



Clause 9 and 10 of Schedule 23 of the Education and Training Act 2020, lists the categories of persons who are not eligible to be selected to a casual vacancy, elected, appointed or co-opted as trustees. The list is set out below.

Clause 9, Schedule 23: Certain persons ineligible to be board members

- (1) The following persons may not become an elected, an appointed, or a co-opted board member:
 - (a) a person who is an undischarged bankrupt;
 - (b) a person who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under the Companies Act 1993, or the Financial Markets Conduct Act 2013, or the Takeovers Act 1993;
 - (c) a person who is not capable of being a board member under clause 10(1);
 - (d) a person who is subject to a property order under the Protection of Personal and Property Rights Act 1988;
 - (e) a person in respect of whom a personal order has been made under the Protection of Personal and Property Rights Act 1988 that reflects adversely on the person's—
 - (i) competence to manage their own affairs in relation to their property; or
 - (ii) capacity to make or to communicate decisions relating to any particular aspect or aspects of their personal care and welfare;
 - (f) a person who has been convicted of an offence punishable by imprisonment for a term of 2 years or more, or who has been sentenced to imprisonment for any other offence, unless that person has obtained a pardon, served the sentence, or otherwise suffered the penalty imposed on the person;
 - (g) a person who is not a New Zealand citizen and—
 - (i) to whom section 15 or 16 of the Immigration Act 2009 applies; or
 - (ii) who is obliged by or under that Act or any other enactment to leave New Zealand immediately by or within a specified time (being a time that, when specified, was less than 12 months); or
 - (iii) who is treated for the purposes of that Act as being unlawfully in New Zealand.
- (2) Any permanently appointed member of the board staff may, if otherwise eligible for election, be elected as a staff representative, but no permanently appointed member of the board staff may be otherwise elected to the board or be appointed or co-opted onto the board.
- (3) A non-permanently appointed member of the board staff may, if otherwise eligible, be elected, appointed, or co-opted onto the board.
- (4) A person who has been appointed returning officer for an election of board members is not eligible to be nominated as a candidate in the election.



Clause 10, Schedule 23: Financial interests that disqualify persons from being board members

- (1) A person is not capable of being a board member or a member of a committee of a board if the total of all payments made or to be made by or on behalf of the board in respect of all contracts made by it in which that person is concerned or interested exceeds in any financial year—
- (a) the amount determined for the purpose by the Secretary, in consultation with the Auditor-General, by notice in the Gazette; or
 - (b) in the absence of an amount determined under paragraph (a), \$25,000.
- (2) For the purposes of subclause (1), a board member or a member of a committee of a board is to be treated as being concerned or interested in a contract made by a board with a company if—
- (a) the board member owns, whether directly or through a nominee, 10% or more of the issued capital of the company or of any other company controlling that company; or
 - (b) the board member is the managing director or the general manager (by whatever names they are called) of the company.
- (3) For the purposes of this clause, a company is to be treated as controlling another company if it owns 50% or more of the issued capital of that other company or is able to control the exercise of 50% or more of the total voting powers exercisable by all the members of that other company.
- (4) Despite anything in this clause,—
- (a) a person is not disqualified under this clause if the Secretary approves the contract at the request of the board, whether or not the contract is already entered into; and
 - (b) the Secretary may, by notice in the Gazette, issue guidelines setting out the basis on which applications for approval under paragraph (a) are to be considered.
- (5) In this clause,—
- contract**, in relation to a board,—
- (a) means a contract made by any person directly with the board; and
 - (b) includes any relationship with the board that is intended to constitute a contract but is not an enforceable contract; but
 - (c) does not include any contract of service for the employment of any person as an officer or employee of the board.
- company** means a company incorporated under the Companies Act 1993 or any former Companies Act or a society incorporated under the Industrial and Provident Societies Act 1908 or any former Industrial and Provident Societies Act
- subcontract**, in relation to any contract made by a board,—
- (a) means a subcontract made with the contractor under that contract, or with another subcontractor, to do any act to which the head contract relates; and
 - (b) includes any subsidiary transaction relating to the contract or subcontract.



Clause 11, Schedule 23: Requirements before appointment

Before a person is elected, co-opted, or appointed as a board member, the person must confirm to the board that the person is, to the best of their knowledge, eligible to be a board member, having regard to the grounds of ineligibility in clauses 9 and 10.

Please note: This information has been prepared as general advice and it is not intended to be legal advice in relation to any specific circumstances. For more information about persons ineligible to be trustees, please refer to Schedule 23 of the Education and Training Act 2020, or call: NZSTA Helpdesk 0800 782 435.



Ministerial Appointment for Boards 2022

Northern, Southern and Central Regional Health Schools

Frequently Asked Questions: Information provided by the three health schools

Number of vacancies

Q. How many Ministerial appointee vacancies are there?

A. Up to five – the Boards' alternative constitution allows up to five Ministerial Appointees on each of the Boards.

New term

Q. When does the new term commence?

A. The new board, including Ministerial Appointees, will take office from 14 September 2022.

Board meetings and overall time commitment

Q. Where are Board meetings held?

A. Board meetings are held in Auckland (Northern Health School), Wellington (Central Regional Health School) and Christchurch (Southern Health School).

