

SECTION G

Schools

Contents

The Schools and Youth Work Statute.....	G1
St Michael’s Church School Statute	G3
The St Margaret’s College Consolidation Statute	G14
Craighead Diocesan School Statute	G21
The Te Waipounamu Statute.....	G28

THE SCHOOLS AND YOUTH WORK STATUTE

Enacted 1935; Amended 1937, 1938, 1940, 1941, 1942, 1943
1945, 1948, 1952, 1953, 1989

A STATUTE

To constitute separate Boards of Control for (a) Church Primary Day Schools (b) St Margaret's College (c) Craighead School (d) the Organisation of Sunday Schools throughout the Diocese and the promotion and development of Youth Work generally.

WHEREAS it is desirable to subdivide the work at present carried on and controlled by the Diocesan Board of Education by constituting separate Boards to take over from the Board of Education and henceforth to control (a) the Church Primary Day Schools; (b) St Margaret's College; (c) Craighead School, and (d) the Organisation of Sunday Schools throughout the Diocese and the promotion and development of Youth Work generally.

BE IT THEREFORE ENACTED by the Bishop, Clergy and Laity of the Diocese of Christchurch in Synod assembled as follows:

Short Title:

1. The short title of this Statute shall be "The Schools and Youth Work Statute 1935".

Repeal:

2. "The Education Board Statute, 1918," shall continue in force until the 31st day of January, 1936, and as from the 1st day of February, 1936, shall be deemed to have been repealed. The present members of the Board of Education shall continue in office until the 1st day of February, 1936, upon which date the duties and functions of the Board shall devolve upon the bodies hereinafter constituted or named who shall take over the same respectively in accordance with the provisions hereinafter contained.

Date of Coming into Operation of Statute:

3. This Statute shall come into force on the 1st day of February, 1936, PROVIDED HOWEVER that so far as it relates to the coming into existence of the bodies hereinafter constituted in Parts I, II, III and IV hereof this Statute shall come into force immediately upon the passing hereof and the election of the members of such bodies respectively to be made by the Synod shall take place at such time following the passing of this Statute as may be determined by the President. Such bodies may meet and transact such business as may be necessary in anticipation of and in preparation for the taking over by them respectively on the 1st day of February, 1936, of the duties and functions assigned to them by this Statute.

PART I
THE CHURCH PRIMARY DAY SCHOOLS
(This Part was repealed by "The Primary Day Schools' Statute, 1938")

PART II
ST MARGARET'S COLLEGE
(This Part was repealed by "The St Margaret's College Consolidation Statute, 1952")

PART III
CRAIGHEAD SCHOOL
(This Part was repealed by "The Craighead Diocesan School Statute, 1953")

PART IV
SUNDAY SCHOOL AND YOUTH WORK (This Part was repealed by "The Diocesan Youth Council Statute, 1946")

PART V
BISHOP JULIUS HOSTEL

Control by Standing Committee

18. The Standing Committee shall take over, carry on and maintain the Bishop Julius Hostel and control and conduct it as the same has hitherto been controlled by the Diocesan Board of Education and for that purpose shall take over the administration and control of all sums of money or property of any kind held by the Board of Education or by the Church Property Trustees on its behalf connected therewith or relating thereto and shall be entitled to receive, take over and administer all monies or property of any kind which would have been acquired by or have devolved upon the Board of Education (had it continued in existence) for any of the purposes aforesaid, whether by the operation of any trust devise or bequest or otherwise howsoever, and to administer and apply the same subject to any special provisions attached thereto in the same manner in all respects as the same would have been administered and applied by the Board of Education had it continued in existence.

Engagements and Liabilities Taken Over:

19. All liabilities, contracts and engagements of the Board of Education relating to the Bishop Julius Hostel or any of the property transferred and vested as aforesaid shall by virtue of this Statute and without the execution of any instrument become for all purposes the liabilities, contracts and engagements of the Standing Committee.

PART VI GENERAL
and

PART VII

(Both these Parts were virtually repealed by the repeal of Parts I, II, III and IV)

THE ST MICHAEL'S CHURCH SCHOOL STATUTE

Enacted 1998 Amended 2017

A STATUTE

TO REPEAL "THE PRIMARY DAY SCHOOLS' STATUTE" AND TO ENACT "THE ST MICHAEL'S CHURCH SCHOOL STATUTE"

WHEREAS St. Michael's Church School is the only remaining Day School in the Diocese;

AND WHEREAS The Vicar, Churchwardens and Vestry of the Parish of Christchurch, St. Michael and All Angels, in consultation with the School Committee of St. Michael's Church School, desire to establish a School Board of Governors to administer the School's activities and to define the membership, constitution and duties of the School Board;

AND WHEREAS the Vicar, Churchwardens and Vestry of the Parish of Christchurch, St. Michael and All Angels desire to establish a Trust Board to act for the proprietors of the School in relation to monies generated by the School and to develop the buildings and facilities of the Parish used by the School;

AND WHEREAS any required amendments to achieve this within "The Primary Day Schools' Statute" would leave only an historic document;

BE IT THEREFORE ENACTED by the Bishop, Clergy and Laity of the Diocese of Christchurch in Synod assembled as follows:

1. THE short title of this Statute shall be "The St. Michael's Church School Statute 1998".
2. THIS Statute shall come into force on the date on which the trust deed establishing the Trust is executed or the 31 December 1998, whichever is the earlier.
3. "THE Primary Day Schools' Statute" is hereby repealed.
4. THE following is enacted:

"THE ST MICHAEL'S CHURCH SCHOOL STATUE

CONSTITUTION FOR ST. MICHAEL'S CHURCH SCHOOL

1. DEFINITIONS:

In this Constitution, unless the context otherwise requires:

"Board" - means the School Board of Governors.

"Governors" - means the members of the St. Michael's Church School Board of Governors.

Oct 2017

- “Parish”- means the Parish of Christchurch, St. Michael and All Angels.
- “PTFA” - means the St. Michael’s Church School Parent, Teacher and Friends Association.
- “Principal” - means the Principal for the time being of the School, and includes the Deputy Principal whenever the person occupying that position is exercising the powers and/or fulfilling the duties of the Principal.
- “Proprietors” - means the Vestry of the Parish of Christchurch, St. Michael and All Angels.
- “School” - means the St. Michael's Church School.
- “Trust Board” - means the Christchurch, St. Michael and All Angels Parish Trust Board.
- “Trustees” - means the Trustee members of the Christchurch, St. Michael and All Angels Parish Trust Board.
- “Vestry” - means the Vestry of the Parish of Christchurch, St. Michael and All Angels.
- “Vicar”- means the Vicar for the time being of the Parish of Christchurch, St. Michael and All Angels.
- “Warden” - means the Bishop of Christchurch for the time being.

