

SECTION G

Schools

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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in force until the 31st day of January, 1936, and as from the 1st day of February, 1936, shall be deemed to have been repealed.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(This Part was repealed by "The Primary Day Schools' Statute, 1938")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

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.

- “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 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 Statement of Receipts and Payments and Income and Expenditure of the School, 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

Enacted 1982; Amended 1989, 1992, 1995

WHEREAS existing legislation affecting St Margaret's College is contained in the St Margaret's College Consolidation Statute 1952 as amended in 1958, 1959, 1966, 1969 and 1981.

AND WHEREAS certain provisions of the Statute relate to arrangements entered into when the school was moved from its original site in Cranmer Square to its present site, and have therefore fulfilled their purpose, it is desirable that the Statute be brought up to date by exercising those sections which are now obsolete, by re-drafting certain other sections in the light of the present day needs and circumstances of the School, and by incorporating the several earlier amendments in one Statute.

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

1. Short Title - The short title of this Statute shall be the "St Margaret's College Statute 1982".
2. Date of Coming into Operation - This Statute shall come into force immediately on the passing thereof.
3. The St Margaret's College Trust Board - The Governing Body of St Margaret's College shall be the St Margaret's College Trust Board (hereinafter referred to as the Trust Board), a Board duly incorporated under the provisions of the Religious, Charitable and Educational Trusts Act 1908, now the Charitable Trusts Act 1957.
4. The membership of the St Margaret's College Trust Board shall be composed of the following persons:-
 - (a) The Bishop of the Diocese shall be Warden of the College and shall preside ex officio at meetings of the Trust Board if the Bishop desires.
 - (b) Other persons, to the number of sixteen in all, to be appointed as follows:-
 - (i) Two members appointed 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.
 - (ii) Four members appointed by the Standing Committee of the Synod.
 - (iii) Six members appointed by the Trust Board, recognising the desirability of having a parent of the Boarders on the Trust Board.
 - (iv) Two members elected by the St Margaret's College Old Girls' Association Inc.
 - (v) Two members appointed by the St Margaret's College Parent Teacher Association Inc.

- (c) Each member appointed or elected under paragraph (b) of this section shall hold office for a term of four years and such term shall expire on the thirty first day of December, PROVIDED ALWAYS that any person who is a member of the Trust Board at the date of the coming into operation of this Statute shall continue as a member until the expiration of their current term of office. At the expiration of their term a member shall be eligible for re-election or reappointment.
- (d) Notwithstanding anything hereinbefore contained any member may in writing, tender their resignation to the Trust Board and if any member shall be absent from three consecutive meetings of the Trust Board without leave, their seat shall be declared vacant and such vacancy and all vacancies caused by death or resignation shall be filled forthwith by the Standing Committee with regard to vacancies arising in respect of members elected by the Synod or by the Standing Committee, and by electing or appointing bodies in other cases. The person so appointed shall hold office only for the unexpired portion of the term of the person they replace.
- (e) The Board shall, from among its members, and within three months after the month of December, elect a Chairperson who, subject to the provisions of clause 4 (a) hereof, shall preside at all meetings of the Trust Board and shall exercise the powers and privileges of a Chairperson PROVIDED that in the absence of the Warden and Chairperson the members present shall elect a Chairperson for the meeting.
- (f) No person shall be qualified to be a member of the Trust Board 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.
- (g) The quorum for a meeting of the Trust Board shall be eight.

5. Duties and Functions of the Trust Board

- (a) The Trust Board shall be responsible for the management, control and conduct of St Margaret's College as a day and boarding school for the Anglican Church in Aotearoa, New Zealand and Polynesia in the Diocese of Christchurch, and may do all acts in relation thereto as may from time to time be necessary to carry out these functions including:-
 - (i) The appointment of a Principal 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.
 - (ii) The appointment of a Chaplain who shall be an ordained priest of the Anglican Church in Aotearoa, New Zealand and Polynesia, PROVIDED ALWAYS that the appointment, of a Principal and a Chaplain are made with the approval of the Bishop of the Diocese.

