



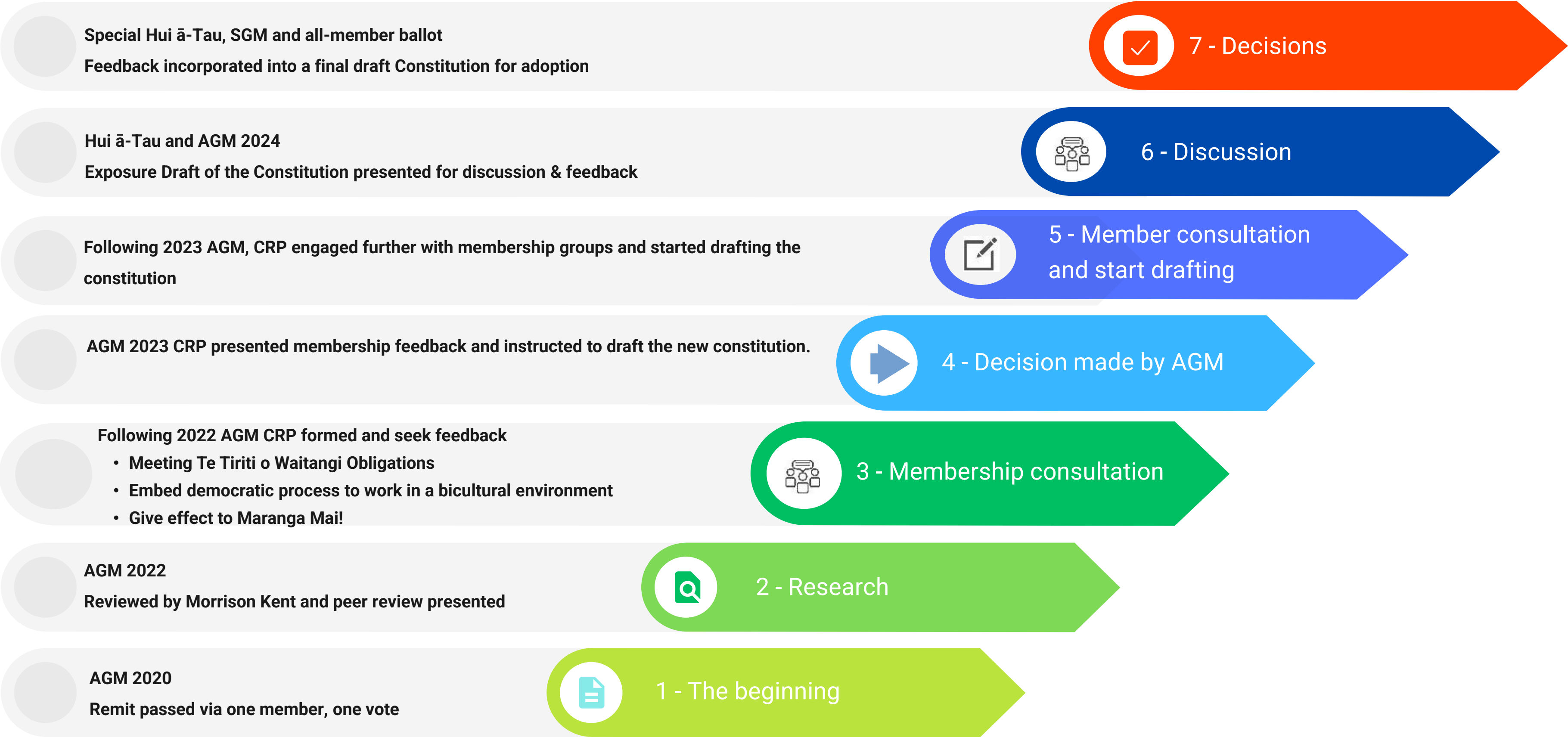
# Tōpūtanga Tapuhi Kaitiaki o Aotearoa NZNO proposed Constitution

Constitution Review Panel  
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# BACKGROUND

How we got here today





# Proposed changes – 2024 consultation on high level issues

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1. Obligations to Te Tiriti o Waitangi – What is the issue ?
  - No equal partnership between Tōpūtanga Tapuhi Kaitiaki o Aotearoa NZNO and Te Rūnanga o Aotearoa as a whole.
1. Giving effect to Maranga Mai strategy – What is the issue ?
  - Clause 9 of the NZNO Constitution (Structures of NZNO)
1. Embedding a democratic processes for members – What is the issue?
  - Clauses 25, 29 and 31 of the NZNO Constitution (AGM and Remits)
1. Coming together to take action – What is the issue?
  - Clause 9, Schedule One (Disciplinary Matters)
1. A united union for nursing and healthcare professionals
  - Proposed names changes to the Board of Directors and Chief Executive Officer

