



STUDENT TRUSTEE HANDBOOK

A Publication for Members of the New Zealand School Trustees Association

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Illustrations by Paul Ekers

1. THE NUTS AND BOLTS: GETTING STARTED

1.1 When are student trustee elections held?

Student trustees are elected annually in September. In order to fit the election in with school holidays most years the board needs to set the election date and appoint a returning officer at a meeting in July with the process beginning towards the end of August.

1.2 When do I “take office”?

That depends on how you were elected –

If you were the only person nominated and there was no election (ie, you were elected unopposed) you are officially the student trustee seven days after nominations closed.

If there was an election you will take office seven days after the voting closed.

1.3 What about the student trustee who was on the board before me?

She/he goes out of office the day before you take office.

Some scenarios might help here:

Sam is the student trustee at Kapai High School. The election date has been set and nominations closed on Friday 7 September. Jenny was the only student nominated so she is elected unopposed. At Kapai High School the board meeting is usually the second Tuesday of the month. On 11 September both Sam and Jenny arrive at the board meeting. Because it is less than seven days after Jenny was elected, at this

meeting Sam is still the student trustee. Jenny can certainly be at the meeting (any student can be at a board meeting while it is open to the public) and most boards will grant her “speaking rights” as the student trustee elect but Sam still holds the student trustee’s vote.

At Okay College Rachel is the student trustee. There has been more than one nomination and an election has been held. Voting closed on 14 September (the election date). The election timeline requires that votes are not counted and the result declared until the sixth day after voting closes to allow for postal voting. The votes are counted on 20 September and Wiremu is declared elected. It so happens that board meetings at Okay College are held on the third Thursday of the month, the day after the result is declared. At the board meeting on Thursday 21 September both Rachel and Wiremu arrive at the meeting. At this meeting Wiremu is welcomed as the new student trustee. He carries the vote and has the automatic right to participate. For Rachel to speak she will have to be granted a speaking right and she will not have a vote.

1.4 Why can’t the outgoing student trustee stay on the board until the end of the year?

Often the view is “it would be good to have their experience and support”. Putting aside the fact that many outgoing student trustees are focusing on exams and finishing school, so may be quite relieved not to have to worry about board work, there are a couple of possibilities here.

Some boards choose to use their power to co-opt and co-opt the outgoing student trustee on for the remainder of the year. This option is easier for state schools, which have “space” for a co-opted trustee, than for state integrated schools which are limited in their powers to co-opt by having proprietors representatives on the board. A co-opted trustee has the same rights as any other trustee including a voting right.

Alternatively the outgoing student trustee can be at the board meeting as a member of the public and can be granted a speaking right. In theory they could even remain in the “public excluded” part of the meeting if they had an important contribution to make. However they would not have a vote.

1.5 So how long am I student trustee for?

You are the student trustee for a year (until the next September elections).

However if before then you:

- miss three board meetings in a row without prior leave, or
- leave school, or
- are excluded or expelled from your school,

then you automatically lose your position.

The *Education Act 1989* Section 103 and 103A has some other things that could lead to you being ineligible to be a trustee including being convicted of an offence punishable by imprisonment and not having completed your “time”. For example, you are convicted for drink driving and lose your licence for six months. Obviously you also have the freedom to resign at any time.

1.6 I heard you get paid for board meetings – is that true?

Yes. As a trustee you are entitled to the same payment that other board members are paid. These payments are tax free up to an annual maximum of \$605 for a trustee and \$825 for a chair.

1.7 How often are board meetings held and what do I have to do for them?

Many questions about trusteeship can be answered “depends on the board” and this is one of them.

On average most boards meet every month usually at a regular time and place. The Sixth Schedule Clause 8 of the Education Act sets out the minimum number of meetings a board must hold.

Many boards have committees which may meet as frequently as monthly or as required. Committees should be governance focused and not be set up to do management work.

Some boards agenda a time for a student trustee’s report (while this is optional we have included a section on this). Others just expect the student trustee to contribute to the discussion like any other trustee.

1.8 What is the “board of trustees”?

The board may be seen as one person made up of many parts. It is one “legal person”. This means that legal and business transactions are made by the “board” as a legal entity not by any individuals. The “board” continues to exist even when its membership changes.

1.9 What is delegating?

No one person or group has the power to act on behalf of the board unless the board has given the person or group the power to do so. Delegation is where the board transfers its powers to a person or group. This is most commonly done by setting up committees of the board or delegating tasks or responsibilities to school staff (like the principal). Committees can now consist of non-trustees but must include at least one trustee. There must be a written record of board delegations.