2. **OBJECTIVES**

- 2.1 To be a community of worship, learning, and ministry, within the Catholic tradition of Anglicanism, in which the Christian faith as proclaimed in and through the Anglican Church of Aotearoa, New Zealand and Polynesia, may be nurtured.
- 2.2 To provide an environment in which true Christian values are sought and fostered, and taken into account in decisions, actions and methods.
- 2.3 To provide education in a school of special character, which welcomes, and is open to, a wide range of pupils from all social, economic, religious, ethnic and cultural backgrounds within the community.
- 2.4 To provide educational experiences of high quality which will develop the spiritual, intellectual, cultural and physical needs of each child in a well-balanced programme.

3. **BOARD OF GOVERNORS**

3.1 **Membership**

- 3.1.1 The School Board of Governors shall consist of:

The Warden, The Vicar of the Parish, The Principal of the School, One person appointed by the Diocesan Synod, Three persons appointed by the Vestry of the Parish, Two persons appointed by the PTFA, One staff member appointed by the members of the School staff, One person appointed by the other members of the School Board, Up to three non-voting members who may be co-opted from time to time by the other members of the School Board.

3.1.2 Tenure and Resignation

3.1.2.1 Each member shall be appointed for a term of three years and shall be eligible to be reappointed.

3.1.2.2 Each voting member shall hold office until such time as a successor is appointed.

3.1.2.3 Each co-opted member shall hold office until the next election of a Chairperson of the Board after that member's co-option.

3.1.2.4 Board members may resign their appointment at any time by communicating this in writing to the Chairperson who shall immediately notify the appointing body of the resignation.

3.2 Responsibilities of the School Board

3.2.1 The achievement of the Objectives of the School.

3.2.2 The governance of the school, the maintenance of the ethos of the School, and the supervision of the management of the School.

3.2.3 The maintenance and protection of the School's property.

3.2.4 The payment of such rents and levies to the Trust Board as shall be determined from time to time by the Trust Board.

3.3 Powers of the School Board

The Board is empowered by the Vestry to operate the School for the Parish and to forward the Objectives as the Board sees fit.

Specifically, the Board is empowered to:

3.3.1 Develop and maintain rules for the conduct of the School, subject to general approval by the Vestry.

3.3.2 Exercise the right of resolving budget obligations of the School.

3.3.3 Determine staffing, roll size, and the classes within the School.

3.3.4 Enter into contracts with teaching and non-teaching staff and any commercial vendors.

3.3.5 Appoint a Principal of the School who shall either be a member of the Anglican Church in Aotearoa, New Zealand and Polynesia, or a member of the Church of any other Christian denomination approved for that purpose by the Standing Committee of the Synod of the Diocese.

3.3.6 Co-opt members who may speak, but not vote, at Board meetings (any such co-option shall be advised to the Vestry by the Board no later than the Vestry meeting following the co-option).

3.4 Chairperson

3.4.1 The Warden shall preside at meetings of the Board, if the Warden desires.

3.4.2 The Board shall elect annually a Chairperson from its members. No staff members shall be eligible.

3.4.3 The election shall take place at the meeting following the annual appointment of members by the Vestry and shall take effect from the end of that meeting.

3.4.4 If the Chairperson is not available then the Board shall elect a Chairperson for that meeting from the members present.

3.5 Accountability

3.5.1 The Board is accountable to the Vestry of the Parish.

3.5.2 The Board shall submit annually to the Vestry prior to the Annual Meeting of Parishioners, a Board's Activity Report, an audited or reviewed Statement of Accounts, a Principal's Report, including a Religious Education Report.

4. RESPONSIBILITY OF THE PRINCIPAL

The Principal shall be responsible to the Board for ensuring that the School pursues the Objectives set down in this Constitution and for meeting the terms of the current Principal's individual employment contract and job description.

5. RULES OF THE BOARD

The rules governing the School Board are as follows:

5.1 Chairperson

The Board shall elect a Chairperson in accordance with Clause 3.4.

5.2 Executive

There shall be elected by the Board a standing committee to be known as the Executive, which shall, in addition to its powers conferred by these Rules, have such additional powers of the Board, as the Board may from time to time delegate to it. The Executive shall consist of the Chairperson, the Principal and one other member of the Board, provided that one member of the Executive shall be one of the members appointed by the Vestry.

5.3 Officers of the Board

The Board may appoint such other officers as it shall determine from time to time. These officers may include a Deputy Chairperson, Secretary, and Treasurer. With the exception of the Deputy Chairperson, such officers need not be members of the Board. The positions of Secretary and Treasurer may be combined.

5.4 Appointment of Committees

5.4.1 The Board may appoint committees or individuals to various duties from time to time, for such purposes and duration as shall be determined by the Board.

5.4.2 The Board shall be able to revoke the appointment of such committees at will, and no delegation to a committee will prevent the exercise of any power or the performance of any duty by the Board.

5.5 Removal from Office

Any officer of the Board, including the Chairperson, may be removed from office at any time by a resolution passed by a majority of a duly constituted meeting of the Board, for which notice of such proposed removal has been given. In the event of a Chairperson being removed under this rule, a new Chairperson shall be elected at the same meeting.

5.6 Election of Representatives of the PTFA

The manner of election of Board Members by the PTFA as provided by Clause 3.1.1 of the Constitution shall be as set out in the Constitution of the PTFA.

5.7 Absence from Board

5.7.1 If a member is absent for three consecutive meetings of the Board without good cause or explanation, the Board shall be entitled to presume the member has resigned and shall advise the nominating organisation accordingly.

5.7.2 Vacancies in the Board

In the event of any vacancy or vacancies on the Board for any cause:

5.7.2.1 member(s) appointed by the Vestry shall be replaced by new appointment(s) made by the Vestry.

5.7.2.2 a member appointed by the Synod shall be replaced by a new appointment made by Synod or the Standing Committee.

5.7.2.3 member(s) appointed by the PTFA shall be replaced by the PTFA.

5.7.3 Member(s) so appointed shall hold office for the remainder of the term of the member(s) whose place they are taking.

5.8 Board Meetings

5.8.1 Meetings of the Board shall be held at least six times a year and at least once in every school term, at such places, dates, and times as may be appointed by the Chairperson. At least three clear days' notice of a meeting shall be given to each member of the Board.

5.8.2 The Chairperson may, and shall at the request of any member of the Executive, convene an **emergency** meeting of the Board, on giving such notice thereof as shall be practicable having regard to the exigencies of the occasion.

5.8.3 The Warden may convene a **special** meeting of the Board. At least three clear days notice shall be given of any such meeting.

5.8.4 The Chairperson shall at the request of no fewer than four members of the Board convene a **special** meeting of the Board.

5.8.5 At any meeting of the Board, five members shall form a **quorum**, such quorum to include in each case at least one member of the Executive and at least one of the following: the Vicar, the member appointed by Synod, or one of the members appointed by the Vestry. No business shall be transacted at any Board meeting unless such a quorum is present, except as provided in rule 5.9.6.

5.8.6 Voting procedure. Decisions will, if possible, be by consensus.

5.8.6.1 In the event that a consensus cannot be reached, a decision will be made by a majority vote by show of hands, unless otherwise determined by the Board. At all meetings of the Board, each voting member present shall have one vote in all matters

5.8.6.2 In the case of an equality of votes, at the request of three members of the Board the matter shall be referred to a joint meeting of the Board and the Vestry, to be presided over by the Vicar, or if the Vicar wishes, by a representative of the Bishop of the Diocese. This joint meeting shall determine the matter referred to it, and in the case of an equality of votes the chairperson of that meeting shall have a casting vote.

