

Regulatory Systems (Education) Amendment Bill

Government Bill

As reported from the committee of the whole House

Key to symbols used in reprinted bill

As reported from the committee of the whole House

text inserted

~~text deleted~~

Hon Erica Stanford

Regulatory Systems (Education) Amendment Bill

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Amendments to Health and Safety at Work (General Risk and Workplace Management) Regulations 2016

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Schedule 2A of Flags, Emblems, and Names Protection Act 1981 amended

Schedule 2 10

New Part 2 inserted into Schedule 1 of Pacific Education Foundation Act 1972

Schedule 3 11

New Schedule 2 inserted into Pacific Education Foundation Act 1972

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Regulatory Systems (Education) Amendment Act **2023**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent. 5

Part 1

Amendments to Ngarimu VC and 28th (Māori) Battalion Memorial Scholarship Fund Act 1945

3 Principal Act

This Part amends the Ngarimu VC and 28th (Māori) Battalion Memorial Scholarship Fund Act 1945. 5

4 Section 4 amended (Establishment of Board to administer Fund)

(1) After section 4(2)(g), insert:

(h) 1 Māori who has served or is currently serving in the Armed Forces to be appointed by the Governor-General. 10

(2) After section 4(3), insert:

(3A) The Board is the successor to the 28th Māori Battalion (NZ) Association Incorporated.

(3) After section 4(4), insert:

(5) In this section, **Armed Forces** has the same meaning as in section 2(1) of the Defence Act 1990. 15

5 Section 7 amended (Functions of Board)

Replace section 7(1) with:

(1) The general functions of the Board are—

- (a) to administer the Fund in accordance with the provisions of this Act for the purpose of granting assistance for the education of any Māori, or for the purpose of promoting the study and encouraging the maintenance of the Māori language and of Māori history, tradition, and culture; and 20
- (b) to perform or exercise any other function, duty, or power conferred on it by or under other legislation. 25

(1A) *See* section 18A(3)(b)(iv) of the Flags, Emblems, and Names Protection Act 1981, which sets out the function of the Board to approve persons, classes of persons, or associations who may use any emblem, words, name, title, style, or designation relating to the 28th Māori Battalion or the 28th Maori Battalion (NZ) Association Incorporated. 30

Consequential amendment to Flags, Emblems, and Names Protection Act 1981

6 Principal Act

Section 7 amends the Flags, Emblems, and Names Protection Act 1981.

7 Schedule 2A amended

(1) In Schedule 2A, after “**Emblems of**”, insert “**28th Māori Battalion and**”. 35

- (2) In Schedule 2A, before the first emblem, insert the emblem set out in **Schedule 1** of this Act.

Part 2

Amendments to Pacific Education Foundation Act 1972

- 8 Principal Act** 5
This Part amends the Pacific Education Foundation Act 1972.
- 9 Section 2 amended (Interpretation)**
- (1) ~~In section 2, repeal the definition of **Pacific person**.~~
- (1) In section 2, replace the definition of **Pacific person** with:
- Pacific person** means a person who is living in New Zealand and who— 10
- (a) is a New Zealand citizen or has been granted permanent residence or has been permitted to enter New Zealand with the intention of gaining permanent residence; and
- (b) has indigenous Pacific cultural heritage from a place listed in **Schedule 2** 15
- (2) In section 2, insert in their appropriate alphabetical order:
- ~~**Aotearoa Pacific person** means a person who is living in New Zealand and who—~~
- (a) ~~is a New Zealand citizen or has been granted permanent residence or has been permitted to enter New Zealand with the intention of gaining permanent residence; and~~ 20
- (b) ~~has indigenous Pacific cultural heritage from a place listed in **Schedule 2**~~
- Ministry** means the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act 25
- other education agencies** means the following agencies:
- (a) the Education Review Office:
- (b) NZQA:
- (c) TEC:
- (d) the Teaching Council: 30
- (e) the Ministry for Pacific Peoples
- Treaty of Friendship** means the Treaty of Friendship between the Government of New Zealand and the Government of Western Samoa done at Apia on 1 August 1962
- (3) In section 2, insert as subsection (2): 35

- (2) In this Act, **NZQA**, **TEC**, and **Teaching Council** have the same meanings as in section 10(1) of the Education and Training Act 2020.

