



## For the 4<sup>th</sup> IBCPC Congress to be held 14/4/2023

### Amendments to the IBCPC Constitution

The IBCPC Constitution is a one pager. The only change intended is to Item 6.

**Item 6.** On dissolution of the Commission, after all debts have been paid or provision for payment has been made, the assets of the Commission will be paid to registered breast cancer charities as determined by the ~~Steering Committee~~.

Change Steering Committee to Board of Directors

*\*\* Reason for change: to be more relevant for a global organisation and to align with the insurance policy which covers the Directors of the organization*

### Amendments to the IBCPC By-laws.

The points below explain what a by-law is and what it is intended for.

#### Note as to what by-laws are:

The IBCPC is not a legal entity and as such carries no legal status. The by-laws are there merely to guide the directors of the organisation in their day-to-day governance of the organisation.

#### What is the difference between a constitution and by-laws?

The constitution covers the fundamental principles of an organization but does not supply specific procedures for running an organization. By-laws should show in detail the procedures a group may follow to conduct business in an orderly manner.

## Proposed changes to the IBCPC By-laws at 4<sup>th</sup> IBCPC Congress 14/4/23

### Meanings:

*Add the below to meanings*

*Purpose: to be more relevant and inclusive*

### “Emblems and logos”

Such emblems and logos of IBCPC that IBCPC may approve from time to time are the property of IBCPC and may not be used without express authority.

Reason: To protect the brand and image of IBCPC.

### **“Head Office / Headquarters”**

Breast-cancer dragon boating began in Canada, which will always be acknowledged. As a truly global organisation IBCPC has no physical head office location, for operational purposes the IBCPC board will determine a registered administrative location to operate effectively.

Reason: The recently introduced global anti-money-laundering laws can make it difficult for a global organisation to be headquartered in any one location and to operate effectively. Therefore, the “head office/headquarters” as such of IBCPC shall be in the country as may be agreed upon by the IBCPC board at the time a new board is installed.

### **“Non-discrimination, Gender Equality”**

IBCPC rejects all forms and means of discrimination against individuals, groups of people, organisations or countries participating in IBCPC activities on grounds of ethnicity, gender, language, religion, politics, or sexuality. IBCPC shall promote and seek gender equality in all aspects of the sport of breast cancer survivor dragon boating.

Reason: to be inclusive and non-biased.

### **“International Breast Cancer Paddlers’ Commission Trust”**

Delete

*Reason: Time and the anti-money laundering laws will in many cases dictate what type of legal organisation is established in whichever country the President and/or Treasurer are domiciled. The purpose of the establishment of such an entity is so that IBCPC can work legally across the globe.*

Add:

### **“IBCPC Legal entity”**

The IBCPC may need to establish a legal entity in whichever country the IBCPC President and/or Treasurer are domiciled. This entity will have the same Board of Directors as the IBCPC. In this manner, the legal entity can receive donations, fees, and levies on behalf of IBCPC.

*Reason: Considering the anti-money-laundering laws that have been introduced by most countries in which IBCPC operates it has become increasingly difficult to have a global organisation working from one location.*

*For instance, should the President of IBCPC reside in the US. It could be beneficial that the Treasurer also resides there.*

*As the Commission has no legal status it may be appropriate to establish a governing body/legal entity such as the IBCPC Trust which has been established in New Zealand to be able to undertake day-to-day business banking transactions and the receipt of funds on behalf of IBCPC.*

*There needs to be an awareness by any incoming directors that this may be the situation and over time IBCPC may in fact have legal entities established in various countries.*

*There will however remain an interconnectedness between these organizations and those funds gathered by these entities on behalf of the Commission will always rest with the Commission as set out in Bylaw 21, points a,b,c, and d.*

*In the case of the IBCPC Trust in New Zealand which may still hold funds on behalf of the IBCPC Commission, those funds will be vested in any new entity set up on behalf of IBCPC, so that IBCPC can continue its global work as set out in the IBCPC Constitution, items 1-6.*

## **Society**

Delete

*Reason: this is covered by the addition of legal entity*

## **Steering Committee**

Change Steering Committee to Board of Directors. This applies throughout the by-laws document.

Add: word leadership... to read.

Board of Directors means those Directors who are responsible for the leadership and management of IBCPC.

*Reason: To be more appropriate and relevant in today's time and to reflect the role of the Directors. This also aligns with the Directors insurance policy to cover liability*

## **IBCPC Membership**

Item 1.c. pay ~~the appropriate membership fee~~ as determined by the Steering Committee ~~from time to time.~~

Change to read: pay fees as determined by the Board of Directors.