5.8.6.3 If the matter is not so referred to a joint meeting, the Chairperson shall have a casting vote .

5.8.6.4 The Chairperson's casting vote shall in all cases be in addition to his or her deliberative vote.

5.8.7 Casual Vacancies

The Board may continue to act notwithstanding any vacancy, provided a quorum as specified in 5.9.5 of these rules is present; but if the number of members is reduced so that no quorum can be obtained, the continuing Board members may act for the

purpose of informing the appointing bodies, and for no other purpose.

5.8.8 Declaration of Interest

5.8.8.1 Members of the Board who have any interest, financial or otherwise, direct or indirect, in any matter before the Board, shall declare that interest.

5.8.8.2 Such declarations shall be recorded in the Minutes of the Board.

5.8.8.3 No member of the Board, or any person associated with a member, shall be involved in any decision made by the Board in respect of any payment to or benefit for that member or associate.

5.8.9 Minutes

The Secretary shall ensure that a Minute Book is maintained and made available to any member of the Board. The Minutes of each meeting of the Board shall record:

5.8.9.1 the place, date and time of each meeting;

5.8.9.2 the names of those present;

5.8.9.3 all decisions which are required by these rules to be made by the Board;

5.8.9.4 any other matters decided at the meeting; and

5.8.9.5 any other matters discussed at the meeting that the Board may decide shall be recorded.

5.9 Financial Powers and Duties of the Board

5.9.1 Borrowing Monies

The Board shall have the power to borrow monies, but such power shall only be exercised with the prior approval of, and subject to such conditions as may be imposed by, the Vestry and the Trust Board.

5.9.2 Raising Funds

The Board may raise or authorise the raising of additional funds (otherwise than by borrowing) should it so desire, provided that the method of raising such funds shall be first approved by the Vestry.

5.9.3 Expenditure of Monies

The Board shall have the power to enter into commitments to spend monies and may expend monies on School business. No party, other than the Board, not holding a specific, delegated authority from the Board, may impose a financial obligation upon the School, and no monies belonging to the School shall be expended without the sanction of the Board, other than in the terms of such specific delegated authority.

5.9.4 Investment of Funds

Any funds not required for ordinary School purposes may be invested at the request of the Board by the Trustees in such manner as the Trustees think fit, and such investments shall be

made and recorded separately in the books of the Trustees. The Board shall ensure that no funds beyond those needed for immediate requirements shall be retained at the end of each financial year.

5.9.5 **Professional Services**

The Board shall have power to employ a professional accountant, secretary, or solicitor to undertake any such accounting, secretarial, or legal work or other duties as it may decide, and shall have power to fill any casual vacancies in such offices, and to pay such fees and other remunerations for any professional services as it shall approve.

5.9.6 **Auditor**

The Board shall appoint an Auditor, who shall be a member of the New Zealand Society of Accountants and not a member of the Board nor a parishioner. The Auditor shall supply to the Board an annual report on the financial affairs of the School.

5.9.7 **Budget**

The Board shall, no later than 31 October in each year, prepare an **annual** budget for the following year, and shall determine amongst other things tuition fees payable. The Board shall be empowered to alter fees payable from time to time, notwithstanding proposals contained in the Budget.

5.9.8 **Bank Accounts**

All monies received from whatsoever source shall be banked in a single account at a bank approved by the Board, and all outgoings shall be signed by two persons authorised by the Board, one of whom shall be a member of the Board.

5.9.9 **Annual Accounts and Reports**

The Board shall submit annually to the Vestry, and in time for the Parish Annual General Meeting, a duly audited or reviewed Statement of Receipts and Payments and Income and Expenditure of the School (as determined by the Vestry), made up to 31 December, together with a report of activities of the School during the period, and the Annual Report of the Principal.

5.9.10 **Other Financial Statements**

The Board shall supply such additional financial statements, estimates, details of expenditure incurred, and other information relating to the School as may be required from time to time by the Vestry.

5.10 **Parish Property**

5.10.1 **Use of Parish Property**

The land, buildings, furniture, and equipment of the Parish shall be available to the Board at the pleasure of the Vestry and Vicar as provided in The Diocesan Local Ministry and Mission Units Statute, and subject to such terms and conditions and subject also to payment of such sums, insurances, maintenances, depreciations, and other outgoings as the Vestry shall from time

to time determine. It shall be the duty of the Board to make all such payments as and when required.

5.10.2 Alterations and Additions to Parish Property

No alterations or additions to the present buildings, or to new buildings, being the property of the Parish, and no alterations to the layout of the Parish grounds, shall be made without the prior consent of the Vestry.

5.11 Amendments To These Rules

5.11.1 The Board may from time to time make recommendations to the Vestry regarding the amendment, revocation, or variation of these rules or additions thereto.

5.11.2 The Vestry shall consider such recommendations as soon as possible and, if it approves, prepare an amending statute for presentation to the next session of the Diocesan Synod.

6. RESPONSIBILITIES OF VESTRY

6.1 The Vestry shall ensure that the School and its responsible authorities act in accord with this Constitution and in the spirit of the Objectives of the School.

6.2 The Vestry shall appoint annually, at its first meeting following the Annual Meeting of Parishioners, its representatives on the Board.

6.2.1 The Vestry shall appoint three members of the Board in total, each for a term of three years, which term is renewable.

6.2.2 The Vestry shall ensure that at least one of its appointments shall be a serving member of the Vestry.

6.3 The Vestry shall submit an annual report on the School to the Synod of the Diocese of Christchurch, following its presentation to the Annual Meeting of Parishioners.

7. RESPONSIBILITIES OF THE VICAR

7.1 As Parish Priest, the Vicar shall have the responsibilities laid down in the Diocesan Local Ministry and Mission Units Statute, in addition to those stated in this Constitution.

7.2 The Vicar shall have direction and control of the religious teaching and spiritual care given in the School, under such provisions as shall be agreed with the Principal. This work may, however, be undertaken by others with the Vicar's approval and/or through a Chaplain licensed to the Vicar by the Bishop of Christchurch.

8. RESPONSIBILITIES OF THE TRUSTEES

The Trustees, as agents for the Vestry (as the Proprietors) and on behalf of the Parish, shall:

- 8.1 Be responsible for the provision and replacement of the buildings for the School, subject to the approval of the Vestry.
- 8.2 Be responsible for capital and/or structural alterations to existing buildings of the School, subject to the approval of the Vestry.
- 8.3 Undertake an annual survey of its property in the School and submit a report to the Vestry and to the Board no later than 31 December each year.
- 8.4 Receive from the Board all rents and levies, and use them for designated purposes or to carry out the general purposes of the Trust.
- 8.5 Receive and invest through the School Reserve Account all bequests and all donations in excess of \$500 made to the School, and also those bequests and donations where the capital is to be invested and the annual interest to be used by the School for a specified purpose.
- 8.6 The Trustees shall in all matters act according to the Regulations of the Diocese for Trustees, and in appropriate co-operation with the Church Property Trustees.

