

AGM BOOKLET



NZSTA
e tipu e rea

33RD NZSTA ANNUAL CONFERENCE

20-23 JULY 2023 | ROTORUA

**TITIRO WHAKAMURI,
KA HAERE WHAKAMUA**

Message from the President of NZSTA

To:	All NZSTA Member Boards
From:	Lorraine Kerr MNZM - President NZSTA
Date:	July 2023
Subject:	NZSTA Annual General Meeting

Kia Ora,

Welcome to the 31st Annual General Meeting of the NZSTA Member Boards. Unfortunately a meeting did not take place in 2022 due to problems reaching the required quorum.

In this booklet you will find:

- The current NZSTA Board Members and Regional Executive Chairs
- The AGM agenda
- The Minutes from the 2021 AGM
- The 20 submitted Remits

Please ensure that your Board AGM delegate has collected their AGM voting delegate pack from the Conference Registration area prior to the AGM.

Thank you all for taking the time to come to the AGM and exercising your boards right to have a voice and vote on issues that affect the membership.

We look forward to seeing you at the AGM.

Regards



Lorraine Kerr MNZM
President NZSTA

NZSTA Board Members

Lorraine Kerr MNZM – President	lkerr@nzsta.org.nz
Chris Haines	chaines@nzsta.org.nz
Rebecca Keating	rkeating@nzsta.org.nz
Meredith Kennett	mkennett@nzsta.org.nz
Jocelyn Merwood	jmerwood@nzsta.org.nz
Joycelyn Tauevihi	jtauevihi@nzsta.org.nz
Alec Tairua – Kaumātua	atairua@nzsta.org.nz

NZSTA Regional Executive Chairs

Northland	Karen Absil	Northlandregionalchair@nzsta.org.nz
Auckland	Kathy Harding	Aucklandregionalchair@nzsta.org.nz
Waikato	April Taelangi	waikatoregionalchair@nzsta.org.nz
Bay of Plenty/Wairariki	Ngākohu Papuni	bayofplentyregionalchair@nzsta.org.nz
Central East	Russell Irving	centraleastregionalchair@nzsta.org.nz
Central West	Co-Chairs: Gareth Marshall Carl Triggs	centralwestregionalchair@nzsta.org.nz
Wellington/Wairarapa	Co-Chairs: David Cooling Natasha Watson	wellingtonwairaraparegionalchair@nzsta.org.nz
Marlborough/Nelson/ West Coast	Co-Chairs: Jenna Croft Amie-Jo Traves	mnwcregionalchair@nzsta.org.nz
Canterbury	Co-Chairs: Grant Lorimar Ryan Wilson	canterburyregionalchair@nzsta.org.nz
Otago	Eugen Dupu	Otagoregionalchair@nzsta.org.nz
Southland	Co-Chairs: Malcolm Jones Richard Aitken	southlandregionalchair@nzsta.org.nz

AGM Agenda

1. Welcome
2. Apologies received
3. Minutes of the 2021 AGM in Rotorua
4. Matters Arising from the Minutes
5. 2022 NZSTA Annual Report Received
6. Appointment of Auditors
7. Appointment of Scrutineers
8. Remit 1
9. Remit 2
10. Remit 3
11. Remit 4
12. Remit 5
13. Remit 6
14. Remit 7
15. Remit 8
16. Remit 9
17. Remit 10
18. Remit 11
19. Remit 12
20. Remit 13
21. Remit 14
22. Remit 15
23. Remit 16
24. Remit 17
25. Remit 18
26. Remit 19
27. Remit 20
28. Consideration of other business of which due notice has been given
29. Conference 2024

**Minutes of the NZSTA Annual General Meeting
Saturday 17 April 2021 - Energy Events Centre, Rotorua**

1. Welcome

President, Lorraine Kerr, officially opened the AGM at 11.50am. She welcomed those in attendance and explained the procedure. Those people seated on the stage introduced themselves and their roles.

Lorraine Kerr moved that Elise Adams, Sindy Gallen and Alan Knowsley be given speaking rights. This was carried.

2. Apologies Received

No apologies had been received.

3. Board Time

Board introduced themselves, giving brief backgrounds and their roles within the board structure.

4. Board Self-Review

The meeting was informed that the Constitution requires a board self-review to be undertaken. The President explained the process has been delayed but is currently underway and will be reported to members, via membership memo, within 6 months.

5. Appointment of Scrutineers

The President moved that the following NZSTA staff be appointed scrutineers: Sue Cotter; Michael O'Brien; Mel Pilcher; Patrick Ikiua; Cheryl Bunker; Kate Lethbridge; Kirsty Sanson.

This was carried.

6. Minutes of the 2019 AGM

The President asked that the Minutes of the 2019 AGM be approved.

Moved: Ripeka Lessels (Bay of Plenty); Seconded: April Taelangi (Waikato). Carried.

7. Any Matters Arising

An update on the school board meeting fees was requested. The President noted that a report had been presented to the Minister and to the Ministry and the aim is to ensure these issues are kept alive. School boards are an important part of the education system and need to be treated as such.

8. Minutes of the SGM

The President noted that this only dealt with Constitutional requirements. She moved these Minutes be approved and this was carried.

