



CONSTITUTION OF HAMILTON CHRISTIAN SCHOOLS INC

Including 2012 and previous amendments

HAMILTON CHRISTIAN SCHOOLS INCORPORATED

NAME

1. THE name of the Society is 'Hamilton Christian Schools Incorporated' and is hereafter called the Association.

OBJECTS AND PURPOSE

2. THE objects for which the Association is established are:
 - a) To establish, conduct and maintain private schools within New Zealand, to educate children and adults in all subjects normally taught in public and/or private schools in New Zealand, also, in particular subjects from kindergarten to university entrance grading, but so that all such education shall also be moral and spiritual and in agreement with the basic principles and creeds herein set forth.
 - (i) to lease the land and buildings of the Association to a proprietor (as defined in the Private Schools Conditional Integration Act 1975) holding an integration agreement with the Crown that provides for a special character consistent with the principles, doctrinal statements and creeds set out in Rules 2,3,4 and 5.
 - b) To foster, establish, grant, regulate and administer scholarships and other awards for pupils of the Association as well as to establish, grant, regulate and administer scholarships for those who, not being already pupils, desire and are qualified so to be.
 - c) To buy, lease and otherwise acquire land of whatever tenure and to construct and lay down and maintain parks and playgrounds and to develop, subdivide, sell, lease, sublease, grant rights over or otherwise dispose of land or any interest therein (wholly or for a limited time) for the purpose or to the advantage and profit of the Association.
 - d) To buy, erect, maintain, repair, alter, enlarge, reduce, demolish, remove, sell or lease buildings and structures of all kinds for the benefit or advantage of the Association or to enable it to carry on its objects or any of them.
 - e) To buy, hire, obtain on lease or otherwise acquire and receive all such furniture, chattels, equipment, plant and stock and other personal property of all kinds as may be required or as may be or may seem to be advisable or expedient to acquire or have for the purposes of the Association and to sell, exchange, let or hire or lease or otherwise dispose of furniture, chattels, equipment, plant, stock and personal property of all kinds no longer required or which the Association may deem it advantageous or expedient so to dispose of in any manners aforesaid.

- f) To borrow moneys with or without giving security upon such terms as to rates of interest and times of repayment as the Association may think fit.
- g) To receive, accept, encourage and procure gifts of money and real and personal property of all kinds for the purpose of the Association.
- h) To invest money in any investment within New Zealand in which by law trust funds may be invested.
- i) To farm lands owned by or in the possession of the Association for the benefit of the Association, and for that purpose to buy, sell, bail and lease and breed livestock, implements and chattels with power for the Association to employ and dismiss sharemilkers, engage workers, servants and employees for the purposes of such business with power to employ any of the moneys and other capital of the Association in such business.
- j) To do such other things as may seem likely or conducive in assisting the Association in the attainment and carrying on of its objects and to render profitable the properties of the Association whether real and personal or as may encourage and imbue adults and children with the basic principles and creeds hereinafter set forth.

THE ASSOCIATION SHALL be governed by the following guiding principles:

- i) That all things have been created to the end that the Triune God may be glorified in and through them:
 - ii) That God by His wise covenant arrangement has appointed the parents to be responsible for the education of the child to the end that God and His glory shall be central and supreme in the whole of life:
 - iii) That the education of the child shall be continued under the parent's responsible supervision in a school that carries out the basic God-honouring, God-centred programme ideally begun in the home.
3. ALL education by the Association shall be so given that the students may grow in grace and in the knowledge of our Lord Jesus Christ and that they may increase in wisdom and stature and in favour with God and man.
 4. THE Association shall adopt the Scriptures of the Old and New Testaments, here confessed to be the infallible Word of God, in the sense of the historic creeds of the Protestant Reformation believing that the Lord God, by graciously giving the Scriptures has revealed to His people certain basic principles intensely relevant to education, namely:

