

# National Council of Home Educators NZ Incorporated

## CONSTITUTION

*Amended on 26th November 2015*

### 1. TITLE

- (a) The name of the Society will be ‘National Council of Home Educators NZ Incorporated’ hereinafter called the National Council in these rules.

### 2. DEFINITIONS AS USED IN THESE RULES

- (a) ‘Local Support Group’ refers to any groups comprising five or more home educating families, whose primary purpose is to provide mutual support and social opportunities in their locality.
- (b) ‘Network’ refers to an organisation whose primary purpose is to disseminate information to home educators, and is not to promote, sell or support specific commercial products or services.
- (c) ‘Home Educating’ and ‘Home Education’ is defined as domiciliary based education of yours, your partner’s or spouse’s child or children over whom you have guardianship and who is/are aged 18 years or under, and undertaken with such approval as is necessary under the Education Act 1989 and its amendments, unless otherwise approved by the Committee.
- (d) ‘Affiliation’, ‘Affiliated’ and ‘Affiliate’ refers to any group or network that is currently affiliated to the National Council subject to Clauses 5 and 6.
- (e) ‘Person’ includes any person as defined under the Incorporated Societies Act 1908.

### 3. OBJECTIVES OF THE NATIONAL COUNCIL

#### *Unity and strength*

- (a) To provide a nationwide forum in which individual home educators and local support groups may work together for their mutual benefit in matters of national, political or common interest.
- (b) To advance home education in New Zealand, by meeting the needs of home educating families and local support groups.

#### *Information and support*

- (c) To provide or facilitate access to information, resources, counselling and support services for the benefit of home educators, local support groups and the interested public.
- (d) To assist home educators and their children to access educational, sporting, employment and other opportunities within the community.
- (e) To conduct or support research/study about home education in New Zealand.

*Voice for home educators*

- (f) To educate and increase the public's awareness of home education, and to promote home education as a responsible, desirable and credible educational choice.
- (g) To make representation relevant to home education on matters determined by the membership to maintain and improve the present conditions for home educating.

#### **4. MEMBERSHIP OF THE NATIONAL COUNCIL**

*Membership admission*

- (a) Membership of the National Council is:
  - (i) Open to any person 18 years and over who supports the objectives and agrees to be bound by the Constitution of the National Council; and
  - (ii) Open to any group constituted under the Incorporated Societies Act 1908, which supports the objectives and agrees to be bound by the Constitution of the National Council; and
  - (iii) By application to the Secretary on the approved membership form completed in full and accompanied by the membership fee, if any.
- (b) The Committee shall determine by majority vote whether an applicant is eligible for admission under Clause 4(a) of these rules.
- (c) No member may represent the National Council without the authority to do so under these rules or by resolution of the National Council.

*Membership Form - Individual Membership*

- (d) The first or only member listed on any one membership form shall pay the full membership fee, if applicable, and be known as a 'standard member'.
- (e) Every additional member listed thereafter on the same membership form shall be known as an 'additional member', always providing that:
  - (i) The additional member is a spouse/partner or child of the standard member and resides at the same address.
  - (ii) Only one copy of all National Council correspondence shall be delivered per membership form to the email address stated, and shall be regarded as being received by all members residing at that address.
- (f) 'Grouplink' status may be attached to a membership form, entitling those members to a membership fee discount, if applicable, always providing that:
  - (i) At least one member listed on that form is a current member of a group or network which is a member of or affiliated to the National Council under these rules.
  - (ii) The name of the member or affiliate group as specified under Clause f(i) to which the member belongs is recorded on the membership form or renewal form, and in so doing the members is deemed to permit the National Council to verify such membership.
  - (iii) 'Grouplink' status is applied for, each year thereafter on renewal of the membership fee, if any.

- (g) A register of members shall be maintained by the Secretary in accordance with the Incorporated Societies Act 1908, the Privacy Act 1993, and any amendments, and shall include each member's name, email address, contact numbers, joining date, and membership status.
- (h) It is the responsibility of members to inform the Secretary of changes to their membership, address or contact details.