# IN DETAIL – CHAPTER 1: GENERAL

## Major changes

### New Mission & Vision

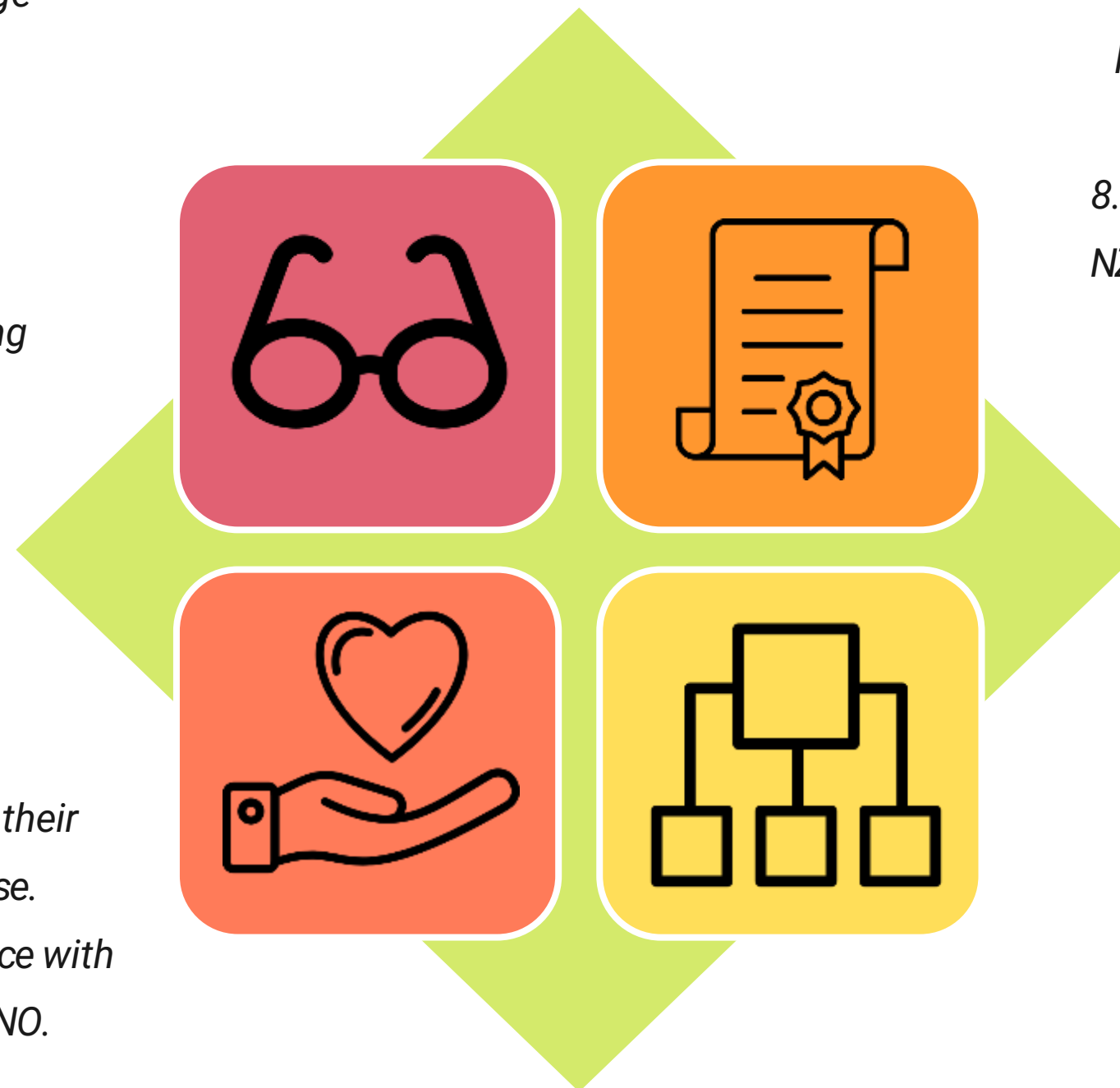
*4. NZNO's vision is: Learning from the past, to challenge our present, to reimagine a future.*

*5. Mission; Tōpūtanga tapuhi kaitiaki o Aotearoa will advance the freedom of its members and equitable health outcomes in Aotearoa, through industrial, professional and political activism and mana-enhancing advocacy. In pursuing this mission, NZNO will ensure a co-governance relationship with Te Rūnanga.*