Here are some examples of when boards delegate their powers:

Example 1

A board may want to build a new building at the school. The board could have regular meetings and run the process as a group but this may waste a lot of time. Instead the board could delegate or give the power to run the project to a smaller committee of the board or even to one person who has construction project experience. (But this does not mean that the committee or person can decide to run a sports day on behalf of the board. Their power is restricted to this one area.)

Example 2

A board may wish to write a letter to a funding group or business to ask for a grant for sports equipment. They could delegate this power to one board member, so that he or she could write the letter and send it on behalf of the board, instead of waiting for the board to approve the letter at the next meeting. (But this does not mean that the board member now has the power to write any letter they like on behalf of the board.)

1.10 Are there any limits to the committees I can be on?

The short answer to this is no.

The longer answer is that there are a variety of opinions as to which committees student trustees should participate on. Most arguments centre around committees with personnel functions and the student discipline committee. In fact we have included a whole section considering those arguments. Finance committees can also be on the challenging side. In the opinion of NZSTA student trustees have as much to contribute on any committee as any other trustee.

2. MEETING PROCEDURE



2.1 Agenda

The agenda and other reports including unconfirmed minutes must be available at least two working days before the meeting.

2.2 Apologies

Apologies may be received from people who cannot be present. If a trustee is likely to miss three consecutive meetings they should request “prior leave” or else they will automatically be off the board. An apology does not count as prior leave.

2.3 Quorum

For a board meeting to take place there must be more than half the trustees currently holding office present. This means that whenever you get more than half the current trustees together they can, by majority vote, make decisions.

This is relevant when you have low attendance at a board meeting or urgently need to make a decision between regular meetings. Unless the board has delegated its power to a committee or person a quorum is needed for decisions to be made.

Meetings can now be held by means of audio, audio and visual, or electronic communication, provided that all of the trustees who wish to participate have access to the technology needed to participate in the meeting, and a quorum of members can simultaneously communicate with each other throughout the meeting.

2.4 The principal's report and other reports

The basic rule is that unless indicated otherwise through the agenda and/or different coloured paper the board reports are all publicly available information and you can discuss the contents with the people you are supposed to be representing (the students) before the meeting. In practice though many principals do not indicate clearly what information will be reported/discussed with the public excluded, (otherwise known as being “in committee”) and so it pays to be cautious, particularly with information that relates to staffing.

Example

If Mr Hyde has told all his classes this week he has resigned, he has made the information public himself, so it's probably safe to mention, but if it is the first you've heard that Mrs Hartnell has requested study leave for next year it would be better to keep quiet until it is public knowledge.

2.5 Student trustee report

Some boards have a time for a student trustee's report. NZSTA believes this is not necessary as regardless of how you became a trustee once you are around the board table you are an equal member of the board. Parent representatives are not required to present a report and we believe neither should the student trustee unless specifically asked to on a particular topic. Remember, the board's business is governance, not day-to-day management issues.

Board meetings usually have enough to cover without you making up a report for the sake of it – so if there is nothing to report – don't. But if you have a view on a topic then don't be afraid to express it.

2.6 Resolutions of the board

Basically this is how board decisions are recorded. A motion is moved, seconded, discussed, and then put to the vote.

For a motion to be put to the vote it must have a seconder unless the mover is the chair. Where there is a tie the chair gets a casting vote (a second vote to break the tie.)

Now while that is the formal process in practice most of the discussion takes place before the motion is worded. The board decides what it wants the resolution to be and then the chair asks “who wants to move that? – thanks Marie, seconder? – thanks Merv, everyone agreed? OK next item of business”. If it is something you have been promoting put up your hand to move or second it.

Just for the record, abstentions do not count when deciding if a motion is carried or not. For instance if in voting for the above motion there were three in favour, two against, and two abstentions, the motion is carried even though three is not a majority of the trustees present. Basically an abstention means I’m not sure or don’t care either way. It means you are sitting on the fence.

Where there is no physical meeting of board members resolutions can be signed or assented to in writing but must be signed/assented to by all members to be valid.

2.7 Who can attend a meeting?

Board meetings are open to the public but they are not public meetings. Sounds like a contradiction in terms doesn’t it?

Basically it means that the only people with an automatic right to speak at a meeting are the people with a voting right, ie, elected, co-opted, and appointed trustees, and the principal.