#### *Disciplinary procedure*

- (i) If the conduct of any member is reported in writing to the Committee as being contrary to the objectives or interests of the National Council, the matter shall be referred to the member concerned, who shall have 21 days to respond.
- (j) The Committee shall meet not later than 14 days following the end of this response period to determine the matter in a manner that is consistent with the principles of natural justice and the objectives, character, welfare and interest of the National Council.
- (k) Within seven days of meeting, the Committee shall inform the member of its recommendation, which may be in the form of an exoneration, warning, suspension or expulsion, the latter two being for a stated period not exceeding three years.
- (l) The member may appeal the recommendation within 21 days of being informed, in which case the matter shall be decided finally as a resolution of the next General Meeting. If no appeal is lodged the Committee's recommendations shall take effect immediately.

#### *Termination of membership*

- (m) Membership is terminated whenever:
  - (i) A member gives written notice of his or her resignation to the Secretary.
  - (ii) A member fails to pay any outstanding membership renewal fee pursuant to Clause 7(b).
  - (iii) A member is expelled for conduct that is contrary to the objects or interests of the National Council pursuant to Clauses 4(i) to 4(l).

### **5. AFFILIATION OF LOCAL SUPPORT GROUPS AND NETWORKS TO THE NATIONAL COUNCIL**

- (a) Affiliation to the National Council is by application to the Secretary on the approved form and is open to any local support group or network which meets the conditions of affiliation under these rules.
- (b) The Committee shall determine whether or not the applicant meets the conditions of affiliation under these rules by a simple majority.
- (c) Affiliation shall be terminated whenever:
  - (i) The affiliate gives notice of its resignation in writing to the Secretary.
  - (ii) The affiliate fails to pay any outstanding affiliation renewal fee pursuant to Clause 7(b).
  - (iii) The affiliate is deemed by the Committee to no longer meet the conditions of affiliation.
- (d) An applicant whose affiliation to the National Council has been previously rejected or terminated may reapply under these rules not more than once in any financial year.

- (e) The Secretary shall keep a record of all applications, renewals and terminations of affiliation.

## **6. CONDITIONS OF AFFILIATION**

- (a) An applicant shall be deemed eligible for affiliation to the National Council providing that it:
  - (i) Meets the definition of a local support group or network as determined by the Committee.
  - (ii) Undertakes to support the aims and objectives of the National Council.
  - (iii) Agrees to be bound by the conditions of affiliation under these rules.
  - (iv) Pays the appropriate fee on application, if any, and each financial year thereafter as required.
  - (v) Agrees to verify on request the membership status of any person who applies to the National Council for 'grouplink' status pursuant to Clause 4(f).
  - (vi) Is considered by the National Council to be in the best interests of the National Council.
- (b) Every affiliated group or network shall appoint a liaison officer who shall liaise with the National Council on the affiliate's behalf.
- (c) Every affiliated group or network is autonomous and operates independently of the National Council except where their affiliation makes them subject to the terms of this Constitution.
- (d) Every affiliated group or network may represent itself on any matter independently of the National Council, but in a manner that acknowledges and respects the National Council's responsibility to represent all its members.
- (e) No affiliated group or network may represent the National Council in any matter.
- (f) An affiliate may appoint a delegate to attend any General Meeting. The delegate shall not vote, but may speak with the leave of the Meeting.
- (g) The Committee may from time to time negotiate with an affiliated group or network the provision of any service or information that is mutually agreed upon, provided that in doing so the objectives and rules of the National Council are upheld.

## **7. FINANCIAL YEAR**

- (a) The financial year of the National Council shall commence on 1 April each year, or such other yearly period as may be determined by any Annual General Meeting.
- (b) Each member and affiliate shall pay to the National Council an annual fee if set by the Committee as per Clause 7(d), which shall be due on or before the first day of each financial period. A member or affiliate who fails to pay outstanding fees by the end of the third month of the financial year shall be deemed to have resigned.
- (c) A member who has outstanding fees pursuant to Clause 7(b) may attend any General Meeting but shall not otherwise participate in the activities, voting procedures, or receive the benefits of membership of the National Council until such time that the fee is paid.
- (d) The annual fees, if any, shall be set by the Committee subject to any remit passed at the preceding General Meeting.
  - (i) A fee for standard members pursuant to Clause 4(d).