### New Values

*6. Members act in accordance with NZNO values when their conduct towards each other, people in their care, wider society and the environment is guided by these.*

*Ch 7: All members have the obligation to act in accordance with this Constitution and by-laws, including the Values of NZNO.*



### New Objects & Powers

*7. All Officers, Governance Structures and Membership Structures are bound to pursue these Objectives.*

*8. Powers: Subject to any Act or the general law the NZNO has full capacity to carry on or undertake any activity, do any act or enter into any transaction... (cf. IS Act 2022, Part 3).*

### New Governance & Membership Structures

*10.2 Te Poari and the National Executive*

*10.3 the Joint Hui*

*10.4 Te Rūnanga Ngā Hapū*

*10.5 Local Organising Groups*

*10.9 National Delegates Committees*

# IN DETAIL – CHAPTER 1: OBJECTS

Major changes

## Current Objects

6.1.1 Lead the nursing profession through advocating for professional excellence and collective industrial aspirations
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
6.1.9 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
6.1.8 Promote the highest standards of health and social services for New Zealand
6.1.10 Affiliate with other organisations in the attainment of these objectives except that NZNO shall not affiliate to any political party
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.



## New Objects

7.5 lead the nursing profession in advocacy for clinical and cultural professional excellence and implementation of policy
7.7 promote the interests of nursing, unionism and the rights of indigenous peoples nationally and internationally
7.1 promote its members’ collective employment interests
7.2 represent the interests of any member
7.9 promote the highest and most equitable standards of health and social services for Aotearoa New Zealand.
(Moved to Powers)
7.8 promote Kawa Whakaruruhau to ensure a Kaupapa-informed approach to healthcare in Aotearoa New Zealand



# IN DETAIL – CHAPTER 2: GOVERNANCE

## Major changes

### New Remit Processes

*15. The Constitution may be amended by a resolution passed by a majority vote at an AGM... Once every five years... Any proposed amendment to the Constitution must first be approved by Hui ā-Tau.*

*17. Policy remits... may be proposed by any Membership Structure... for discussion by the Remit Committee... The Remit Committee must submit a report to Hui ā-Tau and the AGM.*

*18.2 Proposed policy remits along with voting papers will be sent by the National Secretary to all members, along with the Remit Committee Report and any recommendations from Hui ā-Tau and AGM*

### Changes to Hui ā-Tau & AGM

*19. The AGM and Hui ā-Tau... may review the strategic direction decisions agreed by the Joint Hui*

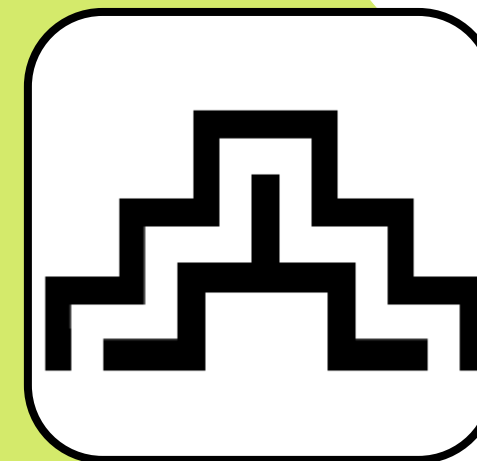
*21. The business of the AGM is to receive and consider... proposed policy remits, the Remit Committee report and make recommendations to members.*

### National Executive, Te Poari & the Joint Hui

*11.5. Te Poari and the National Executive have equal status and act independently.*

*42.4 The Joint Hui may exercise all of the powers of the National Executive except: keeping of the financial accounts... Entering into any enforceable obligation... commencement or defence of a legal action*

*42.5 The following powers shall be exercised solely by the Joint Hui: Sanctioning and/or removal of members and Position Holders; Approval of NZNO by-laws; Approval of new NZNO Colleges and Sections; Defining geographical localities; Determining a job description for the... National Secretary; Awarding honorary membership; Deciding... any question of interpretation of this Constitution.*