9. Any Matters Arising

None

10. 2020 NZSTA Annual Report Received

Lorraine asked that the NZSTA 2020 Annual Report be received by the attendees.

Moved: Aaron Gray (Northland); Seconded: Russell Thomas (Auckland) - Carried.

11. Appointment of Auditors

President moved that BDO be appointed the NZSTA auditor for 2021 year. This was carried.

12. Remit 1: To change Clause 1 of the Constitution from *the full name of the Association shall be the New Zealand Schools Trustees Association Incorporated. The shortened version shall be NZSTA, to: the full name of the Association shall be the New Zealand School Boards Association Incorporated, The shortened version shall be NZSBA.*

After discussions between the mover of Remit 1 (Jonathan Brooks – Canterbury) and submitter of Remit 13 (April Tauelangi – Waikato) it was agreed to discuss these remits together.

During that discussion, **Remit 1 was WITHDRAWN.**

13. Remit 2: Request for NZSTA to disclosure of Board Members and Employees remuneration and benefits in the NZSTA Annual Accounts, in \$10,000 bands where remuneration is greater than \$100,000.

The Mover (Margi Watson – Auckland) moved the remit and advised the reasoning behind it, mainly regarding transparency with members and public funds.

There was some discussion on the floor reminding the meeting that NZSTA is not subject to Companies Act and enquiring around any privacy issues, a Principal noted that schools report similar information.

Alan Knowsley (NZSTA lawyer) outlined privacy concerns, as the small number of staff involved could lead to identification, so even if the remit is passed, the Association is unable to comply. He also informed the meeting that this could not be done without the individuals concerned agreeing and negotiating with every staff member to change their employment agreement, with future staff and board members having this inserted in their agreements.

After the mover had a right of reply, which confirmed they are looking for transparency and believed the privacy issues could be worked through in time for the next accounts, it was decided to take a paper vote.

When the vote was declared the **remit was PASSED.**

14. Remit 3: That cl 11c be deleted and replaced with the words: *“the incumbent President is required to be on a school board if they choose to seek reelection”.*

The Mover (Margi Watson – Auckland) explained the reasoning behind this remit, which was that the rule had previously been in place for many years and had only recently been removed but the movers felt that it was necessary for the President to understand the current issues for school boards.

There was a lengthy discussion with comments both in agreement and against, including the President role is a very busy one with lots of travel and NZSTA must be seen to be a good employer where possible; the holder will already have many years of experience; being on a school board allows the office holder to keep in touch with school board work on the ground. The mover was given right of reply and stated that they believe the office holder should be working as a board member to retain their interest and experience, noting that we now have the means to attend meetings electronically.

It was decided to have a paper vote and when the result was declared the **remit was LOST.**

15. Remit 4: Amend Cl 11e numbering errors by replacing *“Immediately following his/her election if the previous President has been removed from office under 11c i) or ii); died or resigned/*

refuses to continue to serve in office as provided for in 11c iii)” with “Immediately following his/her election if the previous President has been removed from office under 11d i) or ii); died or resigned/ refuses to continue to serve in office as provided for in 11d iii)”

The Mover (Margi Watson – Auckland) noted that the Board had put forward a similar Remit (number 10) and was willing to withdraw, noting however that there should be a better way of altering numbering errors than having to put forward remits at the AGM. Alan Knowsley noted that any changes to the constitution do need to come the AGM, appreciating that sometimes errors are made. It was suggested that a remit come to next years AGM to allow the Board to make non-material changes to the constitution to rectify numbering issues.

After the mover had a right of reply, it was agreed to take a vote from the floor and **the remit was PASSED.**

16. Remit 5: To change any reference to the Chairperson in the constitution to Presiding Board Member.

The President explained the background to this remit, being language changes in the Education and Training Act.

There was clarification on the terms in the constitution referring to either school boards or NZSTA board.

Jocelyn Merwood moved an amendment that the word Board be removed from the remit, due to an incorrect term being used.

A vote was taken from the floor and the **amendment was PASSED**, noting Russell Thomas (Auckland) wished it to be registered that he had voted against.

The amended remit, now reading **To change any reference to Chairperson in the constitution to Presiding Member**, was voted on from the floor and **was PASSED.**

Due to the overrun of the AGM, it was moved that lunch be provided to the meeting. This was not agreed to.

17. Remit 6: To change section 12.1(b) of the Constitution from: *Nominations for President must be submitted by the date set in (a) for nominations in writing by two member boards (signed for and on behalf of each member board by the Chairperson of each member board) to: Nominations for the President must be submitted by the date set in (a) for nominations in writing by two member boards (signed for and on behalf of each member board by the presiding member of each board or, in the case of the presiding member being the nominee, another person authorized by the member board); and a similar change to Section 14.1(b) from: Nominations for Board must be submitted in writing, by the date set in (a) for nominations, by two member boards (signed for and on behalf of each member board by the Chairperson of each member board). The nomination must be accepted in writing by the returning officer. To: Nominations for Board must be submitted in writing, by the date set in (a) for nominations, by two member boards (signed for and on behalf of each member board by the presiding member of each member board or, in the case of the presiding member being the nominee, another person authorized by the member board). The nomination must be accepted in writing by the returning officer.*

Jocelyn Tauevihi gave the background to the remit, noting it was to ensure that there is an alternative to the presiding member signing nominations if they are the person nominated.

