

29 August 2021

Subject: Coastguard New Zealand AGM 2021: Proposed Constitutional Changes

References:

1. CNZ Constitution (Approved 7 March 2020)

1. Introduction

Following sixteen months use of the constitution approved at the CNZ Special General Meeting on 7 March 2021, three improvements to the constitution are proposed. These changes have been approved by the CNZ Board following review by Coastguard New Zealand's legal partner Simpson Grierson.

2. Proposed changes

The CNZ Constitution was carefully re-written as part of Project Horizon; modernised to capture current best practice while retaining processes recognised as central to the manner in which a federated organisation such as Coastguard New Zealand wishes to operate.

With experience of the Constitution, three changes are proposed as summarised at Appendix A. The proposed changes are designed to enable better use to be made of all talent at the CNZ Board, to provide the Board with greater choice in the management of complaints and to improve the management and accuracy of investigations and complaints.

3. Consultation process

Delegates (units) are requested to review the proposed changes. Feedback is welcomed to CEO@Coastguard.nz Any feedback received by 17 September and subsequently approved by the CNZ Board will be incorporated into a final draft ahead of the AGM. Subject to approval at the AGM, the changes will be incorporated into an updated version of the constitution.



Callum Gillespie
CEO
Coastguard New Zealand Inc.

Appendix A: Summary of Proposed Changes

Table 1: Proposed changes to the Coastguard New Zealand Constitution Oct 21

Part	Proposed Change	Current wording	Proposed wording
15.3.8(b)	<p>Board Appointments Panel (BAP) nominations.</p> <p>The current constitution restricts participation in the Board Appointments Panel to elected members of the CNZ Board only. This prevents the use of appropriately skilled Appointed Members from adding their value to the BAP.</p> <p>This change enables any CNZ Board Member to be appointed to the Board Appointments Panel</p>	<p>‘an <i>Elected</i> Board Member appointed by the Board; and’</p>	<p>‘a Board Member appointed by the Board; and’</p>
21.6	<p>Investigations of Complaints</p> <p>The current constitution requires that one or more Board Members must be involved in the investigation of any complaint brought to the Board.</p> <p>This change provides the Board with greater choice to address a complaint and removes the requirement for Board Members to be directly involved in the investigation of every complaint. The findings of all investigations are brought to the Board for final consideration and this remains unaltered.</p>	<p>‘The Board may conduct an investigation of a complaint itself or may appoint a sub-committee to investigate and report. Any such sub-committee will consist of at least one Board Member and may also comprise any other individuals that the Board considers appropriate.’</p>	<p>‘The Board may conduct an investigation of a complaint itself, may appoint a sub-committee of the Board to investigate and report <i>the findings to the Board or may instruct the Chief Executive Officer to conduct an investigation using appropriately skilled and independent persons and report the findings to the Board.</i> Any <i>Board sub-committee</i> will consist of at least one Board Member and may also comprise any other individuals that the Board considers appropriate.’</p>
23.1	<p>Appeals</p> <p>The current constitution has no time limit when an appeal may be introduced following a judgement by a unit. This results in possible appeals ‘hanging over’ a unit indefinitely. It is also recognised that with the passage of</p>	<p>‘Any party dissatisfied with a decision of a Unit on a complaint pursuant to that Unit’s Unit Rules may appeal to the Board and the Board or a sub-committee will re-hear the matter.’</p>	<p>‘Any party dissatisfied with a decision of a Unit on a complaint pursuant to that Unit’s Unit Rules may appeal to the Board <i>within 60 calendar days from the date of the decision by a Unit and the Board may in its sole discretion decide that the Board or a sub-committee will re-hear the matter. A party may apply for the extension of</i></p>

Appendix A: Summary of Proposed Changes

	<p>time the accuracy of recollection of events relating to an appeal is reduced.</p> <p>This change introduces a time limit on an appeal to ensure that an appeal process is brought to a timely and accurate conclusion.</p>		<p>a period before or after the period expires, and such application may be considered by the Board, in its sole discretion. Any party dissatisfied with the decision of the Board or sub-committee pursuant to Rule 21 or Rule 22 may appeal to the Judiciary Committee.</p>
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