- (ii) A fee for additional members pursuant to Clause 4(e).
- (iii) A grouplink discount pursuant to Clause 4(f).
- (iv) A group affiliation fee to be paid by affiliates pursuant to Clause 6(a)(iv).

## **8. GENERAL MEETINGS AND VOTING**

### *Procedure at all General Meetings*

- (a) Under these rules a General Meeting is an Annual General Meeting or Special General Meeting.
- (b) A General Meeting shall comprise officers of the Committee, those members who wish to attend, and any delegates appointed by affiliates. Persons who are not members of the National Council may attend only with the leave of the Meeting.
- (c) Notice of all General Meetings shall include the date, time, venue, business to be conducted, and methods of voting. Notice shall be regarded as being sufficiently given when sent to a members' or affiliates' last known postal or electronic address.
- (d) All remits for consideration by a General Meeting shall be in the form of a motion that shall be accompanied by a brief summary of arguments in support thereof.
- (e) At any General Meeting the Chair shall be taken by the Coordinator, or in his or her absence, by any officer who has been elected to do so by the Committee. The Coordinator or any other person presiding over a meeting may exercise a members vote but shall have no casting vote, in accordance with Clause 8(k).
- (f) To transact the business of the General Meeting, a quorum of at least ten members shall be present. If a quorum cannot be reached, the General Meeting shall be postponed to any time not exceeding 28 days thereafter and members shall receive not less than 14 days of the new date.
- (g) A summary of the events and decisions of a General Meeting shall be recorded in the next report distributed to members pursuant to Clause 13(h)(i).
- (h) Voting conducted at Meetings shall be by a show of hands, or by secret poll if demanded by any two members, providing always for the counting of any postal or electronic votes.
- (i) Notwithstanding Clause 8(h), wherever possible the General Meeting shall make its decisions by consensus, but where consensus cannot be reached a decision shall be made by simply majority.
- (j) In the event of equality of votes the motion shall be lost.
- (k) A member who is unable to attend a General Meeting may vote by way of:
  - (i) Postal or electronic ballot, which shall be provided for all motions concerning changes to the Constitution, dissolution of the National Council, election of officers, final approval of affiliation, and any other matter for which the notice required under these rules has been given.
  - (ii) Proxy vote, provided that a member of the National Council is the proxy bearer, and no member attending a meeting may hold more than five proxy votes.
- (l) Members who vote by proxy shall do so only by correctly completing the approved forms provided for this purpose and registering them with the Secretary on or before 5.00pm of the third day before the General Meeting at which the voting shall be concluded.

- (m) The attendance of a member at a General Meeting automatically invalidates any postal or electronic ballot or proxy that he or she may have previously registered for that meeting.

## 9. ANNUAL GENERAL MEETINGS

### *Before the Annual General Meeting*

- (a) The Annual General Meeting shall be held once in every calendar year at such time and place as was determined at the preceding Annual General Meeting, providing that the meeting is held earlier than 15 months since the last preceding Annual General Meeting and not later than three months since the commencement of a new financial year.
- (b) The Annual General Meeting shall be held by way of electronic means or conference telephone.
- (c) Pursuant to Clause 8(c) the Secretary shall send a preliminary notice of the Meeting to members not less than 70 days before the Annual General Meeting. The notice shall include a call for resolutions to be voted on, nominations for office, and other items of business to be raised.
- (d) Those members who wish to respond shall do so in writing and shall deliver the same to the Secretary not less than 56 days before the Annual General Meeting.
- (e) The Secretary shall send to members a postal or electronic ballot notice not less than 42 days before the Annual General Meeting, which shall include any resolutions to be voted on by postal or electronic ballot.
- (f) Those members who wish to provide concise arguments in support or rebuttal of the resolutions may do so and shall deliver the same to the Secretary not less than 28 days before the Annual General Meeting.
- (g) The Secretary shall send to members a final notice not less than 14 days before the Annual General Meeting which shall include an agenda stating the nature of any known business intended to be transacted at the meeting, candidates for officer election, a summary of members' arguments pursuant to Clause 9(f), audited or reviewed accounts if available, postal or electronic ballot voting forms and proxy forms.

