

Constitution Review Panel Discussion Document

15 August 2023

Foreword

Me haere tahi tātou mō te hauora me te oranga o ngā iwi katoa o Aotearoa”

“Let us journey together for the health and wellbeing of the people of Aotearoa” (Rev Leo Te Kira 15 December 2005)

Tōpūtanga Tapuhi Kaitiaki o Aotearoa New Zealand Nurses Organisation has faced significant challenges in last few years and has always risen to those challenges. This has required us to be agile and responsive to a fast-changing world. A Constitutional Review gives us the opportunity to ensure that the rules we are bound to follow, reflect the organisation’s vision, mission and objectives.

It is often said form follows function and that we need clarity on our purpose and role as providing industrial, political and professional leadership for nurses and the wider health system. How can we build our organizational structure around that role and purpose? Is the constitution fit for our current purpose?

The Constitution Review Panel (CRP) is undertaking an internal constitutional review with the stated purpose of giving recognition to te Tiriti o Waitangi and embedding democratic processes for members that can work in a bicultural environment. This included: recognition of Maranga Mai! as it informs any constitutional changes, including core structures; further development and incorporation of Te Tino Rangatiranga; and compliance with the new Incorporated Societies Act. Concepts based on this approach will be discussed at 2023 AGM ready for a rewritten Constitution document to be brought to the 2024 AGM.

We received very thoughtful and helpful submissions and we would like to thank all members for their contribution. This gives the 2023 AGM an exciting opportunity to help create a constitution that is fit for our members and can take Tōpūtanga Tapuhi Kaitiaki o Aotearoa New Zealand Nurses Organisation forward to meet our aspirations as nurses and citizens of Aotearoa.

Tracy Black

Chair of the Constitution Review Panel

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Background to the Constitution Review

Tōpūtanga Tapuhi Kaitiaki o Aotearoa New Zealand Nurses Organisation Constitutional Review process has developed over several years. The 2020 Policy Remit received from the Mental Health Nurses Section and Cancer Nurses College called for a full independent legal review of the NZNO Constitution. Constitutional issues cited in the remit include organisational structures that give efficacy to democratic participation within NZNO and a commitment to te Tiriti o Waitangi and integration of bicultural practices within the leadership groups, committees, and organisational structures.

The 2022 AGM received two Constitutional review documents. First, the *Constitutional Review Report* prepared by Morrison Kent which identified several issues in the NZNO constitution. These are clauses and sections that are inconsistent with NZNO's commitments to te Tiriti o Waitangi and relatedly its operations as a bicultural organisation, internal inconsistencies that produce confusion and uncertainty in its interpretation, and procedural matters relating to communication with members. The *Report* recommendations called for a replacement Constitutional document for adoption by the members. The Morrison Kent *Review* deliberately excluded a structural review, an organisational review, a governance review or a review which would bring about behavioural change.

The second document submitted to the 2022 AGM was the *Independent Review* which identified limitations in the Morrison Kent *Report* authored by Ross Wilson. This *Review* identified limitations in the *Report* including a failure to provide 'approval ready' amendments to the Constitution for consideration, the broad and general nature of recommendations that require additional work and cost to implement, and the self-imposed restrictions on the purview of the *Report* despite recognition that broader areas such as structure and governance were important issues to the Board and wider membership of Tōpūtanga Tapuhi Kaitiaki o Aotearoa NZNO. Both reports contained a gap between te Tiriti o Waitangi and te Ao Māori obligations.

Following the 2022 AGM, the Board of Directors called for an evolutionary approach to the review to continue conversation about the direction of the union and how the Constitution would support this. This included: recognition of Maranga Mai! as it informs any Constitutional changes, including core structures; further development and incorporation of Te Tino Rangatiratanga; and compliance with the new Incorporated Societies Act. Concepts based on this approach will be discussed at 2023 AGM ready for a rewritten Constitution document to be brought to the 2024 AGM. It is noted, however, that the Constitutional clauses relating to Māori structures (31.3 and 25.2.3.3.ii) cannot be replaced without Te Rūnanga ratifying any proposal to alter the Constitution with respect to te Tiriti partnership. The Rules also provide for Hui-ā-Tau endorsement.

