# Part Two: Membership

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## Number of Members

1. **What our Constitution says right now**

The Constitution does not currently provide for a minimum number of members and does not comply with the Act.

1. **Our proposed approach**

The minimum number of members an Incorporated Society must have is ten (10) members.

1. **What the proposed Constitution will say**

**Minimum number of members:** The Assembly will maintain a minimum number of members according to the Act.

**Types of Membership**

1. **What our Constitution says right now**

Currently, our membership consists of

* Individual membership
* Family membership
* Life membership
* Organisations of disabled people membership
* Organisations for disabled people associate membership
* Individual and family associate membership

1. **Why this is needed and our proposed approach**

Membership types for the Assembly acknowledges the diverse experiences people have, and the diverse interactions that disabled persons have with the community - including their family, other organisations, and the services disabled people access. Some membership types (for example, the Associate Membership) do not have voting rights and therefore, do not have full membership rights to participate in the Assembly. It is important for the Constitution to provide clarity around the types of memberships available and the rights that attach to each type of membership.

Members feedback supported reducing the number of categories of membership. The proposed approach does not remove any type of membership, but provides greater clarity in relation to the rights that attached to each type of membership.

The proposal is to simplify the main membership types to three. These types of memberships determine the rights that you have as a member of the Assembly. The membership types are:

* + - 1. Full membership
      2. Associate membership
      3. Life membership

The Assembly proposes the introduction of sub-types of membership that identify who the member is representing. The sub-types are:

1. Individual;
2. Family; or
3. Organisations.
4. **What the proposed Constitution will say**  
   Each membership type will be explained as follows:
   1. **Full membership:** A full member is any individual, family, or organisation that
      1. Has an impairment; or
      2. Has a family member under the age of 18 who has an impairment; or
      3. Is an organisation that is governed by a majority of people with disabilities, and whose purpose aligns with the Assembly.
   2. **Associate membership:** An associate member is any individual, family or organisation that:
      1. Has an interest in the Assembly’s work; or
      2. Is an organisation that provides services specific to people with disabilities, or
      3. provides services to the general population including people with disabilities

Associate members do not have any voting rights, but can participate in member events.

* 1. **Life member:** a life member is a person who is nominated by the NEC and approved by the members in recognition of their significant contribution to the Assembly.

### **Sub-types of membership**

Members can be either:

* + 1. Individual
    2. Family or
    3. Organisations
  1. **Individuals:** only represent themselves as an individual;

**Family:** represent a family or whānau group; or

**Organisations:** represent an organisation.

* 1. **Nominating a contact person:** Both organisations and families must nominate a contact person to represent the organisation or family as their member. Members can only hold one membership.
  2. **Organisational membership fee:** Organisations who are Full Members are also subject to a membership fee outlined in [part two xx: membership fees}

## Becoming a member: Consent

1. **What our Constitution says right now**

Our current constitution does not require members to consent to becoming a member.

1. **Why this is needed and our proposed approach**

Obtaining members' consent is a requirement of the Act.  When you become a member currently, consent is implied. However, consent needs to be explicit and we need to provide for it in the constitution.

1. **What the proposed Constitution will say**

**Members Consent:** a person must consent to being a member of the Assembly. Consent is given at the time of application as outlined in the constitution, or by the Assembly before a member receives a Life Membership.

## Becoming a member process

1. **What our Constitution says right now**

Rule 6.8 of the constitution outlines the procedure for becoming a member of the Assembly. The Rule states that all membership applications must be in writing in the form determined by the NEC. All Individual or Family membership applications, including standard or associate membership applications must be approved by the NEC or a Regional Executive Committee. All Organisational membership applications must be decided by the NEC.

1. **Our proposed approach**

The process for becoming a member will depend on how the membership rights are accrued. However, what will remain is that a person wishing to become a member would make an application to the Assembly through electronic means, and applications would be reviewed by the NEC on a regular basis.

1. **What the proposed Constitution will say**
   1. **Applications in writing:** Applications for membership are made to the NEC in writing or in an electronic form that the NEC will determine from time to time.
   2. **Payment of membership fees if applicable:** If there is a fee or subscription payable for membership, then the application should be accompanied with the required payment.
   3. **Periodic review of applications:** The NEC may consider membership applications on a periodic basis that the NEC determines.
   4. **The NEC will have discretion on membership:** The NEC will have discretion to:
      1. Make enquires to other members about the application or interview the applicant;
      2. accept, decline or defer and application for membership.