# VISUAL – CHAPTER 2: GOVERNANCE

Bi-cultural organisation

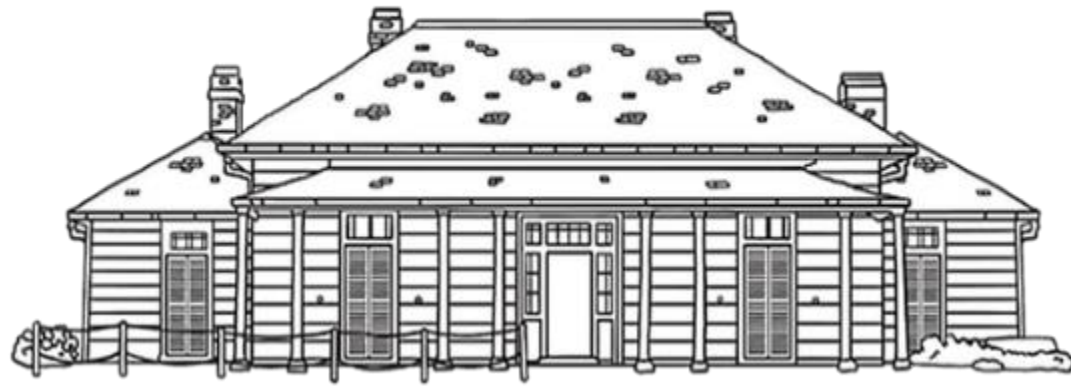
Annual General Meeting



**Kawanatanga sphere**

**National Executives**

It consists of eleven elected members, including the Kaiwhakahaere, Tumu Whakarae, President and Vice President,



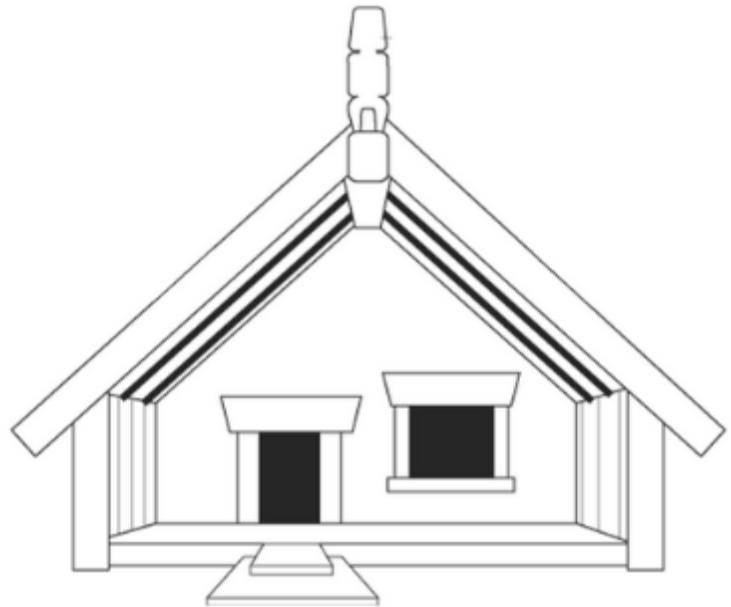
**Relational sphere**

**Joint Meeting**

To advance and promote partnership and ensure mutual coordination, the National Executive and Te Poari shall meet in a Joint Hui at least three times a year, as well as on any additional dates they may agree upon



Hui-ā-tau



**Tino Rangatiratanga sphere**

**Te Poari Te Rūnanga o Aotearoa**

Whānau, hapū, and iwi concepts involve governance and the right to make autonomous decisions, governed and constituted in accordance with Ngā Ture

# IN DETAIL – CHAPTER 3: MEMBERSHIP STRUCTURES

## Major changes

### Ngā Hapū

51. A hapū consists of the members of Te Rūnanga working or living within a rohe (geographical locality) as defined by Te Poari.

52. Ngā Hapū are created to address the needs and concerns of Māori membership.

### Local Organising Groups

46. A Local Organising Group consists of the members working or living within a geographical locality as defined by the Joint Hui.

47. Local Organising Groups are established and resourced by NZNO in order to: provide opportunities for members to meet for the purpose of organising around matters of common interest; work in a Partnership with Ngā Hapū... develop and support professional activities in the locality.

