

Cabinet Paper material

Proactive release

Minister & portfolio	Hon Chris Hipkins, Minister of Education
Name of package	Education (School Trustee Elections) Amendment Regulations 2020
Date considered	27 July 2020

These documents have been proactively released:

Cabinet Paper: Education (School Trustee Elections) Amendment Regulations 2020

27 July 2020

Ministry of Education

Education (School Trustee Elections) Amendment Regulations 2020

Available here:

<http://www.legislation.govt.nz/regulation/public/2020/0164/latest/whole.html>

Cabinet Minute: LEG-20-MIN-0105

27 July 2020

Cabinet Office

CAB-20-MIN-0348 Report of the Cabinet Legislation Committee Minute

27 July 2020

Cabinet Office

Material redacted

Some deletions have been made from the documents in line with withholding grounds under the Official Information Act 1982. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

You can read the Official Information Act 1982 here:

<http://legislation.govt.nz/act/public/1982/0156/latest/DLM64785.html>

In confidence

Office of the Minister of Education
Chair, Cabinet Legislation Committee

Education (School Trustee Elections) Amendment Regulations 2020 – submission to Executive Council

Proposal

- 1 This paper seeks authorisation for submission to the Executive Council of the Education (School Trustee Elections) Amendment Regulations 2020.

Policy

- 2 The current legislative framework for electing school boards of trustees is outdated, prescriptive and needs revising.
- 3 On 2 June 2020, Cabinet agreed to amend the Education (School Trustee Elections) Regulations 2000 (the current Regulations) (SWC-20-MIN-0051; CAB-20-MIN-0247) by:
 - 3.1 extending the timeframes at certain points in the election timetables;
 - 3.2 removing references to the use of the postal system when calling for nominations and issuing voting papers;
 - 3.3 replacing the requirement for returning officers to publish election related notices in a local newspaper with the requirement to notify the school community and any other affected parties in the wider local community in a manner that best meets the needs of the school community and the wider local community; and
 - 3.4 removing the requirement that, to be valid, voting papers must be returned in the envelope included with the voting paper. This avoids the invalidation of votes that have been returned in one envelope by parents or caregivers residing in the same household.
- 4 Cabinet also agreed that the election timetables provided for in Schedules 1 and 2 of the current Regulations continue to apply to student representative elections in 2020.
- 5 These proposals are intended to make the current Regulations more workable in time for the mid-term elections in December this year. A more fundamental review of the electoral system for boards of trustees is planned to be completed by the next triennial elections in 2022.

Timing and 28-day rule

- 6 It is intended that the Education (School Trustee Elections) Amendment Regulations 2020 come into force on 1 September 2020.

Compliance

- 7 The Education (School Trustee Elections) Amendment Regulations 2020 comply with each of the following:
 - 7.1 the principles of the Treaty of Waitangi;
 - 7.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
 - 7.3 the principles and guidelines set out in the Privacy Act 1993;
 - 7.4 relevant international standards and obligations;
 - 7.5 the Legislation Guidelines (2018 edition), which are maintained by the Legislation Design and Advisory Committee.
- 8 There are no statutory prerequisites associated with the Regulations.

Regulations Review Committee

- 9 There are no grounds for the Regulations Review Committee to draw the Education (School Trustee Elections) Amendment Regulations 2020 to the attention of the House of Representatives under Standing Order 319.

Certification by Parliamentary Counsel

- 10 The Education (School Trustee Elections) Amendment Regulations 2020 were certified by the Parliamentary Counsel Office as being in order for submission to Cabinet.

Impact Analysis

- 11 The proposals relating to school trustee elections were exempt from the regulatory impact analysis requirements on the grounds that they would have no or only minor impacts on businesses, individuals or not-for-profit entities.

Publicity

- 12 The Ministry of Education and the New Zealand School Trustees Association will communicate the changes to the election requirements in the advice and guidance they provide to the sector.

Proactive release

- 13 I intend to proactively release this Cabinet paper once Cabinet decisions have been made.

Consultation

- 14 The Treasury, the Office for Disability Issues, the Ministry for Women, Te Puni Kōkiri, the Ministry for Pacific Peoples, the Department of Internal Affairs, the Ministry of Justice, the State Services Commission and the Department of the Prime Minister and Cabinet were consulted.