9. TRANSITIONAL PROVISIONS

9.1 Notification of Execution of Trust Deed

The Vicar shall notify the Diocesan Manager when the deed setting up the Trust Board has been executed.

9.2 First Appointments to the Board

At the first meeting after the coming into force of this Statute, members of the Board shall be appointed as follows:

- 9.2.1 Standing Committee shall appoint one member to hold office until the Diocesan Synod held in the year 2001.
- 9.2.2 The Vestry shall appoint three members to hold office as follows:
 - 9.2.2.1 One to hold office until the Annual Meeting of Parishioners held in the year 2000;
 - 9.2.2.2 One to hold office until the Annual Meeting of Parishioners held in the year 2001;
 - 9.2.2.3 One to hold office until the Annual Meeting of Parishioners held in the year 2002.
- 9.2.3 The PTFA shall appoint two members as follows:
 - 9.2.3.1 One to hold office until the first PTFA committee meeting after its Annual Meeting in the year 2001;

9.2.3.2 One to hold office until the first PTFA committee meeting after its Annual Meeting in the year 2002;

9.2.4 Appointing bodies shall notify the Vicar as soon as possible of the names of the members appointed and their respective terms of office.

9.3. First Meeting of the Board

9.3.1 As soon as all the appointments have been completed, the Vicar shall call an inaugural meeting of the Board, at which the Vicar shall preside for the purpose of electing a Chairperson, who shall immediately take office.

9.3.2 The Board shall immediately proceed to appoint its Officers.

10. DISTRIBUTION

A copy of this statute and any amendments thereto shall be made available to The Warden, The Vicar, The Principal, all members of the Vestry, all Governors, any member of the Parish on request.”

THE ST MARGARET'S COLLEGE CONSOLIDATION STATUTE 2011

Enacted 2011; Amended 2012, 2015

- 1. Title**

The title of this Statute is the **St Margaret's College Consolidation Statute 2011**.
- 2. Commencement**

This Statute comes into force on passing.
- 3. Purpose**

The purpose of this Statute is to amend the St Margaret's College Consolidation Statute 2011 (referred to as the "principal Statute"), which is the governing document of the St Margaret's College Trust, so as:

 - (1) To ensure that it complied with the requirements of the Charities Act 2005; and
 - (2) To introduce term limits for Trust Board members.
- 4. The St Margaret's College Trust Board**
 - (1) The Governing Body of St Margaret's College will be the St Margaret's College Trust Board (the "Trust Board"), a Board duly incorporated under the Charitable Trusts Act 1957.
- 5. Charitable objects of the Trust Board**
 - (2) The charitable objects of the Trust Board are to advance education and Christian religion by:
 - (a) the provision of education through the maintenance and operation of St Margaret's College; and
 - (d) the provision of such other forms of education and training as are from time to time approved by the Trust Board; and
 - (e) the undertaking of such other religious, educational and charitable activities as are from time to time approved by the Trust Board.
 - (3) The objects of the Trust Board may not extend to any matter or thing which is not charitable in the meaning of the Income Tax Act 2004 or not carried out within New Zealand.
 - (4) The Trust Board is empowered to carry out any one or more of the objects of the Trust Board independently of any other object of the Trust Board."
- 6. Trust Board Membership**
 - (1) The membership of the Trust Board will include:
 - (a) The Bishop of the Diocese who is the Warden of the College and will preside at meetings of the Trust Board if the Bishop desires.
 - (b) No less than four (4) and no more than twelve (12) further members, to be appointed as follows:
 - (i) Two (2) members appointed by the Standing Committee of the Diocese at its annual session in the manner prescribed in its Standing Orders governing the conduct of its elections.

- (ii) Up to ten (10) members appointed by the Trust Board, recognising the desirability of having a parent of a Boarder or Boarders on the Trust Board.
- (c) A person who does not meet the requirements of s16 of the Charities Act 2005 is not to be eligible for appointment, or to remain in office, as a member of the Trust Board.
- (d) If the above event occurs to an existing Trust Board member, they shall be deemed to have vacated their office upon such event.
- (2) Of those members appointed pursuant to clause 5(1)(b), one member:
 - (d) will represent the Trust Board at meetings of the St Margaret's College Old Girls' Association Inc.
 - (e) will represent the Trust Board at meetings of the St Margaret's College Parents and Friends Association.
 - (f) Will represent the Trust Board at meetings of the St Margaret's Foundation.
- (3) Each member appointed under clause 5(1)(b) will hold office for a term of four (4) years but does not vacate office until such time as his or her successor is elected. At the expiration of his or her term, a member is eligible for re-appointment for two further terms, after which the member may not be reappointed and may not serve as a member of the Trust Board until a further four (4) years has passed.
- (4) Any member may tender his or her resignation in writing to the Trust Board at any time. The member tendering his or her resignation must provide a notice period of no less than three (3) months.
- (5) If any member is absent from three consecutive meetings of the Trust Board without leave, his or her seat on the Trust Board will be declared vacant. Notice will be given in writing to the member that his or her appointment has been terminated effective immediately. The minutes of the Trust Board meeting are definitive evidence of a member having missed that Trust Board meeting.
- (6) Within one week of the Trust Board being notified of a vacancy of a position appointed pursuant to clause 5.1(b)(i) the Trust Board will notify the Standing Committee the Diocese which will appoint a person to fill the vacancy.
- (7) If a vacancy arises in a position appointed by the Trust Board then the Trust Board has the discretion to fill this position ensuring that the Trust Board fulfils its obligations under the Policy Document and clause 5(1)(b)(ii).
- (8) Where a new member fills a vacancy on the Trust Board the new member will hold office for the remainder of the term of the member they are replacing.
- (9) Any member except the Bishop may be removed from his or her appointment by special resolution of the Trust Board of no less than seventy five per cent (75%) of its members.
- (10) The Trust Board will, from among its members, elect a Chairperson who, subject to the provisions of clause 5(1)(a), will preside at all meetings of the Trust Board. The Chairperson will be elected by a majority of those present and voting at the relevant meeting.
- (11) The Trust Board will, from among its members, elect a Vice Chairperson. The Vice Chairperson will be elected by a majority of those present at voting at the relevant meeting.

- (12) In the absence of the Warden, Chairperson and Vice Chairperson, the members present will elect a Chairperson for the meeting.
- (13) Any Chairperson elected under clause 5(10) will hold office for a term of three(3) years from the time of election and is entitled to be re-elected.
- (14) Any Vice Chairperson elected under clause 5(11) will hold office for a term of three (3) years from the time of election and is entitled to be re-elected.
- (15) It is desirable that Trust Board members are members of the Anglican Church in Aotearoa, New Zealand and Polynesia or a member of the Church of any other Christian denomination approved by the Standing Committee of the Synod of the Diocese for the purpose of membership of the Trust Board.
- (16) The quorum for a meeting of the Trust Board is no less than one half plus on of the members of the Trust Board.

