



## Tertiary Education Report: ITP constitutions for seven councils

<b>Date:</b>	6 September 2019	<b>TEC priority:</b>	Medium
<b>Security level:</b>	In Confidence	<b>Report no:</b>	B-19-01141
		<b>Minister's office No:</b>	

### ACTION SOUGHT

	Action sought	Deadline
<p><b>Hon Chris Hipkins</b> Minister of Education</p>	<p><b>note</b> 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><b>note</b> the councils of the Eastern Institute of Technology, Nelson Marlborough Institute of Technology, Northland Polytechnic, The Open Polytechnic of New Zealand, Otago Polytechnic, Southern Institute of Technology, and the Universal College of Learning have submitted new constitutions, which you establish by publishing notices in the <i>New Zealand Gazette</i>;</p> <p><b>note</b> the constitutions comply with recent legislative changes;</p> <p><b>sign</b> the enclosed notices for the <i>New Zealand Gazette</i>; <u>and</u></p> <p><b>sign and send</b> the enclosed letters to the council Chairs informing them of publication.</p>	As soon as practicable
<p><b>Enclosure:</b> Yes, Appendix A</p> <p>Letters to seven council Chairs and corresponding Notices for the <i>New Zealand Gazette</i>.</p>	<p><b>Round Robin:</b> No</p>	

### CONTACT FOR TELEPHONE DISCUSSION (IF REQUIRED)

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

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 See Minister's Notes  Withdrawn

**Comments:**

## Recommendations

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**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 Eastern Institute of Technology, Nelson Marlborough Institute of Technology, Northland Polytechnic, The Open Polytechnic of New Zealand, Otago Polytechnic, Southern Institute of Technology, and the Universal College of Learning have submitted a 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 Chairs of the Councils informing them of publication;

**AGREE / DISAGREE**

*and*

6. **agree** that this briefing is publicly released once the constitutions have been published in the *New Zealand Gazette*.



**Gillian Dudgeon**

Deputy Chief Executive, Delivery  
Tertiary Education Commission

6 September 2019

**Hon Chris Hipkins**

Minister of Education

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## Purpose

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1. This report asks you to:
  - **sign** the draft notices for the *New Zealand Gazette* (Appendix A) to establish the new council constitutions for the Eastern Institute of Technology, Nelson Marlborough Institute of Technology, Northland Polytechnic, The Open Polytechnic of New Zealand, Otago Polytechnic, Southern Institute of Technology, and the Universal College of Learning, *and*
  - **sign** letters to the council Chairs of the above-named tertiary institutions confirming that you have done so.

## Background

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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 a 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.

### The new constitutions 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 the Eastern Institute of Technology, Nelson Marlborough Institute of Technology, Northland Polytechnic, The Open Polytechnic of New Zealand, Otago Polytechnic, Southern Institute of Technology, and the Universal College of Learning are fully compliant with the legislation.

### We need your authority to publish a new constitution

7. The new constitution 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

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8. If you agree, please sign—
  - Appendix A, the letters to council Chairs, and the notifications to be published in the *New Zealand Gazette* of the above-named tertiary institutions.