- 1) Since life is religion, God summons men to serve Him everywhere and requires that children be educated in the fear of the Lord and,
- 2) That the Word of God written is the power of God to salvation, the Truth that enlightens our understanding and the only infallible authority for man's activity, including the education of children. In revealing that the world, in its origin, gracious preservation and ultimate restoration is the handiwork of God and that the glorification of His Name is the purpose of creation, the Scriptures provide the key to the knowledge of God, man and the world and,
3. That since God has created all things by His Word and Spirit and constantly reveals His wisdom and power in the things that are made, man can understand the world rightly only in its relation to the Triune God and,
4. That man was created in the image of God to enjoy covenant fellowship with his Creator, and was instructed to exercise dominion over the world in strict and loving obedience to God, to interpret all reality in accordance with His design and law, and to reflect in his person and works the excellencies of his Maker and,
5. That man, by disobeying God's law, forsaking his office as divine image-bearer, estranged himself from God and his neighbour and brought God's curse upon creation. As a result, man became blind to the true meaning of life and misuses and represses the knowledge of God which confronts him in creation and Scripture and,
- 6) That the Christ of the Scriptures, the Word of God incarnate, redeems man's life in its entirety, restores his fellowship with God and his neighbour, and renews man's mind to know rightly God, himself and the world in which he lives and,
- 7) That the kingdom of God established the rule of Jesus Christ over all things and makes education and science possible and meaningful. Since man must subject every thought to the obedience of Christ, every attempt to withdraw any aspect of life from the divine commandment to love the Lord with all man's heart and mind must be rejected and,
- 8) That the purpose of Christian education is to direct the child to commit his heart to Christ the Truth, to attain to understanding, wisdom and righteousness, and to perform his competent and responsible service of the Lord and,
- 9) That God has given parents the responsibility to nurture and educate their children and in order to facilitate their educational task, parents should establish Christian schools and,
- 10) That the School, established and controlled by an association of Christian believers in accordance with legitimate standards and

provision, possesses the freedom to function in the field of education in complete and voluntary submission to the Kingship of Christ.

MEMBERS

5. FULL membership shall be open to those persons above the age of eighteen (18) who believe in its basic principles, who wish to foster the objects of the Association and who, before admission as members, subscribe in writing to the educational and basic principles as set out in Rules 2, 3 and 4 herein and to the following doctrinal statement:
 - 1) The unity of the Father, the Son and the Holy Spirit in the Godhead;
 - 2) The sovereignty of God in creation, revelation, redemption and final judgment;
 - 3) The Divine inspiration, inerrancy and trustworthiness of Holy Scripture, as originally given, and its supreme authority in all matters of faith and conduct;
 - 4) The universal sinfulness and guilt of human nature since the fall, rendering man subject to God's wrath and condemnation;
 - 5) The Deity of the Lord Jesus Christ, His virgin birth, His sinless life, His miracles, His vicarious and atoning death through His shed blood, His bodily resurrection, His ascension to the right hand of the Father, His present mediatorial work and His personal return in power and glory;
 - 6) Redemption from the guilt, penalty, pollution and power of sin only through the sacrificial death (as our Representative and Substitute) of Jesus Christ, the Incarnate Son and God, and received by the grace of God through faith alone;
 - 7) The necessity of the work of the Holy Spirit to make the death of Christ effective to the individual sinner, granting him repentance towards God and faith in Jesus Christ;
 - 8) The indwelling and sanctifying work of the Holy Spirit in the believer;
 - 9) The bodily resurrection of both the saved and the lost; they that are saved unto the resurrection of life and they that are lost unto the resurrection of damnation;
 - 10) The one holy, universal Church, which is the Body of Christ, to which all true believers belong and in which they are united through the Spirit.
6. ASSOCIATE membership shall be open to those who for various reasons may not become full members of the Association.
7. PARENTS of pupils attending the schools are not thereby required to be members of the Association nor is the Association compelled to accept every child submitted as a pupil.

RESIGNATION

8. ANY member desiring to resign from the Association shall forward his resignation in writing before the first day of March and if he does not then, he shall be liable for the ensuing year's subscription.
9. ANY member who fails to pay the subscription within the time and on the terms as specified by the Board, shall forfeit all rights to membership but without releasing the member from liability for any subscription so due.
10. EVERY member on joining the Association implicitly undertakes to comply with these rules and any refusal or neglect so to do, or any conduct unworthy of a Christian, or any act or omission being a criminal offence liable to prosecution in the Courts in New Zealand, shall render such member whether he be a full or an associate member liable to expulsion. A full member committing any breach of the basic principles, doctrinal statements or creeds hereinbefore mentioned, shall as a result thereof be liable to expulsion. Such expulsion shall occur following the passing of a special resolution to that effect passed by the Board of Directors (hereinafter in these rules called "The Board") provided that before passing the resolution expelling the member, the Board shall call upon such member for an explanation of his conduct (except where the member has been found guilty by any court of any crime or conduct unworthy of a Christian, when such call for an explanation shall not be required or necessary) and shall hear what he may wish to urge in his defence. There shall be no appeal against the decision of the Board. A member expelled in accordance with this rule may be re-elected only if the Board shall first recommend it and upon terms, if any, fixed by the Board.

