

# Constitution of the National Council of Home Educators New Zealand Incorporated

Amendments as agreed at Annual General Meeting on 15th June 2022

Amendments as agreed at Annual General Meeting on 14th June 2018

As agreed at a Special General Meeting on 26th November 2015

## Part 1: Objects and Powers

### 1.0 NAME

- 1.1 The name of the Society shall be the ‘National Council of Home Educators New Zealand Incorporated’ hereinafter called the National Council in these rules.

### 2.0 REGISTERED OFFICE

- 2.1 The Registered Office of the National Council shall be in such place as determined by the National Council Executive Committee from time to time.
- 2.2 As appropriate, the Registrar of Incorporated Societies shall be notified of any change of Registered Office.

### 3.0 STATUS

- 3.1 The National Council is an incorporated society established under the Incorporated Societies Act 1908 (“Act”).

### 4.0 OBJECTS

- 4.1 The primary objects of the National Council are:
  - 4.1.1 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;
  - 4.1.2 To advance Home Education in New Zealand, by meeting the needs of Home Educating families and Local Support Groups;
  - 4.1.3 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;
  - 4.1.4 To assist Home Educators and their children to access educational, sporting, employment and other opportunities within the community;
  - 4.1.5 To conduct or support research/study about Home Education in New Zealand;
  - 4.1.6 To educate and increase the public’s awareness of Home Education, and to promote Home Education as a responsible, desirable and credible educational choice;
  - 4.1.7 To make representation relevant to Home Education on matters determined by the membership to maintain and improve the present conditions for Home Educating.
- 4.2 Other than promoting Home Education, the National Council does not promote any particular religious, educational or social philosophy or methodologies.

## **5.0 POWERS**

- 5.1 The National Council has the power to:
- 5.1.1 Determine membership status in accordance with the provisions in this Constitution and the law of New Zealand;
  - 5.1.2 Organise and promote offers, events and activities which provide beneficial educational opportunities to its Members;
  - 5.1.3 Make and enforce rules and policies for the governance and operation of the National Council;
  - 5.1.4 Establish and maintain the National Council Executive Committee, sub-committees and working parties and to delegate appropriate powers to such groups or to individuals;
  - 5.1.5 Raise, use and control the National Council funds in a manner the National Council Executive Committee deems as necessary and proper, including but not limited to:
    - 5.1.5.1 Paying expenses and reasonable costs incurred in accordance with meeting its objects;
    - 5.1.5.2 Engaging and dismissing counsel, solicitors, agents, officers or staff; and
    - 5.1.5.3 Borrowing, investing, loaning, or advancing monies or issuing securities over any National Council property or assets, subject to the requirement that any such activity which involves a combined sum in excess of \$1,000 must be pre-approved by the Members at a general meeting of the Society.
  - 5.1.6 Sell, lease, mortgage, change or otherwise dispose of any property or assets of the National Council and/or grant such rights and privileges over such property as it considers appropriate when authorised by majority vote by the National Council Executive Committee;
  - 5.1.7 Enter into, manage, and terminate contracts, agreements, or arrangements with any person or organisation;
  - 5.1.8 Produce, own, licence, and otherwise exploit any property or assets of the National Council when doing so will benefit the objects;
  - 5.1.9 Resolve disputes and deal with complaints in accordance with this Constitution, any related policies, schedules and/or resolutions and applicable New Zealand law;
  - 5.1.10 Award, grant, or otherwise honour exceptional service to the National Council; and
  - 5.1.11 Do any other lawful acts or things that are incidental or conducive to the attainment of the objects of the National Council.

## **Part 2: Membership**

### **6.0 MEMBERS**

- 6.1 The National Council shall have as its Members such families as the National Council Executive Committee considers appropriate. For the purposes of this Constitution, the types of Members of the National Council are set out below:

- 6.1.1 **New Members:** New Members are families who have been accepted as Members by the National Council in accordance with Rule 7.0.
- 6.1.2 **Full Members:** Full Members are New Members who have been accepted as Full Members at an AGM.
- 6.1.3 **Honorary Members:** An Honorary Member is a person who has rendered outstanding services to the National Council, or who for any other reason is deemed worthy of this recognition.

## 7.0 BECOMING A MEMBER

- 7.1 Any family wishing to apply to be a Member of the National Council must:
  - 7.1.1 Reside in New Zealand; and
  - 7.1.2 Complete the membership application form provided by the National Council in full; and
  - 7.1.3 Confirm they are currently Home Educating with a valid Certificate of Exemption issued by the Ministry of Education where legally required, or are intending to Home Educate and are in the process of researching or applying for a Certificate of Exemption, or have previously Home Educated a child who is now aged 16 or over for a period of at least four years continuously; and
  - 7.1.4 Pay the required membership fee, if applicable; and
  - 7.1.5 Supply any other information as requested by the National Council Executive Committee, noting that information is subject to Rule 13.2.
- 7.2 On receipt of an application for membership, the National Council Executive Committee (or any other person to whom the National Council Executive Committee has delegated this power) shall determine if the application is to be accepted. The National Council Executive Committee and/or its delegate has complete discretion to admit or refuse membership. The National Council Executive Committee shall advise the applicant of its decision, and that decision shall be final. No reason shall need to be given.
- 7.3 Subject to Rule 12, the duration of membership of Members is a maximum of three years.
- 7.4 Membership of the National Council must be renewed when requested. The Committee may require additional information from Members at the time of renewal. If there is an applicable membership fee to be paid, Members experiencing financial hardship can apply for relief as per Rule 10.6.

## 8.0 HONORARY MEMBERS

- 8.1 Nomination for Honorary Members may be made by any Member or the National Council Executive Committee.
- 8.2 Honorary Members shall be elected by majority vote at the next AGM.
- 8.3 An Honorary Membership is valid for a maximum of three years.
- 8.4 There shall be no more than three Honorary Members at any given time.

