

MDCA new constitution

In terms of priority, there are three parts to our new constitution, rated in terms of priority for action:

1. Compulsory sections. Our current constitution does not cover many of these realms such as dispute resolution, complaints etc. Any modification to what was in the Incorporated Societies Constitution Builder needs to be logically justified.
2. Sections from our current constitution for incorporation with or without modification.
3. Additions that are new and not in our current constitution.

Firstly: Mandatory

General Meetings section 8 b

The rights of non-members at general meetings:

On the Societies Constitution Builder, 8 b proposes

Only financial Members may attend, speak and vote at General Meetings—

Note the use of AND not or. These logic operators can be applied as follows

- A non member could attend and speak but not vote.
- A non member could attend, vote but not speak.
- A non member could speak and vote but not attend. Interesting.

For clarity, to our Constitution groups proposal “second a motion,” should be added thus:

*Only financial Members may **propose or second a motion** and/or vote at General Meetings—*

Secondly: Current Constitution

Code of Conduct

Current: *All Executive, Sub-committee, and general members shall conduct all MDCA business in a respectful manner*

Proposed: *All Committee and Sub-committee members shall conduct Society (MDCA) business in a professional manner.*

There is a wide variance in ethics and codes of conduct across the professions which leads to a significant variance in “professional manner” across professions. We need to be more specific. Our current term “Respectful” implies “deference” which involves submission, a behaviour that can inhibit discussion. A better phrase would be “act in a civil manner”.

Public comment

Current: *When a Society representative is speaking or sharing publicly on behalf of MDCA , they must do so in keeping with the approved/agreed MDCA agenda and/or position, communicate in a respectful and collaborative manner and strive for solution-based outcomes Any personal view shared in the moment must be declared as such and at formal stakeholder meetings it may not be appropriate for individual Committee Members to share their personal viewpoint without prior consultation with the Committee.*

Suggested changes:

*When a Society Officer is speaking, **writing or presenting** ~~operating in public as speaking or sharing publically~~ on behalf of MDCA , they must do so in keeping with the approved/agreed MDCA agenda and/or position **and**, communicate in a respectful and collaborative manner. ~~and strive for solution-based outcomes~~ Any personal views shared ~~in the moment~~ must be declared. ~~as such and~~ At formal ~~stakeholder~~ meetings **Society Officers must not** ~~to~~ share their personal viewpoint without prior consultation with the Committee.*

Thirdly: New additions

Purpose

Under the Constitution Builder, this section is clarified as

Why your society exists – (what its purpose is)

Our current constitution has objectives. These are different from purpose, albeit subtly, and the law requires the MDCA to have purposes.

Currently we have

Objectives

To initiate and organise actions that contribute towards making our Community a better place for both current and future generations:

a) Promote and foster interest in the social, economic, environmental and cultural life of Māpua and surrounding districts

b) Encourage public discussion on the socially, economically and environmentally sustainable development of Māpua and districts, commensurate with the preservation of its unique qualities and desired lifestyle of residents

c) Serve as a channel of communication with local, regional and National Government, including the Tasman District Council (TDC) and any other statutory or interested organisations, in as much as they may affect those who live in the district

d) Collect and disseminate information on matters pertaining to these objectives and any other matters of interest or concern to the community.

These are arranged in a hierarchy with a prime objective:

To initiate and organise actions that contribute towards making our Community a better place for both current and future generations

And four subordinate objectives a,b,c and d

The Committee group has proposed two new sections under Purpose

Proposed: Neutrality

In undertaking these objectives the Society will at all times remain neutral with respect to significant social and/or commercial matters impacting our Community, with the focus being on ensuring members have all available information and seeking clarification as needed from all relevant stakeholders. The Society represents its membership on agreed positions but cannot speak on behalf of the wider Community, but does provide a forum within which our members and the community in general can listen to our residents' different perspectives.

This is not a purpose but rather describes a process, one that, if enacted would counter our overall prime purpose, namely to

To initiate and organise actions that contribute towards making our Community a better place for both current and future generations:

From Oxford Dictionary of languages

1. To be neutral is not supporting or helping either side in a conflict/[disagreement](#),

If “neutrality” was applied, the very step of initiating or organising action would NOT be neutral. On any issue or matter that might make Mapua a better place or alternatively might make it worse, there will always be two sides. To be neutral would mean that the MDCA could not take any action.

The proposal also restricts such neutrality to social and commercial issues. Other issues such as environment or health would be exempt from this neutrality requirement however, environment and health issues will all have social and possibly some

commercial aspects. The end result will be incredibly difficult to judge and is likely to be misinterpreted as saying the MDCA must be neutral on all issues.

Consider the example, of the Liquorland and Super Liquor bottle store application. Were this neutrality applied, the MDCA could not have opposed these.

The problem of misinterpretation is also highlighted by the argument used at the MDCA may General Meeting to oppose the MDCA promoting and fostering community engagement in planning. This action is entirely consistent with the MDCA's existing objective b. as above and this neutrality concept is not in our current constitution.

Thus it is important to make sure our new constitution is either without internal conflict or has a clear hierarchy AND that our members clearly understand the constitution.

The question is what is the reasoning for this neutrality proposal. That needs explanation and then discussion.

Proposed: Submissions to TDC

e) Assist membership to better understand the process/timelines for preparing public submissions related to TDC Policy matters (such as Residential and Commercial Plan/Zoning changes, Parks & Reserves management, Roading and Pathways, and Public Transport and Liquor Licencing).

This focuses purely on submissions to the TDC. It excludes submissions to other statutory bodies, Tribunals and Courts that the MDCA might want to help people make application to, , such as the Liquor licensing authority, the Environment court, Disputes tribunal, Land and Title, Waitangi Tribunal.

Current objective c already covers this, as channels of communication are two way. Thus, as an addition it serves no purpose and is more of a process rather than a purpose

Summary

1. The compulsory changes need to be accepted, with modifications such as to the rights of non- members at General Meetings.
2. The proposed Code of Conduct changes need to be considered and in my view accepted.
3. The proposed “neutrality” statement needs to be discarded as it conflicts with the basic reason for the Associations existence.
4. The proposed extra purpose needs to be discarded as it is superfluous.

Jim Vause

Chairperson, MDCA 20-05-24