote” method. An elected officer or position holder should only be able to be removed by the same membership group eligible to elect them.

It is fundamentally undemocratic for members to elect an officer or position holder, only to have a different group later remove that person from office. Clauses 1.7, 1.8 and 1.9 of Schedule Six should therefore be deleted, in their entirety.

I understand the roles of each of the NZNO structures as provided in Schedule 7:

✓ Strongly agree

Indicate below if you have any comment in respect of a specific structure:

Regional Councils

Back in 2004, at the time of the last NZNO structural review, Regional Councils selected the members of the NZNO Board and did all the voting on remits. Both of these democratic functions have now been transferred to the “One Member, One Vote” system. As explained in responses under Section 6 of this survey, all voting should now be done according to “One Member, One Vote”. The Regional Councils did have a (relatively small) role in organising Regional Conventions, but these have now been cancelled.

The functions remaining – which largely consist of proposing remits, endorsing candidates wishing to stand for Board, assisting with implementation of NZNO policies and strategies, electing Membership Committee reps and working in partnership with Te Rūnanga – should be devolved to Colleges, Sections and constitutionally defined Worksite Organising Committees, in accordance with the recommendations of the 2004 structural review. Regional Councils can then be wound up and all references to them removed from the Constitution.

Workplaces and Delegates

The Workplace is one of the fundamental and most functional membership structures of NZNO. Most large Workplaces have an elected Worksite Organising Committees (aka WOC, or the “monthly delegates meeting”), led by an elected Convenor (or “Lead Delegate”).

According to the terms of the Constitution (Schedule Seven, 2.1.1) however, a “Workplace” as a formal self-defined group of NZNO members only exists “subject to the approval of the Regional Council.” In practice, this constitutional requirement for approval is never observed and should be deleted, whether or not Regional Councils remain.

And according to the Constitution, WOCs have no formal powers. Their status and functions however are described in the *NZNO Delegates Handbook*. These should be translated into the Constitution, where the functions of the WOC should also include proposing remits, endorsing candidates wishing to stand for Board, assisting with implementation of NZNO policies and strategies, electing Membership Committee reps (as per existing Regional boundaries) and working in partnership with Te Rūnanga.

The Board’s current powers (in Schedule Seven, Clause 1.1) to establish, disestablish or change the boundaries of Regions could be redefined, for example in the

absence of Regional Councils, and applied to the self-defined Workplace groups and their WOCs, to allow for the resolution of any disputes.

NZNO Sections:

In accordance with the 2004 *Report of the Structural Review Committee*, no constitutional changes are recommended for NZNO Sections.

NZNO Colleges:

In accordance with the 2004 *Report of the Structural Review Committee*, no constitutional changes are recommended for NZNO Colleges.

National Student Unit

No comment

Health Professionals New Zealand

No comment

Membership Committee

As stated in answers to Section 2 of the survey (above), the proper functions of the Membership Committee, as reflected in its founding Charter, are:

- Representing the views and needs of the diverse membership of NZNO and providing a link to the local level

- Ensuring the NZNO (in particular the Board) is responsive to the needs and issues of members
- Receiving and considering the summary of Board meetings and providing feedback

It has never been able to perform these functions in its nine years in existence. It has become apparent that it cannot possibly do so under current Constitutional arrangements, so long as 80 percent of its makeup and representation is derived from Regional Councils which are themselves incapable of representing the views and needs of the diverse membership of NZNO. The Membership Committee has recently rewritten its Charter to remove two of these three functions, thereby removing its own reason for being. Notably, however, one of the deleted functions remains in the Constitution, at Clause 23.2.

All the important functions from its original Charter should be restored. And as explained in previous answers in Sections 3 and 7 of this survey, the lines of accountability for the Membership Committee within NZNO membership structures need to be reformed, in order for it to perform any useful function linked to the needs and issues of members. Specifically, the process for electing Membership Committee reps (as per existing Regional boundaries) needs to be devolved from Regional Councils to constitutionally defined Worksite Organising Committees.