The Constitution Review Panel (CRP) has undertaken an internal Constitutional review with the stated purpose of giving recognition to te Tiriti o Waitangi and embedding democratic processes for members that can work in a bicultural environment. The Constitutional Consultation survey sought member feedback between 2 June 2023 and 7 July 2023. This report provides the deliberation and proposals from the Panel drawing on member feedback and analysis for Constitution revisions. The report is structured around the sections of the 2023 Constitutional Review Survey. Some submissions dealt primarily with concerns relating to policy that were not directly connected with Tōpūtanga Tapuhi Kaitiaki o Aotearoa NZNO Constitutional issues or structures. Commentary of this nature is acknowledged but not included in this report.

This report does not contain the commentary, recommendations and proposed wording for the Constitution from the *Morrison Kent Report* or the Ross Wilson *Independent Review*. These will be incorporated along with requirements for compliance with the Incorporated Societies Act in the drafting of the revised Constitution for AGM 2024.

Section 1. Review of selected Constitution clauses

Clause 3: Vision

Current clause:

3.1 NZNO's vision is:

Freed to care, Proud to nurse.

CRP proposal: **A new vision statement, in English and te reo Māori**

Discussion:

The current NZNO vision statement received significant feedback from members and group responses. There was a consensus that the term 'freed' was ambiguous and connotations were inappropriate for nursing in Aotearoa. The second clause, 'proud to nurse' was generally supported. The current vision has never been subject to consultation with Māori and in its current form does not give expression to tino rangatiratanga and mana Motuhake for Māori. The history of the current vision statement was not drawn from consultation with the membership and feedback proposed that any vision should be included in both English and te reo Māori.

Clause 4: Mission

Current clause:

4.1 NZNO is committed to the representation of members and the promotion of nursing and midwifery. NZNO embraces te Tiriti o Waitangi and works to improve the health status of all peoples of Aotearoa New Zealand through participation in health and social policy development.

CRP proposal: **Revise mission statement to strengthen commitment to te Tiriti**

Discussion:

Feedback was generally supportive of the existing mission statement and its intent but proposed stronger demonstration of the organisation's commitment to te Tiriti, equity, professional excellence, and policy development. It was also noted that the mission statement could reflect the strategic direction of Maranga Mai! and broaden to reference all membership groups, including health care assistants, kaiāwhina, and nursing and midwifery students. Proposed wording included reference to the organisation as kaitiaki committed to representing membership by embracing te Tiriti o Waitangi and actively working to uplift Oranga of Māori and tangata Tiriti.

Clause 5: Philosophy

Current clause:

5.1 "Me haere tahi tātou mō te hauora me te oranga o ngā iwi katoa o Aotearoa"

"Let us journey together for the health and wellbeing of the people of Aotearoa" (Rev Leo Te Kira 15 December 2005)

5.2 "Kaua e takahia te Mana o te Tangata"

"Do not trample over the mana of the people" (Hone Te Ahu)

CRP proposal: Relocate to the beginning of the Constitution and rename clause

Discussion:

These whakataukī were gifted to the organisation by Māori members and cannot be removed from the whakapapa of Tōpūtanga Tapuhi Kaitiaki o Aotearoa New Zealand Nurses Organisation without consultation and approval. Consultation feedback related to the interpretation of the whakataukī and how to relate them to the experience of members and the nursing profession. It was discussed that 'philosophy' is an inaccurate term to capture the kaupapa and purpose of these whakataukī. These should be located at the beginning of the Constitution document to set the foundation for the vision and mission of the organisation.