## **9.0 RIGHTS AND PRIVILEGES OF MEMBERSHIP**

- 9.1 Every Member must meet all requirements of membership set out in this Constitution, as well as meet any obligations under the policies, guidelines and resolutions adopted by the National Council Executive Committee in order to receive, or continue to receive, entitlements as a Member.
- 9.2 Subject to Rule 12 and for the period of their membership, all Members who do not owe money to the National Council shall be entitled to:
- 9.2.1 Use the National Council's facilities and assets as permitted by the National Council;
  - 9.2.2 Participate in offers, activities and events offered by the National Council;
  - 9.2.3 If aged 18 or older, be elected as a Member of the National Council Executive Committee in accordance with Rule 14;
  - 9.2.4 (at their own cost) attend and speak at all General Meetings of the National Council (either directly, or if under 18 years of age, through their parent or other legal guardian); and
  - 9.2.5 (at their own cost) if over 18 years of age, vote at all General Meetings of the National Council, provided that no more than two votes are cast per family with a maximum vote of one per person.
- 9.3 A Member must end their membership if they fail to meet the following membership requirements:
- 9.3.1 Ceases to reside in New Zealand; or
  - 9.3.2 Decides Home Education is not an avenue they wish to explore for any eligible child.
- 9.4 A Member may resign from the National Council by giving written notice in the form of a letter, cancellation form or email to the National Council Executive Committee (or any other person as designated by the National Council Executive Committee). The Member shall be considered resigned as soon as their written notice has been received by the National Council Executive Committee, and will be removed from the register of Members and any methods of the National Council contact including but not limited to, the Facebook group and Forum.
- 9.5 If any Member does not pay any fee due to the National Council by the date specified by the National Council, the National Council Executive Committee Member (or any other person as designated by the National Council Executive Committee) will give written notice within 14 days, that unless the arrears are paid by a nominated date, the membership will be terminated. After that date, the Member shall (without being released from the obligation of payment of all outstanding fees) have no membership rights and shall not be entitled to participate in any the National Council offer, activity or event, including but not limited to, subscription offers. Upon termination for default in fees, a Member will be removed from the register of Members and any methods of the National Council contact including but not limited to, the Facebook group and Forum.

## **10.0 MEMBERSHIP FEES AND OTHER FEES**

- 10.1 The National Council Executive Committee shall determine:
  - 10.1.1 The annual membership fee for each Member, if any, and any other optional National Council activity fees;
  - 10.1.2 The due date for payment; and
  - 10.1.3 The manner of payment.
- 10.2 Every Member must pay the annual membership fee, if any, and any other fees due for optional offers or activities where that Member wishes to partake. All fees are due by the date specified by the National Council Executive Committee.
- 10.3 Should a Member join part-way through the year, any applicable membership fee will be adjusted for the period remaining in the financial year, at a rate determined by the National Council Executive Committee.
- 10.4 Honorary Members shall have their annual membership fee waived. They still remain liable for any optional offer or activity fees should they wish to participate.
- 10.5 Should a Member overpay, the excess amount will be offset against the following year's fees, or refunded at the Member's request.
- 10.6 If after a period of at least one full year of membership, a Member is unable to afford their membership fee due to hardship, the Member should approach the National Council Executive Committee for relief. A Member's application for relief will be considered by the Membership Secretary who will decide whether to waive all, part or none of the debt. The Member shall be advised of the decision, and that decision shall be final.
  - 10.6.1 The Membership Secretary can alternatively enter into a payment arrangement with the Member where the payment due date will be deferred by 90 days. Such arrangements will be on a case-by-case basis and any decisions rendered shall be final.

## **11.0 MEMBER OBLIGATIONS**

- 11.1. Every Member acknowledges and agrees:
  - 11.1.1 To promote the interests of the National Council and to assist the National Council to achieve its objects;
  - 11.1.2 Not to do anything to bring the National Council into disrepute - this includes but is not limited to, intentionally making statements that are defamatory, or untruthful against the National Council or its Members, intentionally bullying (whether by cyber, physical, verbal or other means) National Council Members and their children, producing written material that is against the interest of the National Council and other Members, publicly naming Members (including children) in a malicious manner, or failing to comply with any health and safety requirements when organising or participating in a National Council organised event or activity regardless of whether that event is organised by the National Council Executive Committee or an individual National Council Member;
  - 11.1.3 That should a dispute arise, the National Council social media groups are not to be used as part of the disputes procedure;

- 11.1.4 To comply with and observe this Constitution, any policies, guidelines and procedures of the National Council, and any determination, resolution or decision of the National Council Executive Committee. Rule 11.1.4 respects a Member's right to appeal, request further meetings with the National Council Executive Committee, and/or hold a SGM in accordance with the rules contained within this Constitution;
- 11.1.5 Should they communicate with media, politicians or other such interested parties, they should always make it clear that they are not representing the National Council unless this has been pre-approved by the Coordinator or the National Council Executive Committee;
- 11.1.6 That when dealing with third parties they shall make every effort to ensure the National Council is identified correctly;
- 11.1.7 That this Constitution constitutes a contract between each of them and the National Council, and that they are bound by this Constitution, and any policies, guidelines and procedures of the National Council;
- 11.1.8 That they are subject to the jurisdiction of the National Council; and
- 11.1.9 That this Constitution, and any policies, guidelines and procedures of the National Council, are necessary and reasonable and made in the pursuit of a common object, namely to support Home Educating families within New Zealand.

## **12.0 PROCEDURES FOR RESOLVING DISPUTES**

### **Complaints about a Member**

- 12.1 The Executive Committee must consider a complaint, or institute a disciplinary procedure, regarding alleged misconduct of a Member.
- 12.2 An oral hearing of a complaint will be held if the Executive Committee decides that an oral hearing is needed to ensure an adequate hearing, or is otherwise desirable.
- 12.3 The Member has a right to be heard before the complaint or procedure is resolved or any outcome is determined.
- 12.4 The Member will be fairly advised of all allegations concerning the Member, with sufficient details and time given to enable the Member to prepare a response.
- 12.5 The Member will be given a reasonable opportunity to be heard in writing or at an oral hearing (if one is held).
- 12.6 The Member's written statement or submissions will be considered by the Executive Committee.

