

S'Mart Community

Constitution

Rules of Incorporated Society # 220377

The Society

1.0 Name

1.1 The name of the society is S'Mart Community Incorporated Society, ("S'Mart Community").

1.2 The Society is constituted by resolution xxxx.

2.0 Registered Office

2.1 The Registered Office of the Society is c/o St Martins School, Albert Tce, St Martins, Christchurch 8022.

3.0 Purposes of Society

3.1 The purposes of the Society are to:

- (a) further the education of students at St Martins School.
- (b) create a healthy and positive learning environment at St Martins School.
- (c) foster and grow the S'Mart Community.
- (d) promote school spirit and school values at St Martins School.
- (e) do anything necessary or helpful to the above purposes.

3.2 Pecuniary gain is not a purpose of the Society.

Membership of the Society

4.1 All staff and parents/caregivers of pupils at St Martins School are members of the Society, unless they advise the Managing Committee otherwise. Any interested adult may also be a member of the Society, after being welcomed by the Managing Committee.

4.2 All members of the Society shall promote the purpose of the Society and shall do nothing to bring the Society into disrepute.

4.3 Membership may comprise different classes of membership (e.g. logistics team, fundraising team, practical jobs team, community team) as decided by the Society.

4.4 Members have the rights and responsibilities set out in these Rules.

4.5 Any Member may resign by giving written notice to the Secretary

4.6 Automatic society Membership ceases on the first day of the following school term when the last remaining child of a family has exited the St Martins School system or if in the case of St Martins School staff, employment is ceased

4.7 Membership can also be terminated in the following way:

If, for any reason whatsoever, the Managing 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

Managing Committee may give written notice of this to the Member (“the Managing Committee’s Notice”). The Managing Committee’s Notice must:

- (i) Explain how the Member is breaching the Rules or acting in a manner inconsistent with the purposes of the Society;
- (ii) State what the Member must do in order to remedy the situation
- (iii) Note any decision made can be appealed if membership is forcibly ceased by the committee

Management of the Society

5.0 Managing Committee

5.1 The Society shall have a Managing Committee (“S’Mart Community Managing Committee”) comprised of at least four of the following persons:

- (a) The Chairperson (Team Leader of the logistics team).
- (b) The Secretary.
- (c) The Treasurer.
- d) Staff representative/s (may be shared by up to two people).
and up to twelve other members comprising
- (e) The Team Leaders of the teams (practical jobs, fundraising and community teams).
- (f) Other Society members.

5.2 Only Members of the Society may be Managing Committee Members.

5.3 The Managing Committee will be elected at each Annual General Meeting. The officers of the committee shall be a Chairperson, Secretary and Treasurer, who are to comply with Operating Guidelines.

5.4 The Managing Committee will have the power to fill any places vacant following the Annual General Meeting, or any vacancy that arises in the Management Committee or among its named officers until the next Annual General Meeting.

5.5 Managing committee members will not act independently of the Managing committee but work in a collaborative manner abiding by S’Mart Community procedures to achieve the objectives of the Constitution.

6.0 Cessation of Managing Committee Membership

6.1 Persons cease to be members of the S’Mart Community Managing Committee:

- (a) When they resign by giving written notice to the S’Mart Community Managing Committee.
- (b) When they are removed by majority vote at a S’Mart Community Managing Committee Meeting.
- (c) At the Annual General Meeting when the whole S’Mart Community Managing Committee shall retire, but shall be eligible for re-election at the same and subsequent meetings.
- (d) If they are absent from three consecutive S’Mart Community Managing Committee meetings without leave of absence and the Chairperson declares the person’s position to be vacant.
- (e) They cease to be a Society Member.

6.2 If a person ceases to be a S’Mart Community Managing Committee Member, that person must within one month give to the Managing Committee all Society documents and property.

