

## DRAFT CONSTITUTION SUMMARY OF FEEDBACK

Note: Where spelling and/or grammar errors were identified, fixes have been applied to the draft constitution.

CLUB/DELEGATE	FEEDBACK RECEIVED	COMMENTS
Club Feedback	I have spoken with the president, and he has had a meeting with the Vice President and discussed the proposed changes. They had no problem with the changes to Life Membership and other changes being proposed.	
Individual	<p>Grammatical and spelling errors have been fixed in the draft as required.</p> <ul style="list-style-type: none"> <li>• 2 Definitions <ul style="list-style-type: none"> <li>○ Board members – are they not <b>of</b> an area rather than in an area?</li> <li>○ Financial statement – do they need to do a <i>statement of service performance</i> as clubs have to now.</li> <li>○ Notice of Motion – advised prior as per rule – is mentioned, but remits is the heading #28 – regularise.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The definition reads “<b>Board Member</b>” means an Officer elected by Financial Members in an Area pursuant to Rule 15</li> <li>• The definition reads “<b>Financial Statements</b>” include the Association’s balance sheet and statement of accounts. Draft has been amended to read “Financial Statements” means the financial statements of the Association prepared in accordance with generally accepted accounting practice.</li> <li>• Notice of Motion is mentioned under rules 16.11 removal of</li> </ul>

	<ul style="list-style-type: none"> <li>○ Remits – are these not notices of motion these days? Days gone by, remits could be taken off the floor, notice of motion advised prior. When does a remit come into force? Notice of motion in definitions but not remit. Needs tidying up.</li> <li>• 10.1 why should the subscription not be sufficient if budgets are kept to and other instruments are in place – surely mismanagement?</li> <li>• No definition of levy under section 2 definitions</li> <li>• 12 Hearings – no mention of conflicts of interest, bias or natural justice.</li> </ul>	<p>officers, 21 Annual General Meeting, 30 Dissolution. There is a distinction between a notice of motion and remit and therefore it is appropriate to maintain both definitions.</p> <ul style="list-style-type: none"> <li>• Based on the constitution a Remit can be submitted on any matter but does not require a seconder until moved on behalf of the submitter. A notice of motion on the other hand requires a seconder, potentially the definition of motion needs to be broadened to include motions of no confidence and motions to dissolve the Association rather than just change of rules.</li> <li>• This is not a new rule, and it is understood that it is there to protect the association in the event of unforeseen circumstances.</li> <li>• Have added a definition “<b>Levy</b>” is an amount payable by members in accordance with Rule 10.1</li> <li>• The proposed rule 12 is taken from schedule 2 of the Incorporated Societies Act.</li> </ul>
--	---	---

	<ul style="list-style-type: none"> <li>• 15. Officers <ul style="list-style-type: none"> <li>○ 15.1(c) elsewhere defined by bylaw, not constitution</li> <li>○ 15.1(c) delete...in each of the 9 areas to read...member clubs as defined by the Board in the Association's By-laws</li> <li>○ 15.2(d) reword – Is it currently – or previously?</li> </ul> </li> <li>• 16 Election of Officers? <ul style="list-style-type: none"> <li>○ 16.1 – is there not an approved application form? Nominations signed by two (2) applicable clubs/members as in By-Law...</li> <li>○ 16.11(a) clubs to put a Board member out – seems too small</li> </ul> </li> </ul>	<p>Schedule 2 of the act provides that the procedures in a society's constitution must be treated as being consistent with the rules of natural justice if those procedures consist of—</p> <ul style="list-style-type: none"> <li>○ (a) all of the procedures in this schedule; and</li> <li>○ (b) any additional procedures that are consistent with those procedures.</li> </ul> <ul style="list-style-type: none"> <li>• Definition has been updated to correctly point to rule 15.1 for area definitions.</li> <li>• Not required re above change.</li> <li>• ?</li> <li>• The applicable nomination form is approved by the Board ahead of each election, unsure what By-Laws are being referenced?</li> <li>• This rule has not been changed, two member clubs may bring a notice of motion, but it would still</li> </ul>
--	--	---