### *At the Annual General Meeting*

- (h) The business of every Annual General Meeting of the National Council shall be:
  - (i) To approve nominations and elect the officers of the Executive Committee.
  - (ii) To consider final approval for the affiliation of any group or network pursuant to Clause 5(c).
  - (iii) To vote on resolutions, rule changes, and transact other businesses of which notice has been given.
  - (iv) To propose direction for the activities of the National Council of Home Educators NZ for the following year.
  - (v) To receive the annual report from the Coordinator.
  - (vi) To receive the financial report from the Treasurer and the duly audited or reviewed annual statements of income, expenditure, and assets and liabilities of the National Council.

- (vii) To appoint an auditor or reviewer for the ensuing year providing he or she is not a member of the National Council.
- (viii) To approve the fees of the National Council pursuant to Clause 7(d).
- (ix) To determine the date and venue of the next Annual General Meeting.
- (x) To consider any matters under appeal.
- (xi) To consider any other general business.

#### *Election of officers*

- (i) The Coordinator shall determine the eligibility of any candidate standing for election. In the event eligibility is in dispute then the Annual General Meeting shall determine the matter by majority vote.
- (j) In the event that there are not enough officers elected to support a quorum of the Executive Committee, the Annual General Meeting shall accept further nominations for the remaining vacant positions and these shall be voted on pursuant to Clause 9(i) by the members present at the Meeting. In the event that this is unsuccessful, the incumbent Committee shall call for further nominations and conduct officer elections for those vacant positions by way of a special postal or electronic ballot.
- (k) The new Committee shall be deemed to commence office the day after a minimum quorum of officers is elected.
- (l) A person shall not be elected to the position of Coordinator for more than three consecutive terms, but may be elected to any other position on the Committee.

### **10. SPECIAL GENERAL MEETINGS AND SPECIAL BALLOT DATES**

- (a) A Special General Meeting may be convened by a majority vote of the Committee, or by written requisition to the Committee of not less than one third of the members.
- (b) Pursuant to Clause 8(c) the Secretary shall send a notice of the meeting to members not less than 21 days before a Special General Meeting. The notice shall include the purpose of the meeting and the resolutions to be voted on. A Special General Meeting shall consider only that business for which it has been called.
- (c) A Special General Meeting may include voting via a postal or electronic ballot in which case:
  - (i) Those members who wish to provide concise arguments in support or rebuttal of the resolutions may do so and shall deliver the same to the Secretary not less than 14 days before the Special General Meeting.
  - (ii) The Secretary shall send to members a final notice not less than 10 days before the Special General Meeting which shall include special postal or electronic ballot voting forms and a summary of members' arguments.
- (d) A postal or electronic ballot may be conducted without convening a Special General Meeting, and this shall be called a Special Postal or Electronic Ballot, providing that:
  - (i) The Special Postal or Electronic Ballot is convened in the manner of a Special General Meeting pursuant to Clause 10(a).
  - (ii) The Special Postal or Electronic Ballot adheres to all the same notice requirements of a Special General Meeting pursuant to Clauses 10(b) and 10(c), except that in each

case the number of days notice shall be before a ballot closing date specified by the Committee.

- (iii) A quorum for a Special Postal or Electronic Ballot shall be the casting of votes by at least fifteen members.

## **11. STRUCTURE OF THE COMMITTEE**

### *Officers' functions on the Committee*

- (a) The Committee shall comprise a Coordinator, Secretary, Treasurer and up to eight other officers who shall each have a vote at a meeting of the Committee. At least two officers of the Committee shall be resident in the South Island at the time of their election to office and at least two officers shall be resident in the North Island at the time of their election to office.
- (b) The Committee may distribute among the officers the following portfolios - newsletter, publicity and promotion, fundraising, spokesperson, lobbyist, group liaison and any other portfolio that is considered necessary to further the objectives.
- (c) The Coordinator shall coordinate the activities, functions and responsibilities of the Committee, present a report to the National Council membership at the Annual General Meeting, and preside over all meetings of the National Council.
- (d) The Secretary shall summon and attend all meetings, record attendance and minutes at meetings, record correspondence, keep a register of members, hold the Common Seal, and perform such duties and functions as shall from time to time devolve upon him or her.
- (e) The Treasurer shall administer and report on the National Council's accounts subject to these rules.