The remit was subject to a vote from the floor and **was PASSED.**

18. **Remit 7: To change section 16c(iii) of the Constitution from: *All member boards who wish to vote at any AGM shall, by notice of writing, appoint a trustee to attend such AGM as their delegate, using the official form provided, as set out in clause 17d. Such form to be provided to each member board by the Association not later than 60 days prior to each meeting. The appointment of delegate form 17d is required to be received by the NZSTA national office 7 days prior to the AGM.* To: *All member boards who wish to vote at any AGM shall, by notice of writing, appoint a trustee to attend such AGM as their delegate, using the official form provided, as set out in clause 16d. Such form to be provided to each member board by the Association not later than 60 days prior to each meeting. The appointment of delegate form set out in clause 16d is required to be received by NZSTA national office 7 days prior to AGM.* And, therefore, to change the Delegate form set out in 16d(i) as follows: Change (see clause 17c(iii) to read 16c(iii); change references to school board of trustees to school boards; Change reference to Chairperson to Presiding Member.**

Joycelyn Tauevihi moved the remit, noting it was a simple number error and tidying up of terms.

However, it was noted that there was an error in the suggested replacement and Chris Haines moved an amendment to change *trustee* to *board member*. This was seconded by Joycelyn Tauevihi

A vote on the amendment was taken from the floor and **was PASSED**.

The amended remit, now reading:

All member boards who wish to vote at any AGM shall, by notice of writing, appoint a board member to attend such AGM as their delegate, using the official form provided, as set out in clause 16d. Such form to be provided to each member board by the Association not later than 60 days prior to each meeting. The appointment of delegate form set out in clause 16d is required to be received by NZSTA national office 7 days prior to AGM.

And, therefore, to change the Delegate form set out in 16d(i) as follows:

Change (see clause 17c(iii) to read 16c(iii); change references to school board of trustees to school boards; Change reference to Chairperson to Presiding Member.

Was subject to a vote from the floor and **was PASSED**.

19. **Remit 8: To change section 19d(iii) of the constitution from: *The provision of Regional Executive Budgets, as set by the Board, to enable them to undertake their representative activities; To: The provision of Regional Executive Budgets, as approved by the Board, to enable them to undertake their representative activities.***

Chris Haines moved the motion, noting how the procedure happens in reality and the remit is tidying this up.

The remit was subject to a vote from the floor and **was PASSED**.

20. **Remit 9: To change section 11(i) in the constitution from: *the President shall preside at all Annual General Meetings and all Special Meetings of the Association and Board meeting. The President shall have a deliberate vote and in the event of voting being declared even, a casting vote; to: The President shall preside at all Annual General Meetings, Special General Meetings and all Special Meetings of the Association and Board meetings. The President shall have a deliberate vote and in the event of voting being declared even, a casting vote.***

Chris Haines moved the remit, noticing it was another constitutional tidy up.

The remit was subject to a vote from the floor and **was PASSED**.

- 21. Remit 10: To change section 11 – President e(i) from: Immediately following his/her election if the previous President has been removed from office under 11c(i) or (ii); died or resigned/refuses to continue to serve in office as provided for in 11c(iii); to: Immediately following his/her election if the previous President has been removed from office under 11d (i) or (ii); died or resigned/refuses to continue to serve in office as provided for in 11d (iii).**

This was **WITHDRAWN** by President, due to the passing of Remit 4.

This was agreed to by the meeting.

- 22. Remit 11: That the NZSTA assists school boards to access timely and adequate learning support for their students by lobbying Government and officials to: a. streamline the funding application processes to reduce costs and minimize delays; b. fully fund identified learning support needs for each student so that Boards can meet their legal obligations under The Education and Training Act 2020; and c. Ensure the integrity of funding systems so that resources and advice are targeted, allocated and used as intended by government.**

David Cooling (Wellington) moved the remit, asking for the Association to lobby on behalf of members in this area, outlining the frustration felt by the complexity of the bureaucracy in applying for these funds.

There was a question around the funding model, which was responded to by the mover.

However, comments were made that the requested changes would require more administration within the schools as well as response to some comments made by the Minister in his address.

The President responded to questions around the requirement of NZSTA to lobby government and how they would support this remit if passed.

David Cooling was given a right of reply, where he commented that he would like NZSTA to advocate with the Ministry over these issues, passing on messages from the membership.

The remit was subject to a vote from the floor and **was PASSED**.

The President undertook to work with David Cooling on how this was progressed.

- 23. Remit 12: 16 d(ii) Notices of motion to the AGM will be accepted from member boards, Regional Executive or from National Board, provided that: 1. Notices of motion from member boards are to be moved and seconded in writing by member boards (to be signed off for and on behalf of each member boards by the chairperson of each member board); 2. Notices of motion by the Regional Executive, signed by the Regional Chairperson; 3. Notices of motion by National Board, signed by the President.**

The remit was moved by April Taelangi (Waikato).