7.0 Role of the Managing Committee

7.1 The role of the Managing Committee is to:

- (a) Administer, manage, and control the Society.
- (b) Carry out the purposes of the Society, and Use Money or Other Assets to do that.
- (c) Ensure that the Society is in accordance with the school's vision, plans and values. This includes
 - (i) seeking from the Board of Trustees support before undertaking any activity that would have an impact on, or involvement of the school's children and/or care givers.
 - (ii) seeking from the Board of Trustees support before committing to spend more than \$5,000 on any goods or service, or group of goods or services forming a project, in any one calendar year.
- (d) Manage the Society's financial affairs, including approving the annual financial statements for presentation to the Members at the Annual General Meetings.
- (e) Adopt accounting guidelines in line with generally accepted accounting practice.
- (f) Determine the current year's spending budget taking into account the money in hand, the expected income for the current year, the timing of money coming in, planning for future years, and taking into account Rule 8.1 (c).
- (g) Delegate responsibility and co-opt members where necessary.
- (h) Decide the time, date and agenda for Society Meetings.
- (i) Decide the procedures for dealing with complaints.

7.2 The Managing Committee will abide by the purpose of which the Society is intended.

7.3 The Managing Committee has all of the powers of the Society, unless the Managing Committee's power is limited by these Rules, or by a majority decision of the Society.

7.4 Decisions of the Managing Committee will be supported by the Managing Committee and not further debated outside the meeting.

8.0 Managing Committee Meetings

8.1 The Managing Committee will meet at least four (4) times every year. Meetings may be held in person or by any other means of communicating as decided on by the PTA Committee from time to time. All members of the Management Committee, including office-bearers, will be given at least (5) days notice of the meeting by the Secretary or Chairperson, verbally or in writing.

8.2 No Managing Committee Meeting may be held unless more than half of the Managing Committee Members attend. This will constitute a quorum.

8.3 The Chairperson shall chair Managing Committee Meetings or nominate someone to do so. If the Chairperson is absent and has not nominated someone, the Managing Committee shall elect a Managing Committee Member to chair that meeting.

8.4 All decisions of the Managing Committee shall be decided by consensus. However, where a consensus decision cannot be reached, it shall be put as a motion to be decided by a majority of votes. If the voting is tied, the motion shall be lost.

8.5 Only Managing Committee Members present at a Managing Committee Meeting may vote at that Managing Committee Meeting.

8.6 The Secretary will ensure that minutes are maintained and made available to all members of the organisation and which, for each meeting of the Management Committee, records:

- 8.6.1 The names of those present;
 - 8.6.2 All decisions and actions which are required by the constitution or by law to be made by the Society; and
 - 8.6.3 Any other appropriate matters discussed at the meeting.
- 8.7 The formation of the agenda is the responsibility of the Chairperson. Any member may contribute to the agenda.
- 8.8 The Treasurer will ensure that true and fair accounts are kept of all money received, expended and records what money is allocated for.
- 8.10 Subject to these Rules, the Managing Committee may regulate its own practices.
- 8.11 The Chairperson or his/her nominee shall adjourn the meeting if necessary.

Conduct of Society meetings

9.0 Society Meetings

- 9.1 A Society meeting refers to both an Annual General meeting and Special General Meeting unless otherwise specified.
- 9.2 The Annual General Meeting shall be held once every year in one of the months of February, March, April or May. The Managing Committee shall determine when and where the Society shall meet within those dates.
- 9.3 Society Special General Meetings may be called by the Managing Committee. The Managing Committee must call a Society Special General Meeting if the Secretary receives a written request signed by at least 50 of the Society members.
- 9.4 At least fourteen (14) days written notification of each society meeting will be given to members. Notification of a general meeting will specify time, date and place of meeting.
- 9.5 All Society members may attend and vote at Society Meetings.
- 9.6 No Society Meeting may be held unless at least 10 members attend. This will constitute a quorum.
- 9.7 All Society Meetings shall be chaired by the Chairperson or the Chairperson's nominee. If the Chairperson and nominee is absent, the Society shall elect another Managing Committee Member to chair that meeting.
- 9.8 On any given motion at a Society Meeting, the person chairing shall in good faith determine whether to vote by:
- (a) Voices
 - (b) Show of hands or
 - (c) 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 secret ballot. If the voting (whichever form) is tied, the motion shall be lost.
- 9.9 The business of an Annual General Meeting shall be:
- (a) Receiving any minutes of the previous Society's Meeting(s).
 - (b) The Chairperson's report on the business of the Society.
 - (c) The Treasurer's report on the finances of the Society, and the Annual Financial Statements.
 - (d) Election of Managing Committee Members.
 - (e) Motions to be considered.
 - (f) General business.
- 9.10 The Chairperson or his nominee shall adjourn the meeting if necessary.