Clause 6: Objects

Current clause:

6.1 The objects of NZNO are to:

- 6.1.1 Lead the nursing profession through advocating for professional excellence and collective industrial aspirations;
- 6.1.2 Provide a forum for membership to identify, examine and take action on issues of significance to the nursing profession including members' working conditions;
- 6.1.3 Give effect to te Tiriti o Waitangi partnership through representation of the concerns and interests of Māori members, and by seeking continued improvements in Māori health;
- 6.1.4 Advocate on behalf of nurses in the formulation of health and social policy for Aotearoa New Zealand;
- 6.1.5 Promote the professional development and interests of its membership, including the development of nursing/midwifery internationally;
- 6.1.6 Negotiate and enter into industrial agreements, enforce such agreements, and represent members' interests in disputes regarding such agreements;
- 6.1.7 Promote members' interests including professional, industrial, cultural, social, economic, political and health and safety interests;
- 6.1.8 Promote the highest standards of health and social services for New Zealand;
- 6.1.9 To represent the interests of any member or members, in accordance with NZNO policy, before any person, group, organisation, government or local authority, statutory or other body;
- 6.1.10 Affiliate with other organisations in the attainment of these objectives except that NZNO shall not affiliate to any political party; and
- 6.1.11 Do all such other things as are incidental or conducive to attainment of the objects and the exercise of the powers of NZNO.

CRP proposal: Reduce, reorder and simplify the Objects

Discussion:

Consultation feedback indicated that the Objects clauses could be simplified to transparently identify the functions of the organisation in its current context and reflect the changes, definition and language in the Pae Ora Act. Emphasis was placed on representation of members professionally and industrially through a member-led organisation that is grounded in te Tiriti partnership. The

objects should reference tikanga, mātauranga Māori and kawa whakaruruhau to ensure a kaupapa informed approach. The objects need to reflect these principles in terms of the ordering of objects, the inclusion of obligations to tangata whenua in each clause as applicable to embed a bicultural approach and providing concise, relevant and clear directives for the organisation that remains compliant with the Incorporated Societies Act and Employment Relations Act for a registered trade union.

Clause 7: Powers

Current clause:

7.1 NZNO shall have the following powers in addition to any other powers in this Constitution:

- 7.1.1 represent the interests of any member and to charge fees accordingly;
- 7.1.2 invest, lend or advance NZNO funds;
- 7.1.3 borrow money for the purpose of furthering the interests of NZNO and its members;
- 7.1.4 raise money by subscriptions or levies and to grant rights and privileges to members;
- 7.1.5 acquire or sell any real or personal property as may be necessary for the purpose of furthering the interests of NZNO or its members;
- 7.1.6 sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of any real or personal property of NZNO.

CRP proposal: **No change to the Powers clauses**

Discussion:

The Powers as set out in the Constitution refer to the financial powers and matters of the organisation in a limited and technical sense. Some feedback interpreted this clause in a more general or metaphorical sense. Feedback of this nature has been acknowledged and considered in terms of principles of accountability and leadership. Some feedback called for transparency, fiscal responsibility, and reporting obligations for the Board to the membership of the organisation through the Annual Report.

Section 2. Review of the five NZNO Key Functions

The Board and Te Poari sought member feedback on the five key functions of Tōpūtanga Tapuhi Kaitiaki o Aotearoa NZNO: accountability, shared identity, avenues to participation in NZNO, leadership at all levels, and the NZNO structure. These functions were then considered against how they met the following criteria:

1. Meeting Tōpūtanga Tapuhi Kaitiaki o Aotearoa NZNO's obligations to te Tiriti o Waitangi
2. Embedding democratic processes for members into the operations of NZNO that can work in a bicultural environment
3. Giving effect to Maranga Mai! strategy.

The responses showed there was a lack of clarity around roles and functions of the organisation and a shared sense of frustration. The three criteria above for testing functionality were supported as key objectives but there was a limited understanding of how the current structures work towards achieving them. The Panel identified from feedback that there are further opportunities for education and engagement with members regarding these functions and how they are put into practice in the organisation.

Accountability

Accountability was primarily understood in terms of Tōpūtanga Tapuhi Kaitiaki o Aotearoa NZNO's obligations to be accountable to its members, tangata whenua, and its guiding principles. It was observed that while language and intentions routinely commit to te Tiriti obligations, the existing groups within NZNO do not have the necessary structures and processes in place to implement these commitments. Feedback around the composition of NZNO structures was varied, but broadly indicated a desire for all organisation structures to be more visible and engaged with membership, allowing for more consultation, collaboration, education and report-back of strategic direction, financial undertakings and critical issues. It was also raised that Maranga Mai! needs to be promoted industrially and professionally through building it into the rules and practices of all NZNO groups. There is an opportunity for education and change to embed accountability through all levels of the organisation.