### National Student Unit

62.2 Student members within each School of Nursing **or campus** may form a Local Student Unit

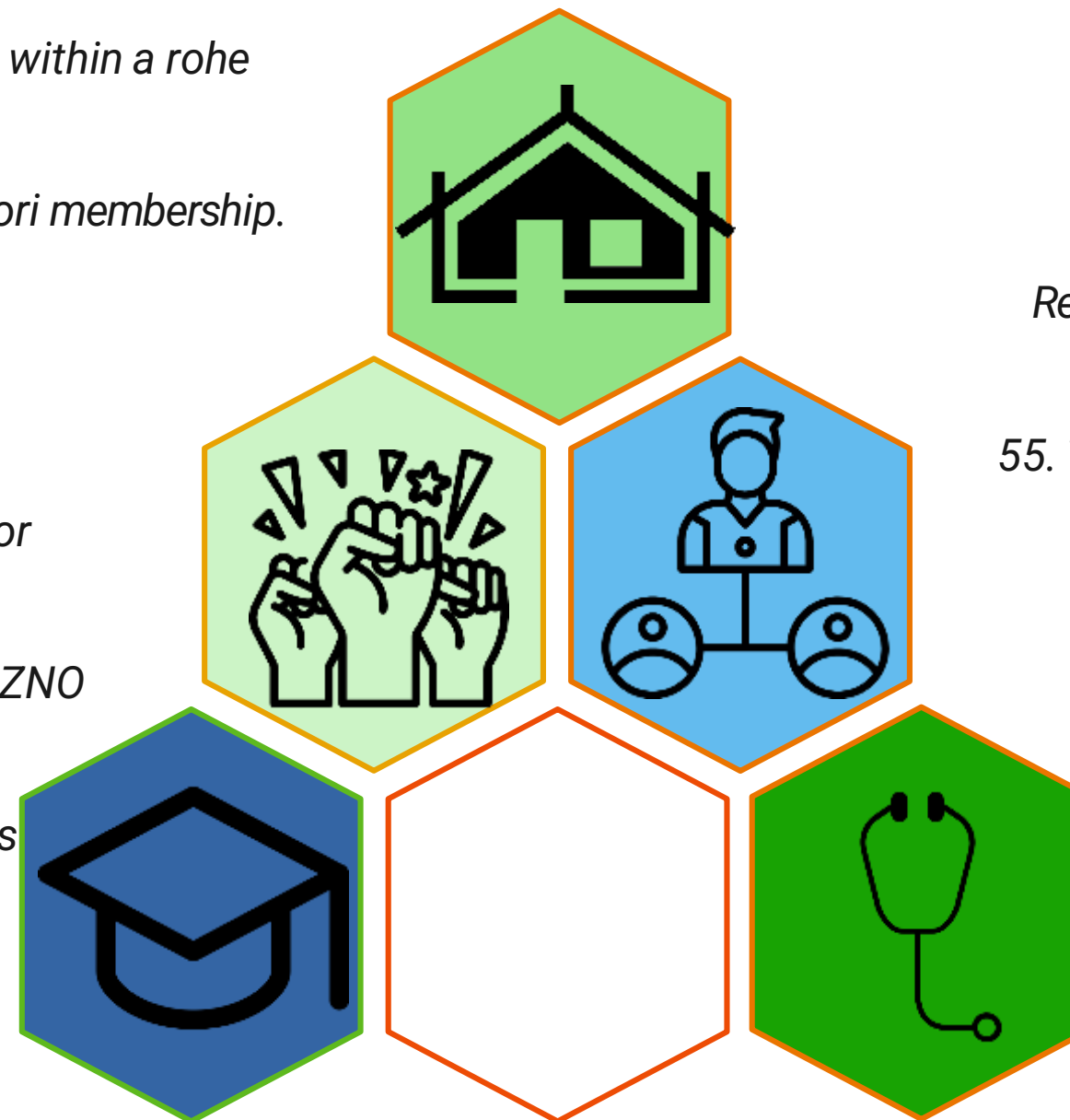
### National Delegates Committees

56. Worksites shall be entitled to send delegate representatives (including at least one Te Rūnanga Representative) to the National Delegates Committee for their sector

55. The health sectors are Te Whatu Ora (Health NZ), Aged Care, Primary Health Care and Private Hospitals and Hospices and the Māori and Iwi Provider Sector.

### Worksites

53. A worksite will consist of one or more workplaces.. Workplaces where two or more members of Te Rūnanga are employed may elect a Te Rūnanga representative(s).. [with] all the functions and powers of Delegates