Everybody else who wishes to speak must ask for the permission of the board. The board can receive reports from the staff, or receive a proposal which a group of students has brought to the board for consideration, but it is under no obligation to do so.

If a board gives someone speaking rights it is usually for a set period of time, preferably at the start of a meeting, so that the board receives the information but is free to run the agenda without interruption.

2.8 Public excluded business

This is when a board excludes the public from a meeting or portion of a meeting. It is commonly referred to as “going into committee” but is correctly titled “public excluded business” (PEB).

There are usually only three reasons a board can choose to exclude the public:

- a. personnel issues (employment issues including staff appointments, industrial issues, restructuring, and appraisals)
- b. privacy of an individual (letters of complaint, student disciplinary issues)
- c. financial sensitivity of other parties (comparing tenders/quotes)

As the student trustee you are not a member of the public and cannot be excluded purely because you are a student. Having said that there may be times when you feel uncomfortable and may choose to pull out of a section of a meeting.

Not all board members are great at keeping public excluded business confidential and it does “put the board at risk” if that information gets talked about where it shouldn’t. Just because you may be the youngest person on the board does not mean that you cannot keep information confidential and it should not be assumed by the rest of the board that you are the weakest link.

There is one significant difference though between you and most other trustees and that is that you are at school every day. Unlike even the staff trustee you are likely to be hearing student comments, particularly if the issue is one of a teacher’s competency, and you are going to have to keep your mouth SHUT. Many student trustees can and do, but it is worth thinking through your personal strengths and weaknesses when deciding to stay in a meeting.

If your board is dealing with an issue that involves a staff member it is worth thinking about the effect that may have on you in your life as a student. In some cases, it may be more comfortable for you to not be involved in making decisions about staff, in others it may be vital that the students’ views are represented.

The trick is to find the level of involvement that best suits you. It is also useful to remember that if you exclude yourself you can still be informed by the other trustees of what was covered and what decisions were made.

There are occasions when you must leave a board meeting. They are:

- a. **when the discussion is about *you* as an individual student at the school; or**
- b. **when you have a *pecuniary interest*, ie you may lose or gain money as a result of a board decision, or**
- c. **any interest that may reasonably be regarded as likely to influence you in carrying out your duties and responsibilities as a trustee.**

3. GOVERNANCE AND MANAGEMENT

Student trustees usually have a lot of energy when it comes to the topic of making things better at their school. One of the hardest things to get your head around could be what is called the governance/management split.

As a student by day you are attending school where the principal is the day to day manager of the school. After school you are a member of the board of trustees responsible for the school's governance. Governance is about the big picture – strategic direction and target setting. Management is about the details – procedures and action plans for putting that strategy into action to head towards those targets. Management is accountable to governance, so if the “stakeholders” (be they students, parents, or staff) are unhappy with how management is managing and have exhausted the appropriate complaints channels then they can bring a concern to the board. The key here is that they have to have followed the procedures first so that management has had an opportunity to put it right (or refuse to) before the board considers it.

Governance and management are not two boxes where some things fit in the governance box and other things fit in the management box. In reality it is a continuum and different boards not only sit at different points on the continuum but can also be at different points in terms of different areas. For instance many boards can be quite hands on in terms of property issues but leave almost all the staffing appointments to the principal.

If something is going wrong in your school, or is not being run the way the board wants, then the board can get “hands on” and get into detail. Ideally, if the board is receiving good information from staff and management, and has indicated the direction it wants the school to head, then there will be no need for the board to be “hands on”.

3.1 Student trustee and the principal

The relationship between the principal and the student trustee is slightly unusual. As a board member the student trustee is a member of the employing body (in common language the board is the principal's boss). On a day to day basis, however, she/he is still a student and can be expected to act in line with school rules.

In practice this can lead to some awkward moments. The student trustee should try to act on a "no surprises" basis with the principal. In other words if there is a matter you want put on the agenda for a board meeting it is only fair that the principal knows what it is. However, as long as you have followed a good process and the issue you want discussed is a "governance issue", you do not need the principal's agreement to raise the matter.

3.2 Student trustee and the board chair

When it comes to trusteeship your main communication with the board should be through the board chair. In particular, if you would like something included on the agenda, or if you want clarification about an issue, she/he is the person to talk to.

3.3 Student trustee and school staff

Be aware that you are now a member of the employing body. NO – you can't threaten to have staff sacked! But when there is restructuring or redeployment (reduction of staff numbers) and staff are under some stress it is worth remembering that any thoughts or opinions you might have about staff members are probably best kept to yourself or saved for a board meeting.