### *Committee meetings*

- (f) The Coordinator shall chair the Committee meetings. The Coordinator may cast a deliberative vote, but may have no casting vote.
- (g) Meetings of the Committee shall be held not less than once each quarter. The Committee may hold other meetings or otherwise make its decisions by way of electronic means, conference telephone, or by resolutions in writing, provided that all officers receive reasonable notice of the business to be conducted.
- (h) The quorum required to transact the business of the Committee shall be at least 60% of the Committee, with a minimum quorum of four officers.
- (i) Members of the National Council may be present at the discretion of the Committee, but shall have no voting rights.
- (j) The Committee shall strive to seek consensus, or failing that shall make its decisions by majority vote. In the event of equality of voting the motion shall be lost.
- (k) All meetings and decisions shall be recorded by way of minutes and shall be distributed to all officers within 21 days.
- (l) Any person presiding over a meeting of the National Council or Committee shall relinquish the chair to an independent officer in order to enter into discussion or advocate a viewpoint on matters of substance. This shall be recorded in the minutes.



- (m) An officer shall not be present during a discussion or vote on any matter in which he or she has a pecuniary interest or other conflict of interest, and this shall be recorded in the minutes.

## **12. TO QUALIFY FOR ELECTION AS A COMMITTEE MEMBER**

- (a) To qualify for election a candidate shall be, on the day of election:
  - (i) A member of the National Council; and
  - (ii) A member of the National Council for the preceding 12 months; and
  - (iii) Able to access a reasonable and confidential internet connection; and
  - (iv) The parent or guardian of a child aged six to eighteen years for whom he or she is currently home educating, pursuant to Clause 2(c); or
  - (v) The parent or guardian of a child aged under six years if he or she is intending to home educate the child once the child reaches six years of age, pursuant to Clause 2(c); or
  - (vi) At the discretion of the Committee as long as candidates who do not meet qualifiers 12(a)(ii) and 12(a)(iv) do not hold the position of Coordinator, and as long as more than half of the officers on the Committee meet qualifier 12(a)(iv).
- (b) The candidate shall complete the nomination form provided by the Committee which shall include the desired officer position or positions and a seconder to the nominations and shall be encouraged to supply relevant skills and experiences and a personal profile.
- (c) The candidate shall be deemed to be serving the National Council, and shall not hold the position of affiliate delegate or liaison officer to the National Council during the term of office.

## **13. THE RESPONSIBILITIES AND DUTIES OF THE COMMITTEE**

### *Responsibilities of the Committee*

- (a) The Committee shall uphold the objectives and rules of the National Council and ensure that the National Council operates ethically, honourably and lawfully.
- (b) The Committee shall administer the day to day business of the National Council, fulfilling the Committee's various obligations under these rules, implementing the policy and decisions of the National Council's membership and otherwise serving the membership pursuant to these rules.

### *Duties of the Committee*

- (c) To call all meetings of the National Council and facilitate the process by which the National Council makes its decisions.
- (d) To authorise all payments and investments and enter into such agreements and contracts as are required from time to time.
- (e) To fill any officer vacancy that arises on the Committee during the year with the next highest polling nominee, or failing that, by calling for nominations and conducting elections by way of a Special Ballot.

