

Education (Restoration of Democracy to University Councils) Amendment Bill

Member's Bill

Explanatory note

General policy statement

In 2015, the current National Government amended the Education Act 1989, repealing the requirement for democratic elections and student representatives on Tertiary Institution Councils. This Bill repeals those changes and ensures students are represented in the governing of their tertiary institutions by democratically elected representatives.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause and provides that the bill comes into force 6 months after it receives the Royal assent.

Clause 3 states that the Act being amended is the Education Act 1989.

Clause 4 replaces sections 170A and 171 of the Act with *new section 171*.

Clause 5 changes a cross-reference as required by *new section 171*.

Clause 6 replaces section 173.

Hon David Cunliffe

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Education (Restoration of Democracy to University Councils) Amendment Act **2015**.

2 Commencement

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This Act comes into force 6 months after the date on which it receives the Royal assent.

3 Principal Act

This Act amends the Education Act 1989 (the **principal Act**).

4 Sections 170A and 171 replaced

Replace sections 170A and 171 with:

171 Requirements as to constitutions of councils

- (1) The council of an institution must consist of not fewer than 12 nor more than 20 members. 5
- (2) Subject to **subsection (1)**, the council of an institution must include—
- (a) 4 persons appointed by the Minister:
 - (b) 1 person employed by the institution who is appointed by the institution:
 - (c) at least 1, but not more than 3, permanent members of the academic staff of the institution elected by the permanent members of that staff: 10
 - (d) at least 1, but not more than 3, permanent members of the general staff of the institution elected by the permanent members of that staff:
 - (e) at least 1, but not more than 3, persons who must be appointed following an election (conducted in accordance with statutes made by the council) by the students at the institution: 15
 - (f) having regard to the courses provided by the institution—
 - (i) 1 person appointed in accordance with the council’s constitution after consultation by the person or body making the appointment with a registered union within the meaning of the Employment Relations Act 2000: 20
 - (ii) if the governing body or the establishment committee, as the case may be, considers it appropriate for professional bodies to be represented on the council, 1 or more persons appointed in accordance with the council’s constitution to represent those bodies.
- (3) The constitution of a council may, in addition to providing for the council to include the persons mentioned in **subsection (2)** but subject to **subsection (1)**, comprise enough members appointed by the council by resolution, in accordance with its statutes, to bring the membership up to that total number. 25
- (4) **Subsections (1) to (3)** do not apply to the constitution of the council of a designated polytechnic (for which sections 222AA and 222AM provide). 30

5 Section 171C amended (Statutes relating to appointment of members by councils of institutions)

In section 171C(1), replace “section 171(1)(b)” with “**section 171(3)**”.

6 Section 173 replaced (Term of office)

Replace section 173 with:

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173 Term of office

- (1) Subject to this section, members of the council of an institution who are appointed, or (not being student members) are elected, hold office for a period of not more than 4 years.
- (2) Subject to this section, a student member holds office for 1 year. 5
- (3) Subject to this section, a member co-opted by the council holds office for a period that is no longer than 4 years and is—
 - (a) in accordance with the council’s constitution; or
 - (b) determined by the council in relation to the member, if the constitution does not specify the period. 10
- (4) The term of office of a member of a council who is appointed, elected, or co-opted commences on the date of the appointment, election, or co-option, unless the council’s constitution provides otherwise.
- (5) Notwithstanding **subsections (1) and (2)**, if the term of office of a member of a council who was appointed or elected as mentioned in **section 171(2)** expires before a successor is appointed or elected, he or she continues in office until his or her successor is appointed or elected. 15
- (6) This section has effect subject to sections 174 and 176.
- (7) **Subsections (1) to (6)** do not apply to the term of office of a member of the council of a designated polytechnic (for which section 222AF provides). 20