

## **REMIT RELATING TO BOARD MEMBERSHIP**

**I, Leith McMurray, submit a remit to amend clause 6.2: Appointment of Board Members: to include a further subsection stating “the board at all times will include two people with lived experience of having Autism”.**

We in the Autism community feel that the process by which board members are elected, although technically democratic, acts to exclude people with lived experience of Autism from true participation in the organisation. Like many minority groups in society, people on the spectrum are not able to fully participate in the organisation’s process; in this instance, nomination and election, due to various traits or disabling factors caused by having Autism. They are therefore disadvantaged in the process whereby board members are elected. We feel that if Autism NZ sincerely wishes to be inclusive of people on the Autism Spectrum, they will show a commitment in the constitution to ensuring people with lived experience are on the National Board.

Submitted by  
Leith McMurray

Witnessed by  
Jan Brooking

### **Board Response**

The Board is of the view that representation is decided by the membership as has been shown by the most recent elections. The Board agrees that there should always be at least one person who has the condition ASD on the Board and has provided for that. The Board is also of the view that those who have lived experience by way of parenting or other family connection should also have representation to ensure that those who may be disadvantaged have a voice. Additionally the Board are of the view that the total membership should decide who should govern its organisation included those who have good governance and strategic experience.

## **REMIT RELATING TO CESSATION OF MEMBERSHIP**

**I, Leith McMurray, submit a remit to amend clause 15.2: Breach of Rules or Objects by removing subsection (a).**

We of the Autism community feel that clause 15.2 (a) shows a potential for people on the spectrum to be censored in their right to freely express their thoughts, opinions and feelings as people with lived experience of Autism, in ways which they consider accurately describe their experience. As the rules and objectives of the organisation have not been created in true consultation with ASD people, we consider it inappropriate for the organisation to recommend potential cessation of membership of ASD members, who might be seen as not adhering to rules and objectives which match the Board’s aims for the organisation; given that the organisation publicly promotes itself as being ‘for people with Autism’.

Submitted by  
Leith McMurray

Witnessed by  
Jan Brooking

### **Board response**

The constitution has been widely shared in its draft form to ensure that all members of Autism NZ were able to express their views so does not agree with the statement “the rules and objectives have not been created in true consultation with ASD people”. If individuals choose not to adhere to the rules and objectives we would ask why they would want to be part of the organisation. The Board also believes that the rules and objectives, including Clause 15.2 subsection b, provide for all members to have a voice through a democratic

process which takes account of differing views. Given that the Board is elected by the membership of Autism NZ it is assumed that the membership have confidence in those individuals that make up the Board and therefore unreasonable expulsion will not occur given the process that is currently documented in the proposed constitution.

#### **REMIT RELATING TO MEMBERSHIP CESSATION**

**I, Leith McMurray, submit a remit to amend clause 15.2: Breach of Rules or Objects by removing subsection (b).**

We of the Autism community feel subsection (b) of this clause is very offensive to people on the spectrum. In particular, the wording “acting in a manner inconsistent of the objects” is exclusive and impedes upon the right of Autistic members to advocate for and speak publicly about Autism as they see fit. This clause potentially gives a non-spectrum dominated National Board and CEO power to decide what is appropriate behaviour and expression of Autism. We in the Autism community feel it is not acceptable for non-spectrum people to potentially decide how Autism may be represented or what constitutes appropriate behaviour of its Autistic members. This is because the organisation is publicly and politically presenting itself as ‘for Autistic people’ yet historically and currently, has failed to truly consult with the Autistic people it suggests it represents; in particular in regard to the appropriateness of the aims and objectives of the organisation.

Submitted by  
Leith McMurray

Witnessed by  
Jan Brooking

#### **Board Response**

The Board strongly disputes that this clause is exclusive by way of a “non-spectrum dominated Board and Chief Executive”. The constitution is a document which provides for the future rather than the now. It is essential that representation includes all of those affected by autism (including but not limited to those who have the condition). There is no intention, stated or implicit, in Clause 15.2 which provides for a limitation on the rights of people with Autism to speak for themselves.

#### **REMIT RELATING TO IMMEDIATE TERMINATION OF MEMBERSHIP**

**I, Leith McMurray, submit a remit to remove clause 15.3: Immediate Termination.**

We in the Autism community feel this clause potentially may prevent Autistic members from publicly, politically and personally representing Autism in a manner they consider appropriate to their lived experience. The wording “acting in a manner... which could bring Autism NZ into disrepute” (whether or not that conduct is also a breach of the rules), gives a large amount of power to a non Autistic board and CEO to decide what is appropriate behaviour of its Autistic members and thus effectively prevents them from speaking out about ways in which they may consider the organisation is not acting in their best interests.

Submitted by  
Leith McMurray

Witnessed by  
Jan Brooking

#### **Board Response**

As above there is no implication, stated or implicit, which indicates any intention in the proposed constitution to decide what is appropriate behaviour of individuals with Autism

except insofar as they do so when they are purporting to act on behalf of the organisation and in direct contravention of the rules and objects as state.

#### **REMIT RELATING TO MEMBERSHIP**

**I, Leith McMurray, submit a remit to alter clause 12.1: Membership Classes, to include a subsection stating that; AS children who are family members will automatically become individual members of Autism NZ upon reaching the age of 16. They will be notified of this automatic individual membership and given the option of resigning this membership, if they so choose.**

We in the Autism community feel many young adults on the Autism spectrum who are family members of Autism NZ, may assume their membership will simply continue. This is why we think it would be more sensible for their membership to automatically become an individual membership at age 16, with the option of resigning. The “downstream” effect of disenfranchising younger members as they reach the age of 16 must inevitably lead to a drop in membership numbers and the potential consequence of funding constraints.