### **A Member's grievance against the National Council or another Member**

- 12.7 A Member can raise with the Committee an allegation of damage (caused by the National Council, or a Member) to a Member's rights or interests (as a Member) or to Members' rights or interests generally.
- 12.8 An oral hearing of the grievance will be held if the Executive Committee decides that an oral hearing is needed to ensure an adequate hearing, or is otherwise desirable.

- 12.9 The Member will be heard before the grievance is resolved or any outcome is determined.

### **Investigating and determining a complaint or grievance**

- 12.10 The Executive Committee must, as soon as is reasonably practicable after receiving a complaint or grievance, investigate and determine the complaint or grievance.

### **Executive Committee may decide not to progress complaint or grievance**

- 12.11 Despite rule 12.10, the Executive Committee may decide not to proceed with a matter further if the Committee determines that:
- 12.11.1 The matter is trivial, or
  - 12.11.2 The complaint or grievance does not appear to disclose:
    - 12.11.2.1 In the case of a complaint, any material misconduct, or
    - 12.11.2.2 In the case of grievance, any material damage to a Member's rights or interests, or
    - 12.11.2.3 The complaint or grievance appears to be without foundation or there is no apparent evidence to support it, or
  - 12.11.3 The person who makes the complaint or brings the grievance has an insignificant interest in the matter, or
  - 12.11.4 The conduct, incident, event, or issue has already been investigated and dealt with by or on behalf of the National Council; or
  - 12.11.5 The person who made the complaint was not a Member of the National Council at the time of the alleged misconduct.

### **Executive Committee may refer complaint to subcommittee or other investigator**

- 12.12 The Executive Committee may refer a complaint or grievance to:
- 12.12.1 A subcommittee or an external person to investigate and report, or
  - 12.12.2 A subcommittee, an arbitral tribunal, or an external person to investigate and make a decision.

### **Decision makers**

- 12.13 A person may not act as a decision maker in relation to a complaint or grievance if two or more Members of the Executive Committee or a complaints subcommittee consider that there are reasonable grounds to believe that the person may not:
- 12.14.1 Be impartial, or
  - 12.14.2 Be able to consider the matter without a predetermined view.
- 12.14 The decision maker may:
- 12.14.1 Dismiss the complaint, or
  - 12.14.2 Uphold the complaint and do one or more of the following:
    - 12.14.2.1 Reprimand or admonish the Member,
    - 12.14.2.2 Suspend the Member from membership for a specified period,
    - 12.14.2.3 Suspend some of the Member's rights for a specified period,
    - 12.14.2.4 Alter the membership classification of the Member,

- 12.14.2.5 In the instance of wilful damage to the National Council property, impose a fine on the Member which is limited to the lesser of the cost of the damage or the insurance excess,
  - 12.14.2.6 Expel the Member.
- 12.15 The decision and any reasons which may be given (without any obligation to give such reasons) for that decision shall be conveyed to the complainant and the Member in writing, and may at the discretion of the Executive Committee or any such special committee be conveyed to Members.

### **13.0 REGISTER OF MEMBERS**

- 13.1 The National Council shall maintain a Register of Members in accordance with the Act and any regulations.
- 13.2 The collection and use of any personal information in the Register of Members shall comply with the Privacy Act 1993, wherein all information collected must be relevant, securely stored and available for correction upon Member request.
- 13.3 On joining every Member must give the National Council his or her name, postal address, email address and telephone number, and any other information requested by the National Council. Every Member must notify the National Council in writing if there is any change to any of this contact information, within 14 days of such change.

## **Part 3: Governance**

### **14.0 THE NATIONAL COUNCIL EXECUTIVE COMMITTEE**

- 14.1 The National Council Executive Committee is responsible for managing the National Council. Subject to this Constitution, the National Council Executive Committee may exercise all powers of the National Council and do all things that are not expressly required to be undertaken by the National Council at a General or Committee Meeting.
- 14.2 The National Council Executive Committee shall comprise the following Committee Members:
  - 14.2.1 Coordinator;
  - 14.2.2 Meetings Secretary;
  - 14.2.3 Membership Secretary;
  - 14.2.4 Treasurer;
  - 14.2.5 Member Offers Coordinator;
  - 14.2.6 Government Liaison Coordinator; and
  - 14.2.7 If required by law, a Contact Officer; and
  - 14.2.8 Between four to seven National Council Executive Committee Members.
  - 14.2.9 One person may hold more than one office, provided that no more than two roles are held and no individual person has the ability to authorise payments.



- 14.2.10 At least two officers of the Executive 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.
- 14.2.11 The Executive Committee may distribute among the officers the following portfolios - newsletter, social media officer, website administrator and any other portfolio that is considered necessary to further the objects of the National Council.
- 14.3 Members who wish to be elected as Executive Committee Members must have a voting National Council Member nominate them in writing. They must accept their nomination on the same form and deliver it to the Meetings Secretary at least 28 days prior to the AGM.
  - 14.3.1 The Coordinator shall determine the eligibility of any candidate standing for election. In the event eligibility is in dispute then the AGM shall determine the matter by majority vote.
  - 14.3.2 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 Executive Committee.
- 14.4 All elected Executive Committee Members shall be elected annually at the AGM. Notice of the date on which nominations for Executive Committee Members close shall be included in, or accompany, the notice of the AGM. If the number of nominees for the National Council Executive Committee:
  - 14.4.1 Is equal to the number of vacancies, the person chairing the AGM shall declare the nominees elected;
  - 14.4.2 Is less than the number of vacancies, further nominations may be received from the floor at the AGM and if no further nominations are received positions may be left vacant and filled at a subsequent General Meeting; and
  - 14.4.3 Is greater than the number of vacancies, an election shall be conducted by Electronic Secret Ballot.
- 14.5 At the first meeting of the National Council Executive Committee following each Annual General Meeting, the Committee will elect from among themselves:
  - 14.5.1 A Coordinator,
  - 14.5.2 A Meetings Secretary,
  - 14.5.3 A Membership Secretary,
  - 14.5.4 A Treasurer,
  - 14.2.5 A Member Offers Coordinator,
  - 14.2.6 A Government Liaison Coordinator, and
  - 14.5.7 If required by law, a Contact Officer.
- 14.6 An individual may not serve on the National Council Executive Committee if:
  - 14.6.1 The person is not a Member of the National Council;
  - 14.6.2 Subject to rule 14.6.11, the person has not been a voting Member of the National Council for at least twelve continuous months immediately preceding an AGM;
  - 14.6.3 The person is not currently Home Educating any children;
  - 14.6.4 The person is under the age of 18 years;

