

Alternative Constitution for the Western Springs College (48) Board of Trustees

Under section 98A of the Education Act 1989 (“Act”), I hereby approve the following constitution for the **Western Springs College (48) Board of Trustees** (“Board”):

Membership of the Board

1. The Board will be made up of the following people:
 - a. at least two and not more than eight parent representatives, of which:
 - i. at least one and not more than three people must be selected by Whānau of Taurira following the hui process set out in this notice, and
 - ii. at least one and not more than five people must be elected by parents of the Western Springs College students other than Taurira;
 - b. the Principal of Western Springs College;
 - c. the Tumuaki of Ngā Puna o Waiōrea;
 - d. two staff representatives, of which one must be selected by Kaiako/Kaimahi Tautoko following the hui process set out in this notice;
 - e. two student representatives, of which one must be selected by Taurira following the hui process set out in this notice; and
 - f. up to 3 members co-opted by the Board.

Hui process for selecting Whānau, Kaiako/Kaimahi Tautoko and Taurira representatives for the Board

2. In this notice:
 - a. Taurira refers to students who are enrolled and receiving tuition predominantly in Te Reo Rumaki o Ngā Puna o Waiōrea;
 - b. Whānau has the same meaning as either ‘parent’ or ‘immediate caregiver’ in section 92 of the Act as the context requires and refers to the parents and caregivers of Taurira; and
 - c. Kaiako/Kaimahi Tautoko refers to Board staff employed predominantly within Te Reo Rumaki Ngā Puna o Waiōrea, and ‘Board staff’ has the same meaning as in section 92 of the Act.
 - d. Kaiawhina means a person who is responsible for overseeing the Board’s nomination and selection hui system, has an eye for detail, an ability to follow instructions, has good communication and can work effectively under time constraints. The Kaiawhina shall not be a student/Taurira, the Principal or Tumuaki, a member of the Board, a Board employee or be considered for nomination as a Parent/Whānau, staff/Kaiako/Kaimahi Tautoko or student/Taurira representative.
3. The Board shall set dates for any relevant hui for Whānau, Kaiako/Kaimahi Tautoko and Taurira representatives.
4. The Board, on the recommendation of the advisory group Te Ohonga Ake Taumata, shall appoint a Kaiawhina to manage the relevant selection hui for the Ngā Puna o Waiōrea Whānau, Kaiako/Kaimahi Tautoko and Taurira representatives.
5. Two hui (the Whānau hui and the Kaiako/Kaimahi Tautoko hui) must be held every election year (as defined in section 92 of the Act) from and including 2019. The hui dates shall be set by the Board and shall be within the time specified in the Act for elections.
6. One Taurira hui must be held annually. The hui date shall be set by the Board and shall be within the time specified in section 101 of the Act for student elections.
7. At each of the relevant hui the Kaiawhina will manage nominations and shall select Whānau, Kaiako/Kaimahi Tautoko and Taurira representatives from amongst and on the recommendation of those present at each of the respective hui.
8. The Kaiawhina is responsible for:
 - a. notifying the Whānau, Kaiako/Kaimahi Tautoko, Taurira at least 14 days in advance of the details of any

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relevant hui;

- b. establishing lists of Whānau, Kaiako/Kaimahi Tautoko and Tauira and ensuring all the Whānau, Kaiako/Kaimahi Tautoko and Tauira participating in any hui are eligible to do so;
- c. keeping a list of those who attend any hui;
- d. obtaining written confirmation from those selected by the hui that they wish to be a trustee and are not ineligible to be trustees under sections 103 and 103A of the Act;
- e. the way in which persons to be selected by the hui are identified; and
- f. notifying the Board, and where necessary any returning officer appointed by the Board under the election regulations, of those who have been selected as the Ngā Puna o Waiōrea Whānau, Kaiako/Kaimahi Tautoko and Tauira representatives on the Board.

9. After a hui, and following confirmation of eligibility of those recommended by the hui as per paragraph 8(d), the Kaiawhina shall confirm the selected trustees in accordance with the recommendation of the hui.

Election of parent, staff and student representatives for the Board

10. Elections required under this notice for representatives, other than Ngā Puna o Waiōrea selection hui, will be carried out under the Education (School Trustees Election) Regulations 2000 (“election regulations”) with any necessary modifications relating to the separate parent, staff and student trustee elections. A returning officer will be appointed by the Board for each election and will carry out the duties of the role in accordance with the election regulations.

Participation not permitted in both an election and hui

11. Whānau, Kaiako/Kaimahi Tautoko and Tauira may not participate in any election of representatives for parents, staff and students held under paragraph 10 of this notice.
12. Parents, staff and students who are not part of Ngā Puna o Waiōrea may not participate in any hui held under paragraphs 2 to 9 of this notice.
13. If Whānau or parents are eligible to participate in both a parent election and a Whānau selection hui, they may opt to participate in either the parent election or the Whānau hui but cannot participate in both. Whānau and parents must make this decision known, in writing, to the returning officer before the main roll closes for earliest election in an election year. If no preferred option is made, Whānau and parents shall participate only in the parent election. Parents/Whānau may participate in only an election or selection hui between the main election in election years unless their eligibility status changes.
14. If Kaiako/Kaimahi Tautoko are also eligible to participate in the Whānau hui they may opt to participate in that hui instead of the Kaiako/Kaimahi Tautoko hui. Kaiako/Kaimahi Tautoko who have opted to participate in the Whānau hui are not eligible to be selected as the Kaiako/Kaimahi Tautoko representative. Kaiako/Kaimahi Tautoko must make this decision known, in writing, to the Kaiawhina at least seven days before the earliest hui in an election year and before any by-election. If no preferred option is made, Kaiako/Kaimahi Tautoko shall participate only in the Kaiako/Kaimahi Tautoko hui. Kaiako/Kaimahi Tautoko may participate in only one type of hui between the main hui in election years unless their eligibility status changes.
15. If a staff member is also eligible to participate in the parent elections, they may opt to participate in that election instead of the staff election. Staff members who have opted to participate in the parent election are not eligible to be elected as the staff representative. Staff members must make this decision known, in writing, to the returning officer before the main roll closes for earliest election in an election year. If no preferred option is made, staff shall participate only in the staff election. Staff members may participate in only one type of election between the main election in election years unless their eligibility status changes.
16. Vacancies for Whānau and parent representatives and Kaiako/Kaimahi Tautoko and staff representatives will be filled in the same manner as that in which the vacating trustee was selected or elected.

Interpretation and transitional provisions

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17. Sections 96, 97, 99, 101, 102, 104 and 105 will apply (with any modifications necessary to take into account the hui selection process).
18. The current Board shall fix dates between 17 May 2019 and 21 June 2019 for the two initial hui for Whānau and Kaiako/Kaimahi Tautoko representatives. The selection of the first Whānau and Kaiako/Kaimahi Tautoko representatives under this notice shall take place during these hui.
19. All current elected, co-opted and appointed trustees on the Board shall leave office at the end of the day before the day on which the new trustees take office following the 2019 triennial elections.
20. For the first parent election and Whānau hui under this constitution, the term of office for half the parent and Whānau representatives may be for 18 months.

This notice takes effect on the date of publication in the *New Zealand Gazette*.

Dated at Wellington this 12th day of March 2019.

HON CHRIS HIPKINS, Minister of Education.

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