The remit was subject to a vote from the floor and **was PASSED**.

- 24. Remit 13: The full name of the Association shall be the New Zealand School Trustees Boards Association Incorporated (te Huihuinga o ngā Kura Poari o Aotearoa). The shortened version shall be NZSBA.**

As agreed earlier in the meeting, this Remit was discussed in collaboration with Remit 1.

April Taelangi (Waikato) moved Remit 13.

Jonathan Brooks (Canterbury) was the mover of Remit 1, but acknowledging it was possibly time to officially acknowledge the Maori translation of the Associations name he asked to WITHDRAW.

During the discussions it was suggested that rather than a simple name change, that the opportunity has arisen for a rebrand of the Association and this should be considered more

carefully, perhaps with a working group and membership consultation, including how the name can be more equitable and inclusive.

April Tauelangi asked to withdraw the remit, noting the discussions that had been held.

The withdrawal was subject to a vote from the floor and **was WITHDRAWN.**

It was noted that the meeting agreed to withdraw this remit on the understanding that the board would instigate wide-ranging consultation on a rebrand with the membership, including possibly a working group made up of members from around the country and the President agreed to these conditions.

25. Remit 14: Should Remit 13 be approved, then as a consequence of that, a tidy up is required throughout the Constitution, some of which will require a legal confirmation of appropriate changes, inclusive of definitions. Therefore, through the approval of the President of NZSTA the National Board undertake the changes asap.

As this Remit was subject to the passing of Remit 13, which had been withdrawn, Remit 14 was not considered.

26. Remit 15

This Remit was withdrawn prior to the AGM.

27. Remit 16

This Remit was withdrawn prior to the AGM.

28. Remit 17

This Remit was withdrawn prior to the AGM.

29. Consideration of Any Other Business of Which Due Notice Has Been Given.

None advised.

30. Conference 2022

The President noted that the 2022 conference will be held in the South Island, with the venue to be advised to membership at a later date.

Meeting closed at 1.45 pm

**NZSTA Annual General Meeting Saturday 22 July 2023
Constitutional Notice of Motion/Remit**



ITEM 2

Your Remit/Constitutional Notice of Motion: Māori Representation

What do you want to propose to AGM? Please use a separate form for each item.

Section 8 shall read:

National Board shall have 2 positions for Māori representation.

The election for the Māori representatives shall run parallel with National Board elections and shall be elected in accordance with section 14.

Explanation:

Why is this important to you?

In rewriting section 8 the Board has committed to following its strategic objectives and its obligations. Our previous section 8 was no longer fit for purpose and rewriting in this way guarantees Māori a place at the table.

Moved by: NZSTA Board

Signed:



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ITEM 3

Your Remit/Constitutional Notice of Motion: Revoke Co-opted Board Members

What do you want to propose to AGM? Please use a separate form for each item.

Section 13 (b). Any members co-opted under section 13(a)iv) may be revoked by the Board at any time

Explanation:

Why is this important to you?

This update will remove the ability of the Board to revoke the Māori representatives

Moved by: NZSTA Board

Signed:

A handwritten signature in black ink, appearing to read "Sarah Kerr".

DRAFT for consideration at 2023 AGM

27. DISPUTE RESOLUTION

NZSTA's procedures for resolving disputes must be consistent with the rules of natural justice. Dispute resolution procedures are stated in Schedule 2 of this constitution

28. MEANINGS OF DISPUTE AND COMPLAINT

(1) A disagreement or conflict is a dispute if—

(a) it is between—

- (i) 2 or more members; or
- (ii) 1 or more members and the Association; or
- (iii) 1 or more members and 1 or more NZSTA National Board Members; or
- (iv) 2 or more NZSTA National Board Members; or
- (v) 1 or more NZSTA National Board Members and the Association; or
- (vi) 1 or more members or NZSTA National Board Members and the Association; and

(b) the disagreement or conflict relates to an allegation that—

- (i) a member or an NZSTA National Board Member has engaged in misconduct; or
- (ii) a member or an NZSTA National Board Member has breached, or is likely to breach, a duty under the Association's constitution or bylaws or Incorporated Societies Act; or
- (iii) the Association has breached, or is likely to breach, a duty under the NZSTA's constitution or bylaws or Incorporated Societies Act; or
- (iv) a member's rights or interests as a member have been damaged or members' rights or interests generally have been damaged.

(2) A member, an NZSTA National Board Member, or the Association makes a complaint if, in accordance with the NZSTA's constitution,—

(a) the member or NZSTA National Board Member starts a procedure for resolving a dispute in accordance with the constitution; or

(b) the Association starts a procedure for resolving a dispute in accordance with the constitution (for example, NZSTA starts a disciplinary action against a member or a NZSTA National Board Member in relation to an allegation referred to in subsection (1)(b)(i) or (ii)).

(3) In this section, a reference to—

(a) a member is a reference to a member or member board acting in their capacity as a member or member board:

(b) an NZSTA National Board Member is a reference to an NZSTA National Board Member (including the President) acting in their capacity as an NZSTA National Board Member.

