

Rules of Manawatu Home Educators (Incorporated)

THE SOCIETY

1. Name

- 1.1. The name of the society is Manawatu Home Educators Incorporated (“the Society”).
- 1.2. The Society is constituted by resolution dated 3rd April 2014.

2. Registered Office

- 2.1. Contact: www.mhe.org.nz

3. Purposes of Society

- 3.1. The purposes of this Society, based on Christian principles and values, are:
 - 3.1.1. To be a supportive network for Home Educators from Manawatu and surrounding regions.
 - 3.1.2. To be a resource hub to members.
 - 3.1.3. Facilitating social and educational activities and events for members.
 - 3.1.4. Do anything necessary or helpful to the above purposes.
- 3.2. Pecuniary gain is not a purpose of the Society.
 - 3.2.1. The provisions and effect of this clause shall not be removed from this document and shall be included into any document replacing this document.

MANAGEMENT OF THE SOCIETY

4. Managing Committee

- 4.1. The Society shall have a managing committee (“the Committee”), comprising the following persons:
 - 4.1.1. The Chairperson;
 - 4.1.2. The Secretary;
 - 4.1.3. The Treasurer; and
 - 4.1.4. Such other Members as the Society shall decide.
- 4.2. Only Members of the Society may be Committee Members.
- 4.3. There shall be a minimum of three Committee Members, in addition to the Officers.
- 4.4. The maximum number of Committee Members shall be twelve (12) people.
- 4.5. Committee Members will serve for a Term of two (2) years, after which time they may seek re-election.
- 4.6. Any person who is undischarged bankrupt shall have no signing or controlling authority over the Society’s finances.
- 4.7. In order to meet the purposes of the Society, the Committee shall comprise of at least 75% who profess the Christian Faith.

5. Appointment of Committee Members

- 5.1. At a Society Meeting, the Members may decide by majority vote:
 - 5.1.1. Who shall be the Chairperson, Secretary, and Treasurer;
 - 5.1.2. Whether any Committee member may hold more than one position as an officer.

6. Cessation of Committee Membership

- 6.1. Persons cease to be Committee Members when:
 - 6.1.1. They resign by giving written notice to the Committee.
 - 6.1.2. They are removed by majority vote of the Society at a Society Meeting.
 - 6.1.3. Their Term applies.
 - 6.1.4. They are absent from three (3) Committee Meetings without apology.
- 6.2. If a person ceases to be a Committee Member, that person must within one month give to the Committee all Society documents and property.

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7. Nomination of Committee Members

- 7.1. Nominations for members of the Committee shall be called for at least 28 days before an Annual General Meeting. Each candidate shall be proposed and seconded in writing by Members and the completed nomination delivered to the Secretary. Nominations shall close five (5) days before the Annual General Meeting. All retiring members of the Committee shall be eligible for re-election.
- 7.2. More than one person from a membership family may be voted to the Committee.
- 7.3. If the position of any Officer becomes vacant between Annual General Meetings, the Committee may appoint another Committee Member or Society Member to fill that vacancy until the next Annual General Meeting.
- 7.4. If the position of any Committee Member becomes vacant between Annual General Meetings, the Committee may appoint another Society Member to fill that vacancy until the next Annual General Meeting.
- 7.5. If any Committee Member is absent from three consecutive meetings without lodging an Apology the Chairperson may declare that person's position to be vacant.

8. Role of the Committee

- 8.1. Subject to the Rules of the Society ("The Rules"), the role of the Committee is to:
 - 8.1.1. Administer, manage, and control the Society;
 - 8.1.2. Carry out the purposes of the Society, and Use Money or Other Assets to do that;
 - 8.1.3. Manage the Society's financial affairs, including approving the annual financial statements for presentation to the Members at the Annual General Meetings;
 - 8.1.4. Set accounting policies in line with generally accepted accounting practice;
 - 8.1.5. Delegate responsibility and co-opt members where necessary;
 - 8.1.6. Ensure that all Members follow the Rules;
 - 8.1.7. Decide how a person becomes a Member, and how a person stops being a Member;
 - 8.1.8. Decide the times and dates for Meetings, and set the agenda for Meetings;
 - 8.1.9. Decide the procedures for dealing with complaints;
 - 8.1.10. Set Membership fees, including subscriptions and levies;
 - 8.1.11. Make regulations.
- 8.2. Each Committee member is entitled to one vote.
- 8.3. The Committee has all of the powers of the Society, unless the Committee's power is limited by these Rules, or by a majority decision of the Society.
- 8.4. All decisions of the Committee shall be by a majority vote. In the event of an equal vote, the Chairperson shall have a casting vote, that is, a second vote.
- 8.5. Decisions of the Committee bind the Society, unless the Committee's power is limited by these Rules or by a majority decision of the Society.