## Membership obligations and rights

1. **What our Constitution says right now**

The current Constitution does not clearly state in one section the rights and obligations of membership. This will introduce a new section to the constitution.

1. **Why this is important and Our proposed approach**

The rights of members are implied throughout the current constitution, including the right to vote, the right to stand for election, or the right to be appointed to the NEC. This new section will set out in one place the majority of membership rights and obligations.

One proposal suggested that members be asked to agree to the purpose and values of the Assembly. This proposal does not mean that members have to agree or endorse every decision or policy the organisation or any other member makes. It also does not mean the Assembly can exclude a member for not agreeing a decision or policy of NEC or the Assembly. This proposal is about ensuring the membership is supportive of the purpose of the Assembly to advocate for disabled persons in Aotearoa and agree to uphold the values of the Assembly.

A good place to start to understand the Assembly’s values in in the Purpose and Vision section of these guidelines, and on the DPA website here: <https://www.dpa.org.nz/about-us/about-dpa>.

1. **What the proposed Constitution will say**
   1. The rights of members are as follows:
      1. **Number of memberships:** each person, organisation, or family group can hold one membership to the Assembly.
      2. **Voting:** each member has one vote in elections and at General Meetings,
      3. **Proxy Voting:**  if the member is eligible, they may appoint any natural person as a proxy (as outlined in the proxy voting)
      4. **Elections and Appointments:** A member can stand to be elected to the NEC or be an appointed member of the NEC,
      5. **Option 1: Voting Rights of membership:** Your rights commence from the time that your membership is approved by the NEC OR
      6. **Option 2: Voting Rights of membership:** After **60** working days or 3 months,
      7. **Other rights:** Other rights may be contained in the constitution but not listed above.
      8. Member Obligations are as follows:
         1. **You will keep your contact details up to date:** every member must provide contact details, for example, this could include: home address, email, phone number.
         2. **Members will abide by the rules of the Society** including, but not limited to, a Code of Conduct.
         3. **Members agree to the purpose of the organisation**: members agree with the overall purpose and vision of the Assembly.
      9. **Organisational and Family Representation:**
         1. **Nominated person:** Organisation and Family members must nominate a person to exercise their rights as members, and that nominated person shall be the main contact person on the register of members for that Organisation or Family Member.
         2. **Eligible to be a member:** The nominated person must be eligible to be a member of the Assembly, and cannot be a person who has been removed as a member under a disputes resolution process unless reinstated by special resolution of the NEC.
         3. **Change in nominated person:** The organisation can change their nominated person in writing to the NEC.

## Proxy Voting

1. **What our Constitution says right now**

Under the current constitution, proxy voting is allowable for either a specific meeting or a specified term. Proxies must be in writing and made available to the Chairperson of the meeting before it starts.

1. **Why this is important and our proposed approach**

Proxy voting has been an important part of voting in many organisations to ensure that everyone can participate, even if they cannot attend a meeting. Through the survey feedback general support was given for proxies in controlled circumstances.

As many of our meetings are online and voting can also be conducted online, the proposal is that proxies are only available to those with an impairment that would prevent them from participating fully in a meeting by giving a voice, physical (raise of hands), or electronic vote, or speaking to an issue they are interested in. In this case, an appropriate mechanism will be in place to nominate proxies for a specific meeting or specified period of time for not more than 12 months without reaffirming the proxy.

No proxies will be accepted for simple non-attendance at a meeting. Where practicable, the member who has nominated a proxy should attend the meeting.

Family and organisational members cannot use proxy voting. Instead, family or organisational members should update their main contact person in writing to the NEC, as the main contact holds the right to vote on behalf of the family or organisation.

1. **What the proposed Constitution will include**
   1. **Availability of proxy voting:** Proxy voting will be made available to those who have an impairment that would prevent them from fully participating in a meeting of the members.
   2. **Nomination of Proxy**: A nomination for a proxy must be in writing and sent to the Chairperson of the meeting before the meeting starts.
   3. **Length of Proxy:** A proxy can be for a specific meeting or a specified time. If the proxy is for a specified period of time, it should not be for more than 12 months.  Proxies should be reaffirmed annually at the 12 month anniversary of the initial proxy given.
   4. **Member authorisation:** Where possible, the member who has nominated a proxy should, where practical, attend the meeting.
   5. **Non-attendance:** Proxy voting is not available for simple non-attendance of members at a meeting.
   6. **Other:** Any natural person may act on behalf of a member as proxy. No individual who has had their membership terminated by a Disputes resolution process or resolution of the NEC, can act as a Proxy on behalf of any member.