Accountability involves enhancing and creating strategies to promote tangata whenua nurses and indigenous nurses. While there is progress in areas on work that acknowledges Māori, all Tōpūtanga Tapuhi Kaitiaki o Aotearoa NZNO members and structures should adhere to te Tiriti o Waitangi. This requires leading Kaupapa-informed practice and research/evidence-based practice in alignment with Pae Ora legislation and te Tiriti o Waitangi. The organisation requires a te Tiriti governance framework that overarches everything we do including clinical practice as a professional body.

Shared Identity

The current state of Tōpūtanga Tapuhi Kaitiaki o Aotearoa NZNO is dysfunctional and characterised by disconnected membership, regional councils and member groups. There are concerns raised about cultural competency and meaningful engagement with Māori. Individual member leaders are identified as an important force for bringing members together. At present, the organisation's structures do not allow Māori to exert tino rangatiratanga. To achieve this requires authority for Māori-by-Māori members/Te Poari, all member groups must enact te Tiriti o Waitangi, prioritising te reo change and use the name of the organisation into te reo, and ensuring there are mechanisms in place to prioritise the voice of indigenous people across Tōpūtanga Tapuhi o Aotearoa. A shift is needed from a democratic process that does not prioritise the voice of tangata whenua to ensure a collective approach where the mana of tangata whenua is prioritised and equitable.

Shared identity was an important function of the organisation, and there was recognition that Maranga Mai! is a useful anchor for bringing together the wide and varied membership of

Tōpūtanga Tapuhi Kaitiaki o Aotearoa NZNO. Key principles of shared identity included effective representation and participation of members at all levels, industrial unity and professional excellence in nursing as a combined project, collectivism around shared workplace issues, professional engagement and policy development, and an integrated structure that clearly and effectively brings all members and groups together. It is also important to prioritise equity and te Tiriti within the shared identity of the organisation.

There was recognition that the restructure and establishment of Te Whatu Ora invites NZNO to similarly unite around a shared identity and structure. One submission described the invitation as follows: *“Te Whatu Ora is now one, we need to do the same, we are one union with many limbs, we seem to still be on different branches and need to be the trunk of the tree supporting each other.”*

Avenues to participation in NZNO

Survey feedback identified that meeting practices do not currently have alignment to the tikanga and cultural needs of Māori Tapuhi, and there is a lack of kawa whakaruruhau for tapuhi and whānau. There must be more Māori at the table speaking and advocating for Māori alongside recognition of Te Rūnanga roles and functions. Māori representation and cultural safety at the Board level requires safeguarding to ensure an authentic Māori voice. The organisation requires members and staff to demonstrate meaningful commitment to te Tiriti o Waitangi to build higher levels of participation and enable more leadership roles for Māori nurses.

Survey feedback demonstrated that Tōpūtanga Tapuhi Kaitiaki o Aotearoa NZNO has an effective variety of avenues for members and groups to participate in the organisation both professionally and industrially. Reasons for participation in different activities included having a voice in the organisation and engaging with democratic processes internally and externally, improving working conditions and achieving wins collectively, representing the nursing profession and directing the future of nursing in Aotearoa, supporting members and encouraging transparency, increasing education in specialty areas and networking with colleagues. Areas of improvement for facilitating member participation included increased consultation, collaboration and communication with membership, ensuring a member-led organisation, visibility around the work of NZNO and its structure in the nursing community.

A clear knowledge of the functions of each part of the structure is needed to achieve a greater sense of where each member can best engage with Tōpūtanga Tapuhi Kaitiaki o Aotearoa NZNO. An inclusive approach to members is necessary to increase engagement and participation across the organisation. Improved knowledge and application of tikanga is further required to ensure that all parts of the organisation are culturally safe for Māori members and responsive to the cultural needs of Pasifika and all other cultures that comprise NZNO’s diverse membership.