9. Roles of Committee Members

- 9.1. The Chairperson is responsible for:
 - 9.1.1. Ensuring that the Rules are followed;
 - 9.1.2. Convening Meetings and establishing whether or not a quorum is present;
 - 9.1.3. Chairing Meetings, deciding who may speak and when, organising Agenda items and the order they are discussed;
 - 9.1.4. Ensure full and open discussions take place prior to any vote;
 - 9.1.5. Overseeing the operation of the Society;
 - 9.1.6. Providing a report on the operations of the Society at each Annual General Meeting.
- 9.2. The Secretary is responsible for:
 - 9.2.1. Recording the minutes of Meetings;
 - 9.2.2. Keeping the Register of Members;
 - 9.2.3. Holding the Society's records, documents, and books except those required for the Treasurer's function;
 - 9.2.4. Receiving and replying to correspondence as required by the Committee;

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- 9.2.5. Forwarding the annual financial statements for the Society to the Registrar of Incorporated Societies upon their approval by the Members at an Annual General Meeting.
- 9.2.6. Advising the Registrar of Incorporated Societies of any rule changes;
- 9.3. The Treasurer is responsible for:
 - 9.3.1. Keeping proper accounting records of the Society's financial transaction to allow the Society's financial position to be readily ascertained;
 - 9.3.2. Preparing annual financial statements for presentation at each Annual General Meeting. These statements should be prepared in accordance with the Societies' accounting policies.
 - 9.3.3. Providing a financial report at each Annual General Meeting.
 - 9.3.4. Providing a financial report, and other relevant information, at each Committee Meeting.

10. Committee Meetings

- 10.1. Committee meetings may be held via video or telephone conference, or other formats as the Committee may decide;
 - 10.1.1. Any decisions made outside of ordinary Committee Meetings shall be Minuted in subsequent Committee Meetings.
- 10.2. No Committee Meeting may be held unless more than half of the Committee Members attend;
- 10.3. The Chairperson shall chair Committee Meetings, or if the Chairperson is absent, the Committee shall elect a Committee Member to chair the meeting;
- 10.4. Decisions of the Committee shall be by two-thirds majority vote;
- 10.5. The Chairperson or person acting as Chairperson has a casting vote at that Committee Meeting;
- 10.6. Only Committee Members present at a Committee Meeting may vote at that Committee Meeting;
- 10.7. Subject to these Rules, the Committee may regulate its own practices;
- 10.8. The Chairperson or their nominee shall adjourn the meeting if necessary.
- 10.9. Adjourned Meetings: If within half an hour after the time appointed for a meeting a quorum is not present the meeting, if convened upon requisition of members, shall be dissolved; in any other case it shall stand adjourned to a day, time and place determined by the Chairperson.
- 10.10. If a Committee Member is unable to attend a Committee Meeting they shall, where possible, put in their apology up to one (1) day prior to the meeting in order to determine whether a quorum is likely to be established.
- 10.11. Committee Meetings shall occur at least four (4) times per year, ideally a minimum of once per school Term.

SOCIETY MEMBERSHIP

11. Types of Members

- 11.1. Membership may comprise different classes of membership as decided by the Society.
- 11.2. Members have the rights and responsibilities set out in these Rules.

12. Admission of Members

- 12.1. To become a Member, a person ("the Applicant") must:
 - 12.1.1. Complete an application form; and
 - 12.1.2. Supply any other information the Committee requires; and
 - 12.1.3. Upon receipt of relevant Membership Fees.
- 12.2. The Committee may interview the Applicant when it considers Membership applications.
- 12.3. The Committee shall have complete discretion when it decides whether or not to allow the Applicant become a Member. The Committee shall advise the Applicant of its decision, and that decision shall be final.
- 12.4. Standard Membership is from 1 January – 31 December.
- 12.5. Members may join at any time of a school Term and pay applicable Membership fees.

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13. The Register of Members

- 13.1. The Secretary shall keep a register of Members (“the Register”), which shall contain the names, the postal and email addresses and telephone numbers of all Members, and the dates at which they became Members.
- 13.2. If a Member’s contact details change, that Member shall give the new postal or email address or telephone number to the Secretary.
- 13.3. Each Member shall provide such other details, as the Committee requires.
- 13.4. Members shall have reasonable access to the Register of Members.