10 Section 4 amended (Foundation established)

After section 4(3), insert:

- (4) In establishing and continuing the Foundation, this Act recognises the Crown's unique relationship with the Cook Islands, Niue, and Tokelau and, through the Treaty of Friendship, with Samoa. 5

11 Section 5 replaced (Purpose of Foundation)

Replace section 5 with:

5 Purpose of Foundation 10

The general purpose of the Foundation is to promote and encourage the better education of ~~Aotearoa~~ Pacific people by—

- (a) providing information and advice to the Minister, the Ministry, and other education agencies on matters relating to the educational success of ~~Aotearoa~~ Pacific people; and 15
- (b) providing financial assistance for that purpose, including the administration and award of Tūlī Takes Flight scholarships that are part of the goodwill gesture of reconciliation that accompanied the New Zealand Government's apology to Pacific families and communities impacted by the Dawn Raids. 20

12 Section 8 amended (Constitution of Board)

- (1) Repeal section 8(2)(c).
- (2) In section 8(2)(d), replace “5” with “6”.
- (3) After section 8(2), insert:
- (2A) A member appointed under subsection (2)(d) must be resident in New Zealand during their term of office. 25
- (4) Repeal section 8(4).
- (5) Replace section 8(5)(a) and (b) with:
- (a) holds office for a term of up to 4 years; and
- (b) may be reappointed; and 30

13 Section 8A replaced (Board to elect chairperson and deputy chairperson)

Replace section 8A with:

8A Chairperson and deputy chairperson

The Minister and the Minister for Pacific Peoples, acting jointly, may appoint— 35

<ul style="list-style-type: none"> (a) 1 member to be chairperson of the Board; and (b) 1 member to be deputy chairperson of the Board. 	
8B Letter of expectations	
The Minister and the Minister for Pacific Peoples, acting jointly, may provide a letter of expectations to the Board that sets out the Ministers' expectations regarding the Foundation's strategic direction and specific priorities, and that may require the Board to have regard to specific education policies in its advice to the Minister, the Ministry, and other education agencies.	5
14 Section 10 amended (Meetings of Board)	
Replace section 10(1) with:	10
(1) Meetings of the Board must be held at least 3 times a year at the times and places that the Board determines.	
15 Section 24 amended (Authorised expenditure)	
(1) In section 24, replace "Pacific" with "Aotearoa Pacific" in each place:	
(2) Replace section 24(1)(r) with:	15
(r) the making of a payment (or payments) not exceeding \$10,000 in any 1 financial year for any purposes not otherwise specified in this section or another provision of this Act.	
16 Section 30 replaced (Annual report)	
Replace section 30 with:	20
30 Annual report	
(1) The Board must, no later than 31 December in each year, provide the Minister and the Minister for Pacific Peoples with an annual report on its operations and proceedings during the previous financial year, together with a copy of the financial statements of the Foundation for that year and an audit report on those statements.	25
(2) The annual report must include information about the advice the Foundation has provided to, or interactions the Foundation has had with, the Ministry and other education agencies in that financial year.	
(3) The Minister must present a copy of the annual report and the financial statements (along with the audit report) to the House of Representatives as soon as practicable after receiving them.	30
17 New section 35 inserted (Amendments to Schedule 2 by Order in Council)	
After section 34, insert:	35

