

Questions and answers about the proposed new HITO Constitution

This paper gives answers to common questions that people have asked about the new HITO Constitution.

Q: What is a constitution?

A: A constitution is a legal document, which sets out the legal parameters within which HITO, including the Board, must work. The HITO constitution defines the objects and scope of HITO; defines its membership and the rights and obligations of membership; and outlines how members make decisions. The constitution is **not** the mission, strategy or vision of HITO.

Q: Why did the Board appoint a working group to look at the new HITO constitution?

A: The board appointed a working group after the previous recommendations did not get enough votes to be carried at last year's Annual General Meeting (AGM). The working group had members from all of the sectors including some of those who were most concerned about the changes proposed.

The working group met for two full days and agreed on a series of guiding principles to be incorporated into the new constitution. The guiding principles and recommendations are included in the document ***HITO's New Constitution — Guiding Principles, Recommendations, and Workshop Feedback.***

Q: How do the recommendations from the working group differ from those proposed last year?

A: The new recommendations have the full support of the working group. The HITO Board has endorsed the recommendations. They have also been part of a wide consultation process at workshops held around the country in October and early November.

Q: Why does HITO need to change its constitution?

A: Some time ago HITO agreed to take responsibility for the barbering and beauty sectors. This change has been agreed with the Tertiary Education Commission (TEC) and the sectors. The proposed new constitution formalises this change.

Q: Why does HITO need to include the barbering and beauty sectors in its constitution?

A: Including the barbering and beauty sectors expands the scope of HITO to provide training services and support for these sectors.

Q: Why are we extending the constitution to other sectors and enterprises related to personal appearance, wellbeing, presentation and style?

A: The working group believed that the scope of the constitution should be sufficiently broad to reflect current, new and potential sectors within our overall industry. By including references to personal appearance, wellbeing, presentation and style, HITO can embrace other related sectors, without having to go through another major process of constitutional change. This provision does not assume that HITO will do so.

Q: Why are you recommending a new constitution rather than changes to the existing one?

A: The working group noted that considerable changes were needed to the existing constitution to incorporate the new sectors, and to bring it up to date with current constitutions and not-for-profit best practice.

One of the key objectives of the working group was to make sure the constitution was future-proofed. After getting advice on how to future-proof the constitution, the working group decided to recommend a new constitution rather than make changes to the existing one.

The working group believes that the proposed new constitution is easier to understand than the existing one. In the past, members have found the constitution difficult to understand.

Q: What impacts will the new constitution have on NZARH?

A: There will be some consequential changes to NZARH as a result of this new constitution. For instance, the President of NZARH no longer needs to be a Board member of HITO. NZARH will manage any changes to its own organisation and constitution as a result of the new constitution.

The new constitution also better clarifies the role of HITO compared to that of NZARH. The new constitution should remove any real or perceived overlapping in the objectives of the two organisations.

Q: What does the new constitution mean for current Hairdressing Associations?

A: Incorporating beauty and barbering requires a new approach to representation that treats all sectors the same. The new constitution proposes individual membership by employers, each having a vote that they can either use themselves or give their proxy to an Association they are a member of.

Hairdressing Associations can still be members of HITO, but without voting rights of their own accord. The same rights will be given to Associations in the beauty and barbering sectors.

Q: Does NZARH still have to make a contribution to HITO?

A: The NZARH elect to pay a levy to HITO. This is commonly known as 'Industry Contribution'. The amount of the levy is currently set at a % of the fee collected by NZARH from its Members who are the Regional Associations. The NZARH and HITO are discussing the amount of the future contribution and this will be confirmed at the NZARH 2012 Annual General Meeting in March.

Q: Under the new system members will pay a membership fee. What will that fee be?

A: The new constitution is based on membership categories – all of which have benefits and obligations. These are outlined in the proposed new constitution. The Board has agreed that the membership fee will be as low as possible to encourage membership of HITO.

The HITO board has already decided to waive the membership fee for employers and employees in training agreements with HITO.

Q: Why have a Board Appointments Panel (BAP)? What is it?

A: The purpose of the BAP is to appoint and recommend board members to ensure the Board members have a wide range of skills and experience, and represent the diverse interests of HITO and the members.

Q: How will organisations have a say if they have no vote?

A: Members (individuals and organisations) have a number of ways of providing input. In particular, the constitution provides for advisory groups, other groups and forums for members to participate in.

All members will have the right to attend and speak at HITO general meetings.

Q: How can employer members vote?

A: The proposed new constitution allows for several ways for employer members to vote. They can vote in person by appointing a delegate to attend a general meeting. They can vote by appointing a proxy to attend a general meeting, or they can make a postal or electronic vote.

If they are a member of an Association, they can appoint that Association Member to be their proxy.

Q: What will the process be for becoming a member?

A: For most membership categories the process will be to complete an application or membership form.

All employers and trainees in a HITO Training Agreement will automatically become members, unless they specifically choose not to.

Q: When does the new Board start?

A: The new Board will start on the date the new constitution comes into effect. HITO is proposing that the existing Board (as changed by the election process at the 2011 AGM) will be in place for a short period before the new Board is decided at a Special General Meeting (SGM) in 2012 - about 6 months after the 2012 AGM.

The new Board Appointments Panel will be convened before the SGM and will appoint the appointed board members of the new board before the SGM. The remaining new board members (3 elected members) will be elected at the SGM.

Q: Who can I call for more information?

A: If you have questions about the wording or your understanding of the constitution, contact the working group's **legal advisor Maria Clarke of Maria Clarke Lawyers on 0275 490 043.**

If you have any other query about the process of developing the new constitution or the principles and work of the working group, contact the **group's facilitator Sharon van Gulik of SvG Limited on 021 663 597.**

Alternatively email your questions to Sharon at sharon@svglimited.com