Te Poari o Te Rūnanga

The general function of Te Poari is to work in partnership with the Board to achieve NZNO strategic aims in giving effect to te Tiriti o Waitangi.

In order to perform this function, both parties must live up to the ideals of reciprocity and mutual benefit, including an obligation to act reasonably, honourably, and in good faith. In so recognising, both parties must acknowledge the need for, and emphasis on, mutual recognition, respect, accountability, compromise, and a balancing of interests (Clause 2.1.27). This has not always been the case.

Underneath this general function, seven specific functions are listed in the Constitution. All of these are important, in their own way. One function, however, ought to be more important than it has been in practice in recent times: “Assist NZNO where appropriate to ensure it is responsive to the needs of Te Rūnanga and member issues” (Clause 24.2.5). In order to perform this function, Te Poari will need to become more membership-driven so that the diverse needs of all members of Te Rūnanga, not just for example Tauria Māori and the small minority who work for Māori and Iwi Providers, are consistently elevated within NZNO.

Another function of Te Poari ought to be amended. Clause 24.2.7 of the Constitution currently states that “the relationship between the NZNO and Te Rūnanga is founded on and is carried on in accordance with Kawa”. “Kawa” is defined (in Clause 2.1.14) as “proper protocol... under the guidance and mana of Te Poari.”

A relationship where one party sets the “proper protocol” for both sides is not one which lives up to the ideals of reciprocity and of mutual benefit. Nor does it acknowledge the need for, and emphasis on, mutual recognition, respect, accountability, compromise, and a balancing of interests. In order to form a genuine Partnership, therefore, the relationship between the NZNO and Te Rūnanga should be founded on, and carried on in accordance with a mutually agreed alternative to “Kawa”.

This may involve the refreshing and updating of the Memorandum of Understanding of July 2000 between Te Rūnanga and the NZNO – a document which has never been made available to me in my 20 years in the organisation, as NZNO member, workplace delegate, Regional Council Chair, Membership Committee Chair, Section Committee member, Board member or President. Updating of the MoU was placed on the Board Action List in October 2012, and remained as an item “in progress” for the rest of the decade, without being completed.

Finally, I note that Clause 24.3 of the Constitution (which states that, “Te Poari membership shall be appointed at Te Rūnanga Hui ā-Tau and shall consist of up to 17 regional representatives, and the Kaiwhakahaere and Tumu whakarae and Kaumātua”) conflicts with Rule 5.6 of Ngā Ture (the rules of Te Rūnanga). The two clauses should be brought into harmony, and any inconsistencies in both can be addressed in the

process.

Audit and Risk Committee

Audit and Risk is one of the subcommittees of the NZNO Board, established by the Board with terms of reference set by the Board. It is not currently mentioned in the Constitution. In order for the Constitution to retain some flexibility so that the Organisation can grow and develop, the Constitution should remain silent on the Audit and Risk Committee.

SECTION 8

Are there any other comments you would like to make in respect of the Constitution of the Organisation:

NZNO is the only professional association and registered union in Australasia (and possibly the world, apart from the Royal College of Nursing in the UK) which has a Chief Executive Officer. There appears to be no valid reason for this, although it does lead to a much higher salary for NZNO's most senior manager, funded of course by our membership fees. In fact, it looks like a bit like a colonial hangover. The CEO role prescribed in Section 20 of the Constitution should be re-scoped, possibly as National Secretary, which was the title held by our current CEO as head of his previous registered union and professional association from 2008-2022.

Finally, I wish to include as a submission for the Constitutional Review my article, with linked supporting documents, which is available at: <https://unionnursegrant.org/2022/04/18/nzno-constitutional-review-speak-up-now-for-rules-to-empower-union-members/>

If you would like to participate in a discussion, please indicate below.

✓ Yes

If yes, please indicate the roles which you hold within the NZNO:

I am currently a member of the Mental Health Nurses Section Committee, where I hold the role of newsletter editor. I am a member of the Greater Wellington Regional Council, representing the Mental Health Nurses Section. My survey responses are my own individual views only, and may not reflect those of either of these bodies.