- 14.6.5 The person is a bankrupt who has not obtained a final order of discharge or a person whose order of discharge has been suspended for a term not yet expired, or who is the subject of a condition not yet fulfilled, or to any order under Section 299 of the Insolvency Act 2006;
  - 14.6.6 Subject to rule 14.6.11, the person has been convicted of an offence and has been sentenced to a term of imprisonment of three months or more, unless he or she has obtained a pardon, or has served the sentence;
  - 14.6.7 The person has been convicted of any offence relating to a child and that offence is of a nature which the Executive Committee considers to be a bar to service as a National Council Executive Committee Member;
  - 14.6.8 The person is prohibited from being a director of, or being concerned or taking part in, the management of an incorporated or unincorporated body under the Companies Act 1993, Securities Act 1978, the Securities Market Act 1988, the Takeovers Act 1993, or from being an officer of a charitable entity under the Charities Act 2005;
  - 14.6.9 The person is subject to a property order made under Sections 30 or 31 of the Protection of Personal and Property Rights Act 1988; or
  - 14.6.10 The person is mentally incapable as defined in the Protection of Personal and Property Rights Act 1988.
  - 14.6.11 At the discretion of the Executive Committee, a candidate who does not meet the qualifiers 14.6.2, 14.6.3 or 14.6.6 can be accepted as a National Council Executive Committee Member, provided that they do not hold the positions of Co-ordinator or Treasurer.
  - 14.6.12 The person is prohibited from being in a governance role by virtue of any provision in the Incorporated Societies Act 1908 or its successor, or any other Act of Regulation of New Zealand.
- 14.7 An Executive Committee Member shall cease to be a Member of the National Council Executive Committee as and from the date that the person:
- 14.7.1 Is no longer eligible, as described in Rule 14.6;
    - 14.7.1.1 Should any of the circumstances described in Rule 14.6 apply to an incumbent Executive Committee Member, that person shall be deemed to have vacated his or her office as soon as the circumstance applies. The sole exception is a violation of Rule 14.6.2 or 14.6.3 or 14.6.6, in which case the Executive Committee Member can remain if it is agreed by the remaining Executive Committee Members.
  - 14.7.2 Dies, or, in the opinion of the majority of the National Council Executive Committee, becomes so incapacitated that he or she is effectively incapable of performing the duties required of an Executive Committee Member;
  - 14.7.3 Resigns by notice in writing to the Coordinator;
  - 14.7.4 Is absent from two consecutive National Council Executive Committee meetings (without explanation duly accepted by the National Council Executive Committee as satisfactory); or
  - 14.7.5 Is removed from office, as described in Rule 14.9.

- 14.8 Subject to Rules 14.7, 14.9 and 14.11, the term of office for all Executive Committee Members elected at an AGM shall be one year, commencing at the conclusion of the AGM and expiring at the conclusion of the next AGM. If an Executive Committee Member is elected at a SGM their term of office shall commence at the conclusion of the SGM at which they are elected and expire at the conclusion of the next AGM. Executive Committee Members may be re-elected to the National Council Executive Committee for an indefinite subsequent and total terms of office, subject to Rules 14.3 and 14.4.
- 14.9 At a SGM called for this purpose the Members may, by Special Resolution, remove any Executive Committee Member before the expiry of their term in office in accordance with the following process:
- 14.9.1 In addition to meeting the conditions set out in Rule 15.7, the request for a SGM for the purpose of removing an Executive Committee Member must be accompanied with a written explanation detailing the reasons necessitating the removal of that Executive Committee Member;
- 14.9.2 Upon the National Council receiving a request for a SGM for the purpose of removing an Executive Committee Member, the National Council shall send notice of the SGM to the Executive Committee Member concerned and the Members of the National Council;
- 14.9.3 Following notification under Rule 15.8 and before voting on the resolution, the Executive Committee Member affected by the proposed resolution shall be given the opportunity prior to, and at, the SGM to make submissions in writing and/or verbally to the General Meeting; and
- 14.9.4 If the result of such a SGM is that the National Council Executive Committee has less than four remaining Members then the Members at that SGM must resolve to call another SGM to elect further people to the National Council Executive Committee.
- 14.10 If a person ceases to be an Executive Committee Member, that person must, within 30 days, return to the National Council all documents and property of the National Council that are in his or her possession. That person must also, within seven days, delete any documents, images or digital media which have been downloaded from the National Council Dropbox, the National Council MailChimp, the National Council Google Account, or supplied via other electronic means for the purposes of conducting the National Council Executive Committee business.
- 14.11 If the position of Coordinator, Treasurer, Meetings Secretary, Membership Secretary, Member Offers Coordinator, or Government Liaison Coordinator becomes vacant between AGMs, the National Council Executive Committee may select another Executive Committee Member to fill that vacancy until the next AGM. If the position of any other Executive Committee Member becomes vacant between AGMs, the National Council Executive Committee may appoint another Member to fill that vacancy until the next AGM, or may leave the position unfilled.
- 14.12 The general duties of each Executive Committee Member are to:
- 14.12.1 Act in good faith and in the best interests of the National Council;
- 14.12.2 Exercise the powers of the National Council Executive Committee for proper purposes;