## Term of membership, fees and subscriptions

1. What **our Constitution says right now**

The current constitution outlines when fees should be paid, it sets out that the fee is set by the members at the Annual General Meeting.

1. **Why this is important and our proposed approach**

With a new section on how to become a member (see paragraphs 34-36) that talks about the expectation to pay a fee, this section will now only talk about the term of membership, and how to renew your membership.

The proposed approach will introduce clarity about renewing your membership and what happens if you do not renew. This process is important as the Assembly is required to maintain a register of members, and members have an obligation to keep their contact details up to date. Ensuring your contact details are current will ensure the Assembly can maintain the register and keep you informed on important news relating to your membership and the Assembly. Members should be contactable by the Assembly to maintain their membership.

1. **What the proposed Constitution will say**
   1. **Term of membership**: The term of membership runs from 1 April to 31 March each year.
   2. **Renewing your membership**: Each year, the Assembly will reconfirm all memberships. If a member does not renew their membership within a set period of time at the end of the term, then that member is no longer considered a member and the member loses their rights as a member until they apply again and are approved by the NEC.
   3. **The members rights after a membership lapses.** If the member lets their membership lapse, they may apply to be a member again as if they are a new member.

## Ceasing to be a member

1. **What our Constitution says right now**

Rule 6.9 in the current constitution deals with Termination of Membership, both through resignation and a cancellation by the NEC. The NEC can cancel a membership if the NEC believes a member has been guilty of, or party to, conduct contrary to the rules or to the objects or interests of the Assembly.

1. **Why this is important and our proposed approach**

Outlining the processes for termination or cancellation of membership is required by the Act. There are a number of ways that a person can cease to be a member, and this will be expanded to provide clarity to members and the Assembly. The process for removal of a member by the Assembly following a dispute will be is covered under the Disputes Resolution Process.

Rules around NEC decisions to remove members need to be very clear and follow a process of natural justice. However, in extreme cases (through the Disputes Resolution Process) the NEC may suspend someone until an investigation is completed and the outcome is determined and implemented.

1. **What the proposed Constitution will say**

The constitution will outline the following reasons for ceasing to be a member.

* 1. Upon resignation by a member
  2. Failing to renew a membership
  3. Their membership is terminated following a disputes resolution process under the constitution
  4. Liquidation, dissolution, or otherwise ceasing to exist for Organisational members
  5. If, in the opinion of the NEC and by special resolution of the NEC, the member’s actions are in serious conflict with the Assembly or the member has brought the Society into disrepute.

Rules around what happens when a membership has ceased are as follows:

* 1. The member will not receive a refund of any subscription fee paid for that year;
  2. Members will not continue to say they are a member of the Assembly; and
  3. Will cease to have any rights of a member.

## Becoming a member again

1. **What our Constitution says right now**

There is no rule in the current constitution about becoming a member again.

1. **Why this is important and our proposed approach**

This is a new section that will help clarify how people can become a member again after their membership has ceased. This is particularly important if a member has had their membership terminated following a disputes resolution process or vote by the NEC.

We propose to outline that any member can apply to be a member again, as per the rules around becoming a member. However, if a person has had a membership terminated following a dispute resolution process or vote by the Board, then the member may only be re-admitted as a member by a resolution of the NEC.

1. **What the proposed Constitution will say**
   1. **Becoming a member again after membership has lapsed:** any previous member can become a member again following the usual process after their membership has lapsed. If a membership has lapsed and the member proposes to join again, then the member will need to submit a new membership application and their rights will accrue as per the rules in the constitution.
   2. **Becoming a member after a Dispute:** any previous member whose membership was terminated due to the outcome of a Disputes Resolution Process or by the NEC, can apply to the NEC to become a member again. The NEC can by a vote of 75% of its members reinstate that member. If reinstated, then the rights of that member will accrue immediately following the reinstatement of their membership status.