7. Benefits to Trust Board members

- (1) Any income, benefit or advantage received by the Trust Board or its members in their capacity as members of the Trust Board must be applied for the objects and purposes of the Trust Board;
- (2) No member of the Trust Board, or any person associated with a member of the Trust Board, may derive any income, benefit or advantage from the Trust Board where the member in question can materially influence the payment of the income, benefit or advantage, except where that income, benefit or advantage is derived from:
 - (a) Goods or services provided to the Trust Board which advance the purposes of the Trust Board and are rendered in the course of business and charged at no greater rate than market rates; or
 - (b) Interest on money lent at no greater rate than current market rates.

8. Duties and Functions of the Trust Board

- (1) The Trust Board must adhere to the Trust Board Policy document as attached, marked "Schedule One". The Trust Board may alter the Trust Policy Document by special resolution of the Trust Board of no less than seventy five per cent (75%) of its members.
- (2) The Trust Board is responsible for enabling the provision of educational excellence to the students of St Margaret's College by:
 - (a) maintaining and safeguarding the special character and Anglican nature of the school;
 - (b) maintaining those traditions of St Margaret's College supportive of educational excellence; .
 - (c) providing the governance, financial viability, conduct and strategic direction of St Margaret's College as a school.
- (3) The Trust Board may do all acts as may from time to time be necessary [to fulfil its objects] including:
 - (a) The appointment of an Executive Principal responsible to the Trust Board who must either be a member of the Anglican Church in Aotearoa, New Zealand and Polynesia or a member of the Church of any other Christian denomination approved by the Standing Committee of the Synod of the Diocese for the purpose of the appointment of such an Executive Principal.

- (b) The appointment of a Chaplain who must be an ordained priest of the Anglican Church in Aotearoa, New Zealand and Polynesia.
- (c) The appointments by the Trust Board of an Executive Principal and a Chaplain are subject to approval by the Bishop.
- (d) The hire and employment and payment of all teaching staff and or employees or contractors. This duty and function will be delegated to the Executive Principal except in special circumstances at the discretion of the Trust Board.
- (e) The purchase, lease, gift, hire or otherwise or the sale, exchange, gift, lease, hire of any property either real or personal, buildings and furnishings.
- (f) The borrowing or raising and giving security for money by the issue of bonds, debentures, stock, mortgages, or charge either unsecured or secured upon all or any of the property of the Trust Board or otherwise.
- (g) The administering of all sums of money subscribed or donated by any person or organisation for the support or benefit of the Trust Board or St Margaret's College or St Margaret's College Foundation whether by the operation of any trust, devise or bequest or otherwise, subject to any special provision attaching.
- (h) The establishment of sub-committees governed by the following rules:
 - (i) Each sub-committee will have a minimum of three (3) Trust Board members with a quorum for meetings of two (2) of those three (3) Trust Board members.
 - (ii) Each sub-committee will after each meeting of the sub-committee report in writing to the Trust Board and keep a record in the form requested by the Trust Board.
 - (iii) Any decision by a sub-committee is subject to ratification by the Trust Board.
- (2) The Trust Board must meet at least eight (8) times in each calendar year.
- (3) The Trust Board will keep minutes of its acts and proceedings and such minutes will be on the Table of Synod at its annual session.
- (4) The Trust Board will lay before Synod at its annual session a report covering its proceedings during the year together with an audited copy of the previous year's Financial Accounts.
- (5) The appointment of the Executive Principal and the composition of the subcommittees must be as described in the Trust Board Policy document as attached marked "Schedule One".

9. Liability of Trust Board Members

- (1) Any member of the Trust Board, Officer or employee of the Trust Board will be indemnified out of the assets of the Trust Board for and in respect of any loss or liability which the said person may sustain or incur by reason of:
 - (a) any act or omission in carrying out, or purporting to carry out, any:
 - (i) function;
 - (ii) duty; or
 - (iii) power

in the execution of his or her duties or responsibilities in the management and administration of the Trust Board and/or the assets of the Trust Board except:

- (iv) If such loss is caused by the member's dishonesty; or
 - (v) By his or her breach of trust when that breach is known to the member.
- (2) No member is obliged to take any proceedings against any co-member for breach or alleged breach of trust committed by a co-member and will not be liable for any losses for not taking such proceedings.

10. Chargeable for Monies

- (1) Every member of the Trust Board will be chargeable for only such monies that he or she has received. A member will not be liable for any loss which arises from trust funds being lawfully given by him, her or any other member to any banker, solicitor or agency or invested in any security.

11. Winding Up

- (1) The Trust Board may be wound up or dissolved upon:
- (d) A resolution of seventy-five per cent (75%) of members of the Trust Board, considered at a meeting of the Trust Board held after at least ten (10) working days' notice has been given to all members of the Trust Board, that the matter of winding up or dissolution be referred to the Synod; and
 - (e) A resolution by Synod, passed in accordance with its Standing Orders, that the Trust Board be wound up or dissolved.
- (2) On the winding up or dissolution of the Trust Board, all surplus assets, after the payment of costs, debts and liabilities, will be given to the Church Property Trustees to be held on trust for such charitable purposes (with a preference for the purposes of Christian education) as the Standing Committee of the Diocese directs or, if the Standing Committee is unable to make such a decision, will be disposed of in accordance with the directions of the High Court under section 27 of the Charitable Trusts Act 1957.

12. Interpretation

- (1) The decision of the Standing Committee upon any question as to the construction or interpretation of this Statute or upon any matter for which express provision has not been made, will be conclusive unless or until revoked by Synod.
- (2) For the purpose of assisting the Standing Committee in the construction or interpretation of this Statute, it is declared that the provisions of this Statute are enacted and are to be interpreted as being for the purpose of extending the powers of the Trust Board so far as reasonably possible.

13. Repeal

- (1) The St Margaret's College Consolidation Statute 1982 as amended in 1989, 1992 and 1995 is repealed.

SCHEDULE ONE

St Margaret's College Trust Board

1. Policy Document

- 1.1. This St Margaret's College Trust Board Policy Document ("Policy Document") governs the appointment by the St Margaret's College Trust Board (the "Trust Board"), of the members of the Trust Board, that the Trust Board itself is empowered to appoint pursuant to the St Margaret's College Consolidation Statute 2011.
- 1.2. The Policy Document also governs the establishment of subcommittees by the Trust Board and any other matters that the Trust Board deems necessary in its absolute discretion.

2. Amendments

- 2.1. The contents of this policy document may be amended by a special resolution of the Trust Board of no less than seventy-five (75) % of its members, from time to time.

