

Education (Teaching Council of Aotearoa) Amendment Bill

Member's Bill

Explanatory note

General policy statement

The Education (Teaching Council of Aotearoa New Zealand) Amendment Bill (the **Bill**) amends the Education Act 1989.

The purpose of the Teaching Council (the **Council**) is to ensure safe and high quality leadership, teaching, and learning for children and young people in early childhood, primary, secondary, and senior secondary schooling in English medium and Māori medium settings through raising the status of the profession.

It stands to reason, therefore, that the governance of the council should be directly elected by, and representative of, the teaching profession as well as appointed lay representatives, and that its name should reflect the central role teaching plays in quality education.

The teaching profession has less control of its affairs than most professions.

For example, the current Council provisions contrast with how members are chosen for the Nursing Council. In 2009, the-then Health Minister Tony Ryall led the modification of that appointment system to enable nurses to elect members of the council.

The rationale for that move was that it was an important step toward giving nurses greater say in decisions affecting scopes of practice, competence and safety.

The Education Act 1989 currently provides that the new Council comprises 9 members. The Minister of Education appoints all 9 members. There are no elections.

This Bill retains an independent statutory basis for the Council, but its governing body is a mix of teacher members elected directly by the teaching profession and lay representatives appointed by the Minister of Education.

It is possible under the current Act that 4 of 9 Council members are non-teachers. “At least 5 of the members must be registered under section 353 and hold a practising cer-

tificate under section 361”- Schedule 21, clause 1(1) and (2). This Bill proposes that teachers should be in a majority in the leadership of their own professional body.

Teachers expect that membership of the Council should include appointments in the public interest, but it is only logical to build teachers’ ownership of the organisation required to promote and monitor the standards of their profession by ensuring they have a direct vote on some Council members.

The teaching profession supports greater legal independence for the Council, but it cannot, and will not, be perceived to be independent of Government as long as all of its governance body members are directly appointed by the Minister.

This Bill proposes that the membership of the Council be increased to 13, to include a senior ECE leader and a teacher educator and 5 other qualified and registered teachers/teacher leaders. Ministerial appointment fills the 6 other member positions.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause and provides that the Bill will come into force on the day after the date on which it receives the Royal assent.

Clause 3 states that the Bill amends the Education Act 1989 (the **principal Act**).

Clause 4 amends section 348, which is an interpretation provision, so that the many references throughout the Act to the Education Council will be read instead as references to its new name, the Teaching Council.

Clause 5 replaces section 380 to allow for the Minister to appoint 6 members of the Council and for the teaching profession to elect a further 7 members.

Clause 6 amends schedule 21, by updating the Schedule 21 heading to reflect the new name for the Council, replacing clause 1 (which relates to Ministerial appointments of Council members under section 380 (as amended by *clause 5*)) with the clause 1 set out in the Schedule to the Bill, and making a consequential amendment to clause 3(1).

Chris Hipkins

Education (Teaching Council of Aotearoa) Amendment Bill

Member's Bill

Contents

	Page
1 Title	1
2 Commencement	1
3 Principal Act	1
4 Section 348 amended (Interpretation)	2
5 Section 380 replaced (Composition of Education Council)	2
380 Composition of Teaching Council	2
6 Schedule 21 amended	3
	Schedule
	4
	Clause 1 of Schedule 21 replaced

The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Education (Teaching Council of Aotearoa) Amendment Act **2017**.
- 2 Commencement** 5
This Act comes into force on the day after the date on which it receives the Royal assent.
- 3 Principal Act**
This Act amends the Education Act 1989 (the **principal Act**).

4 Section 348 amended (Interpretation)

(1) In section 348, replace the definition of **Education Council** with:

Education Council means the Teaching Council established under Part 32; and every reference in this Act or any other enactment to the **Education Council** or the Education Council of Aotearoa New Zealand must be read as a reference to the Teaching Council 5

(2) In section 348, insert in its appropriate alphabetical order:

Teaching Council means the Teaching Council of Aotearoa established under Part 32

5 Section 380 replaced (Composition of Education Council)

10

Replace section 380 with:

380 Composition of Teaching Council

(1) The Teaching Council comprises 13 members as follows:

(a) 6 members appointed by the Minister in accordance with clause 1 of schedule 21: 15

(b) 7 elected members (each of whom must be a registered teacher holding a current practising certificate), being—

(i) 1 teacher representing the early childhood sector, elected by teachers from the sector; and

(ii) 1 teacher representing the primary sector, elected by teachers from that sector; and 20

(iii) 1 teacher representing the secondary sector, elected by teachers from that sector; and

(iv) 1 teacher educator, elected by registered teachers working in the fields of initial and ongoing teacher education; and 25

(v) 1 principal representing the primary sector, elected by principals from that sector; and

(vi) 1 principal representing the secondary sector, elected by principals from that sector; and

(vii) 1 head teacher, senior teacher, or supervisor, representing leadership in the ECE sector, elected by leaders from that sector. 30

(2) The Minister must appoint one of the members appointed or elected under this section as chairperson.

(3) The elected members of the Teaching Council must be elected in accordance with rules made under section 388 by registered teachers who each hold a current practising certificate. 35

(4) The first elections for the elected members must be held as soon as practicable after the commencement of this section but, until the date on which the elected

members take office following these elections, the Education Council remains in place.

- (5) In order to provide for the staggered turnover of members, the Minister may specify, when appointing members to hold office when this section comes into force, which members are to hold office for 3 years (which is the standard term of office specified in **subsection (7)**), and which are to hold office for 18 months. 5
- (6) An elected member becomes a member of the Teaching Council on the date fixed by the Teaching Council as the date on which elected members take office. 10
- (7) The term of office of every elected member is 3 years.
- (8) Despite **subsection (7)**, every elected member continues in office until his or her successor comes into office.

6 Schedule 21 amended

- (1) In the Schedule 21 heading, replace “**Education**” with “**Teaching**”. 15
- (2) In Schedule 21, replace clause 1 with the clause 1 set out in the Schedule of this Act.
- (3) In Schedule 21, clause 3(1), after “Council”, insert “that the Minister has appointed under **section 380(1)(a)**”.

Schedule
Clause 1 of Schedule 21 replaced

s 6

1	Ministerial appointment as member	
(1)	The members of the Teaching Council appointed by the Minister must be persons nominated after notification of the Teaching Council vacancy in the <i>Gazette</i> and the consultation by the Minister undertaken in accordance with subclause (3) .	5
(2)	A <i>Gazette</i> notice made under subclause (1) must specify the appointment process and must list the criteria for appointment specified in subclauses (3) and (4) .	10
(3)	At least one of the members appointed by the Minister must be appointed after consultation by the Minister with such representatives of parent and community interest groups in relation to schools and ECE services as the Minister thinks fit.	15
(4)	In appointing a member of the Teaching Council, the Minister must—	
(a)	take into account each candidate’s ability to carry out the duties of a member of the Teaching Council and represent the public interest; and	
(b)	have regard to the collective skills, experience, and knowledge making up the overall composition of the Teaching Council, including (but not limited to) the candidate’s knowledge and experience in any of the following areas:	20
	(i) education:	
	(ii) governance:	
	(iii) leadership experience and skills:	25
	(iv) financial skills:	
	(v) understanding of the partnership principles of the Treaty of Waitangi.	