- (iii) The hire and employment and payment of all teaching staff and persons necessary for the maintenance, extension or prosecution of the activities of the Trust Board.
 - (iv) The acquisition for any purpose of the Trust Board by purchase, lease, gift, hire or otherwise or the disposal by way of sale, exchange, gift, lease, hire or in any other manner, of such lands, buildings or furnishings as the Trust Board 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.
 - (v) The selling of any property real or personal held by the Trust Board.
 - (vi) 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.
 - (vii) 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 College, whether by the operation of any trust, devise or bequest or otherwise howsoever subject to any special provision attached thereto.
 - (viii) The delegation to Sub-committees of such portions of its functions as it may think fit.
- (b) The Trust Board shall keep minutes of its acts and proceedings and such minutes shall be on the Table of Synod at its annual session.
 - (c) The Trust Board shall 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 Annual Accounts.
6. No Member of the Trust Board acting or purporting to act in execution of their duties and responsibilities shall be liable for any loss not attributable to the said Member's own dishonesty or to the wilful commission or omission by the said Member of an act where such commission or omission is known by the said Member to be a breach of trust and in particular no Member of the said Trust Board shall be bound to take or be liable for failure to take any proceedings against a co-Member for any breach or alleged breach of Trust committed by such co-Member.
7. Every Member of the Trust Board shall be chargeable only for such monies as the said Member shall actually have received although the said Member 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 Member 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 said Member's neglect or default.
8. Any Member of the Trust Board, Officer or employee of the said Board 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 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 said 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."

9. Interpretation

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, shall be conclusive unless or until revoked by Synod, but for the purpose of assisting the Standing Committee in the construction or interpretation of any such question, it is hereby declared that the provisions of this Statute are enacted and are to be interpreted for the purpose of extending the powers of the Trust Board so far as reasonably possible and not by way of limiting them.

10. The Following Statute is hereby repealed:

The St Margaret's College Consolidation Statute 1952 as amended in 1958, 1959, 1966, 1969 and 1981.

CRAIGHEAD DIOCESAN SCHOOL STATUTE

Enacted 1981; Amended 1989, 1992, 1995, 1999

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 shall 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.
 - (ii) TWO members to 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.
 - (iii) THREE persons to be elected by the Board, taking cognizance of gender balance and necessary skills to fulfil 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.
 - (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.

ST MARK'S SCHOOL TRUST BOARD STATUTE

Enacted 1980; Amended 1989, 1992

TO PROVIDE FOR ST MARK'S PRIMARY DAY SCHOOL BECOMING AN INDEPENDENT CHURCH SCHOOL

WHEREAS the Vicar and Wardens of the Parish of Opawa have conveyed the desire of the Parishioners to grant independence to St Mark's Church School.

AND WHEREAS the annual meeting of the Parents of the School along with the School Board also desire independence.

AND WHEREAS the Standing Committee have agreed to the parish selling the land presently occupied by the School at an agreed price of \$45,000.

AND WHEREAS the Church Property Trustees have agreed to allow current Mortgages 667, 670 and 868 for \$4,838, \$9,604 and \$674 respectively to be transferred to the Independent School.

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 the Statute shall be "St Mark's School Trust Board, Statute 1980".
2. The name of the School shall be St Mark's School.
3. **THE TRUST BOARD**

Shall file with the Manager of Incorporated Societies its constitution and general purposes and rules and become incorporated in accordance with the provisions of the Charitable Trusts 1957" under the name of "St Mark's School Board (hereinafter called "the Board").

4. **THE GOVERNING BODY**

The Governing Body of the School shall be The Trust Board which shall be composed of the following persons.

- (a)
 - (i) Three elected by the St Mark's School Parents' Association.
 - (ii) One elected annually by the Parents' Association Committee.
 - (iii) One elected annually by the Vestry of the Parish of Opawa.
 - (iv) The Vicar of the Parish of Opawa or the Vicar's nominee.
 - (v) Four elected by the Board, including the Principal, if elected as one of the four.
- (b) The Trust Board shall, from among its members, elect a Chairperson, shall appoint a Treasurer and Secretary to the Board.
- (c) A quorum for a meeting of the Trust Board shall be six.