3. Trust Board Appointments

- 3.1. Pursuant to the St Margaret's College Consolidation Statute 2011, the Trust Board has the right to appoint up to ten members to the Trust Board.
- 3.2. When appointing any member to be a member of the Trust Board, the Trust Board must ensure that at least one member of the Trust Board is also a member of, the St Margaret's College Old Girls Association Incorporated, the St Margaret's College Parents and Friends Association and the St Margaret's College Foundation, to enable the representation of the Board in each of these respective bodies.
- 3.3. The Trust Board will, when appointing a new member to the Trust Board follow the process set out below:
 - (a) Make it known within the wider St Margaret's Community that a new member is to be appointed to the Trust Board.
 - (b) Request those persons interested in applying for the appointment to the Trust Board to provide the current Trust Board members with their professional CV and a covering letter outlining their skills and appropriate experience.
 - (c) A committee of the Trust Board will be established to interview the appropriate applicants and report back to the full Trust Board.
 - (d) The Trust Board will then make a decision upon the appointment of the new member and the decision of the Trust Board shall be final.

4. Trust Board Re-appointments

- 4.1. Where a Trust Board member has come to the end of their term and wishes to be reappointed to the Trust Board, they must give notice of this intention to the Trust Board three months prior to the expiry of their term.
- 4.2. The Trust Board will hold a discussion and then a vote on this reappointment in the absence of the member seeking reappointment.

5. **Subcommittees**

- 5.1. As set out in the St Margaret's College Consolidation Stature 2011 the Trust Board may establish subcommittees.
- 5.2. The Trust Board may appoint these subcommittees as it sees fit.
- 5.3. Each subcommittee will have its own clearly defined Terms of Reference, which will be reviewed on an annual basis.
- 5.4. The subcommittees can include members of the management from St Margaret's College but these members of any subcommittee will not have voting rights.
- 5.5. Each subcommittee will have a chairman appointed by the Trust Board who will prepare an agenda prior to each subcommittee meeting and forward it to the Trust Board secretary for incorporation in the Trust Board papers.
- 5.6. Formal minutes are to be taken and inputs and recommendations made to the Trust Board.

6. **Appointment of the Executive Principal**

- 6.1. The Executive Principal must be appointed by the Trust Board using a process that is appropriate taking into account the employment law currently in place in New Zealand.
- 6.2. The appointment of the Executive Principal must be approved by 75% of the members of the Trust Board and is subject to the approval of the Bishop of Christchurch.

CRAIGHEAD DIOCESAN SCHOOL STATUTE

Enacted 1981; Amended 1989, 1992, 1995, 1999, 2010

TO CONSOLIDATE AND AMEND EXISTING LEGISLATION AFFECTING
CRAIGHEAD DIOCESAN SCHOOL AND TO MAKE PROVISION FOR THE
CONSTITUTION AND CONTROL OF THE SCHOOL.

WHEREAS

- (a) The existing legislation affecting Craighead School is contained in the Craighead Diocesan School Statute 1953.
- (b) On the 20th November 1980 the School entered into a Deed of Agreement with Her Majesty The Queen, acting by and through the Minister of Education, to provide for the integration of the School pursuant to the Private Schools Conditional Integration Act 1975.
- (c) Consequent upon the said Agreement it is desirable to amend and consolidate the Statute to bring it into harmony with the provisions of the said Agreement and the Private Schools Conditional Integration Act 1975.
- (d) The School is administered by a Trust Board incorporated under Part II of the Religious Charitable and Educational Act 1908.
- (e) At the date hereof the Schools owns the four properties named and described in the Schedule hereto.
- (f) Part of the property being Lots 36 and 37 on Deposited Plan 3110 and Lots 1 and 3 on Deposited Plan 3203 Certificate of Title 281/97 known as the Shand Property is subject to a Deed of Agreement dated 8th October 1926 and made between the Vendors of the School of the first part, certain persons therein named and described representing the Purchasers of the School of the second part and the Bishop of the Diocese as representing the Diocesan Board of Education and the Diocese of the third part.
- (g) The said Deed of Agreement dated 8th October 1926 provides that the School shall not be carried on for the pecuniary profit of any person or persons, and shall be carried on for the giving of a good education, inclusive of religious training and instruction under the Church in Canterbury, and for the furtherance of the establishment and carrying on of Church Schools both primary and secondary, more especially in South Canterbury, and for the development and extension of its own work.

BE IT THEREFORE ENACTED by the Bishop, Clergy and Laity of the Diocese of Christchurch in Synod assembled as follows:-

SHORT TITLE

1. THE Short Title of the Statute shall be "The Craighead Diocesan School Statute 1981".

DATE OF COMING INTO OPERATION

2. THIS Statute shall come into force immediately on the passing thereof.

STATUTES REPEALED

3. THE following Statutes are hereby repealed:
 - (a) Part III of "The Schools and Youth Work Statute 1935".
 - (b) Part IV of "The Schools and Youth Work Statute 1935" in so far as it relates to the School.
 - (c) The Craighead School Loan Statute 1947.
 - (d) The Craighead School Loan Amendment Statute 1950.
 - (e) The Craighead Diocesan School Statute 1953.

PROVIDED HOWEVER that all documents executed, all engagements entered into or liabilities assumed or payments made or other acts of authority which have originated or been made, performed or done under any of the said Statutes repealed by this Statute shall be deemed to be carried out done or performed under this Statute and shall ensure for the purposes of this Statute as if they had originated thereunder.

PART I CONSTITUTION

NAME

4. THE name of the School shall be "Craighead Diocesan School" (hereinafter called "the School").

THE PROPRIETORS

5. THE Board is incorporated under the name of "CRAIGHEAD DIOCESAN SCHOOL PROPRIETORS" (hereinafter called "The Proprietors").
6. THE School is an integrated School under the Private Schools Conditional Integration Act 1975 as evidenced by a Deed of Agreement bearing date the 20th day of November 1980 and made between the Proprietors of the one part and Her Majesty the Queen, acting by and through the Minister of Education, of the other part.
7. THE Statute shall be read and interpreted in conjunction with the said Deed of Agreement and where any of the provisions in the Statute and the Deed conflict then the provisions of the said Deed shall prevail.

GOVERNING BODY

8. THE Proprietors shall be composed of the following fourteen persons who shall hold office on the conditions hereinafter set forth:-
- (a) The Bishop of the Diocese, who shall be Warden of the School and shall preside (ex officio) at meetings of the Proprietors if the Bishop so desires.
 - (b) THIRTEEN other persons who shall be elected or appointed in accordance with the provisions hereinafter contained namely:-
 - (i) THREE members who will each be elected by the Synod of the Diocese at its annual session in the manner set forth in its Standing Orders governing the conduct of its elections. The term of each member so elected will be three years with one member retiring each year.
 - (ii) TWO members who will be appointed by the meeting convened by the Archdeacon of South Canterbury prior to each annual session of the Diocesan Synod, and attended by the Clergy, Lay Members of Synod and Churchwardens of the parishes of the Archdeaconry of South Canterbury. The term of each member so appointed will be three years.
 - (iii) THREE persons to be elected by the Board, taking cognizance of gender balance and necessary skills to fulfill the duties and functions of the Board.
 - (iv) ONE member shall be appointed by the Craighead Old Girl's Association (Incorporated) in the month of November in each year.
 - (v) THREE members shall be appointed by the Craighead Parents' and Friends Association in the month of November in each year each appointee to serve a three year term with one appointee retiring each year, with the initial terms and expirations to be determined by the Association.
 - (vi) THE Chairperson of the Board of Trustees of the Craighead Diocesan School ex officio.
 - (vii) The existing members of the Board elected by the Synod be deemed to retire at the annual sessions of Synod as follows:
 - a. Mr John Hammond – 2010
 - b. Mrs Jane Evans – 2011
 - c. Mr Ross Wells – 2012
 - (viii) The existing members of the Board appointed at the meeting convened by the Archdeacon of South Canterbury prior to each annual session of the Diocesan Synod, and attended by the Clergy, Lay Members of Synod and Churchwardens of the parishes of the Archdeaconry of South Canterbury be deemed to retire as follows:
 - a. Mr Wayne Pahl – 2010
 - b. Dr William Rolleston – 2012.
 - (c) ANY member may in writing addressed to the Bishop tender their resignation from the Proprietors, and if a member shall be absent from three