10.0 Motions at Society Meetings

10.1 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 Managing 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 50 Members:

- (a) It must be voted on at the Society Meeting chosen by the Member; and
- (b) 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 raise the motion at the following Society Meeting.

10.2 The Managing Committee may also decide to put forward motions for the Society to vote on (“Managing Committee Motions”) which shall be suitably notified.

Money and other assets of the society

11.1 The funds of the Society shall consist of donations and any sums raised in the name of the Society. All monies shall be deposited in the name of the Society in a bank account approved by the Committee. The bank account shall be operated by any two of the following Chairperson, Treasurer, or one other committee member

11.2 The Society may only use money and other assets if:

- (a) It is for a purpose of the Society.
- (b) It is not for the sole personal or individual benefit of any Member.
- (c) That use has been approved by either the Managing Committee or by majority vote of the Society.
- (d) That use complies with Rule 7.1 (c).

11.3 The Society may:

- (a) Employ people for the purposes of the Society.
- (b) Exercise any power a trustee might exercise.
- (c) Invest in any investment that a trustee might invest in.
- (d) Borrow money and provide security for that if authorised by Majority vote at any Society Meeting and if supported by St Martins School Board of Trustees.

11.3 The financial year of the Society is the calendar year.

11.4 The accounts and all books of the Association shall be reviewed annually by a suitably qualified reviewer (preferably a member of the New Zealand Institute of Chartered Accountants, and must not be a member of the Managing Committee, or an employee of the Society) whose report shall appear as part of the Annual Financial Statements

Altering the rules

12.1 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.

12.2 Any proposed motion to amend or replace these Rules shall be signed by at least 10 Members 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.

12.3 At least 14 days before the General 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 Managing Committee has.

12.4 When a Rule change is approved by a General Meeting no Rule change shall take effect until the Secretary has filed the changes with the Registrar of Incorporated Societies.

12.5 The provisions and effect of this clause shall not be removed from this constitution and shall be included and implied into any document replacing this constitution.

Winding up

13.1 The Association may be wound up by resolution to this effect passed by a 2/3 majority of members present at the Special meeting called for this purposes

13.2 On the winding up of the Society or on its dissolution by the Registrar, all surplus assets after the payment of costs, debts and liabilities shall be given to the Board of Trustees of St Martins School.

Common seal

14.1 The Managing Committee shall provide a common seal for the Society and may from time to time replace it with a new one.

14.2 The Secretary shall have custody of the common seal, which shall only be used by the authority of the Managing 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 Managing Committee.

Definitions

15.0 Definitions and Miscellaneous matters

15.1 In these Rules:

(a) The "S'Mart Community" is the St Martins School parent community that helps the school by fundraising, giving practical support and by helping develop a stronger parent community.

(b) "Majority vote" means a vote made by more than half of the Members who are present at a Meeting and who are entitled to vote in regards to a motion put to that Meeting.

(c) "Money or Other Assets" means any real or personal property or any interest therein, owned or controlled to any extent by the Society.

(d) "Society Meeting" means any Annual General Meeting, or any Special General Meeting, but not a Managing Committee Meeting or Team Meeting.

(e) "Team Leader" means the person(s) leading one of the S'Mart Community Teams. The Team Leaders help form the S'Mart Community Managing Committee.

(f) "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.

(g) "Written Notice" means communication by post, electronic means (including email, and website posting), or advertisement in the school newsletter, or a combination of these methods.

(h) "Operating guidelines" means guidelines developed by the Managing Committee to facilitate smooth running of the Managing Committee.

(i) It is assumed that

- (i) Where a masculine is used, the feminine is included.
 - (ii) Where the singular is used, plural forms of the noun are also inferred.
 - (iii) Headings are a matter of reference and not a part of the rules.
- (j) Matters not covered in these rules shall be decided upon by the Managing Committee.
- (k) The 'Board of Trustees' is the Board of Trustees for St Martins School.