

Aide-Memoire: TEI governance matters update

To:	Hon Chris Hipkins, Minister of Education
From:	Gillian Dudgeon, Deputy Chief Executive, Delivery
Date:	13 November 2018
Reference:	AM-18-00811

Purpose

1. This paper provides an update on the implications of changes made by the Education Amendment Act 2018 (the Act), which received the Royal Assent on 23 October 2018, and provides information on upcoming Ministerial appointments.
2. We recommend that you release this aide-memoire in full.

Staff and student representation on councils

3. Changes introduced by the Act bring into effect staff and student representation on the governing councils of universities and institutes of technology and polytechnics. The provisions exclude wānanga from this requirement.
4. Councils must appoint at least one enrolled student who has been elected by the student body and at least one staff member elected by permanent members of staff (or two members, one elected by the general staff and one by the teaching staff).
5. All university councils retained student and staff representation following the 2015 governance reforms and already comply with the intention of the Act. Student council members are not “enrolled students” in all cases¹, but compliance is a matter for the university council and does not require the constitution to be amended.
6. For ITPs, the amendment varies the size of the councils, which must now have a total of 8, 9, or 10 members as provided in the constitution. s9(2)(h)
As Minister, if you are satisfied that the constitution meets the legal requirements, you bring it into effect by publication in the Gazette.
7. ITPs have up to a year to gain your agreement to a new constitution and a further six months to hold elections. We understand the transition period was intended to allow for any structural changes resulting from the ITP Roadmap 2020 Project. However, we expect that staff and

¹ An example, is the University of Otago, where the student council member is President of the Otago University Students’ Association and provided with a sabbatical year from study.

students will want to take their place on councils as soon as possible, particularly given the uncertainty about the future structure of the sector.

8. We are responding to enquiries from tertiary education institutes councils and will circulate an Information Sheet to councils on the changes introduced by the Act and the process for putting in place a new constitution.
9. We will manage the process of submitting the constitutions to your office, provide advice on legal compliance, and arrange publication in the Gazette once you have agreed to each new constitution.

You are now required to seek nominations from councils

10. The Act also introduced the requirement for you, as Minister, to seek and consider nominations from the relevant TEI councils before appointing council members.
11. This formalises the existing process whereby we consult council Chairs and Chancellors before making our recommendations for appointment. Chairs and Chancellors often write to you with their nominations.
12. The process is well underway for the appointments you must consider before year end. We will amend our processes in the New Year and provide your office with letters seeking nominations for the appointments that fall due on 30 April 2019.

Upcoming Ministerial appointments

13. We are refreshing our advice on Ministerial appointments to the three wānanga and Toi Ohomai Institute of Technology in the light of the consultation your office has undertaken. A further five appointments at universities are due for your consideration before year end, as follows:

<i>University</i>	<i>Present member</i>	<i>First appointed</i>	<i>Term ends</i>
University of Auckland	Peter Kiely	2009	31 December 2018
University of Canterbury	Rosemary Banks	2017	<i>Resigned</i>
Lincoln University	Andrew Macfarlane	2009	8 December 2018
Massey University	Ben Vanderkolk	2011	31 December 2018
University of Otago	Donna Matahaere-Atariki	2009	31 December 2018

14. We are in contact with the five university councils and will work with your office to enable as many appointments as possible to complete the Cabinet process before Christmas.
15. A briefing follows that covers those appointments that are able to be progressed before the end of the year.



Gillian Dudgeon

Deputy Chief Executive, Delivery
Tertiary Education Commission

13 November 2018

Hon Chris Hipkins

Minister of Education

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