

# People who are not eligible to be school board members

The following people are not eligible to be school board members.

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, an incorporated or unincorporated body under the [Companies Act 1993](#), or the [Financial Markets Conduct Act 2013](#), or the [Takeovers 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 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
- has been convicted of a specified offence identified in [Schedule 2](#) of the Children's Act 2014, unless that person has obtained a pardon or been granted an exemption; 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.

A returning officer for an election (or by elections) of board members is not eligible to be nominated as a candidate in that election.

For more information:

- see clauses 9 and 10 of [Schedule 23](#) of the Education and Training Act 2020 (the list above is a summary of these clauses).
- call NZSBA Advisory and Support Centre 0800 782 435, option 1.