Recommendations

- 15 The Minister of Education recommends that the Committee:
- 1 **note** that the attached Education (School Trustees Elections) Amendment Regulations 2020 give effect to Cabinet's decisions of 2 June to amend the Education (School Trustees Elections) Regulations 2000 (CAB-20-MIN-0247)
 - 2 **authorise** the submission to the Executive Council of the Education (School Trustee Elections) Amendment Regulations 2020.

Authorised for lodgement

Hon Chris Hipkins

Minister of Education



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Education (School Trustee Elections) Amendment Regulations 2020

Portfolio Education

On 21 July 2020, the Cabinet Legislation Committee:

- 1 **noted** that in May 2020, the Cabinet Social Wellbeing Committee agreed to amend the Education (School Trustee Elections) Regulations 2000 by:
 - 1.1 extending the nomination period (i.e. the gap between the call for nominations and the close of nominations for both election timetables) to at least 21 days;
 - 1.2 extending the voting period for the short election timetable (i.e. the gap between the issuing of voting papers and the close of poll) from a minimum of 9 days to a minimum of 28 days;
 - 1.3 changing the close of polls from 12 pm to 4 pm on election day for both election timetables;
 - 1.4 making consequential changes to other dates in the timetables as a result of the extensions above;
 - 1.5 removing the ground for invalidation which provides that a voting paper received after noon on election day is invalid, unless the voting paper was posted and the date stamp on the envelope shows that it was posted before noon on election day;
 - 1.6 continuing to allow postal votes to be accepted up to 5 days after election day but removing the requirement that these have to be post-marked before noon on election day;
 - 1.7 replacing or removing the references to 'posting' or 'sending' election related notices or papers with the requirement to issue them;
 - 1.8 replacing the current requirements for returning officers to publish election-related notices in local newspapers with the requirement for returning officers to notify the school community and any other affected parties in the wider local community in a manner that best meets the needs of the school community and the wider local community;
 - 1.9 removing the ground for invalidation which provides that a vote is invalid if the voting paper was not contained in the envelope included with the voting papers;

- 1.10 specifying that the current election timetables provided for in Schedules 1 and 2 of the Education (School Trustee Elections) Regulations 2000 continue to apply to student representative elections in 2020;
- 1.11 specifying that any election process that commences before the above changes come into force be carried out under the current provisions of the Education (School Trustee Elections) Regulations 2000;

[SWC-20-MIN-0051]

- 2 **noted** that the Education (School Trustees Elections) Amendment Regulations 2020 give effect to the above decisions;
- 3 **authorised** the submission to the Executive Council of the Education (School Trustee Elections) Amendment Regulations 2020 [PCO 22993/6.0];
- 4 **noted** that the Amendment Regulations come into force on 1 September 2020.

Charlotte Doyle
Committee Secretary

Present:

Hon Chris Hipkins (Chair)
Hon Andrew Little
Hon Stuart Nash
Hon Iain Lees-Galloway
Hon Kris Faafoi
Hon Tracey Martin
Hon Aupito William Sio
Hon Poto Williams
Hon Julie Anne Genter
Hon Eugenie Sage
Michael Wood MP (Senior Government Whip)

Officials present from:

Office of the Prime Minister
Officials Committee for LEG



Cabinet

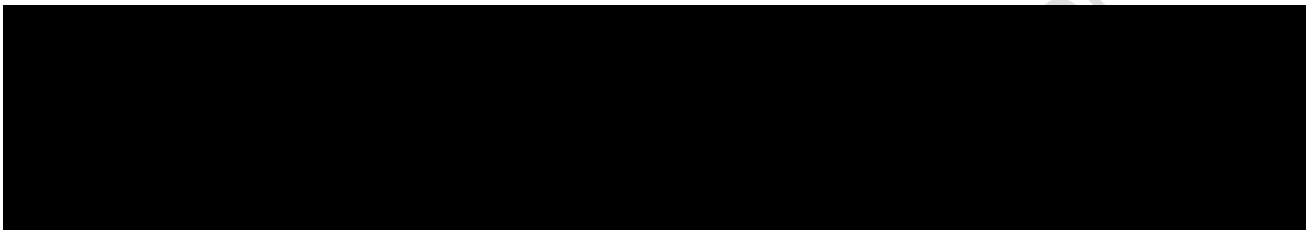
Minute of Decision

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Redactions made as content out of scope of Minister's portfolio responsibilities