- 14.12.3 Act, and ensure the National Council acts, in accordance with this Constitution and New Zealand law;
  - 14.12.4 Not agree to, nor cause or allow, the activities of the National Council to be carried on in a manner likely to create a substantial risk of serious loss to the National Council's finances or any creditors;
  - 14.12.5 Not agree to the National Council incurring any obligations unless the Executive Committee Members believe at that time on reasonable grounds that the National Council will be able to perform the obligations when it is required to do so; and
  - 14.12.6 Exercise the care, diligence, and skill that a reasonable Executive Committee Member would in the same circumstances taking into account, but without limitation, the nature of the National Council, the nature of the decision and the position of the Executive Committee Member and the nature of the responsibilities undertaken by the Executive Committee Member.
- 14.13 The functions of the officers are as follows:
- 14.13.1 **Coordinator:** The Coordinator will:
    - 14.13.1.1 Actively foster the principals and objects of the National Council amongst individuals, community groups, political parties, government departments, local authorities, national groups and other Home Education groups;
    - 14.13.1.2 Encourage and foster goodwill amongst the membership;
    - 14.13.1.3 Approve media releases on behalf of the National Council;
    - 14.13.1.4 Be registered as a first contact person with organisations;
    - 14.13.1.5 Encourage Members and the National Council Executive Committee Members to fully participate in the running of the National Council; and
    - 14.13.1.6 Fulfil any other such functions or duties as determined by the National Council Executive Committee.
  - 14.13.2 **Treasurer:** The Treasurer, or any other Executive Committee Member chosen by the Committee, will:
    - 14.13.2.1 Bank all monies payable to the National Council to the credit of the National Council's bank account;
    - 14.13.2.2 Disburse the monies of the National Council under the authority of the Committee;
    - 14.13.2.3 Keep proper accounts of the financial affairs of the National Council;
    - 14.13.2.4 Report to the National Council Executive Committee on the state of the National Council's finances;
    - 14.13.2.5 Complete and provide the Registrar of Incorporated Societies the annual statement required by the Act and/or to any other part as required by law; and
    - 14.13.2.6 Immediately after the close of each financial year prepare and submit to audit, if required by the Executive Committee, the statements of financial results and financial position and present these statements at the AGM.

- 14.13.3 **Meetings Secretary:** The Meetings Secretary, or any other Executive Committee Member chosen by the Executive Committee, will:
  - 14.13.3.1 Summon and attend (where possible) all meetings;
  - 14.13.3.2 Keep minutes of the proceedings and record attendance at meetings;
  - 14.13.3.3 Distribute minutes to all officers within 21 days of the meeting;
  - 14.13.3.4 Fulfil any other such functions or duties as determined by the National Council Executive Committee.
- 14.13.4 **Correspondence Secretary:** The Correspondence Secretary, or any other Executive Committee Member chosen by the Executive Committee, will:
  - 14.13.4.1 Conduct correspondence as directed by the National Council Executive Committee; and
  - 14.13.4.2 Fulfil any other such functions or duties as determined by the National Council Executive Committee.
- 14.13.4 **Membership Secretary:** The Membership Secretary, or any other Executive Committee Member chosen by the Executive Committee, will:
  - 14.13.4.1 Keep a register of Members;
  - 14.13.4.2 Process new membership applications by checking the applicant is eligible to become a Member and payment has been made (if applicable);
  - 14.13.4.3 Bank any manual payments provided by an applicant;
  - 14.13.4.4 On behalf of the Executive Committee, accept or decline all membership applications in a timely manner and communicate the decision back to the applicant;
  - 14.13.4.5 Present applications to the National Council Executive Committee during an Executive Committee Meeting, reporting on acceptances, denials, and cancellations;
  - 14.13.4.6 Initiate the renewal of membership in accordance with Rule 7.4 by sending a notice to all Members when required;
  - 14.13.4.7 Follow-up the process started in Rule 14.13.4.6 with weekly reminders;
  - 14.13.4.8 Update the register of Members with renewals; and
  - 14.13.4.9 Fulfil any other such functions or duties as determined by the National Council Executive Committee; and
  - 14.13.4.10 Hold the Common Seal of the National Council.
- 14.13.5 **Member Offers Coordinator:** The Member Offers Coordinator, or any other Executive Committee Member chosen by the Executive Committee, will:
  - 14.13.5.1 Keep a list of member offers and discounts, and their start/end dates;
  - 14.13.5.2 On behalf of the Executive Committee, accept or decline program contracts and communicate the decision back to the National Council;
  - 14.13.5.3 Process enrolments into programs in a timely manner;
  - 14.13.5.4 Keep accurate records for every program; and