35	Amendments to Schedule 2 by Order in Council	
(1)	The Governor-General may, by Order in Council made on the recommendation of the Minister, amend Schedule 2 to—	
	(a) add the name of a place to the schedule:	
	(b) delete the name of a place listed in the schedule:	5
	(c) update or correct the name of a place listed in the schedule to reflect the official name of the place.	
(1A)	Before making a recommendation under subsection (1)(a) or (b) , the Minister must take into account the following matters:	
	(a) the location of the place:	10
	(b) the number of people estimated to be living in New Zealand that have indigenous Pacific cultural heritage from the place:	
	(c) the results of any consultation with the people described in paragraph (b) :	
	(d) any other matters that the Minister considers relevant to determining whether the place is a place of indigenous Pacific cultural heritage.	15
(2)	An order made under this section is secondary legislation (<i>see</i> Part 3 of the Legislation Act 2019 for publication requirements).	
18	Schedule 1 amended	
(1)	In Schedule 1, clause 1, replace “schedule” with “Part”.	20
(2)	In Schedule 1,—	
	(a) insert the Part set out in Schedule 2 of this Act as the last Part; and	
	(b) make all necessary consequential amendments.	
19	New Schedule 2 inserted	
	After Schedule 1, insert the Schedule 2 set out in Schedule 3 of this Act.	25

Part 3

Amendments to secondary legislation

Amendment to Children’s (Requirements for Safety Checks of Children’s Workers) Regulations 2015

20	Principal regulations	30
	Section 21 amends the Children’s (Requirements for Safety Checks of Children’s Workers) Regulations 2015.	

21 Schedule amended

In the Schedule, Part 2, replace “18+ card” with ““Kiwi Access card (18+ card)””.

Amendments to Health and Safety at Work (General Risk and Workplace Management) Regulations 2016 5

22 Principal regulations

Section 23 amends the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016.

23 Regulation 51 amended (Duty to ensure Police vet obtained before worker has unsupervised access to children) 10

(1) In the heading to regulation 51, replace “**has unsupervised access to children**” with “**begins work at centre**”.

(2) Replace regulation 51(1) with:

(1) A PCBU who is required to obtain a Police vet of a person under regulation 50 must— 15

(a) obtain the Police vet before the person begins working at the limited-attendance child-care centre; and

(b) consider the information contained in the Police vet to assess whether the person would pose a risk to the safety of children if they were to carry out work at the centre during normal opening hours. 20

Schedule 1
Schedule 2A of Flags, Emblems, and Names Protection Act 1981
amended

s 7



Schedule 2
New Part 2 inserted into Schedule 1 of Pacific Education Foundation
Act 1972

s 18

Part 2	5
Provisions relating to Regulatory Systems (Education) Amendment Act 2023	
4 Interpretation	
In this Part,—	
amendment Act means the Regulatory Systems (Education) Amendment Act 2023	10
commencement means the date on which the amendment Act comes into force.	
5 Transitional provision for Board members holding office under section 8(2)(d) before commencement	15
(1) This clause applies to a Board member holding office under section 8(2)(d) immediately before commencement.	
(2) Despite section 12 of the amendment Act,—	
(a) the Board member continues in office on and after commencement but only for the remainder of the term for which they were appointed under section 8(5)(a) (as it read immediately before commencement); and	20
(b) nothing in section 8(2A) (as inserted by the amendment Act) applies to the Board member during the remainder of that term.	

Schedule 3
New Schedule 2 inserted into Pacific Education Foundation Act 1972

s 19

Schedule 2		
Places of indigenous Pacific cultural heritage		5
		ss 2(1), 35
American Samoa		
Cook Islands		
Federated States of Micronesia		
Fiji		10
French Polynesia		
Hawaii		
Kiribati		
Nauru		
Niue		15
Papua New Guinea		
Pitcairn Island		
Rabi		
Rotuma		
Samoa		20
Solomon Islands		
Tokelau		
Tonga		
Tuvalu		
Vanuatu		25
Wallis and Futuna		

Regulatory Systems (Education) Amendment Bill

Legislative history

23 March 2023	Introduction (Bill 240–1)
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