5. DUTIES AND FUNCTIONS OF THE TRUST BOARD

- (a) To carry on the School, to educate, to follow the teachings and Formularies of the Anglican Church in Aotearoa, New Zealand and Polynesia, and to maintain the traditions and character of the St Mark's Open Air Day School.
- (b) To educate the pupils of the School in accordance with the curriculum and their requirements laid down from time to time by the relevant Parliamentary statute.
- (c) To follow the Anglican faith in conjunction with St Mark's Anglican Church, Opawa:-
 - (i) To maintain a weekly Church or Chapel Service.
 - (ii) To maintain morning worship each day.
 - (iii) To maintain the supervision by the Vicar, or other person for the time being having the pastoral and spiritual care of the parish of Opawa, over the Scripture teachings within the School.
- (d) The Board shall acquire by purchase, transfer or otherwise howsoever in its sole discretion all the land presently occupied by the School and more particularly set out and described in the First Schedule hereof and shall stand possessed thereof and of the School and of all the Board's present and future assets and property real and personal and of all other property which may hereafter be substituted for such assets and property under the powers hereinafter contained of whatsoever nature and kind and wheresoever situate, including all the income derived by the Board which may hereafter acquired, be given to or vested in the Board in pursuance of the trusts hereby declared and of the rents, profits and income which may arise or accrue from the same respectively (all hereinafter referred to as and included in the term "The Trust Property") UPON TRUST to use or permit the same to be occupied, used, enjoyed, received and employed for the purpose of carrying on the school at Christchurch or elsewhere in New Zealand, and further generally upon trust for such charitable educational religious and similar purposes for the Anglican Church within the Diocese of Christchurch, or for such one or more from time to time of such purposes as the Board may from time to time in its discretion think fit SUBJECT HOWEVER to the powers authorities and discretions hereinafter contained AND IN PARTICULAR the Board shall have power to co-operate with any other body in the carrying out of its objects in whole or in part and may delegate to any other person or body such powers as it may think fit to carry out all or any of its purposes in whole or in part.
- (e) It shall be lawful for the Board to purchase or take on lease or sublease or otherwise acquire not only the land referred to in clause 1 but also land of any tenure or any interest in land and to purchase or otherwise acquire such other real and personal property as the Board may think fit and for the those purposes or for any of them to apply any of the trust property or funds or to raise or borrow any monies PROVIDED ALWAYS that every such purchase or lease or acquisition shall be held subject to the trusts hereof AND IN PARTICULAR without derogating from the generality of the foregoing it shall be lawful for the Board to purchase or

take on any tenure as may be agreed upon from the Church Property Trustees of the Anglican Diocese of Christchurch any lands the Board may think fit upon such terms and conditions as the Board in its absolute discretion may decide and in addition to granting a mortgage or charge of the said lands to the said Church Property Trustees in respect of such purchase or acquisition the Board may enter into such Deed or other arrangement with the said Church Property Trustees as may be agreed upon ancillary to such mortgage or charge in order (inter alia) to amplify and set out any provisions in respect thereof as the Board in its absolute discretion may agree upon with the said Church Property Trustees with power to vary, amend and alter the said mortgage or charge and the said Deed from time to time.

- (f) THE Board shall have power in its absolute discretion to accept of gifts, bequests, legacies or other acquisitions of whatever nature and kind, whether conditional or otherwise, for the carrying out of all or any of the purposes contained or implied in these presents and all such gifts, bequests, legacies or acquisitions whatsoever shall when accepted become and form part of the trust property subject to the expressed terms of any particular trusts.
- (g) THE Board shall from, and out of, the trust property and the income thereof pay, satisfy or otherwise discharge generally all debts and liabilities, costs and expenses which the Board may at any time or times be called upon to pay or defray and all monies which may from time to time be payable for any reason whatsoever in respect of the premises or in any way arising out of these presents PROVIDED HOWEVER AND IT IS HEREBY EXPRESSLY AGREED AND DECLARED that if from time to time or at any time the trust property shall be insufficient to pay, satisfy or otherwise discharge the aforesaid debts, liabilities and other monies no personal liability shall attach to any member of the Board in respect of any such shortage or insufficiency and no claim in respect thereof shall be enforced personally against any member thereof and all such debts, liabilities and other monies shall be solely a charge upon the trust property.
- (h) THE trust property shall be under the control and management of the Board, which may if it thinks fit so to do, delegate any of the powers, authorities and discretions conferred upon it by these presents (except those conferred by Clause 2, herein contained) to any person or persons, committee or committees appointed by the Board for that purpose and in particular (without in any way limiting the generality of the powers conferred on the Board) the Board or its delegates may from time to time:-
- (a) Engage and dismiss the Principal and Assistant Principal, Teachers, instructors and other employees and servants.
 - (b) Admit and dismiss and expel pupils.
 - (c) Fix fees and other payments payable by or in respect of all or any pupils.
 - (d) Make, vary, alter and revoke rules, by-laws and Standing Orders relating to all or any of the matters referred to in this Clause and

generally relating to the good government of any school or other institution of any kind whatsoever for the time being controlled by the Board and in relation to any other matter or things in any way arising out of, or in connection with, the administration of the trusts hereby declared.