Leadership at all levels

Member feedback highlighted the necessary balance between having nurses in positions of leadership for understanding the work that nurses do alongside other skills to guide and support the organisation. It was important for a member-led organisation to see nurses effecting change from positions of leadership in the organisation and valued face to face meetings. Pathways to leadership identified delegate education that covers the history of Tōpūtanga Tapuhi Kaitiaki o Aotearoa NZNO, the history of unions and the history of nursing in Aotearoa, governance and influencing change. Education is important for leadership and member feedback cited the need for funded access to leadership training, such as the ICN Leadership Programme, for diverse representatives from the membership. Further, it was identified that NZNO structures as a point of engagement for members should facilitate upskilling, mentoring and education into leadership positions at different levels of the organisation, particularly around professional practice. Networking with Māori leadership, the Kaiwhakahaere, and Te Rūnanga was identified as essential to leadership and progress.

Pathways for members to develop leadership skills can be achieved through professional development and funded training. It is important that collective and shared values, moral and ethical integrity, mana in the nursing profession and moral and clinical excellence in the community are cultivated within the leadership of the organisation. Leadership development would be delivered best online with kanohi ki te kanohi opportunities, alongside tailored opportunities for Māori membership training undertaken by Te Poari.

NZNO structure

Members were invited to discuss changes to Tōpūtanga Tapuhi Kaitiaki o Aotearoa NZNO structures related to their purpose, composition, size, term of office for officers, skills and knowledge required for officers and values. The existing structures are:

- The Board of Directors
- Te Poari
- The Membership Committee
- The Regional Councils
- The Colleges and Sections
- The National Student Unit

Tōpūtanga Tapuhi Kaitiaki o Aotearoa NZNO currently has a complex internal structure where many parts were designed for functioning in a health sector that now operates differently. It is vital that all NZNO structures are reviewed to ensure they are fit for purpose and embrace a te Tiriti based approach. Each component must give recognition to te Tiriti o Waitangi and embed democratic processes for members into the operations of NZNO that can work in a bicultural environment. Feedback on structures was limited and did not provide specific detail on all the requested areas for change. However, feedback broadly indicated an appetite for structures to operate in a more transparent, effective, and democratic manner. This also called for balance between professional and industrial functions, succession planning in leadership and ongoing relevance to the current strategic direction and context of Tōpūtanga Tapuhi Kaitiaki o Aotearoa NZNO. Embedding Maranga Mai! as a value across all aspects of NZNO was identified as a mechanism to encourage strategic outcomes.

The purpose of all Tōpūtanga Tapuhi Kaitiaki o Aotearoa NZNO structures must use te Tiriti o Waitangi as the foundational documents and draw on Te Poari as experts, recognising the mana of Kaumātua. Further, all groups should be culturally competent and have completed te Tiriti o Waitangi training and cultural competency training prior to engaging in a position of influence, within 3 months of onboarding and regularly refreshed. The Kaiwhakahaere and Tumu Whakarae have a term of office and process that is reviewed annually, this is for Māori members to determine at hui not for others to determine how we should elect or the tenure of their office. Te Poari have a succession plan and a process for retaining intellectual knowledge.

There was a broad range of positions presented on the current efficacy and functionality of existing structures, and a lack of clarity around the purpose, continued relevance, and impact of some NZNO groups. One factor that contributes to this uncertainty is the limited communication from core structures including the Board, Te Poari and the Membership Committee, where the work undertaken by these groups could be more visibly communicated to and engaged with the wider membership. Another common feature was that groups that have historically undertaken key projects no longer carry out work in the same way. This diminished functionality needs to be explored to understand how these structures interact with one another and could be changed, restructured, or revitalised to fulfil their intended purpose with effective participation and representation of the membership.

Section 3. Review of NZNO Structures

CRP Proposal: A fresh look at all Tōpūtanga Tapuhi Kaitiaki o Aotearoa NZNO structures in terms of their purpose, role in the organisation, goals, and alignment with the following criteria:

- 1. Meeting Tōpūtanga Tapuhi Kaitiaki o Aotearoa NZNO's obligations to te Tiriti o Waitangi**
- 2. Embedding democratic processes for members into the operations of NZNO that can work in a bicultural environment and**
- 3. Giving effect to Maranga Mai! strategy.**

Discussion:

The Board and Te Poari sought member feedback on six existing structures of Tōpūtanga Tapuhi Kaitiaki o Aotearoa NZNO and how they fulfil the following criteria:

1. Meet Tōpūtanga Tapuhi Kaitiaki o Aotearoa NZNO's obligations to te Tiriti o Waitangi
2. Embed democratic processes for members into the operations of NZNO that can work in a bicultural environment, and
3. Give effect to Maranga Mai! strategy.