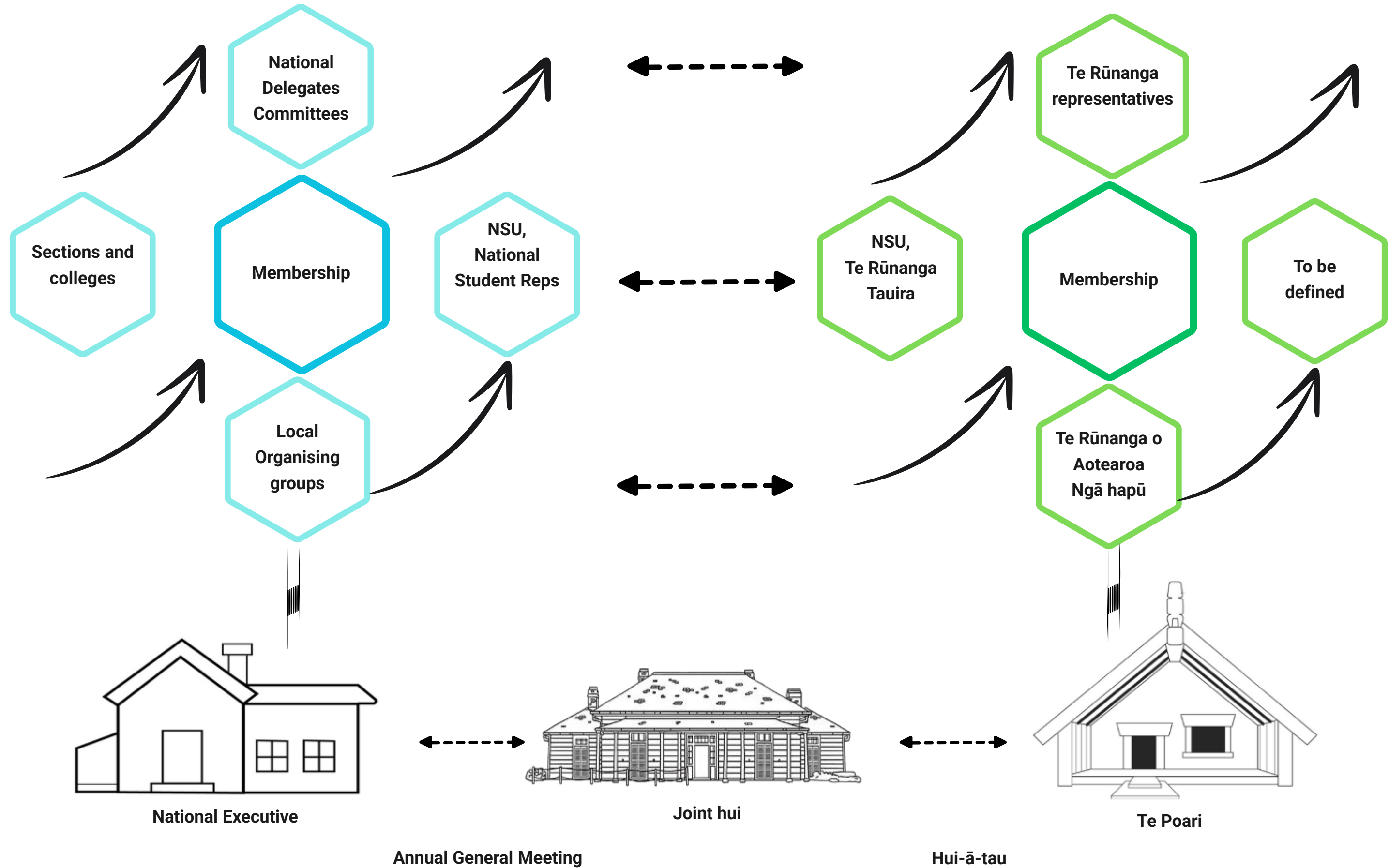


### All Structures

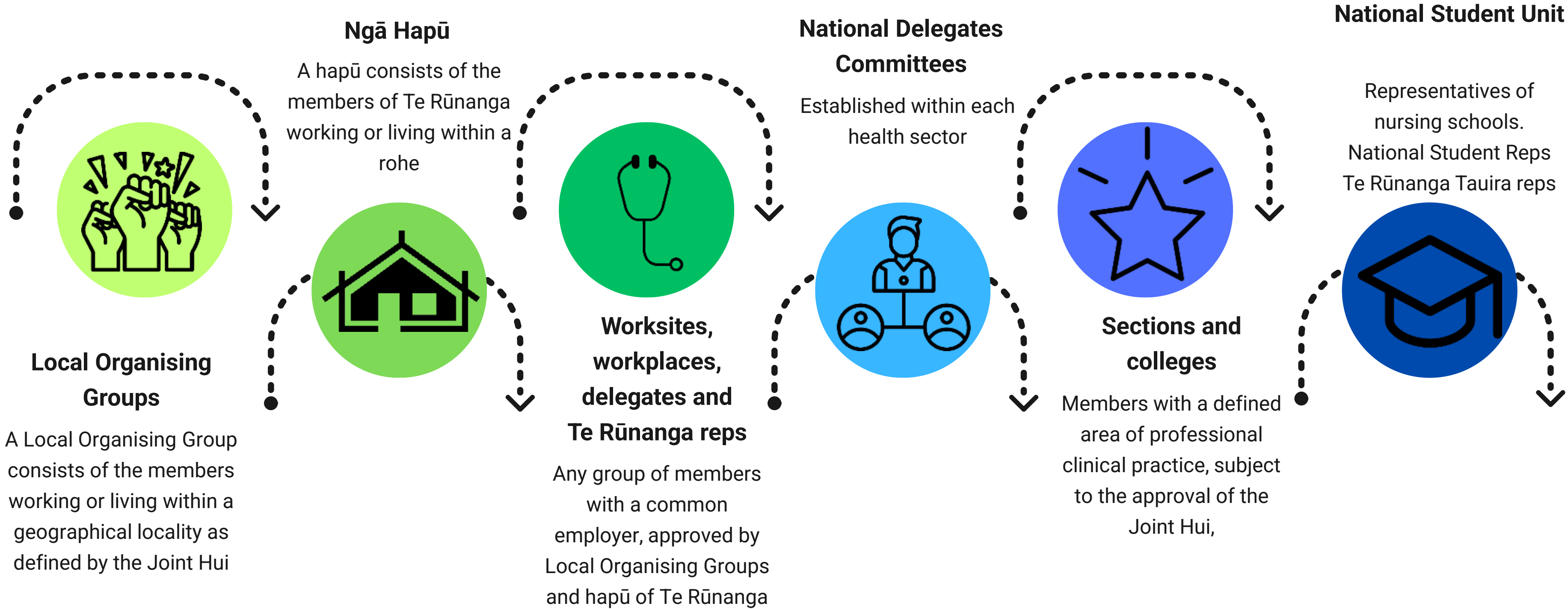
Provide opportunities for member leader development