- (e) Apply or direct the application of the Trust Property or any part thereof in building new or additional buildings and/or rebuilding, insuring, reinstating, repairing and generally maintaining the said buildings or any other buildings or chattels or other property belonging to or used for the purposes of the trust herein set out, or in the institution of other schools or colleges in any part or parts of the Dominion of New Zealand or in such other charitable educational and religious purposes within New Zealand or for such one or more from time to time of such purposes as the Board may think fit, and in improving any lands used for the purpose of any such school or schools, college or colleges as aforesaid or used for any such charitable or religious purposes as aforesaid and/or in the purchase of furniture, apparatus books, stationery, plant and household goods, stores, and effects and school effects, scientific instruments and such other chattels and property generally as in the opinion of the Board may or might be used in connection with any such school or schools, college or colleges or other charitable, educational or religious purposes as aforesaid and generally for all or any of the purposes aforesaid, and in the remuneration of teachers, professors, instructors and other employees and servants and in providing or subsidising pensions or superannuation funds and the like and in establishing sinking funds, whether for the purpose of repayment of monies owing, or for building, repairing or any other purpose (with power to restore to income the accumulation of such sinking fund or any part thereof) and in providing bursaries, scholarships and exhibitions and in granting prizes, premiums, donations and rewards for any charitable religious, educational, moral, intellectual, or physical pursuit, exercise, competition, sport or pastime or scientific research or for such one or more of the same respectively as the Board may from time to time decide.
- (i) IT shall be lawful for the Board at any time or from time to time to sell and absolutely dispose of or exchange the Trust Property or any part thereof upon such terms and conditions as the Board may think fit, either together or in parcels, and either by public auction or private contract or tender or otherwise as the Board may think fit and to rescind any contract for sale and resell without being responsible for any loss occasioned thereby and to leave any portion of the purchase money owing upon mortgage or upon second mortgage of the property so sold and from time to time to renew or extend or otherwise vary all or any of the terms or conditions of any such mortgage or second mortgage and to exchange any lands for any other lands or any other property, whether real or personal AND ALSO to lay out roads, streets,

drains, sewers, and other conveniences and to dedicate the same for public purposes or otherwise and either with or without compensation, and to grant and accept easements and licenses AND ALSO to accept leases upon such terms as it shall think fit and to surrender the same AND ALSO to let or lease on bail any of the Trust Property for such term or terms and upon such conditions and at such rentals as the Board may from time to time determine with power to accept surrenders of leases and tenancies and bailments.

- (j) IT shall be lawful for the Board from time to time to raise, borrow and take up at interest any sum or sums of money by way of mortgage, charge or other disposition of the trust property or any part thereof or otherwise or by issue of debentures and by such mortgage, charge, debenture or other security to give a power of sale over the property comprised therein.
- (k) THE Board shall be at liberty from time to time to agree to any extension of the term of, or increase or reduction in the amount by, or increase or reduction in the rate of interest payable under or any other variation in the terms and conditions of any mortgage, debenture or other security, agreement or other instrument, now or hereafter affecting the whole or any part of the trust property.
- (l) NO mortgagee lessee, bailee, or purchaser or other person shall be bound to see or enquire as to the necessity or propriety of any mortgage or debenture or other security, demise, lease, bailment or sale of the purposes for or the circumstances under which the same may be made or as to whether any member of the Board has been duly appointed or as to whether the appointment of any member of the Board still stands or as to whether any person signing as a member of the Board is in fact capable or otherwise of properly discharging their duties or office as such member of the Board or otherwise as to the propriety or validity of any such mortgage or other security, demise, lease, bailment or sale or shall be affected by express notice or otherwise or any impropriety or irregularity whatsoever touching the premises.
- (m) THE Board shall be at liberty from time to time to accept monies on deposit from any person or persons either at call or for a fixed term and at such rate of interest and generally upon such terms and conditions as the Board may from time to time approve of.
- (n) WHENEVER a vacancy shall occur on the Board for any of the reasons set out in the preceding clause it shall be filled in the following manner:-
 - (a) If the member whose office has been vacated had been elected or appointed to office by the St Mark's School Parents' Association or Committee thereof then the Board shall with all convenient speed make written request to the body (or its successor) concerned to elect or appoint a replacement and to furnish to the Board in writing the name of the person elected or appointed as a replacement and if

the body (or its successor) concerned fails to carry out such request within such time (being not less than one month) as the Board shall in its discretion stipulate in such request the Board shall have the right of election or appointment set out in Clause 11 (m) hereof.

- (b) If the member whose office has been vacated had been elected or appointed by certain members of the Board under paragraph (f) of Clause 11 or otherwise by the Board then those members of the Board shall within three months after the vacancy occurs elect or appoint a replacement.
- (o) THE Board shall be at liberty from time to time make, alter, vary, add to and revoke such regulations as the Board may from time to time think fit in respect of, or in any way relating to, meetings of the Board and proceedings thereat and in the meantime and until otherwise determined by the Board the regulations set out in the second schedule hereto shall be deemed to be the regulations of the Board under this present clause.

6. TRANSFER OF ASSETS

When the Trust Board has been incorporated the Church Property Trustees will transfer the Mortgages in the name of the Parish of Opawa to the Purchaser-Trustees.

- 7. The provisions of the Primary Day Schools Statute 1938 and its amendments are hereby repealed insofar as they relate to St Mark's School, Opawa.
- 8. This Statute shall come into force on the passing thereof.