Submitted by  
Leith McMurray

Seconded by  
Jan Brooking

#### **Board response**

Both the current and the proposed constitution provide for 16 year olds being able to vote (this has no bearing on family membership at all). Persons with Autism do not stop being family members once they turn 16 – they are just allowed to vote whereas under-16s aren’t. Automatic membership which assumes an opt out membership has the same complications for individuals as the opt in option as well as being administratively very expensive. Membership organisations exist because people choose to become members and therefore this choice must be allowed. If members are not in a position to choose for themselves it could be argued that they have the right not to be members.

#### **REMIT RELATING TO PUBLIC STATEMENTS**

**I, Leith McMurray, submit a remit to amend clause 21: Public Statements: to include the right of members or Branch employees to speak on behalf of Autism NZ with verbal approval from the National Board and/or CEO.**

We in the Autism community feel it is inappropriate and impractical for only the President or CEO to be able to speak about ASD on behalf of Autism NZ. This clause invalidates the knowledge and experience of those who work in the field and limits the potential for those in the community to hear positive publicity concerning Autism NZ, Autism in general and from taking advantage of local publicity which may include funding opportunities. We feel that clauses like these are disempowering of those who work directly in the community and give a disproportionate amount of power to the National Board and management of Autism NZ.

Submitted by  
Leith McMurray

Seconded by  
Jan Brooking

#### **Board Response**

There is absolutely no implication in Clause 21 that individuals are prevented from speaking as individuals about Autism NZ or indeed about any matters relating to their knowledge and experience. It is common practice for the President and the Chief Executive to be the spokespersons for an organisation except in circumstances where approval has been given

to another. Nor is there any inference that any individual speaking about Autism NZ is restricted. This is not about power – it is about consistency of messaging that relates to the Strategic Direction of the organisation.

#### **REMIT RELATING TO OBJECTS AND POWERS OF AUTISM NZ INC**

**I, Leith McMurray, submit a remit to include clause 2.6 of the existing constitution, stating “To enlist support for the work of the Incorporation from individuals, the Government and all public and private organisations whose activities may be of benefit to persons with Autism and, where appropriate, to affiliate with such organisations”; into the new constitution as a subsection of clause 4.1: Objects of Autism NZ.**

We in the Autism community feel it is important for the Autism organisations in New Zealand, including Autism NZ, to work together for the welfare of people on the spectrum in a manner of good faith. We feel the absence of this clause in the new constitution does not show a legal or ethical intent to work ‘with’ other Autism organisations, in particular those that are ‘run by and for’ people on the spectrum. Autism NZ suggests they would like to potentially enhance their services to more specifically assist adults on the spectrum and publicly/politically present itself as advocating ‘for’ greater services for ASD adults. However, it seems unprepared to recognise that there are existing organisations which do provide services for adults on the spectrum whom they could ‘work with’ to further cater legal and ethical intent of potential affiliation between Autism NZ and other organisations.

Submitted by  
Leith McMurray

Seconded by  
Jan Brooking

#### **Board Response**

Feedback from a significant number of members, including branch committees and individuals (including those with Autism) was that the number of Objects should be condensed. The current proposed Objects include this intent in 4.1(a) vi and vii. The Strategic Plan also clearly identifies the importance of working with other organisations as has been shown in many recent examples of collaboration with both individuals with ASD and organisations representing them.

#### **REMIT RELATING TO OBJECTS AND POWERS OF AUTISM NZ INC**

**I, Leith McMurray, submit a remit to insert clause 2.8: “To protect persons with Autism from exploitation and abuse” into the new constitution as a subsection of clause 4.1: Objects of Autism NZ.**

We in the Autism community feel that omitting this clause from the new constitution leaves out one of the most important roles the local Branch Field Workers at times may fulfil. Autistic people live in a world that often exploits and abuses them. AutismNZ is the logically appropriate organisation to advocate for exploited and abused persons on the spectrum. We feel that Autism NZ should retain a clear legal intent to assist ASD people when they find themselves discriminated against, exploited or abused.

Submitted by  
Leith McMurray

Seconded by  
Jan Brooking

#### **Board Response**

The Board are of the view that the object Clause 4.1(a) iii provides for this to occur. It is also clear from specific historic examples that when this has been a priority the support of Autism NZ has been explicit and immediate.

#### **REMIT RELATING TO OBJECTS AND POWERS OF AUTISM NZ INC**

**I, Leith McMurray, submit a remit to retain clause 2.10 “to assist parents, guardians and others to obtain services for the benefit of persons with Autism from Government and public or private organisations” into the new constitution as a subsection of clause 4.1: Objects and Powers of Autism NZ.**

We in the Autism community feel one of the most important roles of those working in the branches is to assist parents and individuals to obtain services, and to actively act as advocates for individuals if need be.

Submitted by

Leith McMurray

Seconded by

Jan Brooking

#### **Board Response**

The Board are of the view that the previous clause is now encompassed in Clause 4.1 (a) vi.

#### **REMIT RELATING TO BRANCH SET UP**

**I, Glenys Fry, submit a remit to amend clause 3.1.1 Formation of Branches: to include a further subsection stating “Long term financial sustainability of the branch”**

As funding becomes increasingly difficult to gain it is important that the Board have confidence that financial sustainability is at the forefront of the new branch set-up. It is also important so that members of Autism New Zealand who live in that area have confidence that the new branch will remain in existence as a means of support.

Submitted by

Glenys Fry

Supported by

Wendy Duff

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