- 14.13.5.5 Fulfil any other such functions or duties as determined by the National Council Executive Committee.
- 14.13.6 **Government Liaison Officer:** The Government Liaison Coordinator, or any other Executive Committee Member chosen by the Executive Committee, will:
  - 14.13.6.1 Communicate with government agencies as directed by the National Council Executive Committee; and
  - 14.13.6.2 Fulfil any other such functions or duties as determined by the National Council Executive Committee.
- 14.14 **Chair:** The Coordinator shall Chair all Executive Committee Meetings. If the Coordinator is unavailable or not present, the National Council Executive Committee shall select another Member to be acting chair for that meeting. The acting chair will be appointed within fifteen minutes after the designated starting time for that Executive Committee Meeting.
  - 14.14.1 Any Person presiding over a meeting of the National Council or Executive 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.
- 14.15 **Powers of the National Council Executive Committee:** The National Council Executive Committee has all the powers of the National Council, unless the National Council's Executive Committee is limited by this Constitution, or by a majority decision of the Members at a General Meeting.
- 14.16 **Committee Meetings:** The National Council Executive Committee meetings are normally held on a monthly basis, but may be called at any time by the Coordinator or two other Executive Committee Members. Subject to this Constitution, the National Council Executive Committee may regulate its own practices, provided that an Executive Committee Meeting is held no less than every three months.
- 14.17 **Quorum:** No National Council Executive Committee meeting may be held unless the minimum number of Executive Committee Members are present. The minimum number of Executive Committee Members is defined as, one person greater than half the number of currently serving Executive Committee Members. The minimum number must also include at least two Office Holders.
- 14.18 **Voting:** Each Executive Committee Member present shall have one vote at the National Council Executive Committee meetings. The person who is chairing the meeting shall have a casting vote in the event of a deadlock. Voting shall be by a show of hands, or upon request of any Executive Committee Member, by a ballot. Proxy and postal voting is not allowed.
- 14.19 **Meetings using Technology:** The National Council meetings may be held by video or telephone conference, or by other formats as the National Council Executive Committee may decide provided that:
  - 14.19.1 Prior notice of the meeting is given to all Executive Committee Members; and
  - 14.19.2 All persons participating in the meeting are able to hear each other effectively and simultaneously.

- 14.20 **Resolutions:** The National Council Executive Committee may make a decision by signed resolution in lieu of a meeting, provided that:
- 14.20.1 A copy of the proposed resolution is sent to every Executive Committee Member; and
  - 14.20.2 A majority of the Executive Committee Members consent to the resolution. Any such resolution shall be valid as if it had been passed at a meeting of the National Council Executive Committee and shall be minuted at the next Executive Committee Meeting.
- 14.21 **Reporting:** The National Council Executive Committee will distribute a quarterly newsletter to Members no less than four times each year, which shall include:
- 14.21.1 A summary of the Executive Committee and National Council activities for the preceding period;
  - 14.21.2 The names of elected officers or other appointments;
  - 14.21.3 Any questionnaires that may from time to time be used to solicit Members' views; and
  - 14.21.4 Any other business or information that the Executive Committee thinks fit.
- 14.22 General Members may be present at the National Council Executive Committee Meetings at the discretion of the Executive Committee, but shall have no voting rights.
- 14.23 **Matters Not Provided For:** If any situation arises that, in the opinion of the National Council Executive Committee, is not provided for in this Constitution, or in existing policies or guidelines, the matter shall be determined by the National Council Executive Committee and shall be binding upon the National Council and its Members unless it is set aside by resolution at a General Meeting. All such matters will be entered in the Policy Register by the Meetings Secretary.

## Part 4: General Meetings

### 15.0 MEETINGS OF MEMBERS

- 15.1 Under this Constitution a General meeting is either an Annual General Meeting ("AGM") or a Special General Meeting ("SGM").
- 15.2 **AGM:** The National Council must hold an AGM once in every calendar year, no later than fifteen months since the last preceding General Meeting or three months since the commencement of a new financial year.
- 15.2.1 The National Council Executive Committee shall determine the time and date of the AGM.
  - 15.2.2 The AGM shall be held by way of electronic means or conference telephone.
- 15.3 **Notice of AGM:** The National Council must give all Members not less than 70 days written notice of the AGM. The notice shall set out:
- 15.3.1 The date, time and manner in which the AGM is to be held; and

- 15.3.2 The closing date for submission of any nominations, proposed motions and other items of business, which shall be no fewer than 28 days before the AGM date.
- 15.4 **Motions:** The National Council Executive Committee or any other Member may request that a motion be voted on at a General Meeting. For an AGM that Member shall do so in writing and shall deliver the same to the Meetings Secretary not less than 56 days before the AGM. For an SGM this is done in the request to call a SGM.
- 15.4.1 The Meetings Secretary shall send to Members an electronic ballot notice not less than 42 days before the AGM, which shall include any resolutions to be voted on by electronic ballot.
- 15.4.2 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 Meetings Secretary not less than 28 days before the AGM.
- 15.5 **Business of AGM:** The following business shall be discussed at each AGM:
- 15.5.1 Receiving any minutes of previous General Meeting of the National Council;
- 15.5.2 Receiving the Coordinators' report on the business of the National Council;
- 15.5.3 Receiving the Treasurer's report on the finances of the National Council;
- 15.5.4 The election of the National Council Executive Committee Members;
- 15.5.5 Every motion proposing to alter this Constitution (which may include the National Council Executive Committee's recommendations about the motion);
- 15.5.6 Acceptance of New Members who have joined since the last AGM, as Full Members;
- 15.5.7 Any other motion or matter, including general business, that has been properly submitted for consideration at the AGM (which may include the National Council Executive Committee's recommendations about those motions).
- 15.6 **AGM Agenda:** The Meetings Secretary shall send to Members a final notice not less than 14 days before the AGM 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 15.4.2, audited or reviewed accounts if available, electronic ballot voting forms and proxy forms. Any additional items of general business may be raised by the floor with the consent of the chair.
- 15.7 **SGM:** The National Council must call a SGM at the majority request from the National Council Executive Committee or on receipt of a written request signed by 10 per cent or more of the Full Members of the National Council. All written requests for a SGM must state the purpose for the SGM including any motions to be considered.
- 15.8 **Notice of SGM:** No business may be transacted at any SGM other than business specified in the notice convening the meeting. No less than 30 days' written notice must be given by the National Council to all Members, this notice shall include:
- 15.8.1 The date, time and manner in which the meeting is to be held; and