DRAFT Disputes resolution Schedule

Schedule 2

Dispute resolution procedures

1 Overview of this schedule

(1) Section 39 (Incorporated Societies Act 2022) requires the procedures in an association's constitution relating to disputes to be consistent with the rules of natural justice.

(2) The NZSTA National Board may choose (but is not required) to include the procedures in the schedule in its constitution.

(3) The procedures in THE NZSTA NATIONAL BOARD's constitution must be treated as being consistent with the rules of natural justice if those procedures consist of—

- (a) all of the procedures in this schedule; and
- (b) any additional procedures that are consistent with those procedures.

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2 How complaint is made

- (1) An individual member or member board may make a complaint by giving to the National Board (or delegated authority) a notice in writing that—
 - (a) states that the member or member board is starting a procedure for resolving a dispute in accordance with the association's constitution; and
 - (b) sets out the allegation to which the dispute relates and whom the allegation is against; and
 - (c) sets out any other information reasonably required by the Association.
- (2) The Association may make a complaint involving an allegation against a member or an officer by giving to the member or officer a notice in writing that—
 - (a) states that the Association is starting a procedure for resolving a dispute in accordance with the Association's constitution; and
 - (b) sets out the allegation to which the dispute relates.
- (3) The information given under subclause (1)(b) or (2)(b) must be enough to ensure that a person against whom an allegation is made is fairly advised of the allegation concerning them, with sufficient details given to enable them to prepare a response.
- (4) A complaint may be made in any reasonable manner permitted by the Association's constitution.

3 Person who makes complaint has right to be heard

- (1) A member or member board who makes a complaint has a right to be heard before the complaint is resolved or any outcome is determined.
- (2) If the Association makes a complaint,—
 - (a) the Association has a right to be heard before the complaint is resolved or any outcome is determined; and
 - (b) the President or their delegate may exercise that right on behalf of the Association.
- (3) Without limiting the manner in which the member, member board, or Association may be given the right to be heard, they must be taken to have been given the right if—
 - (a) they have a reasonable opportunity to be heard in writing or at an oral hearing (if one is held); and
 - (b) an oral hearing is held if the decision maker considers that an oral hearing is needed to ensure an adequate hearing; and
 - (c) an oral hearing (if any) is held before the decision maker; and
 - (d) the member's, member board's, or Association's written statement or submissions (if any) are considered by the decision maker.

4 Person who is subject of complaint has right to be heard

- (1) This clause applies if a complaint involves an allegation that a member, a member board, or the Association (the respondent)—
 - (a) has engaged in misconduct; or
 - (b) has breached, or is likely to breach, a duty under the Association's constitution or bylaws or this Act; or
 - (c) has damaged the rights or interests of a member or the rights or interests of members generally.
- (2) The respondent has a right to be heard before the complaint is resolved or any outcome is determined.
- (3) If the respondent is the Association, the President may exercise the right on behalf of the Association.

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- (4) Without limiting the manner in which a respondent may be given a right to be heard, a respondent must be taken to have been given the right if—
- (a) the respondent is fairly advised of all allegations concerning the respondent, with sufficient details and time given to enable the respondent to prepare a response; and
 - (b) the respondent has a reasonable opportunity to be heard in writing or at an oral hearing (if one is held); and
 - (c) an oral hearing is held if the decision maker considers that an oral hearing is needed to ensure an adequate hearing; and
 - (d) an oral hearing (if any) is held before the decision maker; and
 - (e) the respondent's written statement or submissions (if any) are considered by the decision maker.
- 5 Investigating and determining dispute
- (1) The NZSTA National Board must, as soon as is reasonably practicable after receiving or becoming aware of a complaint made in accordance with its constitution, ensure that the dispute is investigated and determined.
- (2) Disputes must be dealt with under the constitution in a fair, efficient, and effective manner.
- 6 Association may decide not to proceed further with complaint
- Despite clause 5, the NZSTA National Board may decide not to proceed further with a complaint if—
- (a) the complaint is trivial; or
 - (b) the complaint does not appear to disclose or involve any allegation of the following kind:
 - (i) that a member or a member board has engaged in material misconduct;
 - (ii) that a member, a member board, or the Association has materially breached, or is likely to materially breach, a duty under the Association's constitution or bylaws or this Act;
 - (iii) that a member's rights or interests or members' rights or interests generally have been materially damaged;
 - (c) the complaint appears to be without foundation or there is no apparent evidence to support it; or
 - (d) the person who makes the complaint has an insignificant interest in the matter; or
 - (e) the conduct, incident, event, or issue giving rise to the complaint has already been investigated and dealt with under the constitution; or
 - (f) there has been an undue delay in making the complaint.
- 7 Association may refer complaint
- (1) The NZSTA National Board may refer a complaint to—
- (a) a subcommittee or an external person to investigate and report; or
 - (b) a subcommittee, an arbitral tribunal, or an external person to investigate and make a decision.
- (2) The NZSTA National Board may, with the consent of all parties to a complaint, refer the complaint to any type of consensual dispute resolution (for example, mediation, facilitation, or a tikanga-based practice).
- 8 Decision makers
- A person may not act as a decision maker in relation to a complaint if 2 or more members of the committee or a complaints subcommittee consider that there are reasonable grounds to believe that the person may not be—
- (a) impartial; or
 - (b) able to consider the matter without a predetermined view



ITEM 12

Constitutional Notice of Motion: Ko Wai Tātou Update

If Item 1 is agreed to, that all references to the Association's name in the constitution is updated.