On the other hand be aware of any attempts by staff to bring pressure to bear on you to vote the way they want you to vote.

In your role as a trustee you may want to gain access to resources at the school such as policy manuals, Ministry publications, or NZSTA publications. Remember to be polite and go through the same channels as other trustees to gain access to these resources but you do have the same rights to use the school resources as other trustees.

3.4 Student trustee and other students

Basically your relationship with other students stays the same but there are a few areas where you might need to think how being a trustee impacts:

- Student trustees tend to be fairly concerned about the well being of their fellow students. It kind of goes with the territory. At times they

want to be involved in setting up projects like student advocacy to assist students dealing with discipline issues at various levels. While you can promote such an idea at the board level, in terms of day to day involvement you need to be “hands off”. The final judge in any student disciplinary process is the board of trustees and you are a member of that board. If you have already been involved at an earlier stage you cannot be impartial when it comes to the board and will not be able to take part in the discussion.

- Be cautious when students are complaining about teachers, services, etc. In these circumstances the problem is more likely to be something you say being misunderstood. Remind people of the proper complaints process. At times there could be pressure on you to raise a complaint with the board, eg, the drinks machines have all been removed before there has been any time for the school “management” to respond with an explanation to student requests to put them back. Resist that pressure!
- Sometimes competing loyalties can make it hard to decide if something is serious enough to override other values and talk to the principal or board chair about. If you are seriously concerned that something going on is a threat to the health or safety of other students, and/or staff, then tell someone who can do something about it.
- Representation is a difficult process. It can often feel like your presence on the board is token and that you have not achieved anything much. Because strategic plans tend to be written up to three years in advance you could manage to get something included and end up leaving school before it is achieved. Your presence does have value though. Be prepared for board meetings. Ask other students what they think about agenda items so you can make a contribution when the item comes up. If you have a student council, work with them on issues that require board knowledge and approval. We know keeping a record can be a pain, but it also helps you see what you have achieved, and lets an incoming trustee see where you have got to on an issue.



4. EFFECTIVE REPRESENTATION

One of the challenges of being a trustee, and this goes for all trustees, is feeling like you have actually achieved a positive difference.

Here are a few suggestions which might help:

- a. Over the December break take some time to read the strategic plan and self review timetable for the year ahead. That way when students suggest ideas you will have a reasonable idea of any chances of successfully promoting that issue.

For instance a number of students are commenting that every time they have gone to use the library computers they are either “down” or very slow. If you know that improving ICT and upgrading the library is two years down the track in the property plan, you already know it is unlikely that this problem will be fixed any time soon, as the board has other priorities for this year. By the same token, though, you also know how you can raise the issue with the board, eg, *“I know that we have planned for it for next year but is the board aware that some students are complaining about ICT access in the library?”* (Note: It would be a good idea to talk to the principal first if you are going to say something like this – that no surprises rule!)

- b. As school is gearing up at the beginning of the year, play the politician and introduce yourself around a bit, particularly with junior classes. Utilise networks that already exist in your school, student council, house meetings, and peer support programmes, to get a feel for what other students are thinking about your school. It is amazing how you start to notice common themes. Some of those themes will be management

issues, eg, timetabling hiccups, classroom ventilation. Others will actually have a strategic focus.

- c. At each board meeting note anything that is discussed which is deferred for decision to the next meeting. Use the networks you developed at the beginning of the year to get an idea of what students think about that issue and contribute that at the next meeting.

This is actually one of the MOST effective ways of creating a sense that having a student trustee gives the students a voice. Firstly, most of those students will come back to you and ask what happened, and secondly, they then tell their friends who often want to contribute the next time. Naturally you should be talking to students at all year levels.

- d. Don't expect to win them all. Don't be discouraged if people talk down to you or ignore you. Be careful with your language, eg, say **many** students (not **all** the students) would like to see xyz happen. And keep notes so your successor can see what you have been up to and where you have got to on incomplete projects.
- e. DO CELEBRATE YOUR SUCCESSES and make sure the student body hears about them!



5. QUESTION OF BALANCE: ON DISCIPLINE COMMITTEES AND PERSONNEL ISSUES?

5.1 Student discipline committee: Should I be on it?

A lot of people assume that student trustees shouldn't be on a board's discipline committee but when asked why they have no answer.

NZSTA believes that yes you should be on the committee.

Why?

There are a number of reasons why you should be on the committee.