- (f) To co-opt members to perform delegated tasks and appoint subcommittees with such powers and authority as specified. All such co-options and appointments shall cease on the Committee's last day of office, but may be reconvened by the incoming Committee.
- (g) To employ and engage such servants or agents as it thinks fit and shall determine their remuneration.
- (h) To distribute a quarterly report of the Committee to members no less than four times each year, which shall include:
  - (i) A summary of the Committee and National Council activities and decisions for the preceding period.
  - (ii) The names of elected officers or other appointments.
  - (iii) Any questionnaires that may from time to time be used to solicit members' views.
  - (iv) Notices concerning all applications for affiliation, forthcoming meetings, matters subject to appeal etc.
  - (v) Any other business or information that the Committee thinks fit.

## **14. FINANCIAL MANAGEMENT OF THE NATIONAL COUNCIL**

### *Duties of the Treasurer*

- (a) The Treasurer shall keep proper accounts of the National Council's financial affairs, including its income, payments and authorisation.
- (b) The Treasurer shall report to the Committee on the state of the National Council's finances at each quarterly meeting, and shall prepare a report for the Annual General Meeting.
- (c) The Secretary shall deliver an annual statement required by the Incorporated Societies Act 1908 signed to the effect that the statement has been submitted to and approved by a General Meeting of the National Council.
- (d) All monies received on behalf of the National Council shall be paid forthwith to the credit of the National Council at its accredited bank.
- (e) All receipts for money paid or for property transferred or conveyed to the National Council shall be signed by the Treasurer.
- (f) Cheques drawn or internet banking payments made by the National Council shall be on the presentation of an invoice and shall be authorised by the: Coordinator or Treasurer, and one other officer. The Treasurer shall keep record of all payments and their authorisations.
- (g) The accounts shall be audited or reviewed after each financial year, on the resignation of the Treasurer if that occurs mid-year, and at the direction of the Committee.

### *Investment and control*

- (h) The National Council has all the powers of a natural person so long as it exercises those powers in good faith and to further the objectives of the National Council.
- (i) Any surplus funds not required for the immediate use of the National Council shall be invested in an institution approved by the National Council.
- (j) The power of borrowing money may only be exercised by the National Council at a General Meeting.

- (k) Legacies, endowments, contributions or other gifts of money or other real or personal property may be made to the National Council generally, or for the purpose of any specific objective of the National Council.
- (l) No member shall derive pecuniary profit from any activity of the National Council pursuant to the Incorporated Societies Act 1908. However, nothing shall prevent the National Council from making fair and reasonable reimbursements or remuneration, provided that the member is not able by virtue of their capacity as a member, to materially influence the amount or nature of such payment.

## **15. THE COMMON SEAL**

- (a) The Common Seal of the National Council shall be kept in the custody of the Secretary.
- (b) When required the Common Seal shall be affixed to any document following a resolution of the National Council or the Committee. The Secretary and one other executive officer shall sign their names alongside the Common Seal whenever it is used.

## **16. ALTERATIONS OF RULES**

- (a) Subject to Clause 16(c) these rules or any part of them may be altered, added to, or rescinded by a resolution passed by a majority vote of not less than 75% of eligible members who vote.
- (b) Voting on the resolutions may be conducted at a General Meeting, or by special postal or electronic ballot, provided notice of not less than 42 days has been sent to members.
- (c) No change shall be made to these rules if it affects Clause 14(i) or Clause 17(d).
- (d) No change to the constitution shall take effect before it has been duly registered under the provisions of the Incorporated Societies Act 1908 or subsequent amendments.

## **17. LIQUIDATION OF THE NATIONAL COUNCIL**

- (a) The National Council may be put into liquidation if a General Meeting passes a resolution to that effect and appoints a liquidator, providing that the resolution is confirmed at a Special General Meeting convened for that purpose not less than 30 days later.
- (b) The resolution shall be carried by a 75% majority of eligible votes cast.
- (c) Upon dissolution any surplus assets belonging to the National Council shall be distributed equitably amongst the groups and networks affiliated to the National Council at the time of dissolution as decided by the final meeting.
- (d) In no circumstances will the surplus assets be distributed either directly or indirectly to individual members.

## **18. REGISTERED OFFICE OF THE NATIONAL COUNCIL**

- (a) The Registered Office of the National Council shall be in such place as the National Council may from time to time determine, and the Registrar of Incorporated Societies shall be informed in writing of any such change.