Explanation:

Just covering the bases to make sure we can update the constitution

Moved by: NZSTA Board

Signed: 

NZSTA Annual General Meeting Saturday 22 July 2023
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ITEM 14

Remit: NZSTA Advocacy

That NZSTA advocate to have the section 36 (3) of the Education and Training Act 2020 amended so that a school can recognise a student's attendance even when part or all of this may be outside the time when the school is open for instruction.

Explanation:

Current and successful learning practices (e.g. learning from home, afternoon learning, etc) are not able to be counted as attendance under the current legislation.

It also appears that some of the MOE attendance codes (e.g. code F which is a justified absence) are not provided for in the Education and Training Act 2020.

Moved by: James Cook High School Board

Signed:  (Presiding Member)

Name: Jaylene Ball (Presiding Member)

Date: Thursday 4 May 2023

Seconded by: Finlayson Park School

Signed:  (Presiding Member)

Name: Jaylene Ball (Presiding Member on behalf of Finlayson Park School)

Date: Monday 8 May 2023

ITEM 15

Remit: NZSTA Advocacy

That NZSTA actively engage and advocate in the NCEA change processes to ensure that what is eventually implemented does not inherently disadvantage priority learners.

Explanation:

Our Board is very concerned at the current wrangling between MOE and NZQA and the recent review of the proposed assessment methods for literacy and numeracy which found that vulnerable learners were disadvantaged by the proposed digital assessment for literacy and numeracy.

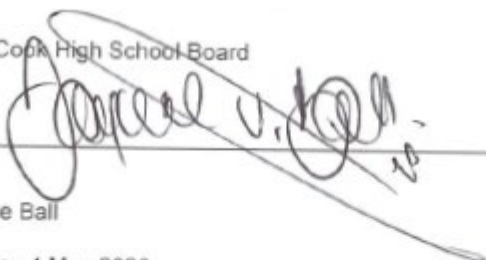
Assessment is simply a tool to determine whether or not a learner has achieved a suitable standard of learning and performance, it should not be a tool that also favours some ethnic, cultural or socio-economic groups over others.

As NZSTA's own research our nation's vulnerable learners have already had many years of systemic disadvantage. It is vital that the new NCEA does not create further disadvantage into the future.

JCHS has a unique advantage in being able to identify these risks because of our role as one of the six national MOE NCEA Hub Schools, and the very wide extent of our kura's involvement in many aspects of the NCEA change processes. Our school of 1450 students also has a significant number of what MOE call "vulnerable learners" in our roll.

Moved by: James Cook High School Board

Signed: _____



(Presiding Member)

Name: Jaylene Ball

(Presiding Member)

Date: Thursday 4 May 2023

Seconded by: Finlayson Park School

Signed: _____



(Presiding Member)

Name: Jaylene Ball

(Presiding Member on behalf of Finlayson Park School)

Date: Monday 8 May 2023

NZSTA Annual General Meeting Saturday 22 July 2023
Constitutional Notice of Motion/Remit



ITEM 16

Remit: NZSTA Advocacy

That NZSTA actively advocate to the powers that be, to increase the base fee for Board member fees

Explanation:

Our Board remains concerned about the importance of the role undertaken by School Board members and how it is viewed financially

Since the inception of Tommorrow Schools in 1989, we are of the understanding that the 'base fee' (meeting allowance) for Board members has not increased.

NZSTA had undertaken to set up a working party (2018/2019) to look into this matter further, but we are unsure if the matter had been resolved. We are happy to withdraw this remit, if the matter has been dealt with

While boards are able to set their own meeting fees, it is important that the value of these positions are recognised formally. We are not sure that 34 years when the concept of Tommorrow's Schools was rolled out, that people realised how the work of School Boards would've morphed to include the expectations Boards are held accountable for today

Moved by: James Cook High School Board

Signed:  (Presiding Member)

Name: Jaylene Ball (Presiding Member)

Date: Thursday 4 May 2023

Seconded by: Finlayson Park School

Signed:  (Presiding Member)

Name: Jaylene Ball (Presiding Member on behalf of Finlayson Park School)

Date: Monday 8 May 2023

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ITEM 17

Our Constitutional Notice of Motion.:

Replace current **Section 14 ELECTION OF BOARD** with this:

13.0 THE ELECTION OF THE NATIONAL BOARD

In an election year there are 7 elected positions:

- (a) 4 x General National Board member positions.
- (b) 2 x Māori National Board member positions
- (c) 1 x President position.

The National Board shall set the election and by-election date(s).

The National Board shall appoint a Returning Officer at least 6 calendar months prior to the election and by-election date(s).

The election of all National Board members shall be by ballot of NZSTA member Boards.

The National Board positions are elected for a three (3) year term.

