

Tertiary Education Report: Toi Ohomai Institute of Technology – council constitution

Date:	27 March 2019	TEC priority:	Medium
Security level:	In Confidence	Report no:	B-19-00442
		Minister's office No:	

ACTION SOUGHT

	Action sought	Deadline
Hon Chris Hipkins Minister of Education	<p>note that to bring into effect staff and student representation on the councils of institutes of technology and polytechnics (ITPs) you, as Minister of Education, must approve a new constitution for each ITP;</p> <p>note the council of Toi Ohomai Institute of Technology has submitted a new constitution, which you establish by publishing a notice in the <i>New Zealand Gazette</i>;</p> <p>note the constitution complies with recent legislative changes;</p> <p>sign the enclosed notice for the <i>New Zealand Gazette</i>;</p> <p style="text-align: center;"><i>and</i></p> <p>sign and send the enclosed letter to the Chair of Toi Ohomai Institute of Technology informing her of publication.</p>	As soon as practicable

Enclosure: Yes, Appendices A–B A. Notice for the <i>New Zealand Gazette</i> B. Letter to the Chair of Toi Ohomai Institute of Technology	Round Robin: No
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CONTACT FOR TELEPHONE DISCUSSION (IF REQUIRED)

Name	Position	Telephone		1st contact
Gillian Dudgeon	Deputy Chief Executive Delivery	s9(2)(a)	s9(2)(a)	
s9(2)(a)	Principal Advisor, Monitoring and Crown Ownership	s9(2)(a)	s9(2)(a)	✓

THE FOLLOWING DEPARTMENTS/AGENCIES HAVE SEEN THIS REPORT

- CERA DPMC ENZ ERO MBIE MoE MFAT
 MPIA MSD NZQA NZTE TEC TPK Treasury

- Minister's Office to Complete:** Approved Declined
 Noted Needs change
 Seen Overtaken by Events
 See Minister's Notes Withdrawn

Comments:

Recommendations

Hon Chris Hipkins, Minister of Education

It is recommended that you:

1. **note** that to bring into effect staff and student representation on the councils of institutes of technology and polytechnics (ITPs) you, as Minister of Education, must approve a new constitution for each ITP;
2. **note** the council of Toi Ohomai Institute of Technology has submitted a new constitution, which will be established by you publishing a notice in the New Zealand Gazette;
3. **note** the constitution complies with recent legislative changes;
4. **sign** the enclosed notice for the New Zealand Gazette;

AGREE / DISAGREE

5. **sign and send** the enclosed letter to the Chair of Toi Ohomai Institute of Technology informing her of publication;

AGREE / DISAGREE

and

6. **agree** that this briefing is publicly released, without the Appendices, once the amended constitution has been published in the *New Zealand Gazette*.



Deirdre Marshall

Acting Deputy Chief Executive, Delivery
Tertiary Education Commission

27 March 2019

Hon Chris Hipkins

Minister of Education

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Purpose

1. This report asks you to:
 - **sign** a draft notice for the *New Zealand Gazette* (Appendix A) to establish a new council constitution for Toi Ohomai Institute of Technology (Toi Ohomai); and
 - **sign** the letter to the Chair of Toi Ohomai Institute of Technology (Appendix B) confirming that you have done so.

Background

2. Under recent amendments to the Education Act 1989 (the Act), if the council of an institution of technology or polytechnic (ITP) provides you with a new constitution, you establish the constitution by publishing a notice in the *New Zealand Gazette*.
3. As Minister, you do not have discretion to decline the new constitution provided that it complies with the legislation and is provided to you by 24 August 2019.
4. ITP constitutions have just three essential elements: name of the council, date the constitution comes into effect (which is 24 October 2019), and number of council members. No restriction exists on including additional information, and Toi Ohomai council has done so.

The new constitution increases the council size to allow for staff and student members

5. Amendments to the Act in 2018 (sections 222AA(1) and 222AD(4)) require the council to have between 8 and 10 members and to ensure that–
 - at least one member of the council is a permanent member of the teaching or general staff elected by the teaching and general staff to represent them; OR one member is an elected member of the permanent teaching staff and one member an elected member of the permanent general staff; *and*
 - at least one member is a student who is enrolled in the institution and whom the students of the institution have elected to represent them.
6. The TEC confirms that the draft constitution of Toi Ohomai is fully compliant with the legislation.

We need your authority to publish the new constitution

7. The new constitution will be established by your publishing a notice in the *New Zealand Gazette*. We recommend that you publish the constitution in the *New Zealand Gazette* as soon as practicable. As this is the first one, it can be used as a model by other ITP councils.

Next steps

8. If you agree, please sign–
 - Appendix A, which is the notification to be published in the *New Zealand Gazette*; and
 - Appendix B, the letter to Ms Cathy Cooney, council Chair of Toi Ohomai, informing her the notice will be published in the *New Zealand Gazette*.