FINANCE

11. THE Association's finance shall be maintained by capital contributions, annual membership subscriptions, school and other fees and other income arising from the carrying on of the objects of the Association, The annual subscription for full members and associate members shall be ratified at the annual meeting of the Association in each year.
12. THE financial year of the Association shall end on the thirty-first day of December in each year.

GENERAL MEETINGS

13. THE annual general meeting shall be held at such time and place as may be determined by the Board, but within five (5) months of the end of the financial year.
14. SPECIAL general meetings may be called by the Board or by the President at any time and shall be called when not less than one-fourth of the full membership of the Association shall by writing handed or posted to

the Secretary request that a special general meeting shall be called. Such requisition shall state the reasons for the meeting and the business of such a special general meeting shall be confined to the business stated.

15. ALL members shall receive notice in writing from the Secretary of the time and place of all general meetings not less than seven (7) days before the date fixed for such meeting.
16. AT the annual general meeting the President of the Board of the Association shall render a report of the activity and progress of the Association and of its schools during the past year; the Treasurer of the Association shall make a report on financial matters and present the accounts of the Association duly audited; the school budget for the ensuing year as proposed by the Board shall be considered and adopted or rejected or adopted with amendments and the annual election of Directors to replace retiring Directors as hereinafter required shall take place together with the appointment of a qualified person as auditor. All other general and any special business requiring attention shall be brought forward and dealt with.

BOARD

17. THE affairs of the Association shall be managed and conducted by the Board (which shall comprise not less than six and not more than nine Directors, being full members of the Association qualified to vote, together with the Principal or one representative of the full-time employed teaching staff if the Principal is not available).
- 17A IN addition to any powers conferred upon the Board under any other of these Rules the Board shall have the following powers:
 - a) To receive, control and expend and invest funds of the Association
 - b) In the Corporate name of the Association to make, enter into, execute and complete any deed, contract, document, agreement or instrument relating to the affairs of the Association
 - c) To borrow money on behalf of the Association with or without giving security upon such terms as to rates of interest and times of repayment as the Board may think fit
 - d) To manage and control the affairs of the Association generally in all matters which are not expressly by these Rules required to be done or exercised by the Association and general meeting.

DIRECTORS

18. a) FULL members of the Association shall be eligible for nomination to the Board and all nominations for Directors to the Board shall be:
 - i) In writing signed by the nominator, the seconder and the

- nominee (all of whom shall be full members); and
- ii) Submitted to and received by the President or Secretary at least one month prior to the annual general meeting; and
 - iii) Subject to investigation and approval by the Board (any teacher in the employ of the Board shall not be eligible for nomination).
- b) The Directors of the Board shall be elected at the annual general meeting only from those nominations as received and approved by the Board as aforesaid.
 - c) Any vacancy on the Board during the year may be filled by the Board, for the unexpired portion of the term, subject to ratification by the full members at the next annual general meeting. Pending the filling of such vacancy the Board may continue to act as fully as if there were no vacancy.
19. THE term of office of one-third of the number of Directors of the Board shall expire each year, at the annual general meeting, on rotation, and to the intent that the term of appointment of each Director shall be for three years.
20. EACH Director shall:-
- a) Hold office for a term of three years and shall then be eligible for re-election for a further term.
 - b) When elected to the Board, take office at the next meeting of the Board, following the annual general meeting, and at such meeting shall publicly affirm their full agreement with the educational and doctrinal principles of the Association as set out herein.
 - c) Cease to be a Director of the Board if absent from three consecutive regular monthly meetings of the Board without reasonable explanation (any vacancy so created may be filled by the Board in accordance with the provisions of Rule 18c).