# VISUAL – CHAPTER 3: MEMBERSHIP STRUCTURES



# VISUAL – CHAPTER 3: MEMBERSHIP STRUCTURES



# IN DETAIL – CHAPTERS 4, 5 & 6: MEMBERSHIP, INDUSTRIAL REPRESENTATION, ELECTIONS

Major changes

## Subscriptions

*70.1 Every member shall pay NZNO subscriptions which can be by... In the case of members who joined NZNO on or before 31 March 2024 and who have remained financial, regular deduction from wages*

*70.2 the Joint Hui may annually approve subscription increases up to the level of price inflation in NZNO costs for the previous year.*

## Negotiation and ratification

*76.1 Teams negotiating benchmark-setting agreements for a sector or across sectors must include Māori representation.*

*78.2 NZNO will make every effort to provide... a Māori impact assessment, where the proposed collective agreement is a benchmark-setting agreement*

## Collective representation

*73. Membership is deemed to grant authority to bargain and settle employment agreements on their behalf, unless such authority is subject to alternative arrangements made between NZNO and another union.*



## Election ballots

*81. When an election ballot is required to be held, the National Executive or Membership Structure as the case may be, shall call for nominations from all members eligible*

*39. Nomination process for Members of the National Executive. All candidates must... submit a statement outlining the level of experience and knowledge they have in each of the following areas: Engagement and experience within NZNO Membership*

*Structures and commitment to NZNO Objects; Leadership roles undertaken in NZNO; Understanding of nursing and the wider health sector; Governance experience; NZNO's commitment to te Tiriti o Waitangi, Tikanga Māori, Mātauranga Māori and NZNO's commitment to the bicultural values and the role of Te Rūnanga o Aotearoa.*

*39.4 A candidate's commitment to te Tiriti, Tikanga Māori, Mātauranga Māori, and bicultural values must be confirmed by a hapū or Te Poari.*

# IN DETAIL – CHAPTER 7: DISPUTES

## Major changes

### Dispute Resolution Procedures

*The primary objective of this Part is to facilitate the settlement of disputes, other than the removal of Officers or Position Holders, through reconciliation and at the lowest appropriate level.*

**84.3** *Each Local Organising Committee and hapū and each Governance Structure shall be required to appoint a Disputes Officer from amongst its committee members.*

### Investigating

*87.2 The first step is for the relevant Disputes Officer to investigate the dispute...*

*87.3 The second step is for the Disputes Officer to: call a meeting of the parties to resolve the matter; or invite the parties to empower the Disputes Officer to make a decision on the matter; or offer a Tikanga-based process to resolve the matter; or offer mediation*

### Referral to the Joint Hui

**87.6** *The Disputes Officer shall refer the matter to the Joint Hui if: The dispute is raised against an Officer or Position Holder... or The dispute cannot be resolved at the local level; or There are conflicts of interest*



### Sanctions

**90.1** *If a dispute... is upheld, the Joint Hui may publish the decision; and bar the member from becoming an Officer or Position Holder for a specified length of time which shall not exceed five years.*