14. Cessation of Membership

- 14.1. Any Member may resign by giving written notice to the Secretary.
- 14.2. Membership terminated in the following way:
 - 14.2.1. If, for any reason whatsoever, the Committee is of the view that a Member is breaching the Rules or acting in a manner inconsistent with the purposes of the Society, the Committee may give written notice of this to the Member (“the Committee’s Notice”). The Committee’s Notice must:
 - 14.2.1.1. Explain how the Member is breaching the Rules or acting in a manner inconsistent with the purposes of the Society;
 - 14.2.1.2. State what the Member must do in order to remedy the situation; or state that the Member must write to the Committee giving reasons why the Committee should not terminate the Member’s Membership.
 - 14.2.1.3. State that if the Committee terminates the Member’s Membership, the Member may appeal to the Society.
 - 14.2.2. 14 days after the Member received the Committee’s Notice, the Committee may in its absolute discretion by two-thirds majority vote terminate the Member’s Membership by giving the Member written notice (“Termination Notice”), which takes immediate effect. The Termination Notice must state that the Member may appeal to the Society at the next Meeting by giving written notice to the Secretary (“Member’s Notice”) within 14 days of the Member’s receipt of the Termination Notice.
 - 14.2.3. If the Member gives the Member’s Notice to the Secretary, the Member will have the right to be fairly heard at a Society Meeting held within the following 28 days. If the Member chooses, the Member may provide the Secretary with a written explanation of the events as the Member sees them (“the Member’s Explanation”), and the Member may require the Secretary to give the Member’s Explanation to every other Member within 7 days of the Secretary receiving the Member’s Explanation. If the Member is not satisfied that the other Society Members have had sufficient time to consider the Member’s Explanation, the Member may defer his or her right to be heard until the following Society Meeting.
 - 14.2.4. When the Member is heard at a Society Meeting, the Society may question the Member and the Committee Members.
 - 14.2.5. The Society shall then by two-thirds majority vote decide whether to let the termination stand, or whether to reinstate the Member. The Society’s decision will be final.

15. Obligations of Members

- 15.1. All Members (including Committee Members) shall promote the purposes of the Society and shall do nothing to bring the Society into disrepute.
- 15.2. No decision or public statement shall be issued by a Member in the name of the Society or of the Committee unless it has been agreed to by a two-thirds majority of the Committee.
- 15.3. As a volunteer organization, Members may, as required, be called up to help with the running of events, activities and services.
- 15.4. Any member with a perceived Conflict of Interest shall, where necessary, disclose such and, if required, refrain from subsequent discussions and/or voting.

16. Membership Entitlements

- 16.1. Membership shall entitle a Member to
 - 16.1.1. Priority access to events and activities organized by the Society.
 - 16.1.2. Access to the Resource Library.
 - 16.1.3. Attend Committee Meetings and Society Meetings and access to subsequent Minutes.
 - 16.1.4. Manawatu Home Educators website and online presence.

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MONEY AND OTHER ASSETS OF THE SOCIETY

17. Use of Money and Other Assets

- 17.1. The Society may only use Money and Other Assets if:
 - 17.1.1. It is for a purpose of the Society;
 - 17.1.2. It is not for the sole personal or individual benefit of any Member; unless
 - 17.1.3. That Use has been approved by either the Committee or by majority vote of the Society.
- 17.2. Honoraria may be paid for particular roles and set at each Annual General Meeting.

18. Joining Fees, Subscriptions and Levies

- 18.1. If any Member does not pay a Subscription or levy by the date set by the Committee or the Society, the Secretary will give written notice 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 any sums due to the Society) have no Membership rights.

19. Additional Powers

- 19.1. The Society may:
 - 19.1.1. Employ people for the purposes of the Society;
 - 19.1.2. Exercise any power a trustee might exercise;
 - 19.1.3. Invest in any investment that a trustee might invest in;
 - 19.1.4. Borrow money and provide security for that if authorised by Majority vote at any Society Meeting.

20. Financial Year

- 20.1. The financial year of the Society begins on 1 January of every year and ends on 31 December of the same year.

21. Assurance on the Financial Statements

- 21.1. The Society may appoint an accountant to review the Annual Financial Statements of the Society ("the Reviewer"). The Reviewer shall conduct an examination with the objective of providing a report that nothing has come to the Reviewer's attention to cause the Reviewer to believe that the financial information is not presented in accordance with the Society's accounting policies. The Reviewer must be a suitably qualified person, preferably a member of the New Zealand Institute of Chartered Accountants, and must not be a member of the Committee, or an employee of the Society. If the Society appoints a Reviewer who is unable to act for some reason, the Committee shall appoint another Reviewer as a replacement.
- 21.2. The Committee is responsible to provide the Reviewer with:
 - 21.2.1. Access to all information of which the Committee is aware that is relevant to the preparation of the financial statements such as records, documentation and other matters;
 - 21.2.2. Additional information that the reviewer may request from the Committee for the purpose of the review; and
 - 21.2.3. Reasonable access to persons within the Society from whom the reviewer determines it necessary to obtain evidence.
- 21.3. No review or audit of the annual financial statements is required unless a review or audit is requested by 5% of the Members at any properly convened Society Meeting.

