

TEACHING COUNCIL

NEW ZEALAND | Matatū Aotearoa

Summary of consultation on election rules

15 November 2018

BACKGROUND

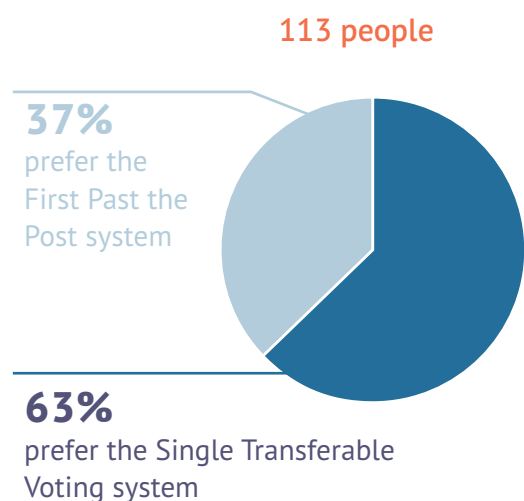
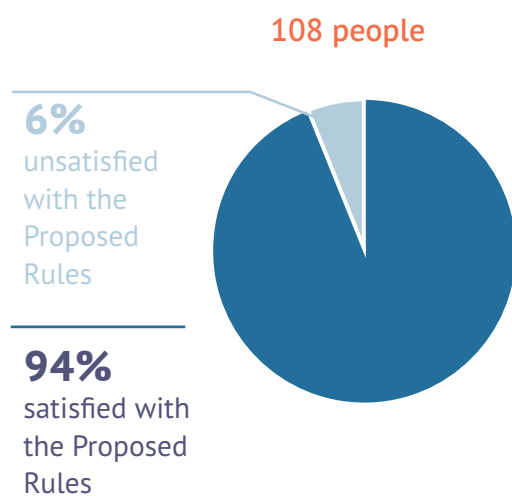
The Education (Teaching Council of Aotearoa New Zealand) Amendment Act 2018, which became law on 29 September 2018, renamed the Education Council the Teaching Council of Aotearoa New Zealand (Teaching Council).

It also set up a new structure for the Council, with seven board members elected by the education sector and six appointed by the Minister. The first elections are due to take place in March 2019.

From 15-29 October 2018 we consulted with the education sector about new election rules, which were required for the new structure. A consultation document was posted on the Teaching Council website, along with the draft rules and an online survey asking respondents for their views on various aspects of the rules.

Respondents were also asked to state which sector and role they work in. The consultation was promoted on the Council's website, via social media, and through direct communications with unions and other key stakeholder groups. Respondents who wished to make further comments, or provide written submissions, were invited to email the Teaching Council.

RESULTS



115 submissions

45% Secondary

32% Primary

13% Early Childhood Education

6% Other

3% Tertiary

Online Survey

We received 115 online survey responses. In general, the responses were in favour of the rules as drafted. Key results were:

- 94% were satisfied with the proposed rules
- 63% preferred single transferable vote to first-past-the-post as an election system
- 60% percent agreed electronic voting should be the default, with postal voting to reach 'electronically uncontactable persons'.

Survey respondents approved by a significant margin (70% or more) of the draft rules relating to the following areas:

- Eligibility factors for returning officer
- Requirements for elector declarations
- Eligibility factors for candidates and nominees
- Integrity of election process
- Process for filling extraordinary vacancies

There was less agreement on candidate profile statements (see below).

Written submissions

We also received four written submissions from education sector organisations, and one from an individual. Again, they were in general agreement with the draft rules, though they raised several points as discussed below.



Points raised and responses

1. Candidate profile statements (Rule 17)

The draft rules provided for candidate profile statements of up to 150 words in English or Māori, with a further 150 words allowed for translation into the other language. A small majority of survey respondents (54%) felt that 150 words was sufficient; most of those who disagreed thought the limit should be 500 words. However, a slight majority (again 54%) disagreed with the draft rule that translations of statements into languages other than English and Māori should be included in the word limit.

One organisation's submission suggested the limit should be 300 words. An individual written submission suggested that more than 150 words should be allowed for Māori translations, as these are sometimes longer than their English equivalents.

Response

Rule 17(3)(c) was amended to remove the word limit for Māori translations of candidate profile statements.

We did not increase the word limit for candidate statements. 150 words is the limit used in local body elections, as it is regarded as the optimal length for maintaining elector interest.

Similarly, we did not allow extra words for translations into languages other than English and Māori, which are the official languages of New Zealand and of the curriculum. This again aligns with practice in local body elections.

2. Withdrawal of nomination if candidate becomes ineligible (rule 19)

If the returning officer intends to withdraw a candidate who becomes ineligible, the draft rules allowed the candidate at least five working days to respond. This is consistent with the principle of natural justice that the person affected should be given a reasonable opportunity to respond before the decision to withdraw the candidate is confirmed.

One organisation's submission noted that this could cause problems if the withdrawal happened within five working days of the start of the election.

Given technology and the ability to communicate with candidates electronically, the minimum time for response could be reduced.

Response

To ensure that the rules of natural justice are applied when a returning officer intends to withdraw a candidate, we retained the right to respond under rule 19(3). However, the rule was amended to reduce the minimum time for response from five to three working days.

3. Entitlement to vote and preparation of rolls (Part 3)

One written submission considered there was inconsistency between Rule 9(4) and 9(6) and Rule 7(2) about who is entitled to vote.

Response

No change to the rules was considered necessary, as rules 7(2) and 9(4) address who is on the roll of teachers and Limited Authority to Teach (LAT) holders who can potentially vote. Rule 9(6) specifies the requirements to vote in particular sectors. The two rules address different concepts and so are not inconsistent.



4. Publication of electoral roll (Rule 9)

One written submission raised privacy concerns about rule 9(8) requiring the electoral roll to be made available for inspection on the Teaching Council's website.

Response

No change to the rules was considered necessary, as no information will be available on the electoral roll which is not publicly available on the Teaching Council register.

FINAL RULES

The Teaching Council of Aotearoa New Zealand Election Rules 2018 were gazetted on 15 November 2018 and came into force the following day. They can be read [here](#).

