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VOLUNTARY STUDENT MEMBERSHIP

ANALYSIS

Title	2. Object
Preamble	3. Voluntary membership of student associations
1. Short Title and commencement	

A BILL INTITULED

An Act to amend the Education Act 1989 and—

- 5 **(a) To protect the right to freedom of association affirmed in the New Zealand Bill of Rights Act 1990; and**
- (b) To affirm New Zealand's commitment to the right to freedom of association in the International Covenant on Civil and Political Rights**

WHEREAS—

- 10 A. New Zealand is a free and democratic society based on fundamental principles of freedom and equality;
- B. New Zealand in 1978 ratified the International Covenant on Civil and Political Rights which affirms the right to freedom of association;
- 15 C. The Parliament of New Zealand in 1990 enacted the New Zealand Bills of Rights Act 1990 which affirms the right to freedom of association;
- D. It is desirable to affirm the right to freedom of association and to ensure its recognition and observance in all
- 20 E. Section 229 of the Education Act 1989 is an unjustified limit on the right to freedom of association affirmed in the International Covenant on Civil and Political Rights and the New Zealand Bill of Rights Act 1990;
- 25 F. Most tertiary institutions have failed to adequately protect students' rights to freedom of association when exercising

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powers granted under section 229 of the Education Act 1989:

- G. Most student associations have repeatedly abused their monopoly in the funding and provision of student services under section 229 of the Education Act 1989: 5

BE IT THEREFORE ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Voluntary Student Membership Bill 1997, and is part of the Education Act 1989 (“the principal Act”). 10

(2) This Act comes into force on 1 January 1998.

2. Object—The object of this Act is to establish that—

(a) Students have the freedom to choose whether or not to associate with other students for the purpose of advancing students’ collective or individual interests: 15

(b) No person may, in relation to education issues, apply undue direct or indirect influence on any other person by reason of that other person’s association, or lack of association, with students.

3. Voluntary membership of student associations—The principal Act is amended by repealing section 229 (as inserted by section 38 of the Education Amendment Act 1990), and substituting the following section: 20

“229. (1) No person, including any tertiary institution or any association of students, may require any student or exert undue influence on any student— 25

“(a) To become or not to become a member of any association of students; or

“(b) To pay any money to any association of students, or to any other person in lieu of such fees. 30

“(2) No person, including any tertiary institution, may act in any way which conflicts with the spirit and intent of this section.”