CONDUCT OF MEETINGS

22. Society Meetings

- 22.1. A Society Meeting is either an Annual General Meeting or a Special General Meeting.
- 22.2. The Annual General Meeting shall be held once every year no later than five months after the Society's balance date. The Committee shall determine when and where the Society shall meet within those dates.
- 22.3. Special General Meetings may be called by the Committee. The Committee must call a Special General Meeting if the Secretary receives a written request signed by at least 10% of the Members.

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- 22.4. The Secretary shall:
- 22.4.1. Give all Members at least 28 days Written Notice of a Society Meeting calling for nominations of Committee Members and/or Office Holders, notices of Motion, and/or General Business.
 - 22.4.2. Members will have 7 days to provide the Secretary with any nominations, notices of Motion and/or General Business.
 - 22.4.3. Give all Members at least 14 days Written Notice of the business to be conducted at any Society Meeting;
 - 22.4.4. Additionally, the Secretary will provide, as appropriate:
 - 22.4.4.1. A copy of the Chairperson's Report on the Society's operations and of the Annual Financial Statements as approved by the Committee;
 - 22.4.4.2. A list of Nominees for the Committee, and information about those Nominees if it has been provided.
 - 22.4.4.3. Nominations may be received from the floor of the Annual General Meeting.
 - 22.4.4.4. Notice of any motions and the Committee's recommendations about those motions.
 - 22.4.4.5. If the Secretary has sent a notice to all Members in good faith, the Meeting and its business will not be invalidated simply because one or more Members do not receive the notice.
- 22.5. All Members may attend and vote at Society Meetings.
- 22.6. Each Member family will have one vote.
- 22.7. No Society Meeting may be held unless at least 20% of eligible Members families attend. (This will constitute a quorum).
- 22.8. All Society Meetings shall be Chaired by the Chairperson. If the Chairperson is absent, the Society shall elect another Committee Member to Chair that meeting. Any person Chairing a Society Meeting has a casting vote.
- 22.9. On any given motion at a Society Meeting, the Chairperson shall, in good faith, determine whether to vote by:
- 22.9.1. Voices;
 - 22.9.2. Show of hands; or
 - 22.9.3. Secret ballot.
 - 22.9.4. However, if any Member demands a secret ballot before a vote by voices or show of hands has begun, voting must be by secret ballot. If a secret ballot is held, the Chairperson will have a casting, that is, second vote.
- 22.10. The business of an Annual General Meeting shall be:
- 22.10.1. Receiving any minutes of the previous Society's Meeting(s);
 - 22.10.2. The Chairperson report on the business of the Society;
 - 22.10.3. The Treasurer's report on the finances of the Society, and the Annual Financial Statements;
 - 22.10.4. Determine the Auditor/Reviewer;
 - 22.10.5. Additional Reports from key Activities coordinators.
 - 22.10.6. Election of Committee Members;
 - 22.10.7. Motions to be considered;
 - 22.10.8. General business.
- 22.11. The Chairperson or their nominee shall adjourn the meeting if necessary.
- 22.12. Adjourned Meetings: If within half an hour after the time appointed for a meeting a quorum is not present the meeting, if convened upon requisition of members, shall be dissolved; in any other case it shall stand adjourned to a day, time and place determined by the Chairperson of the Society, and if at such adjourned meeting a quorum is not present the meeting shall be dissolved without further adjournments. The Chairperson may with the consent of any Society Meeting adjourn the same from time to time and from place to place but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- 22.13. If an Annual General Meeting fails to gain a quorum after two attempts, the existing Committee shall continue to conduct the Society's affairs.

23. Motions at Society Meetings

- 23.1. Any Member may request that a motion be voted on ("Member's Motion") at a particular Society Meeting, by giving written notice to the Secretary at least 28 days before that meeting. The Member may also provide information in support of the motion ("Member's Information"). The Committee may in its absolute discretion decide whether or not the Society will vote on the motion. However, if the Member's Motion is signed by at least 10% of eligible Members families:
- 23.1.1. It must be voted on at the Society Meeting chosen by the Member; and
 - 23.1.2. The Secretary must give the Member's Information to all Members at least 14 days before the Society Meeting chosen by the Member; or if the Secretary fails to do this, the Member has the right to present the Member Information and/or raise the Motion at the Society Meeting.

