

# Hon Chris Hipkins

MP for Remutaka

Minister for COVID-19 Response

Minister of Education

Minister for the Public Service

Leader of the House



Presented to the House of Representatives in accordance with Standing Order 272 J.17

## **Legislative Statement – Education and Training Amendment Bill No 2 – Second Reading**

This legislative statement supports the second reading of the Education and Training Amendment Bill No 2.

The purpose of the Bill is to amend the Education and Training Act 2020 (the Act) to give effect to a number of new policy decisions and make other minor and technical changes.

The Bill amends the Act so that:

- the Police vetting provisions in the Act better align with safety checking requirements of the Children’s Act 2014, so that a Police vet must be obtained for non-teaching and unregistered employees at early childhood services and schools before they commence employment
- Teaching Council disciplinary processes are strengthened and streamlined, in particular, by raising the threshold for mandatory referral of complaints from the Complaints Assessment Committee to the Disciplinary Tribunal
- there is greater flexibility for Government to regulate compulsory student services fees charged by tertiary education providers
- National Student Numbers (NSNs) can be used by agencies when there is funding to support work-based training
- NSNs can be assigned to students studying for NCEA in overseas jurisdictions with which New Zealand has entered into an arrangement for the teaching and assessment of NCEA standards, and schools in those jurisdictions can be specified users of NSNs
- the New Zealand Qualifications Authority can exercise discretion about whether to cancel the registration of a private training establishment in relation to immigration breaches
- qualifications and other credentials are simplified
- the Education Review Office’s (ERO) mandate is expanded to enable it to review professional learning and development
- learner wellbeing and safety, and disputes resolution scheme arrangements, for international and tertiary students are enhanced.

The Bill also makes other minor and technical amendments.

### *Supplementary Order Paper No 118*

Supplementary Order Paper (SOP) No 118 was introduced alongside the Bill. SOP No 118 amends the Act provisions on network management for early childhood (ECE) education services. The Act currently sets out the process that anyone wanting to operate a new licensed early childhood must follow. Applicants must first obtain network management approval from the Minister of Education before they can apply to the Secretary for Education for a licence. These provisions are due to come into force on 1 August 2022.

The SOP makes the following key changes to:

- enable the Minister to issue national and regional statements that outline the Government's priorities and provide data on current and forecast supply and demand for ECE services
- clarify that the Minister's assessment of the relevant attributes of the area to be served, the needs of the children in the area, and the availability of other services only needs to be at a high level
- shift the initial administrative assessment of the applicant's suitability as an ECE service provider from the Minister of Education to the Secretary for Education, and provide for a right of appeal
- introduce provisions to provide transparency about the process, such as imposing conditions of approval and specifying when extensions to conditions or approval would be considered
- strengthen the fit and proper assessment made by the Secretary for Education and introduce a new assessment by the Minister of Education of the applicant's capability to establish and provide the proposed service
- provide for transitional provisions and consequential amendments to the Education (Early Childhood Services) Regulations 2008.

The Education and Workforce Committee made several recommendations for changes to the Bill (yet to be adopted by the House).

The Committee recommended that the Bill is amended to:

- close a minor loophole in the Act that allows registered but non-practising teachers to avoid the requirement for a Police Vet
- clarify that the Teaching Council has discretion to prosecute breaches as it considers appropriate
- retain an existing provision for the Complaints Assessment Committee to come to an agreement on a sanction with the teacher who is the subject of the complaint
- confirm that the minor amendment to section 504 commences when the new legislation comes into force
- require the code of practice administrator to make all reasonable efforts to notify affected persons and their representatives of any changes made to a code
- specify the codes to be covered by the Disputes Resolution Scheme

- ensure that the new information sharing provisions for the Disputes Resolution Scheme do not preclude the sharing of information as authorised by the Information Privacy Principles 11 and 12 in the Privacy Act 2020
- insert transitional provisions to specify the Disputes Resolution Scheme can consider contractual and financial disputes for domestic tertiary students that occurred on or after 1 January 2022; and alleged breaches of a code issued under section 534 occurring on or after commencement of the Bill.

The Committee also recommended SOP No 118, with the following amendments, be incorporated in the Bill so that:

- The commencement date of the ECE network management provisions of the Act (sections 17 to 18C) be changed from 1 August 2022 to 1 February 2023
- The Minister of Education is required to notify an applicant of any proposed new conditions, or any proposed changes to existing conditions, on an approval to apply for a licence, and to take their response into account before a change is made
- Kōhanga reo chartered to the Te Kōhanga Reo National Trust will be excluded from the requirement to obtain Ministerial approval to apply for a licence.

### ***Further changes***

The Minister of Education has signalled to the Education and Workforce Committee that the government is considering further changes to the Bill.

These are potential changes to:

- exclude other types of Māori immersion services from the requirement to obtain Ministerial approval to apply for a license – the Ministry of Education has been consulting with Ngā Puna Reo o Aotearoa (formerly Te Kāhui o Ngā Puna Reo). This follows the government’s decision to exclude kōhanga reo from the network management provisions.
- the two-year network approval timeframe, with an associated power to require applicants to meet milestones throughout that period.

The Minister of Education has signalled that any changes to the Bill to resulting from the above decisions will be proposed at the Committee of the whole House stage.