PROCEEDINGS OF THE BOARD

21. THE Board shall meet at least once in each calendar month and at such other times as the President and/or the Secretary may consider necessary or expedient.
22. THE Board shall be responsible for the following duties:
- 1) Determine school policies in harmony with these rules and in accordance with Association decisions;
 - 2) Select a Principal and teaching staff who are qualified to carry out the educational programme and policies for each school;
 - 3) Devise ways and means for obtaining the necessary funds for

operating any school and determine how these funds shall be distributed;

- 4) Appoint one of its own number to visit the school/s each month to assure itself of the faithful carrying out of the school's educational programme and policies;
 - 5) Propagate the cause of Christian education in the community by means or public meetings, propaganda literature and the like;
 - 6) Appoint from time to time, and at least annually, out of the Associations membership such committees as it may deem necessary for the performance of its duties;
 - 7) After each annual general meeting, elect from its members a President, a Vice President, a Secretary and a Treasurer.
23. THE President shall, if present, preside at all the general meetings of the Association and at all meetings of the Board and shall be ex-officio chairman and a member of all committees unless the Board shall otherwise in each case determine.
24. THE Vice President shall act as assistant to the President and shall preside at all meetings of the Board in the absence of the President but shall not, ex- officio. preside at committee meetings in the absence of the President
25. THE Secretary shall keep and safely preserve all records (except financial ones) of the Association and shall conduct all correspondence and keep full and accurate minutes of all the meetings of the Association and of the Board.
26. THE Treasurer shall keep and safely preserve all financial records and dealings of the Association and shall be in control of the funds of the Association. The Treasurer's nominee, on behalf of the Treasurer, shall receive and give receipts for and under authority from the Board disburse all moneys of the Association and shall deposit all moneys to the credit of the Association, in such banks and to such accounts as the Board may determine, and shall submit a financial statement to each monthly meeting of the Board and to the annual general meeting. All cheques or electronic payments drawn on the funds of the Association shall be signed and authorised on behalf of the Association by any two of the current signatories as appointed by the Board from time to time.

COMMITTEES

27. THE Board may appoint from members of the Association (whether members of the Board or not) four standing committees to be called:
- 1) The Education Committee;
 - 2) The Finance Committee;
 - 3) The Public Relations Committee;
 - 4) The Property Committee.

28. THE Education Committee shall be responsible for any of the following, as directed by the Board:
- 1) To consider all matters relating to the educational programme, the policy of the school (or schools) of the Association, and to make recommendations to and generally advise the Board thereon;
 - 2) To investigate the qualifications of candidates for administrative and teaching positions and to make recommendations concerning such candidates to the Board for appointment and concerning salaries for such candidates;
 - 3) To keep itself informed in regard to the scholastic quality and Christian character of the instruction given, the course of study, discipline, equipment and the like, and to make recommendations concerning these and allied matters to the Board;
 - 4) In general to investigate and advise the Board upon any aspect of education in or touching the school/s of the Association as the Board may request;
 - 5) Any other matters as directed by the Board.
29. THE Finance Committee shall be responsible for any of the following, as directed by the Board:
- 1) To recommend to the Board a budget for the ensuing year;
 - 2) To make suggestions to the Board as to the manner in which the school is to be maintained financially, indicating the various sources of income and how moneys are to be collected from these sources;
 - 3) To make recommendations to the Board regarding the payment of tuition for children of parents who are financially unable to pay the required tuition;
 - 4) In general to investigate and advise the Board upon any aspect of finance for the Association as the Board may request;
 - 5) Any other matters as directed by the Board.
30. THE Public Relations Committee shall be responsible for any of the following, as directed by the Board:
- 1) To recommend to the Board a programme or course of action by means of which the cause of Christian education may be advanced and strengthened;
 - 2) Where so authorised by the Board, to make necessary arrangements for carrying out any such programme;
 - 3) To work with and generally help and advise any other committee

appointed by the Board with the object of fostering and increasing membership of the Association and of making known to the public in general and to individuals in particular the objects and work of the Association;

- 4) In general to investigate and advise the Board upon any aspects of 'Public Relations' as the Board may require;
- 5) Any other matters as directed by the Board.

31. THE Property Committee shall be responsible for any of the following, as directed by the Board:

- 1) To be concerned as its special responsibility to make recommendations and advise the Board upon the lay-out, structure, extension, maintenance, upkeep, preservation and adequacy of all properties and buildings of the Association and of all equipment therein;
- 2) To advise the Board upon the appointment of custodians of all properties and equipment of the Association;
- 3) To inspect regularly all properties, buildings and equipment thereon;
- 4) In general to investigate and advise the Board upon any matter touching the properties, buildings and equipment of the Association as the Board may require;
- 5) Any other matters as directed by the Board.