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- 23.2. The Committee may also decide to put forward motions for the Society to vote on (“Committee Motions”) which shall be suitably notified.
- 23.3. Decisions at Society Meetings shall be by two-thirds majority vote;

COMMON SEAL

24. Common Seal

- 24.1. The Committee shall provide a common seal for the Society and may from time to time replace it with a new one.
- 24.2. The Secretary shall have custody of the common seal, which shall only be used by the authority of the Committee. Every document to which the common seal is affixed shall be signed by the Chairperson and countersigned by the Secretary or a member of the Committee.

ALTERING THE RULES

25. Altering the Rules

- 25.1. The Society may alter or replace these Rules at a Society Meeting by a resolution passed by a two-thirds majority of those Members present and voting.
- 25.2. Any proposed motion to amend or replace these Rules shall be signed by at least 10% of eligible Member Families and given in writing to the Secretary at least 28 days before the Society Meeting at which the motion is to be considered, and accompanied by a written explanation of the reasons for the proposal.
- 25.3. At least 14 days before the Society Meeting at which any Rule change is to be considered the Secretary shall give to all Members written notice of the proposed motion, the reasons for the proposal, and any recommendations the Committee has.
- 25.4. When a Rule change is approved by a Society Meeting the Rule change shall take effect immediately.
- 25.5. The Secretary shall file the Rule change(s) with the Registrar of Incorporated Societies within 14 days.

POLICIES

26. Policies to govern the Society

- 26.1. The Committee may from time-to-time make, alter or rescind bylaws for the general management of the Society, so long as these are not repugnant to these Rules or to the provisions of Law. All such bylaws shall be binding on members of the Society. A copy of the bylaws for the time being, shall be available for inspection by any member on request to the Secretary.

WINDING UP

27. Winding up

- 27.1. The Society may be wound up if:
 - 27.1.1. A Resolution requiring the Society to be wound up is passed by two-thirds of the Committee and a majority of members present at a Society Meeting;
 - 27.1.2. Any of the members who do want the Society to continue, are not prepared to maintain the Society under the existing Purpose;
 - 27.1.3. The Resolution referred to in 29.1.1 above is confirm at a subsequent Society Meeting called for that purpose and held not earlier than 28 days after the date on which the Resolution to be so confirmed was passed.
- 27.2. If the Society is wound up:
 - 27.2.1. The Society’s debts, costs and liabilities shall be paid;
 - 27.2.2. Non-monetary Assets may be offered to all current Members by an agreed mechanism whereby no single Member receives undue preference or advantage.
 - 27.2.3. Remaining Assets shall be offered to other home educating organizations and other educational charitable organizations thereafter.
 - 27.2.4. Surplus Money, including proceeds from disposal of non-monetary Assets, shall be disposed of or distributed to an educational charitable organisation:
 - 27.2.4.1. By resolution; or
 - 27.2.4.2. According to the provisions in the Incorporated Societies Act 1908.
 - 27.2.5. No financial distribution may be made to any Member.

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DEFINITIONS

28. Definitions and Miscellaneous matters

28.1. In these Rules:

- 28.1.1. "Member" means an individual or family group who are currently home educating or intending to home educate their child/ren and who are up-to-date with their Subscriptions.
- 28.1.2. "Society Meeting" means any Annual General Meeting, or any Special General Meeting, but not a Committee Meeting.
- 28.1.3. "Use Money or Other Assets" means to use, handle, invest, transfer, give, apply, expend, dispose of, or in any other way deal with, Money or Other Assets.
- 28.1.4. "Written Notice" means communication by post, electronic means (including email, and website posting, and txt), or advertisement in periodicals, or a combination of these methods.
- 28.1.5. It is assumed that:
 - 28.1.5.1. Where the singular is used, plural forms of the noun are also inferred,
 - 28.1.5.2. Headings are a matter of reference and not a part of the rules.
- 28.1.6. "Committee Member" means any individual nominated and voted to a position in the Committee. Each Committee Member must be over 18 years old.
- 28.1.7. Voting is by two-thirds Majority Vote. If a Motion is 'put' by a member and Seconded by another member, an open discussion will take place followed by a Vote. If 100% vote in favour of the Motion then the Motion is 'Agreed'. If greater than two-thirds vote, but not 100%, the Motion is 'Passed'. If less than two-thirds vote for the Motion then the Motion is 'Lost'.
- 28.1.8. Matters not covered in these rules shall be decided upon by the Committee.