- 15.8.2 Every motion that has been properly submitted for consideration.
- 15.9 **Notices:** A notice may be given to any Member by, or on behalf of the National Council, and deemed to be sufficiently given and serviced if it is provided by:
- 15.9.1 Letter sent to the Member's home address; or
  - 15.9.2 Email to the Member's email address; or
  - 15.9.3 Any other method approved in writing by the Member; and
- 15.10 **Errors:** If the National Council has sent a notice to all Members in good faith, the General Meeting and its business will not be invalidated simply because one or more Members do not receive the notice.
- 15.11 **Quorum:** A General Meeting may only be held if at least ten Full Members of the National Council and one of the Coordinator, Meetings Secretary, or Treasurer, and two other the National Council Executive Committee Members attend, which shall constitute a quorum. A quorum must be present at all times during the meeting. If a quorum is not obtained within thirty minutes of the intended commencement time of the General Meeting, the General Meeting shall be adjourned to such other time, date and manner as determined by the National Council Executive Committee. Members must be given not less than 14 days written notice of the new General Meeting as per 15.3.1 and 15.3.2. If no quorum is obtained at such further General Meeting, then the persons present at that further General Meeting are deemed to constitute a valid quorum.
- 15.12 **Chair:** The Coordinator shall chair all General Meetings, but if they are unavailable or unwilling to chair the meeting, then the persons entitled to be present at the General Meeting shall elect a person present from the National Council Executive Committee to be the Chair of the General Meeting.
- 15.13 **Voting:** Unless otherwise required by this Constitution:
- 15.13.1 An Ordinary Resolution shall be sufficient to pass a resolution;
  - 15.13.2 Every Full Member and every Honorary Member is entitled to one vote, provided that no more than two votes are cast per family with a maximum vote of one per person;
  - 15.13.3 On any given motion the Chair of the meeting shall in good faith determine whether to vote by voices, show of hands, or Electronic Secret Ballot. However if any Member demands a secret ballot before a vote by voices or show of hands has begun, voting must be by Electronic Secret Ballot;
  - 15.13.4 In the event of equality of votes at a General Meeting, the Chair of that meeting shall have an additional casting vote;
  - 15.13.5 Postal voting is permitted provided that the vote is cast in an email message sent from the designated email address recorded on the National Council Membership Register, and that email message is emailed to the Meetings Secretary by the day preceding the date of the General Meeting; and
  - 15.13.6 Proxy voting is permitted provided that the proxy vote is registered with the Meetings Secretary before the General Meeting at which the proxy vote will be used. The registration of a proxy vote will be deemed valid provided it is signed by the Member and includes the following declaration:

I/We being Full Members of the National Council of Home Educators NZ Incorporated do hereby appoint \_\_\_\_\_ as [my/our] proxy to vote on [my/our] behalf [as instructed/at will] at the Annual/Special General Meeting of the Society to be held on the \_\_\_\_\_ day of \_\_\_\_\_ by \_\_\_\_\_ or at any adjournment thereof. I enclose a copy of all specific instructions given to my proxy holder, who is \_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_

- 15.13.7 The attendance of a Member at a General Meeting automatically invalidates any proxy that he or she may have previously registered for that meeting.
- 15.13.8 **Minutes:** Minutes shall be kept of all General Meetings and made available within 21 days of the meeting.

## Part 5: Miscellaneous

### 16.0 FINANCES

- 16.1 **Financial Year:** The financial year of the National Council shall begin on 1 April every year and end on 31 March of the next year.
- 16.2 **National Council Funds:** The National Council Executive Committee is responsible for the receipt and banking of all monies received by the National Council. All funds of the National Council shall be put into a bank account in the name of the National Council and the bank account must be operated in accordance with the policy determined by the National Council Executive Committee:
- 16.2.1 All cheques and internet banking transactions shall be endorsed in the manner as directed by the National Council Executive Committee, but never with less than two signatories;
- 16.2.2 There must be at least three National Council Executive Committee Members who are authorised on the National Council's internet banking facilities at all times; and
- 16.2.3 The Treasurer must be one of these three authorised people.
- 16.3 **Accounting Records:** The National Council Executive Committee must ensure correct accounting records are kept. The accounting records of the National Council must be:
- 16.3.1 Kept at a place deemed suitable by the National Council Executive Committee; and
- 16.3.2 Open to inspection by Members at reasonable times as determined by the National Council Executive Committee.

- 16.4 **Assurance on Financial Statements:** The Members may appoint a suitably qualified auditor or accountant to audit or review the annual financial statements of the National Council. No review or audit of the annual financial statements is required unless a review or audit is requested by the National Council Executive Committee or by a majority of Members at any properly convened general meeting.
- 16.4.1 The Auditor or Reviewer must have tertiary accounting qualifications, preferably by a Member of the CCANZ or CP Australia, and must not be a Member of the National Council Executive Committee or an employee of the National Council.
- 16.4.2 If the Members appoint an Auditor or Reviewer who is unable for some reason to act, the Committee shall appoint another Auditor or Reviewer as a replacement.
- 16.4.3 The National Council Executive Committee must provide the Auditor or Reviewer with access to all information of which it is aware.

## 17.9 USE OF MONEY AND OTHER ASSETS

- 17.1 The National Council may only use money and other assets of the National Council if the circumstances below are satisfied. In this context the term “use money and other assets” means to use, handle, invest, transfer, give, apply, expend, dispose of, or in any other way deal with money or other assets.
- 17.1.1 The use is applied towards the promotion of the objects of the National Council;
- 17.1.2 The use is not for the sole personal or individual benefit of any Member; and
- 17.1.3 That use has been approved by the National Council Executive Committee or by Ordinary Resolution at a General Meeting.
- 17.2 Except as provided in this Constitution:
- 17.2.1 No portion of the income or property of the National Council shall be paid or transferred, directly or indirectly, to any Member or Committee Member; and
- 17.2.2 No remuneration or other benefit shall be paid, or given, by the National Council to any Member or Executive Committee Member.
- 17.3 Nothing in Rule 17.2 shall prevent payment in good faith of, or to, any Member or Executive Committee Member for any of the following, provided that any such payment shall not exceed the amount ordinarily payable between commercial parties dealing at arm’s length in a similar transaction:
- 17.3.1 Any services actually rendered to the National Council, whether as an employee or otherwise;
- 17.3.2 Goods supplied to the National Council in the ordinary and usual course of operation;
- 17.3.3 Interest on money borrowed from any Member or Executive Committee Member;
- 17.3.4 Any out-of-pocket expenses incurred by a Member or Executive Committee Member on behalf of the National Council for any other reason.

