

2023 Rules Change

Frequently Asked Questions



What is a Member?

Child Cancer Foundation is an incorporated society with a membership base that includes families of children with cancer, health professionals and people who support our cause.

Being a member gives people a voice as part of our incorporated society, where they can vote on proposed outcomes at the Foundation's Annual General Meeting.

You may or may not be aware that families who had a child diagnosed with cancer were historically encouraged to sign up as members. Some health professionals working closely with Child Cancer Foundation are registered as members too.

Now, people need to apply to become a member through [this form on our website](#). Applications are ratified by the Board at each quarterly meeting.

What is an Incorporated Society?

Historically, an incorporated society is a group of 15 people who can join to register themselves under the Incorporated Societies Act 1908.

Once an incorporated society is registered, it is designated as a distinct legal entity that can protect its members from debts and contractual obligations. However, members of an incorporated society do not have any financial interest in the assets owned by the incorporated society.

As an incorporated society, Child Cancer Foundation is obliged to comply with the standards set in the Incorporated Societies Act. The Foundation is a charity registered in New Zealand.

What is the Incorporated Societies Act 2022?

The new Incorporated Societies Act 2022, alongside the new Incorporated Societies Regulations 2023, came into force on 5 October 2023. This significantly changes the way incorporated societies are regulated in New Zealand.

The new Act replaces the Incorporated Societies Act 1908 (1908 Act), modernising its legal, governance and enforcement settings.

The new Act allows for registrations from 5 October 2023. Until a society is reregistered, it continues to operate under the 1908 legislation.

What are the Rules?

The Rules of Child Cancer Foundation are the governing documents required to establish an organisation under the Incorporated Societies Act 1908 and the Charities Act 2005.

The Rules outline the organisation's purpose and hold details about how we are structured, what powers the organisation has and how we go about doing what we do. It is considered our foundation governance document, and it gives us legal standing in New Zealand.

Under the new Incorporated Societies Act 2022, the 'Rules' will be referred to as the 'Constitution'.

Why are we changing the Rules/Constitution?

To uphold our status as an incorporated society, Child Cancer Foundation needs to reregister under the new Incorporated Societies Act 2022. This requires us to update our Rules/Constitution to ensure we are compliant with legislative changes under the new Act.

Some other proposed changes are about improving our governance practices. The Board is always looking for ways that we can improve as an organisation, so we have taken this opportunity to make other improvements and updates.

These changes will ensure our Rules/Constitution better reflects how the Foundation works towards achieving our purpose and remains compliant with the Incorporated Societies Act 2022.

What is changing with the new Act?

There are several key changes to legislation under the new Incorporated Societies Act 2022 that need to be reflected in our Rules/Constitution.

This includes but is not limited to:

- The minimum number of Members changes from 15 to 10.
- Must have a governing body (committee).
- Officers are defined as all committee members (Board members), as well as the CEO and finance manager, and their duties are defined.
- Must have at least one contact person for the Society.
- AGM must be held within 6 months of the end of the financial year.
- Financial statements must be filed within 6 months of the end of the financial year.
- Must have documented procedures in place for managing internal disputes.
- Criminal offences are itemized.

To see a full list of these changes, please refer to the [Incorporated Societies Register website](#).

The formal language of the Rules/Constitution were converted to plain language. Plain language avoids verbose, convoluted language or jargon and seeks to get the message across in an easily understandable way. In practice, this means:

- Short single-issue sentences,
- Reduce the use of double negatives, and,
- Remove verbiage and formality.

What is changing with the new Act? Cont.

Improvements to the flexibility of the Rules/Constitution. The Rules should contain a solid base and foundation for the organisation without unnecessarily constraining the Board.

This resulted in a number of topics/sections being removed from the current Rules as they did not meet the level of formality required to be in the Rules. These topics/sections will be moved to the Governance Policy Manual or another policy document as a more appropriate location.

The sections that are being moved to a new location include:

Current Rules section	Topic	Proposed new location
Section 4.2.b.	Principle: Child bests interests can be met if family not separated by the treatment	Family Support Policy
Section 10.3.d-e.	Register of Interested Persons	Governance Policy Manual
Section 16	Connect Groups	Governance Policy Manual
Section 18	Committee	Governance Policy Manual
Section 19	Resolutions in writing	Governance Policy Manual
Section 20	Staff	Governance Policy Manual
Section 21	Press Statements	Governance Policy Manual
Section 11.2.a-c.	Existing committees	Governance Policy Manual
Personal Development Grants	PDG - Significance and history	Governance Policy Manual

To ensure that the organisation's Rules reflect the organisation's ongoing cultural competency journey, select bi-lingual terms are now incorporated into the document.

Bi-lingual terms in the Society's Constitution, By-Laws and other documents is permitted under s.126 of the Act.

The current version of the Rules often re-state intentions in multiple places. These issues have been identified, streamlined and simplified in this review.

In response to the new Act, the Rules/Constitution will require new sections to be added. They are:

- Internal Dispute Resolution process
- Access to Information requests

So there are proposed Rule changes - what happens next?

The proposed Rule changes will be sent out to all Members in October. This enables Members to form a view about whether they would like to support those amendments.

At Child Cancer Foundation's 2023 Annual General Meeting, Members will be given the opportunity to vote for or against changing the rules.

When is the Annual General Meeting (AGM)?

The Annual General Meeting will be held on Saturday 18 November 2023. The meeting is scheduled to start at 2pm. Members will receive an invitation and more information prior to the AGM. It will be held at RCP (Level 2/25 Hargreaves Street, Freemans Bay, Auckland 1011) and online.

Who can attend and vote at an Annual General Meeting?

Any Member of Child Cancer Foundation is welcome to attend and vote at the AGM.

Where can I get more information on what is proposed?

Members will receive a copy of the proposed new Rule/Constitution on 20 October, prior to the 2023 AGM.

You are welcome to provide feedback prior to the AGM to Child Cancer Foundation Chief Executive, Monica Briggs, at: mbriggs@childcancer.org.nz.