The Constitution Review Panel's view is there is a once in a lifetime opportunity to update and restructure Tōpūtanga Tapuhi Kaitiaki o Aotearoa NZNO and equip the organisation for future challenges. This ensures a member-led organisation that can follow where members want to take it, update te Rūnanga and the general structures to facilitate accountability, participation and embed a te Tiriti partnership at their core. This is an opportunity to reflect on NZNO structures, the value they bring to the organisation and how they are reflected in the Constitution. This means that all structures should be reviewed against their functions to test whether they are fit for purpose and how they are integrated into the overall organisation, their mandates and appropriate accountabilities, and how they contribute to the objectives and vision of the organisation. The restructure of the health system and establishment of Te Whatu Ora and Te Aka Whai Ora presents an opportunity to similarly reflect on NZNO's structures in terms of their function, effectiveness, participation, composition, and strategic direction. This is an opportunity for an evolving conversation where Tōpūtanga Tapuhi Kaitiaki o Aotearoa NZNO continues to be bold.

There was limited and varied feedback on NZNO structures, a summary of submissions is outlined below.

The Board of Directors

Despite limited commentary on this structure, there was a clear impression that the Board has provided leadership and direction, including the promotion of Maranga Mai! The appropriate role of the Board is to provide governance and leadership to the organisation, and it is currently fulfilling this objective. The current Board is reflecting its obligations to te Tiriti o Waitangi as it has five Māori members and reflects the input of Te Poari well. The Board should be the partnership body for Te Poari to give the partnership full recognition and have requirements for equal representation for Māori at the table.

A desire was communicated for increased visibility, connection and communication with other parts of the organisation. Some proposals on the composition of the Board raised questions around guaranteed representation of different NZNO groups and a proportion of Māori representatives.

Te Poari

It was broadly acknowledged in member feedback that an evaluation of Te Poari by the broader organisation was not appropriate and that these judgements were left to the discretion of Te Poari's membership. Te Poari use a consensus process and a tuakana teina model, which promote

succession planning and reflect respect for kaumātua. Tikanga processes are used in accordance with the mission statement to embed democratic processes. In line with this, the role of the Kaiwhakahaere and Tumu Whakarae must feature as the Rangatira for Māori.

Te Poari need to be supported to ensure they can express tino rangatiratanga and develop a high trust relationship with the organisation's leadership. Regional boundaries and funding arrangements could be reviewed to better reflect a te Tiriti o Waitangi approach.

The Membership Committee

There was little support for the Membership Committee in its current form and limited understanding of its current role. There was a view that further engagement, representation and communication is needed for the Committee to become functional.

Regional Councils

Feedback identified Regional Councils as a structure with diminishing function and relevance in their current form. Submissions called for greater delegate engagement at regional and national level and a renewed focus on their purpose for the organisation. While Regional Councils make an effort to give recognition to te Tiriti o Waitangi, there is room for improvement. The purpose of these structures is compromised by low consistent member engagement.

The Constitution Review Panel considered the emerging localities framework within Te Whatu Ora as instructive in determining relevant boundaries that may enable greater partnership with Iwi and hapū.

Colleges and Sections

There was considerable comment on the Colleges with widely divergent views. Supportive commentary identified the professional integrity and function of the Colleges and Sections, but felt they were poorly supported and not adequately promoted to new members. The colleges should provide leadership on the role of the nurse as an effective change driver to make the health system more equitable and effective. To do this they need to be better integrated with Te Rūnanga, delegates and the strategic direction of the organisation.

The contemporary relevance of these structures needs to be evaluated, with specific attention to identifying what groups of NZNO's membership are excluded. Additional work is needed to monitor the performance of these groups. They could be reduced or refined to reflect the health reforms. There is a clear issue around the low level of engagement and perceived separation from the strategic work of the organisation that could be better incorporated, and reviewing their purpose would give greater clarity to their work. Feedback identified limitations of these structures in giving recognition to te Tiriti o Waitangi but invited support and education from the organisation to achieve this aim.

