

Eligibility Attestation Form

The Ministry of Education and the School Trustees Association advise that as a result of the Crown Entities Act (21 December 2004) changes are required to the grounds that define when a person is ineligible to be a trustee. Before anyone is elected, co-opted, or appointed as a school trustee, they are now required to confirm that, to the best of their knowledge, they are eligible to be a trustee. This means that they will have to confirm that they are not ineligible on any of the grounds specified in sections 103 and 103A of the Education Act 1989.

Confirmation of eligibility should be given by completing and signing the approved **Eligibility Attestation form** below, which requires prospective trustees to declare that they have read and understood the trustee ineligibility criteria (included on the reverse of this page).

Application for consideration for 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, appointed or co-opted as trustees. The list is set out below.

A person who:

- is mentally disordered (within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992); or
- 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 7 of the Immigration Act 1987 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 Helpdesk 0800 782 435