Q. When are Board meetings typically held?

NHS - The Board currently meets once a month on Thursday afternoons at 3pm in Auckland. That is by agreement with the current Board and might change if we had a different group of people. We meet online or in person and also have a policy of meeting in two out-of-Auckland locations each year. That would necessitate travel and from time to time there will be openings, blessings and the like that Board members are invited to, which may be out of Auckland.

CRHS - There are currently two Board meetings held per term (three in term four). Board Members also commit to additional meetings as needed e.g., for projects, planning, and off-site visits during the year. Currently meetings are scheduled for 4:00 on a Thursday afternoon. Dates are set for the year by February.

SHS – The Board has meetings on the second or third Thursday each month, except January, at 5pm in Christchurch. Three of these meetings are for the Audit and Risk Committee. There are sometimes agreed variations to this and board meetings are usually preceded by a light snack. Christchurch meetings are normally held at the main campus, based in Halswell Road. Each year one of the regular board meetings is held as an overnight meeting at one of the other sites. In October a meeting is held on a Saturday for strategic planning. Board Members need to be available to commit to additional meetings as needed e.g., for projects.

Q. How many hours do Board Members on this Board need to commit to this role per week?

A. In addition to the day spent at the standard monthly Board meeting, Board Members need to spend approximately two hours preparing for this meeting. Meeting papers are received one week in advance of meetings and Board Members are expected to read and prepare for the items to be discussed. Regional Health schools hold an annual combined Boards' meeting of a day and a half, usually a Friday night and Saturday. Hosting of the combined Boards' meeting rotates between the three health schools on an annual basis



NHS - The Board does not have separate sub committees, so there are no extra scheduled meetings, but blessings and openings as mentioned above. That may add up to three extra meetings a year.

CRHS - The Board does not have separate sub-committees, so there are no additional hours required for committee work. Time taken on policy review and specific projects varies considerably.

SHS - Sometimes, Board Members may also have additional meetings lasting, on average, approximately one to two hours once or twice a year. This can vary significantly, however, depending on what a Board Member is working on at any given time

Skills required and role clarification

Q. How do the roles of these appointees differ from the roles of Board Members on most other Boards?

A. Unlike a regular school, where the Board Members are elected by the school community, Regional Health School Board Members are appointed by the Minister of Education and as such may not have a direct relationship with the school community. The success of the school is based on partnership. Board Members have partnerships at differing levels depending on their geographic location, other networks, specific interests, availability, or role on the Board. For example, a Board Member who lives in a rural area, is a member of a DHB, has been involved in various advocacy roles and has a specific interest in child cancer brings those experiences and interests to the Board table.

In addition to the skills, knowledge and experience that Board Members on most other boards have, Ministerial Appointees will have:

- An understanding of school governance systems and structures;
- An awareness of the needs of the Ministry's priority groups of learners which includes students with learning support needs, and Māori and Pasifika students;
- An interest and/or experience in one of the regional health schools;
- An understanding of the interface between the health, education and the welfare systems, and the impact of these on students;
- Be forward thinking, embrace innovation and be receptive to new ideas;
- Ability to work in a team, excellent communication and strategic thinking skills;
- Sound judgement and a willingness to ask challenging questions;
- Experience or knowledge in the areas of education, finance, law, property, human resources, health, mental health, and/or social sectors.

Remuneration

Q. Will my travel costs be covered for the travelling required to undertake my duties as a Ministerial appointed Board Member?

A. Yes. All travel costs are paid for out of the school's funds. This includes airfares, car travel, airport-related parking and taxi fees where required.

Q. What other funding provisions would there be for me as a Ministerial appointed Board Member?

A. Most boards follow the generally accepted guidelines for payments for attendance at board meetings, with Board Members paid \$55 a meeting and the Presiding Member \$75. The IRD has provided for this payment to be tax-free to a level of \$605 per annum for Board Members and \$825 per annum for the Presiding Member, in recognition that these fees cover the expense of attending meetings. Boards have the right to decide how much their Board Members are paid. The



Principal, as a member of the Board, is entitled to the same payment as all other Board Members except the Presiding Member. [NZSTA — Information for board members](#)

***NHS** - The Board have a varied schedule of payments for meetings, whole day meetings and so on. This is discussed and agreed annually and is slightly above the rates the Ministry of Education suggest.*

***CRHS** - Standard Board meetings are scheduled to be three hours duration. The fee for standard meetings is currently above the recommended rate.*

***SHS** - The Board have a varied schedule of payments for meetings, whole day meetings and so on. This is discussed and agreed annually and is slightly above the rates the Ministry of Education suggest*