

## **Appendix One: Alterations and Amendments to SANITI Constitution**

### **Second General Meeting – Tuesday 21 October 2025**

#### **SANITI Constitution**

#### **3 Purpose**

Which reads:

MISSION AND OBJECTS

Now to read:

PURPOSE

Reason for change:

To update wording based on feedback from the Association lawyer

#### **3.1**

Which reads:

SANITI's primary object and mission is to provide support, advocacy, employment services, events, representation, support and other services to all students at the Nelson- Marlborough Institute of Technology/Te Pūkenga.

Now to read:

SANITI's primary purpose is to provide support, advocacy, employment services, events, representation, support and other services to all students at the Nelson- Marlborough Institute of Technology/Te Pūkenga.

Reason for change:

To update wording based on feedback from the Association lawyer

#### **5.4 Consent and Membership Register**

Which reads:

N/A

Now to read:

- (a) No person is a member of the Association unless they have provided written or electronic consent to become a member.
- (b) The Association must keep an up-to-date register of members containing each member's full name, last known contact details, and any other information required by the Act.
- (c) A member may at any time give written notice of resignation to the Association and will be removed from the register as soon as practicable.
- (d) The Contact Person must ensure the register is available for inspection by members in accordance with the Act.

Reason for change:

To keep in line with the new Act

#### **6.4**

Which reads:

Such alteration, rescission or amendment shall take effect once it is registered with the Registrar of Incorporated Societies.

Now to read:

Such alteration, rescission or amendment shall take effect once it is registered under the Act with the Registrar of Incorporated Societies.

Reason for change:

Referenced the Act

### **10.13 Officers of the Association**

Which reads:

N/A

Now to read:

- (a) The Officers are all members of the Executive Committee and any person who occupies a position allowing them to exercise significant influence over the management or administration of the Association (including the President and General Manager).
- (b) Every Officer must:
  - act in good faith and in the best interests of the Association,
  - exercise the care and diligence that a reasonable person would in the same circumstances,
  - ensure that the Association complies with the Act and this Constitution, and
  - Disclose any material personal interest in matters being considered by the Executive, and the disclosure must be recorded in the interests register. A conflicted Officer must not vote or take part in any decision on that matter
- (c) A person is disqualified from being an Officer if they are disqualified under section 47 of the Incorporated Societies Act 2022 or section 16 of the Charities Act 2005.
- (d) The Association must notify the Registrar of any change in its Officers as required by the Act.

Reason for change:

To keep in line with the new Act

### **10.14**

Which reads:

N/A

Now to read:

- (a) The Executive will appoint at least one Contact Person who is at least 18 years old and ordinarily resident in New Zealand.
- (b) The Contact Person will:
  - be the person whom the Registrar can contact when needed,
  - maintain the register of members,
  - maintain a register of interests for Officers, and
  - carry out any other duties required by the Act.
- (c) Any vacancy in the role must be filled within 20 working days and notified to the Registrar in accordance with the Act.

Reason for change:

To keep in line with the new Act

### **10.15 Standing bodies**

Which reads:

N/A

Now to read:

The Executive must ensure that the following special committees are in place:

- (a) the Advisory Board

Reason for change:

Add reference to the Advisory Board

### **10.16 Role of the Advisory Board**

Which reads:

N/A

Now to read:

The role of the Advisory Board is to advise the Executive on all SANITI activities. The Executive must take into account the advice and recommendations of the Advisory Board but is not bound by it.

Reason for change:

Add role of the Advisory Board

## 12.2

### Which reads:

(a) The agenda items of the Annual General Meeting shall be in order: Welcome, Present, Apologies, The Minutes of the Previous AGM, Matters Arising, The Audited Accounts, The President's Report, Appointment of an Auditor, the election of the incoming Executive Committee and the general business. The audited accounts are to include a balance sheet and statement of income and expenditure for the preceding year and are to be audited by a qualified auditor who is a member of the New Zealand Institute of Chartered Accountants.

### Now to read:

(a) The agenda items of the Annual General Meeting shall be in order: Welcome, Present, Apologies, The Minutes of the Previous AGM, Matters Arising, The Audited Accounts, The President's Report, Appointment of an Auditor, disclosure of interests, the election of the incoming Executive Committee and the general business. The audited accounts are to include a balance sheet and statement of income and expenditure for the preceding year and are to be audited by a qualified auditor who is a member of the New Zealand Institute of Chartered Accountants.

### Reason for change:

Added 'disclosure of interests' to stay in line with the new Act

## 12.4

### Which reads:

Public notice of the AGM, its venue and agenda shall be made 21 days prior to the meeting date electronically and on all notice boards on campus and in the local paper.

### Now to read:

Public notice of the AGM, its venue and agenda and motions shall be made 21 days prior to the meeting date electronically and on all notice boards on campus and in the local paper.

### Reason for change:

Added 'and motions' to stay in line with the new Act

## 12.6

### Which reads:

N/A

### Now to read:

Resolutions in Lieu of a General Meeting: written resolutions may not be passed in lieu of a General Meeting.

### Reason for change:

To keep in line with the new Act

## 16.1

### Which reads:

All information should be available to financial members of SANITI unless legal or financial reasons prohibit this course of action. The following information should be freely available to financial members for perusal;

### Now to read:

All information should be available to financial members of SANITI in accordance with the Act unless legal or financial reasons prohibit this course of action. The following information should be freely available to financial members for perusal;

### Reason for change:

Added 'in accordance with the Act' to reference the new Act

## **17.4 Complaints and Dispute Resolution**

### Which reads:

N/A

### Now to read:

- (a) Any dispute between members, Officers or the Association that is not resolved informally will be dealt with under this clause.
- (b) A written complaint may be lodged with the President or Contact Person.
- (c) The Executive must first attempt to resolve the matter by discussion or mediation.
- (d) If not resolved, the dispute may be referred to an independent mediator or arbitrator appointed by agreement or, failing agreement, by the President of the New Zealand Law Society.
- (e) The decision of the arbitrator (or a resolution reached in mediation) is final and binding on all members and Officers of the Association.

### Reason for change:

To keep in line with the new Act

## **24.1**

### Which reads:

If a decision is made to wind up or dissolve SANITI and any property remains after the settlement of the Association's debts and liabilities, that property must be given or transferred to another organisation for a similar charitable purpose or purposes as defined in section 5(1) of the Charities Act 2005 for the benefit of students of NMIT/ Te Pūkenga

### Now to read:

If the Association is wound up, any surplus assets must be given to another organisation that is charitable under New Zealand law and has purposes similar to those of the Association.

### Reason for change:

Updated wording to match 2022 Act charitable distribution requirements

## 27.1

### Which reads:

"Act" means the Incorporated Societies Act 1908.

Member

A student studying on any campus of NMIT/ Te Pūkenga (whether or not that student has enrolled through NMIT/ Te Pūkenga or another educational provider), who has not opted out of membership by way of notice in writing; and/or

N/A

N/A

### Now to read:

"Act" means the Incorporated Societies Act 2022.

Member

any person recorded as a member of SANITI in SANITI's register of members

"Officer" means any person who holds a position in the Association which allows them to exercise significant influence over the management or administration of the society and includes the General Manager

"Contact Person" means the person appointed under clause 10.14

### Reason for change:

Act: update from 1908 to 2022

Member: to keep in line with new Act

Officer: to keep in line with new Act

Contact Person: to keep in line with new Act

**Please email [president@saniti.co.nz](mailto:president@saniti.co.nz) if you have any questions regarding these amendments**