### Removal of Officers

**91.4** *The process for removal of an Officer, other than a member of Te Poari, may be initiated by... a request for a Special General Meeting,*

### Removal of Position Holders

**92.1** *The process for the removal of a Position Holder may be initiated if a dispute is made [or]... a motion of no confidence... is passed... A Joint Hui... shall determine whether Position Holder should be removed.*

# PAST CONSTITUTIONAL REMITS REVERSED

## 2022 Remit One

Schedule One – Disciplinary Matters - Offences

Adding a new subclause - Amend to read:

9.1.1.7 – “Knowingly act in a manner that is likely to either bring NZNO/NZNO Officers/NZNO staff into disrepute, adversely impact the mana of NZNO/NZNO Officers/NZNO staff, or incite racism or hate. For the purpose of this subclause knowingly acting in a manner that is likely to bring NZNO/NZNO Officers/NZNO staff into disrepute includes knowingly acting in a manner that does not align with NZNO objects and values; and knowingly acting in a manner that is likely to adversely impact the mana of NZNO/NZNO Officers/NZNO staff includes knowingly acting in a manner that is likely to harm or disadvantage NZNO/NZNO Officers/NZNO staff.”



83.1 Dispute and complaint have the meaning given in s 38 of the Incorporated Societies Act 2022 and includes an allegation that a member has:

83.1.1 engaged in misconduct:

83.1.2 knowingly acted in a manner contrary to this Constitution, NZNO by-laws or Incorporated Societies Act 2022; or

83.1.3 misappropriated money or property of NZNO; or

83.1.4 knowingly breached any confidentiality obligation relating to information or business of NZNO; or

83.1.5 knowingly failed to comply with a lawful resolution of NZNO; or

83.1.6 threatened or assaulted a member or employee of NZNO; or

83.1.7 that the NZNO has breached, or is likely to breach, a duty under the NZNO’s Constitution or by-laws or the Incorporated Societies Act 2022.

## Rationale

- Compliance with new Act
- Restorative Dispute Resolution process replaces punitive Disciplinary Process



# PAST CONSTITUTIONAL REMITS REVERSED

## 2017 Remit Three

Clause 10: Board. Amend to read:

10.3 The term of all Directors, except the Kaiwhakahaere and Tumu Whakarae, shall be three years, with a right of re-election for a further consecutive three year term, and may be eligible to stand for office after a break of three years.

10.3.1 The term of the Kaiwhakahaere and Tumu Whakarae Directors shall be three years, with a right of re-election for a further consecutive three years, and may be eligible to re-stand for office every three years thereafter.



38.1 The term of all elected Members shall be three years beginning at the next AGM following the election, with a right of re-election for a further consecutive three years in any one position. The maximum consecutive terms on the National Executive in any combination of positions is four terms.

## Rationale

- Term limits for all Board members should be set in the Constitution so that they each understand their stewardship role, as custodians serving on behalf of the membership for a limited time only, and to support the development of new, emerging leaders.

## 2022 Remit Two

Schedule One – Affiliate Membership. Adding a new subclause  
- Amend to read:

3.5 – A dual member as defined at subclause 3.4 may not hold office, be a delegate, propose nominations or motions, or have voting rights under this Constitution.



65 Affiliate Membership and Dual Membership

65.4 A dual member may not be an Officer of NZNO or an NZNO workplace delegate.

## Rationale

- Feedback from Colleges and Sections



## Membership Structures

Clauses 10.4 to 10.9 and Chapter 3 will take effect the day after the 2025 AGM. During 2025, The Constitution Review Panel will consult with each Regional Council and Membership Structure on the number and boundaries of Local Organising Groups.



## Kaiwhakahaere and President duties

Clause 27.2 (President and Kaiwhakahaere duties) will take effect from the 2027 NZNO AGM. Until then, Clause 32.12 (President and Kaiwhakahaere duties) of the NZNO Constitution 2023-24 remains in force



## National Secretary

(Clause 40.1) and related references in the Constitution will not take effect until the agreed variation to the Individual Employment Agreement for the NZNO Chief Executive Officer is signed. Until then, Clause 20 (Chief Executive Officer) of the NZNO Constitution 2023-24 remains in effect.



## Board election

The election of the “Non-Officer Directors” to the Board of Directors, required to take place in 2025, shall be conducted under the NZNO Constitution 2023-24. Board members shall be deemed to be members of the National Executive and for their term of office to have commenced at the date they took office.

# Transitional Clauses

## Ngā Ture

Should Ngā Ture not be consistent with this Constitution, it shall become so by the conclusion of 2026 Hui ā-Tau.

# QUESTION TIME



# WHERE TO FROM HERE?

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