



Tertiary Education Report: Waikato Institute of Technology and Ara Institute of Canterbury– council constitutions

Date:	31 May 2019	TEC priority:	Medium
Security level:	In Confidence	Report no:	B-19-00709
		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 councils of the Waikato Institute of Technology and the Ara Institute of Canterbury have submitted new constitutions, which you establish by publishing notices in the <i>New Zealand Gazette</i>;</p> <p>note the constitutions comply with recent legislative changes;</p> <p>sign the enclosed notices for the <i>New Zealand Gazette</i>; <u>and</u></p> <p>sign and send the enclosed letters to the two council Chairs informing them of publication.</p>	As soon as practicable

Enclosure: Yes, Appendices A–B

A. Two notices for the *New Zealand Gazette*

B. Letters to the Chair of Waikato Institute of Technology and the Ara Institute of Canterbury

Round Robin: No

CONTACT FOR TELEPHONE DISCUSSION (IF REQUIRED)

Name	Position	Telephone	1st contact
Gillian Dudgeon	Deputy Chief Executive Delivery	Section 9(2)(a)	
Section 9(2)(a)	Principal Advisor, Monitoring and Crown Ownership		✓

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 See Minister's Notes Withdrawn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 councils of the Waikato Institute of Technology and the Ara Institute of Canterbury have submitted new constitutions, which will be established by you publishing notices in the New Zealand Gazette;
3. **note** the constitutions comply with recent legislative changes;
4. **sign** the enclosed notices for the New Zealand Gazette;

AGREE / DISAGREE

5. **sign and send** the enclosed letters to the Chair of the Waikato Institute of Technology and the Chair of Ara Institute of Canterbury informing them of publication;

AGREE / DISAGREE

and

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



Gillian Dudgeon

Deputy Chief Executive, Delivery
Tertiary Education Commission

31 May 2019

Hon Chris Hipkins

Minister of Education

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Purpose

1. This report asks you to:
 - **sign** two draft notices for the *New Zealand Gazette* (Appendix A) to establish new council constitutions for the Waikato Institute of Technology (Wintec) and the Ara Institute of Canterbury (Ara); *and*
 - **sign** letters to the Chairs of Wintec and Ara (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 submitted 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 both councils have done so.

The new constitutions increase 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 elected by the students of the institution to represent them.
6. The TEC confirms that the draft constitutions for Wintec and Ara are fully compliant with the legislation.

We need your authority to publish a new constitution

7. The new constitutions will be established by your publishing notices in the *New Zealand Gazette*. We recommend that you publish the notices as soon as practicable.

Next steps

8. If you agree, please sign–
 - Appendix A, which is the notifications to be published in the *New Zealand Gazette*; and
 - Appendix B, the letters to Mr Barry Harris, council Chair of Wintec, and Dr Thérèse Arseneau, Ara Chair, to let them know you are publishing the notices in the *New Zealand Gazette*.

Appendix A: Notices for the New Zealand Gazette

Notice Number: XXXX
Year: 2019
Publication Date: TBD
Page Number: TBD
Title: Constitution of the Waikato Institute of Technology Council Notice 2019

Notice Text: Pursuant to clause 18 of Schedule 1 of the Education Act 1989 (“the Act”), the Minister of Education gives the following notice.

Notice

1. This notice may be cited as the Constitution of the Waikato Institute of Technology Council Notice 2019.
2. This notice comes into force on the 24th day of October 2019.
3. From 24 October 2019, the Council of Waikato Institute of Technology will have ten members.
4. The Council will be constituted as follows:
 - a. Four members appointed by the Minister of Education and
 - b. Six members appointed by the Council, of whom
 - i. at least one member appointed by the Council will be a permanent member of the general or teaching staff who has been elected by the permanent general and teaching staff to represent them, and
 - ii. one member will be an enrolled student who has been elected by the student body to represent them.
5. Appointments will be made in accordance with the Education Act 1989 and the Waikato Institute of Technology – Appointment of Council Members’ Statute in force at the time.
6. All Council members have the responsibility to govern in the best interests of the institution and according to the agreed Waikato Institute of Technology – Appointment of Council Members’ Statute.

Dated at Wellington this day of June 2019.

HON CHRIS HIPKINS Minister of Education

Notice Number: XXXX
Year: 2019
Publication Date: TBD
Page Number: TBD
Title: Constitution of the Ara Institute of Canterbury Council Notice 2019

Notice Text: Pursuant to clause 18 of Schedule 1 of the Education Act 1989, the Minister of Education gives the following notice.

Notice

1. This notice may be cited as the Constitution of the Ara Institute of Canterbury Council Notice 2019.
2. This notice comes into force on the 24th day of October 2019.
3. From 24 October 2019, the Council of Ara Institute of Canterbury will have ten members.
4. The Council will be constituted as follows:
 - a. Four members appointed by the Minister of Education and
 - b. Six members appointed by the Council of whom
 - i. at least one member appointed by the Council is a permanent member of the general or teaching staff who is elected by the permanent general and teaching staff to represent them, and
 - ii. at least one member is an enrolled student who has been elected by the student body to represent them.
5. Appointments will be made in accordance with the Education Act 1989 and the Council's Statute.

Dated at Wellington this day of June 2019.

HON CHRIS HIPKINS Minister of Education

Appendix B: Letters to the Chairs of the Waikato Institute of Technology and the Ara Institute of Canterbury

Mr Barry Harris
Chair
Waikato Institute of Technology

Email: Section 9(2)(a)(

Dear Barry

Thank you for providing me with the new constitution agreed by the council of the Waikato Institute of Technology, and for sending it to me in good time before the deadline.

In accordance with the Education Act 1989 (Clause 18 of the First Schedule), I confirm that I approve the new constitution of the Waikato Institute of Technology, which I will publish as a notice in the *New Zealand Gazette*. A copy of the signed notice is attached to this letter.

I note the new constitution increases the size of the council to allow for staff and student representation on the council of the Waikato Institute of Technology.

Yours sincerely

Chris Hipkins
Minister of Education

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Dr Thérèse Arseneau
Chair
Ara Institute of Canterbury

Email: therese.arseneau@canterbury.ac.nz

Dear Thérèse

Thank you for providing me with the new constitution agreed by the council of the Ara Institute of Canterbury Technology, and for sending it to me in good time before the deadline.

In accordance with the Education Act 1989 (Clause 18 of the First Schedule), I confirm that I approve the new constitution of the Waikato Institute of Technology, which I will publish as a notice in the *New Zealand Gazette*. A copy of the signed notice is attached to this letter.

I note the new constitution increases the size of the council to allow for staff and student representation on the council of the Ara Institute of Canterbury.

Yours sincerely

Chris Hipkins
Minister of Education

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