13.1 Election Process:

- (a) The Returning Officer will conduct the National Board elections as follows:
 - i) Call for nominations from member boards at least 62 days before the close of nominations date, which is at least 110 days prior to the close of election date.
 - ii) If there are valid nominations received, at a number equal to or less than the total (7) required, and also being no more than 1 per NZSTA region, in the elections for 13(a) and (b) above, then these results will be declared, and the new National Board members will take office 14 days after the declaration, **except if** there is a requirement for any National Board Regional Elections (NBRE) to take place and therefore, these newly elected National Board members will take office on the same day as those elected at clause 13(a) xii)
 - (iii) Where there is **less than** the total number required, that are valid nominations, received then the Returning Officer will notify the membership of the timetable for a by-election, to fill the vacancy/vacancies in due course.
 - (iv) Where there is **more than** 1 valid nomination received from within a NZSTA region, for the General National Board and/or the Māori National Board positions then National Board Regional Elections (NBRE) will be required to take place, immediately.
 - (v) Voting forms for NBRE will be distributed at least 50 days prior to the close of the NBRE date which is at least 50 days prior to the close of National Board election date.
 - (vi) The result of each region's - NBRE will be announced no less than 48 hours following the close of NBRE date.
 - (vii) The winning NBRE candidate, of each region, together with the NZSTA regions who had one valid nomination received by the Returning Officer by the due date, become the valid list of candidates. for which the NZSTA General and Māori National Board member election(s) will proceed.
 - (viii) Voting forms and candidate's promotion booklet for the President, the General National Board and Māori National Board elections' will be distributed at least 47 days prior to the election date.
 - (viii) Each member Board has one vote per position on the National Board that is vacant.
 - (x) The incumbent President is not required to be on a Board if they choose to seek re-election.
 - (xi) All results will be declared to the membership in full – Listed as follows:
 - Region, Name and number of votes for all candidates and then a statement following the list, that declares those winning candidates as being duly elected.
 - xii) Those elected at 13(a) and 13(b) will take office 14 days after the results are declared.
 - xiii) After an election of the President, he/she will take office 90 days after their results are declared.

- (b) The returning officer will conduct the National Board by-election in the same manner as the National Board elections, except the number of positions available will reflect the vacancies confirmed.
- (c) The National Board must call for a by-election when there are any vacancies, confirmed to the President in writing if they are received prior to the year of the next National Board election.

13.2 Nominations:

- (a) All nominations for the National Board, as per 13 (a) (b) and (c) must be submitted in writing, by the date set in 13.1(a)(i) above.
- (b) Each nomination must be signed by two member boards presiding member (signed for and on behalf of each member board) or, in the case of the presiding member being the nominee, another person authorised by the member board.
- (c) The nominating member boards must be current financial member boards at the time the nomination is received by the Returning Officer.
- (d) The nominee(s) must be members of a current financial member board at the time their nomination is received by Returning Officer.
- (e) The nomination must be validated and accepted in writing by the Returning Officer.
- (f) Candidate statements are optional:
 - i) they may include experience, qualifications and abilities that align with the sections in the constitution that refer to the President and the functions of the National Board.
 - ii) they will be a maximum of 300 words (after your mihi and pepeha in Te Reo Māori - optional).
 - iii) the returning officer is authorised to omit or abridge any part of a statement if they are satisfied on reasonable grounds that it is likely to be defamatory or offensive or is too long.
 - iv) A current head shot photo is optional but must be taken within the last 6 months prior to the nomination being accepted by the Returning Officer.
 - v) Candidate statements must be received by the close of nomination date set – reference 13.1(a) i) above.
- (g) A candidate can be nominated in more than one position but can only hold one position at any time and the order of that shall be,
 - i) 1st President.
 - ii) 2nd General National Board and Māori National Board members.
Where there are candidates who win 2 positions, then the candidate with the highest number of votes of either position will make their choice first. They will choose 1 position to confirm to the Returning Officer within 48 hours of the request being made and that decision will be final. This will be repeated one more time, if required, before the Returning Officer can declare the full results to the membership.
 - iii) The results will be declared to the membership in full, listed as follows:
region, name and number of votes for all candidates in alphabetical order of the surname, and then a statement following the list that confirms those candidates who have been duly elected.
- (h) If any of (a), (b), (c), (d) above is breached then the nomination is invalid.
- (i) The Returning Officer has sole discretion as to the interpretation of these rules and processes.

NOTE: If this remit is approved, there are changes in the rest of the constitution that will be required to ensure that the constitution is correct throughout – Refer the TRANSITIONAL AND CHANGES REMITS. Email: waikatoregionalchair@nzsta.org.nz if you have any questions.

Explanation:

1. This remit tidies up the process of elections for the National Board, with specific timelines, duties, rules and the Interpretations are all in one place.
2. I have included here all the changes that are required, to ensure clarity and updates with the Education and Training Act 2020 Changes Remit – e.g., Board of Trustee(s) is replaced by Board(s) where appropriate. (legislation) and replaced Board (when referring to the NZSTA Board) with National Board. (clarity)
3. The number of National Board members is reduced from 6 to 4 and a total maximum of 9 and not 11 reducing costs, that allows for more funds to go elsewhere. To date we are unsure that more than 9 is needed when there is only 6 voting Board members currently.
4. The voice for Māori in decision making, at the table of the Boards last 2 term of office has not been regularly present in accordance with the constitution and this needs to be addressed immediately. This returns the process to the membership to elect hereafter. This is a where the partnership expected in Te Tiriti o Waitangi needs to be honoured in the first instance.

