

Note re new constitution

As a final step I ran through the new and current constitutions comparing the various sections. Personally it is far too complex for my mind but that is the reality of this modern rules based world. However I noted the following which I feel is very important for the functionality of our association.

The current constitution contains:

g. The publication Members 'Meetings by Mark von Dadelszen shall be adopted as the definitive authority for meetings and meeting procedure for guidance where problems arise. A copy of Member's Meetings will be kept by the Executive at the Moutere Hills Memorial Library for the benefit of all members of the Association and interested public

This is no longer in the proposed new constitution, having been removed to the proposed Operations Guide. This then makes this procedural guidance, which is based on extensive legal understanding and experience of meeting procedure (Westminster Parliamentary Process) , subjugate to the new procedures section added to our Association's purpose.

This new procedures section is not as explicit as Members Meetings as to procedures to be followed and poses some problems such as

"ensuring members have all available information and seek clarification as needed from all relevant stakeholders"

While this is very appealing to me personally, this means that *"All available information"* must be provided at a meeting, something that is clearly impossible. Consider the sheer bulk of information that was presented to the Liquor Advisory Committee, which was not "all" of the available information. Members Meetings by contrast, defines the process to be followed and does not fall into the trap of attempting to define the breath and scope of the content in such an absolute manner.

Similarly

"carefully consider its position with respect to significant social and/or commercial matters impacting our Community"

opens the Association to challenge because of the descriptor of process *"carefully consider"* is very subjective. Members Meetings by contrast, in being explicit on a process to be followed, namely the "Westminster" parliamentary process, has the significant backing of law and the experience of half a century of application of that law to Incorporated Societies. It is tried and tested.

It would be a lot simpler to remove this section and reinstate Members Meetings as per our current constitution.

Further on the proposed procedural section:

Given that the purpose of this constitutional review was to incorporate the new mandatory sections alongside the current constitution and to try and limit the complexity of our new constitution, then we need to closely consider new non mandatory additions

Re the proposed procedural additions under purpose

In undertaking these ~~purposes/objectives~~ actions the society will:

- ~~at all times remain neutral~~ carefully consider its position with respect to significant social and/or commercial matters impacting our Community
 - the prime purpose covers social, economic, environmental and cultural life. This procedural addition only covers social and introduces commercial. Thus by implication this procedure does not cover economic, environmental and cultural realms. and thus should be removed
- focus on ensuring members have all available information and seek clarification as needed from all relevant stakeholders. (see above and thus can be removed)
- represent its membership on ~~agreed positions~~ motions passed at general meetings (“agreed positions” is too vague and not covered by parliamentary procedures)
- provide a forum within which our members and the community in general can listen to proposals and our residents’ different perspectives.
 - This is already covered in purpose and members meetings and thus can be removed
- not claim to speak on behalf of the wider Community
 - Has the MDCA ever claimed this? I can find no record of this
-

It would be a lot simpler to remove this section and stick with Members Meetings.

On section 8 e

Small change in brown

- a) A **Member** is entitled to exercise one vote on any motion at a **General Meeting** in person or by proxy, and voting at a **General Meeting** shall be by voices or by show of hands or, on demand of the chairperson or of 2 or more **Members** present, by secret ballot. Secret ballots shall be administered and counted by two scrutineers appointed by the meeting independent attendees (councillors, non-members), conducted via paper slips and voting box, and sorted/counted in front of the member meeting.

Jim Vause

22-06-24