Disabled Persons Assembly NZ  
**Draft Constitution: Summary of changes**

These notes outline some of the key updates to DPA’s Draft Constitution based on feedback on the Options paper.

We look at the main areas of focus that we wanted members to consider, and then present the other feedback that informed what should go into the constitution.

# Contents

[Governance and leadership options 2](#_Toc205999453)

[Governance term 2](#_Toc205999456)

[Community and Interest Groups 2](#_Toc205999459)

[Membership rights: voting and eligibility for NEC 4](#_Toc205999462)

[Disputes Resolution Process 4](#_Toc205999465)

[Other changes 5](#_Toc205999468)

[Preface 5](#_Toc205999469)

[Objects 5](#_Toc205999470)

[Renewing memberships 5](#_Toc205999471)

[Proxy voting 5](#_Toc205999472)

# Governance and leadership options

## Summary

The draft constitution keeps the current structure with clear position descriptions for the roles on NEC.

## Feedback

There was varied support for looking at different structures. Many members considered some of the benefits and aspirations represented in the other models. Overall, there was still a strong sense of support for the current structure. Members particularly valued the importance of the Immediate Past President role.

# Governance term

## Summary

The draft constitution retains the current term of 2 years for all NEC members.

## Feedback

As the structure of the NEC is unchanged, it would be too complex to implement a   
3-year term.

# Community and Interest Groups

## Summary

As was proposed in the Options Paper, Regional Executive Committees (RECs) are no longer included in the draft constitution.

There was strong support for the constitution to include Community and Interest Groups as an informal structure instead of RECs, so these have been included with the addition of rules.

See rule 20 of the draft constitution.

## Feedback

Community and Interest Groups gained a lot of support, with more than 70% of those who engaged in the constitution review programme supporting a less formal approach.

There were some members who had some concerns around Community and Interest Groups replacing the RECs in the constitution. They mentioned that

* there needs to be clear pathways for participation and for members’ voices to be heard, DPA needs to do what it can to ensure members can participate
* RECs have previously been a key pathway into NEC, giving local members a training ground for governance
* under a more informal arrangement members could have the potential to misrepresent DPA’s policy positions.

In response to these concerns, we undertook the following:

1. We sought advice from Kahui Legal about the status of RECs and how they would be considered under the law, for example, whether they would be considered Officers of the Society or something else.

The legal advice we received was that RECs not be included in the constitution for DPA.

If they are retained in the constitution, then the constitution will have to ensure that:

(a) RECs are a sub-committee of NEC;

(b) NEC provide terms of reference for RECs;

(c) NEC oversee funds and expenditure of RECs.

It was clear from the legal advice that the changes needed to retain the RECs would go against the less formal direction that members want to go in.

1. We also developed a draft operational model for the Community and Interest Groups to show how they might work and in particular how they would provide leadership opportunities for members.

# Membership rights: voting and eligibility for NEC

## Summary

In the draft constitution, rule 15.1(d) states that a person should be a member of DPA for 6 months before being eligible to be elected to the NEC.

## Feedback

The majority of those who answered the survey supported a minimum period of membership before being able to be elected to the NEC. There was also some support for a minimum membership period before being able to vote on items.

NEC have decided not to proceed with bringing in a minimum period for new members to have the right to vote, but that there be a minimum period of 6 months before members are able to stand for election to NEC.

There are two things to note here:

1. Any member can still be appointed to the NEC without this rule applying. This is important, because if you have a particular skill set you want to bring in, but the member is new, or the person you want to appoint intends to become a member then you don’t want this to restrict you getting the skills you need on the NEC as soon as practicable.
2. The NEC retains the rights to approve memberships; this creates a natural minimum period based on the schedule of the NEC. The frequency the NEC reviews memberships will be at regular intervals that does not advantage any person.

# Disputes Resolution Process

## Summary

The disputes resolution is outlined in Part Six of the draft constitution and takes the approach as outlined in the Options Paper.

## Feedback

There was no significant feedback on this, but members were generally supportive of a values-led approach.

# Other changes

## Preface

The introduction clauses have been expanded slightly to correct some statements about DPAs beginnings.

The statements referring to lived experiences of disabled people and Te Tiriti o Waitangi have been separated out from the statements about the frameworks we are acknowledging.

## Objects

These have been updated to include the use of tāngata whaikaha Māori.

## Renewing memberships

This has been updated to exempt Life Members from renewing their membership.

Additionally, a grace period for renewal of 3 months has been added to encourage members to renew so there is no ambiguity around if they are a member or not.

Having a grace period also gives DPA time to continue contacting lapsed members.

## Proxy voting

Proxy Voting garnered a lot of interest. While many agreed that proxy voting should only be used in limited circumstances, there was strong sentiment that it is a key function for participation and accessibility and so should still be available for non-attendance, not just due to impairment.

So, proxy voting remains in the draft constitution, but with clearer guidelines as outlined in rule 16 of the draft constitution.

Bylaws will be developed to inform how Proxies are administered. For example noting when a Proxy nomination should be received by.