

Application for consideration for selection to a casual vacancy, appointment or co-option as a Trustee

School Name _____

(please print)

School Profile Number _____

Name of person for consideration _____

Contact details of person for consideration _____

I declare that I have read and understand the ineligibility criteria for school trustees, under section 103 of the Education Act 1989 (ineligibility criteria are on the reverse of this page), and declare that I am eligible to become a trustee. I hereby declare that all other information that I have listed on this form is true and correct.

Dated __ / __ / 20__

(Signature of person for consideration)

Section 103 of the Education Act 1989 lists the categories of persons who are not eligible to be elected, co-opted or selected to a casual vacancy as trustees. The list is set out below.

A person who:

- is an undischarged bankrupt; or
- is prohibited from being a director or promoter of, or being concerned or taking part in the management of, a company under sections 382, 383 or 385 of the Companies Act 1993; or
- is a permanently appointed member of the Board staff, unless they are standing for election as a staff representative; or
- contracts or sub-contracts with the Board without the approval of the Secretary of Education and receives payments exceeding \$25,000 in any financial year (this provision is set out in section 103A of the Education Act). This would also cover situations where a person has a 10% or more shareholding in the contracting company or a company that controls the contracting company; or
- is subject to a property order under the Protection of Personal and Property Rights Act 1988; or
- is a person in respect of whom a personal order has been made under that Act that either the person is not competent to manage his or her own property affairs, or does not have the capacity to communicate/make decisions relating to his/her welfare/personal care; or
- is a person who has been convicted of an offence punishable by imprisonment for 2 years or more, or who has been sentenced to imprisonment for any other offence, unless that person has obtained a pardon, served the sentence, or otherwise suffered the penalty imposed on the person; or
- is not a New Zealand citizen, and is –
 - a person to whom section 15 or 16 of the Immigration Act 2009 applies; or
 - a person obliged, by or pursuant to that Act, to leave New Zealand immediately or within a specified time, being a time that was less than 12 months; or
 - deemed for the purposes of that Act to be in New Zealand unlawfully.

No person who has been appointed returning officer for an election of trustees is eligible to be nominated as a candidate in the election.

A student representative is a student (other than an adult student) enrolled full-time in year 9 or above at a school administered by the Board.

Section 103B Requirements before Appointment

Before a person is elected, co-opted, or appointed as a trustee, the person must confirm to the governing board that he or she is, to the best of his or her knowledge, eligible to be a trustee, having regard to the grounds of ineligibility in section 103.

Please note: This information has been prepared as general advice and it is not intended to be legal advice in relation to any specific circumstances.

**For more information about persons ineligible to be trustees,
refer to section 103 of the Education Act 1989, or call:**

NZSTA Advisory and Support Centre 0800 782 435