Education Report: Request to approve Commissioner for Mauriceville School (2911) to delegate powers under schedule 6 clause 17(1)(d) of the Education Act 1989

To: Hon Chris Hipkins, Minister of Education

Date: 11 September 2019

Priority: High

Security Level: In Confidence

METIS No: 1204588

Drifter: Kelly McMurlie

DDI: s 9(2)(a)

Key Contact: Mandy Bird, Manager Education, Wellington

DDI: s 9(2)(a)

Messaging seen by Communications team: No

Round Robin: No

Purpose of Report

This report requests that you

approve Peter Pointon to act for the Commissioner for Mauriceville School Board of Trustees under sections 15 and 17 of the Education Act 1989 if necessary;

sign the attached letter to the Commissioner notifying her of your decision.

Summary

1. This report asks that you grant approval under schedule 6 clause 17(1)(d) of the Education Act 1989 (the Act) for Elizabeth Millar, Commissioner for Mauriceville School Board of Trustees to delegate her powers under sections 15 and 17 of the Act to Peter Pointon if necessary.
Recommended Actions

The Ministry of Education recommends you:

a. **note** that under schedule 6 clause 17(1)(d) you have the power to approve the delegates of any functions or powers of a Commissioner;

   Noted

b. **approve** Peter Pointon as the delegate for the Commissioner for Mauriceville School in relation to sections 15 and 17 of the Act.

   Agree / Disagree

c. **Proactively release / Not release**

   Release / Not release

Katrina Casey  
Deputy Secretary  
Sector Enablement and Support  
11.9.2019

Hon Chris Hipkins  
Minister of Education

17.9.19
Background

Mauriceville School (2911) is a decile 1, state, co-educational, school situated in Mauriceville, in the Wairarapa electorate.

On 9 July 2018, the Minister of Education’s delegate agreed to dissolve the Mauriceville School Board of Trustees and directed the appointment of a Commissioner because of risks to the operation of the school. The dissolution took effect on 16 July 2018 and Elizabeth Millar was appointed as Commissioner.

Under schedule 6 clause 17(1) of the Act a board may delegate any of its functions or powers to a limited number of specified people or groups, for example to the principal. However, where the board membership has been replaced by a commissioner under section 78N of the Act, schedule 6 clause 17(1)(d) allows for a commissioner to delegate any functions or powers to ‘any other person or persons approved by the Minister’.

Schedule 6 clause 17(1)(d) of the Act is infrequently applied because usually a board is in place that can choose to delegate its functions or powers.

Requirements regarding suspensions

Section 15 of the Act refers to a board’s powers when a student younger than 16 has been suspended whereas section 17 of the Act refers to a board’s powers when a student 16 years or older has been suspended.

A suspension ceases to have effect if the board does not meet by the close of the seventh school day or, if the suspension occurs within seven school days before the end of the term, the close of the tenth calendar day after the day of suspension.

In the case of suspension meetings a commissioner is unable to delegate to the principal. This is because a principal has a completely different role from a commissioner, who independently reviews the principal’s decision to suspend.

Request received to delegate a commissioner’s powers

Elizabeth Millar informed the Ministry of Education on 4 September 2019 that she will be out of town and will not be able to attend suspension meetings between 4 September 2019 and 18 October 2019 and requested the approval to delegate her powers under sections 15 and 17 of the Act to Peter Pointon.

Peter Pointon is Wellington-based and has previous experience as a commissioner. Peter has a good understanding of sections 15 and 17 of the Act and experience in working through the suspension process.

We recommend that you agree to the delegation of the Commissioner’s powers, under schedule 6 clause 17(1)(d).

Risks

There are no risks associated with your approval of this delegation.
We recommend that you agree that this Education Report is proactively released as part of the next publication.

If you agree, this Education Report will be proactively released as per your expectation that information be released as soon as possible. We will withhold any information which may need to be withheld in line with the provisions of the Official Information Act 1982.
Elizabeth Millar
Commissioner

Dear Elizabeth,

I have reviewed your request that I approve a delegate to act in your role as the Commissioner for Mauriceville School (2911), under sections 15 and 17 of the Education Act 1989, when you are unable to attend a suspension meeting within the timeframe required.

I approve your delegation of your responsibilities under sections 15 and 17 of the Act to Peter Pointon as necessary.

Yours sincerely,

Chris Hipkins
Minister of Education

cc:  Director of Education for Wellington, Ministry of Education
     Peter Pointon