TEACHING STAFF

32. ALL teachers shall be appointed by the Board after careful consideration of their character, training and other qualifications. They shall be appointed for such terms and upon such salary and other conditions (except as herein expressly provided) as the Board may determine from time to time.
33. ALL members of the teaching staff must declare their unconditional acceptance of the educational and doctrinal principles as set forth in Rules 2, 3, 4 and 5 of these rules; they must be qualified to teach at least according to the standards of the best public and private schools in New Zealand, they must be members or regular attenders of a Church whose doctrine is in general agreement with these rules; they must be professing Christians, scripturally sound in their teaching and lead a Christian life.
34. ALL teachers shall give the Board two months' notice of intended resignation, and the Board in turn agrees to give teachers two months notice of dismissal, or otherwise as mutually agreed, except in the case of a teacher who proves unfit for the work, or who ceases to comply with the qualifications required in Rule 33, in which case dismissal may be upon immediate notice.

35. THE Principal in each school shall (subject to the approval of the Board thereto) lay down the course or courses of study of each class in the school and shall generally control and supervise the teaching staff in its teaching of each course of study.
36. THE Principal in each school shall (subject to the approval of the Board thereto) lay down rules for the conduct, control and discipline in each school and shall be responsible for adherence thereto.
37. THE Principal in each school shall be in charge of student enrolment, interviewing parents of prospective students where necessary, and submitting applications for enrolment to the Board for final approval.
38. THE school terms shall be determined by the Board, and such holidays and vacations shall be allowed as may be decided upon from time to time by the Board.
39. THE substance of these rules under this section shall be made a part of all contracts entered into with members of the teaching staff.

VOTING

40. AT every general meeting each full member personally present shall be entitled one vote. Voting shall be by show of hands, unless a ballot is requested by any full member. Election of Directors of the Board shall be by ballot, and all voting papers shall be destroyed.
41. ASSOCIATE members may speak at general meetings but shall have no right to vote.
42. AT every Board meeting each Director personally present shall have one vote. Voting shall be by a show of hands unless ballot is requested by any Director.
43. THE chairman at every general or Board meeting shall have a casting as well as a deliberate vote.

QUORUM

44. AT every general meeting those members who appear at the time and place specified by the notice in writing from the Secretary shall constitute a quorum.
45. AT every Board meeting not less than 50% of the elected Directors shall form a quorum.
46. At every meeting of a committee of the Board the quorum shall be such number as the Board shall fix in respect of that committee.

ALTERATION OF RULES

47. THESE rules may be revoked, altered or added to only at any annual general meeting or a special general meeting of the Association by a two-thirds vote of all full members present and eligible to vote and voting,

provided that such proposed revocation, alteration or addition shall have been given in writing to all full members of the Association not less than one month before such annual general meeting or special general meeting subject to the provisions of Rule 48.

No addition to or alteration or recession of the rules shall be approved if it jeopardises the charitable or tax status of the Association.

48. AMENDMENTS to the basic principles, doctrinal statements or creeds hereinbefore set forth in Rules 2, 3, 4 and 5 may be made only at an annual general meeting of the Association by a three-quarters vote of all full members present and eligible to vote and voting, provided that the proposal of such amendments shall be made only at the previous annual general meeting, and not less than nine months prior written notice of such proposed amendments before the annual general meeting at which proposals shall be voted upon has been given to all members of the Association. For the purposes of this rule full members shall be able to vote by proxy if they are unable to attend and their proxy nomination is in the hands of the Secretary not later than 24 hours prior to such meeting.

DISSOLUTION

49. ON the winding up or dissolution of the Association, all surplus assets after payment of all costs, debts and liabilities shall be disposed of by the Board, as the Association may by resolution determine or, in default thereof, as may be determined by a Judge of the High Court of New Zealand who may have or acquire jurisdiction in the matter on application by the Board, or a full member of the Association, or by operation of law, provided that such disposition may only be to another organisation that is charitable under New Zealand law and has purposes similar to those of the Association.

(Note: clause 59 follows clause 49 and there are no clauses 50 to 58)

COMMON SEAL

59. THE Association shall have and shall provide a common seal and shall have power from time to time to destroy the seal and substitute a new common seal in its place. The common seal shall be held for safe custody at the place and by the person determined by the Board from time to time and shall be affixed to any documents requiring to be sealed by the Association in pursuance of the resolution of the Board in the presence of two members of the Board appointed by the Board for that purpose.

END



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