## **18.0 COMMON SEAL**

- 18.1 The Common Seal of the National Council shall be kept in the custody of the Meetings Secretary. The seal may only be used with the authority of the National Council Executive Committee. Every document to which the Common Seal is affixed shall be signed by one Coordinator and one other person appointed by the National Council Executive Committee.

## **19.0 ALTERATION OF THE RULES**

- 19.1 Notice of any proposed motion to alter the Constitution at an Annual General Meeting must be received by the Meetings Secretary no later than 30 days prior to the Annual General Meeting. Notice of any proposed motion to alter this Constitution at a Special General Meeting call for this purpose shall be sent to the Meetings Secretary, A Special General Meeting shall then be called in accordance with rule 15.0. If the Notice has been sent by a General Member, the notice must be accompanied by a written explanation of the reasons for the proposal. The Executive Committee may make recommendations in respect of the proposal.
- 19.2 The Members voting at a General Meeting may by Special Resolution make alterations or additions to the terms of this Constitution provided that no such alteration or addition will:
- 19.2.1 Detract from the exclusively charitable nature of the National Council, or
  - 19.2.2 Result in the distribution of its assets on winding up or dissolution for any purpose that is not exclusively charitable.
- 19.3 If the National Council is an incorporated entity, alterations shall be registered with the Registrar of Incorporated Societies within one month of the date of alteration and no changes shall take effect until the date of registration.
- 19.4 If the National Council is a registered charitable entity, alterations shall be registered with the DIA-Charities Services within three months of the date of alteration.

## **20.0 BYLAWS AND POLICIES**

- 20.1 The National Council Executive Committee may make, alter, or rescind bylaws, policies and guidelines for the general management of the National Council, so long as these are not repugnant to the rules or provisions of law. All such bylaws, polices and guidelines shall be binding on Members (unless otherwise stated). A copy of the bylaws, polices and guidelines of the National Council shall be available for inspection by any Member on request to the National Council Executive Committee.

## **21.0 WINDING UP**

- 21.1 The National Council may be wound up in accordance with the procedures under the Incorporated Societies Act 1908 or its successor.
- 21.2 On the winding up of the Society all surplus assets after the payment of costs, debts and liabilities will be:
- 21.2.1 Given to a charity or charities registered with the Charities Registration Board and who provide services consistent with the objects of the National Council; and/or

- 21.2.2 Given for any other charitable purpose recognised under New Zealand law.
- 21.2.3 If the Members are unable to make a decision as to distribution, the remaining assets will be disposed in accordance with the directions of the High Court.
- 21.3 No surplus assets may be applied for or to the personal benefit of any Member.

## 22.0 CONFLICTS OF INTEREST

- 22.1. An Executive Committee Member will have an interest in any matter if he or she:
  - 22.1.1 May have a personal financial involvement in the matter;
  - 22.1.2 Is employed by the Society or is contracted to provide services to the Society;
  - 22.1.3 Is the spouse, partner, child or parent of a person who may derive a financial benefit from the matter;
  - 22.1.4 May have a financial interest in another organisation or business to which the matter relates; or
  - 22.1.5 Is a partner, director, officer, board member or trustee of a business, organisation, or trust who may have a financial interest to which the matter relates.
- 22.2 No Executive Committee Member will have an interest in a matter where his or her interest is linked to his/her role as a Home Educator and that interest is not different from the interest of other Executive Committee Members.
- 22.3 Where an Executive Committee Member has an interest in any decision on any matter being considered by or affecting the Society, he or she must, as soon as he or she becomes aware of his or her interest in the matter, disclose the nature and extent of that interest to the Executive Committee.
- 22.4 The Executive Committee may, where it considers appropriate, exclude an Executive Committee Member from any discussion or involvement with any matter it considers the Executive Committee Member to have an interest in.
- 22.5 The Executive Committee shall maintain a record of all Executive Committee Member interests that are disclosed.

## 23.0 INTERPRETATION

- 23.1 The capitalised words and phrases used in this Constitution shall have the definitions specified within this Constitution and those definitions set out below.

**Act** means the Incorporated Societies Act 1908 or its successor.

**AGM** means an Annual General Meeting as described in Rules 15.2 to 15.6.

**National Council Executive Committee** means the committee of the National Council as described in Rule 14.

**Electronic Secret Ballot** means ballot in which votes are cast in secret using appropriate electronic means.

**Executive Committee Member** means a Member of the National Council Executive Committee.

**Constitution** means this document.

**Full Member** has the meaning specified in Rule 6.1.2.

**General Meeting** means an Annual General Meeting (AGM) or Special General Meeting (SGM).

**Home Educating / Home Education / Home Educate** means the domiciliary based education of your, your partner or spouse's children aged 18 years and under with such approval as is necessary under the Education Act 1964 unless otherwise approved by the Executive Committee.

**Home Educators** means the person(s) providing the Home Education as defined in these definitions.

**Honorary Member** has the meaning specified in Rule 6.1.2.

**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.

**Member** means a person that is a Member of the National Council as specified in Rule 6.0.

**New Member** has the meaning specified in Rule 6.1.1.

**Ordinary Resolution** means a resolution passed by a majority of votes properly cast.

**Register of Members** means the register in which details of the Members are held by the National Council as specified in Rule 13.0.

**Special Resolution** means a resolution passed by two thirds of the votes properly cast.

23.2 In this Constitution:

23.2.1 Where the singular is used, plural forms of the noun are also inferred; and

23.2.2 Any reference to legislation includes a modification or re-enactment of, legislation enacted in substitution of, or a regulation, order-in-council or other instrument from time to time issued or made under, that legislation.