



Education Report: Request for permission to consult on an Alternative Constitution

To:	Hon Chris Hipkins, Minister of Education		
Date:	21 October 2021	Priority:	High
Security Level:	In Confidence	METIS No:	1273764
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Messaging seen by Communications team:	No	Round Robin:	No

Purpose of Report

The purpose of this paper is for you to:

Agree that the Ministry undertake consultation on your behalf, regarding constitution changes to the Moerewa School (2103) Board;

Note that under clause 4(3)(b) of Schedule 22 to the Education and Training Act 2020 (the Act), you may not approve an alternative constitution unless you have consulted with any persons or organisations as you think fit;

Note that the Ministry will report back to you on the outcome of consultation in the subsequent papers seeking approval for the Board's constitution;

Agree this Education Report is proactively released.

Recommended Actions

The Ministry of Education recommends that you:

- a. **Agree** to the Ministry undertaking consultation on your behalf, regarding constitution changes to the Moerewa School (2103) Board;

Agree / Disagree

- b. **Note** that under clause 4(3)(b) of Schedule 22 to the Education and Training Act 2020, you may not approve an alternative constitution unless you have consulted with any persons or organisations as you think fit;

Noted

And if you agree,

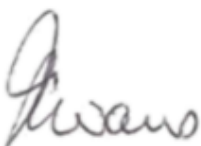
- c. **Note** that the Ministry will report back to you on the outcome of consultation within the subsequent papers, seeking approval for the Board's constitution;

Noted

And

- a. **Agree** this Education Report is proactively released as part of the next publication.

Release / Not release



Isabel Evans
Te Mahau | Te Tai Raro
Deputy Secretary
Te Mahau (North)

21/10/2021



Hon Chris Hipkins
Minister of Education

8 /12/2021

Background

1. All school boards have a standard constitution as set out in section 119 of the Education and Training Act 2020 (the Act) unless you approve another form of constitution.
2. Under Clause 4 of Schedule 22 to the Education and Training Act 2020, you may approve an alternative constitution for a school board. This pathway is available to all state and state-integrated school boards that wish to have a different constitution for their board.
3. Whilst the Act is silent on the process for approving the return to a standard constitution from a previously approved alternative constitution, we have considered the same legislative requirements as if you were approving an alternative constitution for a board.
4. Clause 4 of Schedule 22 to the Act also states that you may not approve an alternative constitution for a board unless you have reasonable cause to believe that an alternative constitution is in the best interests of the school or schools governed by the board, and, that you have consulted any persons or organisations as you think fit.

Moerewa School (2103)

5. Moerewa School (2103) is a decile 1, co-educational, composite (year 1-13), state school located in Te Tai Tokerau.
6. The roll at July 2021 was 139 students comprising 135 (97.1%) Māori, 2 (1.4%) Pacific and, 2 (1.4%) European.
7. On 23 April 2012, the Board was dissolved under section 78N(1) of the Education Act 1989, by the then Minister of Education Hon Hekia Parata (New Zealand Gazette, notice 2012-go2412). On the same day, the Minister's delegate appointed Mike Eru as Commissioner under section 78N(2) of the Education Act 1989 to replace the Board (New Zealand Gazette, notice 2012-go2489).
8. In early 2014, the Commissioner requested an alternative constitution for the Board as an exit strategy from a statutory intervention, and as part of a phased return to fully elected, self-governance. At that time, the proposed alternative constitution was intended to support a degree of elected community participation, supported by governance modelling and direction from selected Ministerial Appointed members.
9. The then Minister of Education approved an alternative constitution for the Board on 5 March 2014 (New Zealand Gazette, notice number 2014-go1426).
10. The Board has signalled its intent to request to return to a standard constitution as set out in section 119 of the Education and Training Act 2020.
11. We are working through the details and legislative requirements with the Board, to prepare a final proposal for your consideration.

12. While the final proposal is in development, the Ministry is seeking your permission to undertake consultation on your behalf, with respective parties such as but not limited to:
- a. Current students at the school;
 - b. Parents, caregivers and whānau of current and prospective students of the school;
 - c. Staff employed by the school;
 - d. Iwi and/or hapū;
 - e. The Education Review Office;
 - f. The New Zealand School Trustees Association.

Risks

13. We have identified no risks with either your approval for consultation, or for the Ministry to conduct consultation on your behalf.

Financial Implications

14. The Ministry has not identified any significant or explicit costs associated with the approval of proceeding to, or conducting, consultation on your behalf.

Proactive Release

15. We recommend that this education report is proactively released at this time and any information that may need to be withheld be redacted in line with the provisions of the Official Information Act 1982.