consecutive meetings of the Proprietors without leave or absence, their seat shall become vacant and such vacancy and all vacancies caused by death or resignation shall be filled forthwith by the body or bodies which elected or appointed the member whose seat arose has become vacant PROVIDED THAT vacancies in respect of members elected by the Synod shall be filled by the Standing Committee. The person so appointed shall hold office only for the unexpired portion of the term of the person they replace, so that no person, other than the Bishop of the Diocese, shall hold office for a longer period than three years without being re-elected or re-appointed.

- (d) SHOULD any body charged with the election or appointment of a member or members of the Proprietors under sub-clause (b), (c) or (d) hereof fail for three months being notified by the Proprietors of the vacancy to make such election or appointment, the same shall be made by the Standing Committee.
- (e) RETIRING members should continue in office until their successors are appointed and the existing members of the Board who hold office at the passing of this Statute shall continue in office and may function as the Proprietors until all elections have been carried through as desired in Clause 8 (b).
- (f) The Proprietors shall, from among its members, and within three months after the close of the annual Session of Synod, elect a Chairperson who, subject to the provisions of clause 8 (a) hereof, shall preside at all meetings of the Proprietors and shall exercise powers and privileges of a Chairperson PROVIDED that in the absence of the Warden and the Chairperson the members present shall elect a Chairperson for the meeting.
- (g) No person shall be qualified to be a member of the Proprietors unless they are a member of the Anglican Church in Aotearoa, New Zealand and Polynesia or a member of the Church of any other Christian denomination approved for that purpose by the Standing Committee of the Diocese.
- (h) The quorum for a meeting of the Proprietors shall be seven.
- (i) Any person at present holding office shall continue as a member of the Proprietors until such member shall by virtue of the provisions of the Statute retire but shall, if a vacancy occurs at the time of such retirement, be eligible for re-appointment.

DUTIES AND FUNCTIONS OF THE PROPRIETORS

- 9. THE duties and functions of the Proprietors shall include the following:-
 - (a) TO hold any real and personal property at the date of the passing of this Statute subject to the trusts of the said Deed of Agreement bearing date the 8th day of October 1926 hereinbefore recited in accordance with the trusts thereof and to hold any real and personal property not subject to such trusts for the establishment, carrying on and furtherance of secondary schooling for girls under the Anglican Church in the Diocese of Christchurch.
 - (b) TO administer all sums of money provided by the Synod or subscribed or donated by any person or organisation for the support maintenance or benefit of the School.

- (c) TO take over the control and administration of all sums of money or property of any kind at present held by any Trustees or other persons and Corporations other than the Church Property Trustees for the School or connected therewith or in relation thereto.
- (d) TO receive, take over and administer all money or property of any kind which would have been acquired by or have devolved upon the Diocesan Board of Education (had it continued in existence), the Proprietors, or any other administrative Board, or body, or trustees for the School whether by the operation of any trust, devise or bequest, or otherwise howsoever, and to administer and apply the same subject to any special provision attaching thereto in the same manner in all respects as the same would have been administered and applied by the said Diocesan Board of Education, the Proprietors, or such other board, body or Trustees had it or they continued in existence.
- (e) TO carry on and maintain and generally to conduct the School as a boarding and day school for the Anglican Church in the Diocese of Christchurch, subject always to the aforesaid Deed of Agreement.
- (f) TO acquire for any purpose of the Proprietors by purchase, lease, gift, hire or otherwise or dispose of by the way of sale, exchange, gift, lease, hire or in any other manner such lands, buildings or furnishings as the Proprietors may deem it necessary to acquire or dispose of as the case may be, and to do all acts in relation thereto as may from time to time be required including:-
 - (i) THE hire or employment and payment of all persons necessary for the maintenance, extension or prosecution of the activities of the Proprietors.
 - (ii) THE selling of any property, real or personal, held by the Proprietors.
 - (iii) THE borrowing or raising and giving security for money by the issue of bonds, debentures, stock, mortgage or charge either unsecured or secured upon all or any of the property The Proprietors otherwise.
 - (iv) THE administration of all sums of money subscribed or donated by any persons or organisation for the support, maintenance or benefit of The Proprietors or School, whether by the operation by any trust devise or bequest or otherwise howsoever, and to administer and apply the sums subject to any special provisions attached thereto and to appeal for, collect and receive monies in furtherance of the purposes hereinbefore referred to and to administer, control and disburse the same.
- (g) TO delegate to sub-committees such portions of its functions as it may think fit.

LIABILITY

- 10. NO Proprietor acting or purporting to act in execution of the said Deed shall be liable for any loss not attributable to the Proprietor's own dishonesty or to the wilful commission or omission by the Proprietor of an act where such commission or omission is known by the Proprietor to be a breach of trust and in particular no Proprietor shall be bound to take or be liable for failure to take

any proceedings against a co-Proprietor for any breach or alleged breach of Trust committed by such co-Proprietor.

REIMBURSEMENT

11. EVERY Proprietor shall be chargeable only for such monies as the Proprietor shall actually have received although the Proprietor may have joined in any receipt for money received by any other of them and shall not be answerable for the acts of any other Proprietor nor for any loss which may arise by reason of any Trust funds being lawfully deposited in the hands of any Banker, Solicitor or Agent or for the sufficiency or insufficiency or deficiency of any security upon which any Trust money or any part thereof may be invested or for any loss in the execution of any Trust unless the same shall happen through the Proprietor's neglect or default.

INDEMNITY

12. ANY Proprietor, Officer or employee of the Proprietor shall be indemnified out of the assets of the Trust for and in respect of any loss or liability which the said person may sustain or incur by reason of the carrying out or omission of any function, duty or power under the said Deed and in respect of any expenses incurred by the said person in the management and administration of the Trust fund unless such loss or liability is attributable to the said person's dishonesty or to the wilful commission of an act known to the person to be a breach of trust or to the wilful omission by the said person of any act when that omission is known by the said person to be a breach of trust."

ANNUAL REPORT TO SYNOD

13. THE Proprietors shall keep minutes of its acts and proceedings and shall lay before the Synod at its Annual Session a report covering its proceedings during the year with a statement of its receipts and expenditure and a copy of its balance sheet.

