

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

Legislative Statement – the Education and Training Amendment Bill (No. 3): First Reading

The Education and Training Amendment Bill (No. 3) contains both new policies and minor and technical amendments to existing provisions in the Education and Training Act 2020 (the Act). These changes progress the education work programme and contribute to the continuous improvement of the education sector.

Establish a governance framework for wānanga

The Bill amends the Act to:

- establish a framework that better recognises the mana and rangatiratanga of wānanga, and the unique role the wānanga play in the tertiary education system. The Bill does this by enabling existing wānanga by Order in Council to either:
 - reconstitute themselves as a Crown Entity Wānanga, with bespoke purpose, functions and governance arrangements; or
 - convert to a non-Crown Entity Wānanga (that is primarily accountable to iwi, hapū or another Māori organisation while retaining some accountability to the Crown, and with bespoke purpose, functions and governance arrangements);
- clearly articulate the characteristics that define Wānanga collectively;
- set out the Wānanga disestablishment provisions;
- provide for new accountability and monitoring arrangements for non-Crown Entity Wānanga;
- provide for appropriate transition arrangements;

Changes to school board ineligibility criteria

The Bill amends the Act to:

- supplement the current school board ineligibility criteria with the standards set out for core children's workers in the Children's Act 2014. The bill ensures that those convicted of a specified offence listed in Schedule 2 of that Children's Act 2014 are ineligible to serve on a school board unless an exemption has been approved by the Secretary for Education. To grant an exemption, the Secretary for Education has to be satisfied that the person would not pose an undue risk to the safety of children;
- enable the Secretary for Education to conduct audits on school board members to determine whether they meet eligibility requirements;
- require board members to permit the Secretary to obtain any relevant information to enable the Secretary to conduct the audit. A refusal to provide permission for the Secretary to obtain the relevant information for such a check would result in the board member's removal from office;

Changes to school board election processes

The Bill amends the Act to:

- move the timing of mid-term elections from March 2024 back to their usual timing in November 2023, to support efficient election processes;
- update the criteria for co-opting board members to reflect today's school communities, by adding the genders, sexualities and sexes of the school's students and of the school community, and disabled students at the school and the school's disability community to the co-option criteria;
- remove the requirement that prevents schools from filling a student representative position if one is not elected at the annual elections. This ensures that schools do not have to wait until the next election to fill the vacancy;

Other changes to the Act

The Bill also amends the Act to:

- permit the Ministry of Education to access early childhood education (ECE) data from Statistic NZ's integrated data infrastructure to develop an Equity Index based on accurate socio-economic information. This addresses an issue where the Data and Statistics Act 2022 restricts the Ministry from disclosing data related to private organisations such as ECE services. This information is required to implement the new equity index for ECE services;
- restore the status of Kura Kaupapa Māori under the Act and to ensure consistency with other provisions in the Act. Kura Kaupapa Māori have been established as designated character schools under the Act since 2017, prior to which they were a distinct type of state school with separate establishment provisions;
- ensure employers of licenced early childhood services and schools assess Police vets for non-teaching employees and contractors and assess any risk to the safety of children before employees begin work, and in the case of contractors, before they have unsupervised access to children;
- restrict the appointment of the chief executive for Te Aho o Te Kura Pounamu (Te Kura) to a term of up to five years, with the ability to reappoint for further terms.
- require university and wānanga annual reports to include information about employee, former employee, and vice chancellor remuneration of \$100,000 per annum and above;
- ensure that governing council members of Te Pūkenga – New Zealand Institute of Skills and Technology can remain in their positions until they are either reappointed or replaced;
- remove the requirement to prepare a separate annual report for the Export Education Levy;
- remove the requirement for tertiary education institutions (when not bound by any collective agreement) to consult with the Public Services Commissioner on the appointment of senior staff;

- broaden the regulation-making power in the Act to ensure the Minister is empowered within regulations to specify school opening hours. This addresses an issue where the regulation-making power in the Act is framed too narrowly to allow regulations to authorise the Minister to specify opening hours;
- update the definition of 'domestic student' so that holders of a residence class visa studying overseas are required to satisfy criteria in the Education (Tertiary Education—Criteria Permanent Residents Studying Overseas must Satisfy to be Domestic Students) Regulations 2016. This fixes an error where the definition of 'domestic student' in the Education Act 1989, which included the reference to regulations, was not carried forward into the Education and Training Act; and
- Make a number of minor and technical amendments.