National Student Unit

Feedback indicated the organisation could do more to support the National Student Unit's work. Views on this group were varied, however, it was identified as a critical pathway for the future of the profession and a key role to play in the implementation of Maranga Mai! demands for training more nurses, including more Māori and Pasifika nurses. The National Student Unit should receive greater independence and be member supported. Bicultural relationships could be improved and members are responsive to feedback and committed to actualising te Tiriti obligations, particularly through additional training and education.

Section 4: Schedules to the Rules

The Tōpūtanga Tapuhi Kaitiaki o Aotearoa NZNO Constitution currently has eight schedules and two appendices, many of which have been amended over time. Any structural re-organisation should precede the rules that define the structure. A generic template for a Schedule is provided to ensure that every component's schedules are fit for purpose, clear, accessible and consistent across the organisation.

For the purposes of clarity the overall structure of Tōpūtanga Tapuhi Kaitiaki o Aotearoa NZNO is referred to as the structure and each part is being referred to as a component.

1. Every component of Tōpūtanga Tapuhi Kaitiaki o Aotearoa NZNO should have a Terms of Reference that define its purpose and place within the organisation. These should include the following:
 - a. Purpose - What this component contributes to the Tōpūtanga Tapuhi Kaitiaki o Aotearoa NZNO vision, mission and Objectives and what role it plays.
 - b. Mandate - What authority it has and from whom it receives this mandate and in what way does it ensure this mandate is upheld.
 - c. Te Tiriti o Waitangi requirements - te Tiriti o Waitangi requirements should outline how this component contributes to Tōpūtanga Tapuhi Kaitiaki o Aotearoa NZNO's commitment to partnership, indicating what process is in place to engage with Māori and others in a culturally safe way and how Māori are recognised as partners in the work of this component.
 - d. Rules – The kawa of this component, how it operates to ensure that these rules encourage membership engagement that gives everyone a voice and clarity to the purpose and objectives.
 - e. Engagement - how this component works with others and with the management and staff of Tōpūtanga Tapuhi Kaitiaki o Aotearoa NZNO.
 - f. Reporting lines – where the component fits in the overall structure and how it is accountable for its work.
 - g. Membership – who can or should be a member of this component, who it represents and how it gives effect to this mandate.
 - h. Work programme - what specific tasks are given to this component and how are they achieved, including establishing a work programme.

Discussion

The Schedules and Rules do not meet their purpose for the following reasons:

- There is too much detail in some of the schedules which could be best in policies that could be updated as practice changes without having to go through AGM
- Hui-ā-tau must be included and run by Te Poari for Māori members, including the Indigenous Nurses Conference
- Directors must have proven governance experience and be culturally safe and proven working knowledge of te Tiriti o Waitangi
- There must be explicit conditions under which members etc. could be removed from office, including Māori members.

Section 5: Further suggestions

- Tōpūtanga Tapuhi Kaitiaki o Aotearoa should appear in full (i.e. not abbreviated) alongside New Zealand Nurses Organisation and/or NZNO wherever these names appear in the document.
- Feedback relating to drafting or specific wording of clauses was received in this section of submissions. These proposals have been acknowledged by the Panel and will be retained for reference and incorporation upon drafting a proposed Constitution document for members consideration rather than reproduced in this report in full.
- The recommendations of the *Morrison Kent Report* and *Ross Wilson Independent Review*, alongside legislative requirements for compliance with the Incorporated Societies Act, will be addressed and incorporated into a draft Constitution document to be submitted to members at AGM 2024.
- Consideration for how structures and Rules reflect tikanga and kawa within Constitution.
- The role delegates play in the overall structure of the organisation and how to develop a strong network that gives strength to this role.
- How Tōpūtanga Tapuhi Kaitiaki o Aotearoa NZNO protects the rights of students, enrolled nurses, health care assistants, kaiāwhina, kaitiaki and other health workers that are an essential part of the health sector and members of the organisation.