SCHOOL BADGE

14. THE School shall be entitled to use as its badge such design as shall be agreed upon by the Proprietors, the Bishop of the Diocese and the Standing Committee.

INTERPRETATION OF STATUTE

15. SUBJECT to Clause 6 hereof the decision of the Standing Committee upon any question as to the construction or interpretation of this Statute, or upon any matter which express provision has not been made, shall be conclusive unless or until revoked or altered by the Synod.

16. THIS Statute may be amended from time to time by enactments of Synod, but no such amendment shall in any way conflict with the said Deed of Agreement bearing date the 20th day of November 1980.

SCHEDULE

Description of total land, buildings and other improvements comprising the Proprietor's land of which the integrated school form part.

THE PROPRIETOR'S LAND

All that land, school buildings, residences, offices, chapel and other improvements the registered Proprietor whereof is the Craighead Diocesan School Proprietors.

All that parcel of land containing 3.2354 hectares more or less situated in the City of Timaru being Lot 1 on Deposited Plan 40947 Certificate to Title 18B/1238 subject to Mortgage 182085/1 to The Church Property Trustees and being Lots 1 and 2 on Deposited Plan 6273 and part of Lots 8 and 9 on Deposited Plan 9881 Certificate of Title 1D/863 subject to Mortgage 818757 to The Church Property Trustees and being Lots 36 and 37 on Deposited Plan 3110 and Lots 1 and 3 Deposited Plan 3203 Certificate of Title 281/97 SUBJECT to Mortgage 65448/1 to The Housing Corporation of New Zealand and being Lot 2 Deposited Plan 3203 Certificate of Title 293/20 SUBJECT to Mortgage 172777/8 to The Craighead Old Girls Association (Incorporated).

THE TE WAI POUNAMU STATUTE

Enacted 1943; Amended 1951, 1981, 1984, 1989, 1990, 1992

A STATUTE

TO DEFINE THE STATUS AND TO AUTHORISE THE INCORPORATION OF TE WAI POUNAMU COLLEGE

WHEREAS there has existed in the Diocese of Christchurch for many years a School for Maori children, first conducted as a private venture at Ohoka in the year 1909 and elsewhere by Charles Anderson Fraer, Clerk in Holy Orders, and subsequently supported by contributions from well-wishers and friends of the Maori people, which said well-wishers and friends have also been members of the Anglican Church in Aotearoa, New Zealand and Polynesia in the Diocese of Christchurch.

AND WHEREAS by Memorandum of Agreement dated the 2nd day of August, 1921, and made between George Edwin March of Kaiapoi in New Zealand, Bank Manager, as Vendor of the one part, and the said Charles Anderson Fraer, Clerk in Holy Orders, John de Burgh Galwey of Christchurch in New Zealand, Clerk in Holy Orders, and Edward James Ross also of Christchurch aforesaid, solicitor, as Purchasers of the other part (all of which Purchasers are hereinafter referred to as the "Purchaser-Trustees") certain lands situated in Ferry Road, Christchurch, were brought by the Purchaser-Trustees for the purposes of the said School and were declared by the said Purchaser-Trustees to be held by them upon certain trusts set out in the aforesaid Memorandum of Agreement and hereinafter to be recited.

AND WHEREAS in the aforesaid Memorandum of Agreement power was taken by the said Purchaser-Trustees either to take title to the said lands in their own name or to have such title vested in The Church Property Trustees of the Diocese of Christchurch or any other body or persons incorporated or associated for religious and educational purposes in the said Diocese upon and for the trusts and purposes therein declared.

AND WHEREAS in exercise of the said power the Purchaser-Trustees requested the title of the said property to be transferred to the Church Property Trustees of the Diocese of Christchurch upon and for the trusts and purposes hereinbefore referred to.

AND WHEREAS on the 19th day of August, 1929, the said Church Property Trustees accepted the title of the said land and now hold the same upon and for the following trusts and purposes - that is to say -

- (a) In the first place for the religious and educational training in the Diocese of Christchurch of Maori and partly Maori girls.
- (b) In the second place, should it at any time be found impossible or inexpedient to continue such training of Maori girls then at the discretion of the Synod or Standing Committee of such Diocese for religious or educational work or both amongst the Maoris in the said Diocese or elsewhere.

- (c) In the third place if at any time there should cease to be separate church work amongst Maoris in the said Diocese then at the discretion of the said Synod or Standing Committee for religious educational work in general in the said Diocese.

AND WHEREAS the said School was moved to the Ferry Road site and has there been conducted as a School for Maori girls by governing body or council to which members have from time to time been appointed by the Bishop of the Diocese, by the Standing Committee of the Synod of the Diocese and in other diverse manners never clearly defined or regulated.

AND WHEREAS it is desirable clearly to define the status of the said school and to make provision for the appointment of members of the governing body or council, and to authorise the incorporation of the same, with full power (either incorporated or unincorporated) to conduct the business of the school in a proper and fitting manner and for such purposes to borrow money and hold property.

WHEREAS pursuant to recommendations of the commission set up by the Standing Committee to consider sharing of assets with Te Pihopatanga O Aotearoa it is desirable to vest control of Te Wai Pounamu College and the property held on its behalf in Te Pihopatanga O Aotearoa subject to the trusts and purposes accepted by the Church Property Trustees when title was accepted by the Trustees on the 19th day of August 1929.

NOW THEREFORE BE IT ENACTED by the Bishop, Clergy and Laity of the Diocese of Christchurch in Synod assembled as follows:-

Short Title

1. The short title of this statute shall be "The Te Wai Pounamu Statute 1943".
2. There shall be constituted a Board to be known as the Board of Governors of Te Wai Pounamu College (hereinafter referred to as "The Board") the duty and function of which shall be generally to conduct and control Te Wai Pounamu College and particularly to conduct it in such manner as may be prescribed under this Statute.
3. The composition, method of election, powers and functions of the Board shall be as from time to time provided for by Te Pihopatanga O Aotearoa.
4. (a) All freehold or leasehold land held by the Church Property Trustees for or on behalf of Te Wai Pounamu College shall be transferred to Te Pihopatanga O Aotearoa to be held by Te Pihopatanga O Aotearoa upon and for the following trusts and purposes:
 - (i) In the first place for the religious and educational training in the Diocese of Christchurch for Maori and partly Maori girls.
 - (ii) In the second place, should it at any time be found impossible or inexpedient to continue such training of Maori girls then at the discretion of Te Pihopatanga O Aotearoa for religious or

- educational work or both amongst the Maoris in the said Diocese or elsewhere.
- (iii) In the third place if at any time there should cease to be separate church work amongst Maoris in the said Diocese then at the discretion of Te Pihopatanga O Aotearoa for religious educational work in general in the said Diocese.
 - (b) All other assets subject to any liabilities affecting the same held by the Church Property Trustees for or on behalf of Te Wai Pounamu College shall be conveyed or transferred to Te Pihopatanga O Aotearoa upon and for the same trusts and purposes.
5. The provisions of this Statute shall not be subject to amendment without the consent of Te Pihopatanga O Aotearoa.