- We frequently use the analogy of a suspension hearing being a bit like a court with the principal acting as “prosecutor”, the family “defending”, and the board acting as “jury”. In New Zealand a jury is philosophically a “jury of your peers”. Having the student trustee involved means that one of the suspended student's peers is involved in the decision making process.
- Boards who have student trustees involved often comment on the relevance and quality of the questions they ask. Perhaps because the student trustee is perceived as a peer the suspended student often responds to them in a different way that can give the rest of the board a clearer sense of what could be a positive outcome.
- Boards tend to perceive the student trustee as being pretty tough but the suspended student is usually more receptive to the student trustee than if a parent board member says the same thing.

- The student trustee’s involvement has a positive impact on the school student community as a whole. The student body tends to have a higher level of respect for the process and a stronger belief that it is fair and responsive to different circumstances.
- Student trustees can keep details confidential as well as other trustees.

Some student trustees are reluctant to be involved as they are concerned about “retribution”. When this was raised at one NZSTA conference, several experienced discipline committee members commented that they hadn’t found this to be a problem, mainly because the majority of the cases they had dealt with had been junior students. They were also confident that if they were at all concerned about being on the committee for a particular student they could withdraw.

If you want to understand the stand-down or suspension process then read the booklet called “Guidelines for Principals and Boards of Trustees on Stand-downs, Suspensions, Exclusions, and Expulsions”. This is a Ministry of Education publication and we recommend that every trustee who is involved in a discipline hearing should read this booklet at least twice before the hearing.

5.2 Personnel issues

Appointments

Most boards are only directly involved with the appointment of senior management team members and possibly heads of departments.

Here are two stories which we think illustrate why it can be good for you to be involved.

The chair of a board in the process of appointing a new principal was facilitating a board discussion about the questions that would be asked at the interview. There was an unspoken assumption that the student trustee would not be involved. Towards the end of the discussion the student trustee asked “Will I be asking any questions?” After a moment’s silence the chair said, “Oh I suppose we could give you a couple of questions,” at which point the student trustee responded that she had been thinking about it and prepared a couple she thought could be good if they would like to hear them. Not only were they good questions – they were important questions from a student perspective that the rest of the board had not even thought of.

The other story comes from a conversation about student elections where the board secretary commented that the board had found it invaluable

to have the student trustee on their appointments committee for senior management team members. In one particular instance a strong on paper candidate had not been selected due to the way he reacted to the student trustee at an interview. They were looking for someone who could work in a positive way with students and didn't believe his tone and lack of respect for the student trustee were good signs.

The flip side of this coin is that you may already know a staff member who is applying for another position in the school. In that case you may have to judge for yourself whether you feel comfortable being involved.

Staff discipline

As discussed in the section above about public excluded meetings the main concern about being involved in staff discipline is confidentiality. If you have any doubts that you can keep quiet then you should exclude yourself when the board deals with disciplining a staff member. Any board member, regardless of age or position, who “lets rip” outside the board may put the board at risk of being taken to the employment tribunal or put themselves in the firing line for court action.

It can be a very useful exercise for you to ask the chair or someone on a personnel committee to sit down with you and go through the competency and misconduct sections of the employment agreements. There is a general perception amongst students that “you can't sack a teacher” no matter how bad they are. By having an understanding of the process and discussing the strategies that you could use if a particular teacher is causing concern you and the board can be more responsive and effective.

The student trustee's possible involvement in this area seems to be one that causes boards some concern. Some board members are worried that student trustees cannot keep information private and a few may worry whether you are old enough to handle any stress involved. BUT the choice is yours! Of course if you can't keep quiet or you can't handle the strain then like any trustee you can opt out. Even if you are not directly involved it is important that you are at least in the loop.

Make sure the board keeps you up to date on where staffing issues are at. You may be surprised how proactive the board can be without the students catching wind of it. For example as a student you may feel that nothing can be done about a bad teacher but as a trustee you may find that the board is already giving that teacher extra training to get up to speed.

If you know what processes can be, and are, followed by the board you can inform other students about the system (while not telling them confidential

details). If a student comes to you about a staff member you can't tell them if that staff member is already in trouble or how the board feels about them, but you can tell them how to complain, who to share their concerns with, and how the system works.

**Got some trustee related
questions that need answers?**

**Call NZSTA on
0800 STAhelp (0800 782 435)**

**or email one of our helpdesk team at
helpdesk@nzsta.org.nz**

**or check out the NZSTA website at
www.nzsta.org.nz**

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