*Reason: more applicable*

Item 5. A Team will cease to be a member of the Commission if it ceases to meet the Membership criteria or notifies the Commission in writing that it wishes to withdraw its Membership. ~~Fees will not be reimbursed.~~

Change: Any fees paid will not be refunded.

*Reason: more relevant*

## **IBCPC Fiscal responsibilities**

21. a. fees payable at IBCPC festivals;

Change fees to levies

*Reason: More appropriate*

21. b. membership fees payable by Teams joining IBCPC between festivals;  
**Change to:** membership fees, if applicable, payable....

*Reason: More appropriate*

23. Commission financial statements ~~will be circulated to the Membership at least once every two years.~~

**Change:** Commission financial statements are available to view on the IBCPC website.

27. The Steering Committee will operate on ~~the~~ consensus decision making model.

**Change** 'the' to 'a'

33. Item d The names and contact information of at least ~~eight~~ Teams who support the nomination, one of whom must be from a country other than the nominee's country.

**Change** eight to four

*Reason if a new country joins, they may only have one team and may not be well known outside of their country, it is therefore difficult to obtain eight team supporting documents. This closes the barrier to admission of new country paddlers joining the board.*

### **38. New item IBCPC Steering Committee (to be changed to IBCPC Board)**

*Add the below to Election of IBCPC Board*

*Purpose is to give clarity to terms of office and to establish a rolling "retirement" cycle as there is currently no indication of this. It is not good governance for all the leadership/management group to "retire" at one time as the risk of loss of intellectual knowledge and sustainable governance is too great.*

### **38. Terms of office**

1. Following elections at Congress, elected office holders and appointed directors shall normally serve a term of four years dependent on the cycle of the festivals. At the completion of this term, they may seek re-election for up to one further consecutive four-year term.

2. Following completion of a term of office as an elected office holder and or appointed director an individual may stand for another office holder or director position on the board. However, no individual shall be permitted to serve continuously as an office holder and or director of the commission for a combined total of more than eight years. Once this maximum has been reached the individual shall not be permitted to seek election for any other office holder or directorship role for the next four years.

3. An individual elected to the office of either the president or the secretary shall be permitted to serve for a maximum of two consecutive four-year terms in those roles regardless of any previous service as an office holder or board member of the commission.

### 39. Election Cycle

The cycle of elections shall be as set out in the table below and shall occur over a repeating four-year cycle. For the purposes of these bylaws the initial year one shall be taken to be 2026.

Role	Year 1	Year 2	Year 3	Year 4
President				X
Secretary			X	
Treasurer				X
Vice President			X	
Appointed Director				X
Appointed Director				
Appointed Director			X	
Appointed Director				X
Appointed Director			X	

**Please note:** With inclusion of the above items 38 and 39, all further numbering of items will also change by 2 numbers:

#### Director Vacancies

~~38.~~ 40. The Steering Committee may appoint up to a maximum of five Directors who have not been elected at a Congress.

~~39.~~ 41. A Director shall resign if a majority of the remaining Directors so request.

~~40.~~ 42. The Steering Committee may appoint a person to fill a vacancy ~~other than the past president.~~ If the position is one of the four positions outlined in paragraph 31, the person shall hold the position until the next Congress.

42. **Remove:** other than the past president.

*Reason: this is not a voted or nominated position, it is implied that the past president is a member of the Board of Directors.*

#### IBCPC Festivals

~~41.~~ 43. The Steering Committee will be responsible for managing the process to determine the host for the next IBCPC Festival.

~~42.~~ 44. The Steering Committee will establish a Future Festivals Committee of a minimum of ~~five~~ persons, at least three of whom must be from different countries.

44. **Change** five to four

*Reason: The onus to obtain five is too great. Four is a suitable number to work with.*

~~43.~~ 45. The Steering Committee and the Future Festivals Committee will establish the criteria for the selection of the festival host which will include the amount of the fee payable to the IBCPC.

~~44.~~ 46. The Future Festivals Committee will award the festival to the Team, which most closely meets the festival criteria.

~~45.~~ 47. If none of the applications meets the criteria, the Steering Committee will recommence the process to determine the host for the next IBCPC festival, the timing of which, is at the discretion of the Steering Committee.

~~46.~~ 48. The decision of the Future Festivals Committee is final.

### **Language**

~~53.~~ 49. The official language for the IBCPC is English. The use of other languages at the Congress may be authorized by the Steering Committee or by the Chair of the meeting on other occasions.