	<ul style="list-style-type: none"> <li>○ 16.11(b) no 16.12a Is this saying that they can only be removed because of Rule 16.12? renumber?</li> <li>• 17 Board: Duties and Powers <ul style="list-style-type: none"> <li>○ 17.1 Conduct and manage...manage is that the CE's job?? Reword if required</li> <li>○ 17.2(j) Treasurer?</li> <li>○ Would not lobbying etc on behalf of member clubs be a power of the board or is it the CE's job.</li> </ul> </li> <li>• 18.3 – include a second contact person as President not always available as a contact person.</li> <li>• 21. No mention of remits</li> </ul>	<p>need to be voted on by all present at a general meeting.</p> <ul style="list-style-type: none"> <li>• It should read 16.11(a) fixed</li> <li>• As per the Incorporated Societies Act, the operation and affairs of a society must be managed by, or under the direction or supervision of, its committee. In the case of ClubsNZ the committee/board delegate the management to the CE.</li> <li>• Removed as not required.</li> <li>• Rule 17.1. effectively gives the board the overarching power to exercise the powers and authorities of the Association as set out in rule 5 Purposes.</li> <li>• Could consider adding CEO as secondary contact person if the Board believe this is appropriate.</li> <li>• Have amended 21.1(d) to say "Considering, and if necessary, taking action on, any remit or motion of which due notice has been given,"</li> </ul>
--	---	---

	<ul style="list-style-type: none"> <li>• 29 Reciprocity – do we not have it with Australia – is there not an association with Clubs Australia and Clubs NSW?</li> </ul>	<ul style="list-style-type: none"> <li>• Have amended 29.1. to include ...and members of Clubs Australia state associations.</li> </ul>
<b>Individual</b>	<ul style="list-style-type: none"> <li>• Point 2 page 3 “Financial Member” a club paying in instalments would technically not be fully financial</li> <li>• Point 4, page 5 “Mission Statement” following the discussion at the managers meeting and after hearing from the CMA guys . Your statements around ClubsNZ doing more for representing Managers cannot happen under this wording for the Mission Statement.</li> <li>• Point 4 bullet point V , mentions staff but Managers are officers of the club so may need to be inserted here</li> <li>• Point 6 page 6 “Personal Benefit , Board could not receive honorariums , officers (CEO) could not receive salary , the CEO is referred to as “salaried officer” . See 15.6 page 13see also 17.2 i) page 16</li> <li>• Point 27 page 22 , 27.1 and 27.2 refers to General Meeting which means an AGM or SGM , therefore under point 27.2 a) if there was to be a SGM in say September the notices for this would need to be submitted no later than 4pm 20 January each year – needs re wording</li> <li>• Standing Orders page 26 point 6c0 and point 7 e)needs to clarify that the Chair’s casting vote is for the status quo</li> </ul>	<ul style="list-style-type: none"> <li>• Rule 9 mentioned in the definition includes the provision for payment by instalments.</li> <li>• This is more of a point for discussion, keeping in mind that Managers Group mission is not Clubs New Zealand’s mission.</li> <li>• Have added “management”</li> <li>• Rule 6 is the required wording provided by IRD. Paying salaries and wages is an expense of trade, not a distribution of profit or income.</li> <li>• I have amended 27.1. to read  <i>This Constitution may be revised or amended by a remit passed by a simple majority of the Financial Members present at an Annual General Meeting or at a Special General Meeting called in accordance with Rule 22.</i></li> <li>• ?</li> </ul>

<b>Area Meeting</b>	Clubs NZ Draft Constitution – excellent feedback from the floor – Robust and the links work well. Grateful for the guidance and thanks to the design team.	
<b>Area Meeting</b>	<ul style="list-style-type: none"> <li>• board reduction to 2 South Island ,3 North Island and a president to take effect after the current term concludes 2026/7</li> <li>• review of sport handbook</li> <li>• Questioned role of board member and what it entails, is it necessary to attend all sports meetings for 5 minutes when local president could do.</li> <li>• Request Board to look at proportional voting 1 vote per 1000 member , max 5 votes but also 2/3 of clubs present at meeting vote in favour as opposed to simple majority</li> </ul>	