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ITEM 18

Our Constitutional Notice of Motion. CHANGES

In the event that the Remit to replace Section **14.0 ELECTION OF BOARD** of the current Constitution is approved and replaced with **13.0 THE ELECTION OF THE NATIONAL BOARD** then the following changes are needed:

Board of Trustee(s) is replaced by Board member or Boards where appropriate.

Chairperson(s) for school Boards is replaced by Presiding member(s) where appropriate.

Board (of NZSTA) is replaced with National Board.

Current CLAUSE 8 is removed and then...

current CLAUSE 9 becomes CLAUSE 8 Annual Membership Fee and Special Fees

current CLAUSE 10 becomes CLAUSE 9 Termination of Membership

and then there is new Clauses 10, 11, 12, 13 and 14.

CLAUSE 16 becomes CLAUSE 15 Annual General Meeting (AGM)

CLAUSE 17 becomes CLAUSE 16 National Conference

CLAUSE 18 becomes CLAUSE 17 Special Meetings

CLAUSE 19 becomes CLAUSE 18 Finance

and so on...

Clause 10 becomes FUNCTIONS OF THE PRESIDENT

(a) The President shall

- i) Lead NZSTA
- ii) Do such things as defined in the Position Description.
- iii) Have a Schedule of Responsibilities - refer 11(b) vii)
- iv) Act in a manner as defined in the Schedule of Responsibilities.
- v) Be paid an honorarium set and approved annually – refer 11(b) viii)
- vi) Preside at all Annual General Meetings (AGM), Special Meetings and all Special **General** meetings of the Association.
- vii) Preside over all National Board Meetings
- viii) Have a deliberate vote and in the event of voting being declared even, a casting vote.
- viii) Delegate to any other National Board member **or Regional Chair** any aspect of his/her responsibilities **or representational activities** but the President remains accountable for their execution.

(b) The term of the President shall commence:

- i) After an election, in accordance with 14.1(xi) 90 days after the result is declared. OR
- ii) Immediately, if replacement is in accordance with 11(c)

(c) If the President ceases to hold office as President they shall cease to be a member of the National Board but may stand for election as a regional representative.

Clause 11 becomes FUNCTIONS OF THE NATIONAL BOARD

(a) National Board shall govern the affairs and funds of the Association and shall make, promote and monitor Association policies in a manner that is consistent with the approved Statement of Expectations.

(b) The National Board shall have all the powers of the Association to do all such acts that are reasonably required in order to discharge its functions and achieve the core functions of the Association (except those acts required to be done by the Association in an AGM), including the following:

- i) Maintain a registered office.
- ii) Appoint the CEO; monitor his/her performance and hold accountable for the management of the Association's affairs.
- iii) Establish a Statement of Expectations which may include:
 1. Strategic Direction (purpose, values, strategic outcomes, short and long term priorities).

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ITEM 20

Our Constitutional Notice of Motion.: Clause 14: KAUMAATUA POSITIONS

14.0 KAUMATUA POSITIONS:

The support and expertise of Kaumatua for NZSTA is highly valued to ensure that we uphold the integrity of our Tangata Whenua relationships throughout Aotearoa in all that we do. This includes with and for our membership.

- (a) Kaumatua will be appointed as required by either the President, CEO and/or the National Board after collaboration and discussion takes place that includes the following:
- i) President support – as determined for the President of the time, to include maybe representatives from their home or Wellington being the Head Office base.
 - ii) CEO support – as determined for the CEO of the time, to include maybe representatives from their home or Wellington being the Head Office base.
 - iii) National Board – Firstly an invitation from the Kaumatua who have been determined as either President support and/or CEO support as appropriate.
- (b) Kaumatua will be paid an honorarium plus expenses as determined by the National Board.
- (c) All costs including accommodation, flights/travel and meals at minimum will be included when budgeting for Kaumatua expertise.

Explanation:

Currently there are Kaumatua and Kuia who have positions as Board members? but currently they choose not to be voting Board members. Therefore, it is time to sort this out. This constitutional motion with the other 3 motions will ensure that there is a voice for Maaori at the National Board table, while also retaining the Kaumatua roles. It is important to note that we want to retain our Kaumatua roles that have evolved from the selection by the Board through the old Clause 8, but over time has been less clear and purposeful. That through the addition of the elected Māori National Board specific positions, there will be expertise to support constitutional and/or organisational policy/procedures being updated to honour the relationship that is needed as an organisation that values authenticity and integrity in their engagements and relationships. Which partner are we? Let us move forward.

Moved by: _____ Waikato Regional Executive

Signed: _____ *Ataelangi* (Regional Chair)

Name: _____ April Taelangi (Regional Chair)

Date: _____ 8th May 2023

NZSTA Contact Details

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Option 1: Governance Advice

Option 2: Employment Advice

Option 3: Professional Development Advice

Option 4: Office of the President

Option 5: For all other queries

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