Report of the Cabinet Legislation Committee: Period Ended 24 July 2020

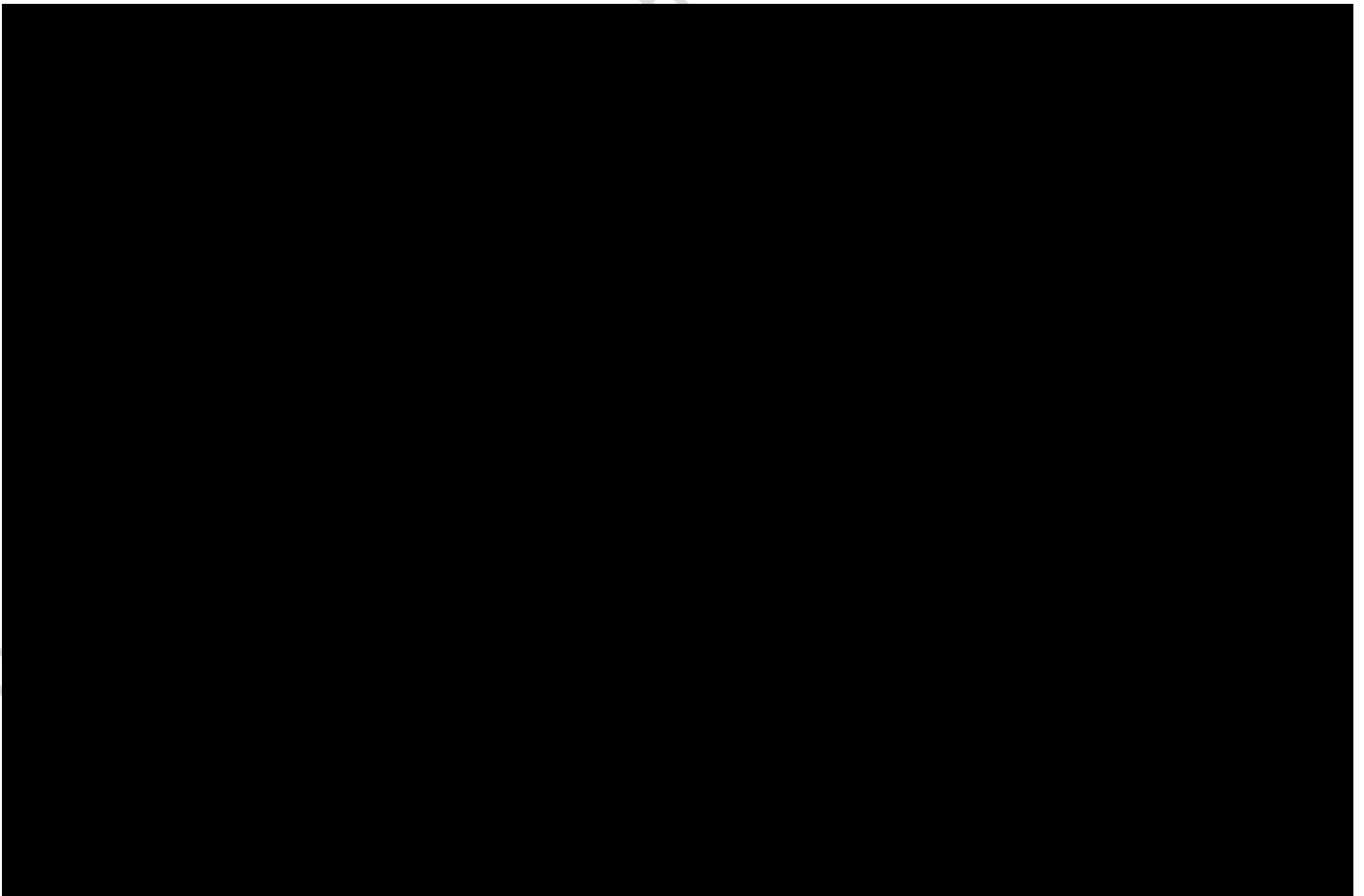
On 27 July 2020, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 24 July 2020:



LEG-20-MIN-0105

**Education (School Trustee Elections) Amendment
Regulations 2020**
Portfolio: Education

CONFIRMED





Michael Webster
Secretary of the Cabinet