

## HOUSE OF REPRESENTATIVES

## Supplementary Order Paper

Thursday, 10 June 1993

## EDUCATION REFORM BILL

*Proposed Amendments*

Hon. Dr LOCKWOOD SMITH, in Committee, to move the following amendments:

*Clause 6D:* To omit from proposed new section 127 (1) (a) of the principal Act the word "provisional".

*New clause 6H:* To insert, after clause 6G, the following clause:

**6H. Application of Public Finance Act 1989—**(1) The principal Act is hereby amended by repealing section 203 (as inserted by section 37 of the Education Amendment Act 1990, and amended by section 42 of the Public Finance Amendment Act 1992), and substituting the following section:

"203. (1) Every institution is a Crown entity for the purposes of the Public Finance Act 1989.

"(2) Section 41 of the Public Finance Act 1989 shall apply to every institution as if it is named in the Fifth Schedule to that Act; but shall have effect in relation to every institution subject to the following provisions:

"(a) Subject to paragraph (b) of this subsection, every reference in that section to a financial year shall be read as a reference to an academic year of the institution:

"(b) The reference in subsection (2) (e) of that section to classes of outputs to be produced during the financial year shall be read as a reference to classes of outputs to be produced during the academic year and the next 2 academic years:

"(c) The institution's Council shall submit to the Secretary, not later than such date as the Secretary directs,—

"(i) A copy of the statement of objectives required by subsection (2) (e) of that section to be included in the institution's annual financial statements; and

"(ii) A report describing the consultations with the institution's staff and students, and those with the communities the institution serves, that the Council undertook before it prepared the statement; and

"(iii) A list of the performance indicators that the Council thinks will enable it to prepare the statement of service performance required by subsection (2) (f) of that section to be included in the institution's annual financial statements."

(2) Section 163 of the principal Act (as inserted by section 36 of the Education Amendment Act 1990) is hereby amended by

omitting the words "Act shall", and substituting the words "Part of this Act shall".

(3) The Fourth Schedule to the Public Finance Act 1989 (as added by section 41 of the Public Finance Amendment Act 1992) is hereby consequentially amended by inserting, in its appropriate alphabetical order, the item "Institutions established under Part XIV of the Education Act 1989".

(4) The Public Finance Amendment Act 1992 is hereby consequentially amended by repealing so much of the Second Schedule as relates to section 203 of the principal Act.

*Clause 15:* To omit from proposed new *section 328* of the principal Act the words "(and, where the review officer is entering a dwellinghouse pursuant to a warrant issued under *section 327* of this Act, the warrant)".

*Clause 17:* To omit from line 15 on page 34 the expression "5", and substitute the expression "15".

*Clause 19:* To omit the words "(hereinafter referred to as the principal Act)".

*Clause 20:* To omit the words "principal Act", and substitute the words "Education Act 1964".

*New Parts VI and VII:* To insert, after *Part V*, the following Parts:

## PART VI

### ABOLITION OF MAORI EDUCATION FOUNDATION

**23. Interpretation**—In this Part of this Act, unless the context otherwise requires,—

"Appointed day" means the day appointed by the order made under *section 24 (1)* of this Act:

"Foundation" means the body corporate constituted by *section 4 (1)* of the Foundation Act:

"The Foundation Act" means the Maori Education Foundation Act 1961:

"Successor board" means the trust board recognised by the order made under *section 24 (1)* of this Act.

**24. Recognition of successor to Foundation**—(1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Education,—

(a) Recognise as the successor to the Foundation any trustees incorporated as a Board under Part II of the Charitable Trusts Act 1957; and

(b) Appoint a day for the purposes of *sections 25 to 28* of this Act.

(2) The Minister of Education shall not recommend the making of an order under *subsection (1)* of this section unless satisfied that the successor board's general purpose is, or includes,—

(a) Promoting and encouraging the better education of Maori; and

(b) Providing financial assistance for that purpose.

**25. Assets and liabilities of Foundation to become assets and liabilities of trust board**—(1) On the appointed day, the assets and liabilities that the Foundation had immediately before that day shall become assets and liabilities of the successor board.

(2) The successor board shall hold in trust for the purposes of the successor board all property that, immediately before becoming an asset of the successor board under subsection (1) of this section, the Foundation held in trust for the purposes of the Foundation.

(3) Subject to subsection (2) of this section, all property that, immediately before becoming an asset of the successor board under subsection (1) of this section, was held by the Foundation in trust for any purpose shall be held by the successor board in trust for the same purpose.

**26. Abolition of Foundation**—(1) The Foundation is hereby abolished with effect on the appointed day.

(2) The Board of the Foundation, constituted by section 8 (1) of the Foundation Act, is hereby consequentially abolished, with effect on the appointed day.

(3) Both—

(a) The executive committee (if any) of the Foundation; and

(b) Every special committee of the Foundation,—

established under section 12 (1) of the Foundation Act, are hereby consequentially abolished, with effect on the appointed day.

(4) On and after the appointed day, every reference in any enactment other than this Act to the Foundation shall be read as a reference to the successor board; and, with any necessary modifications, that enactment shall have effect accordingly.

**27. Gifts to successor board**—(1) Notwithstanding anything to the contrary in Te Ture Whenua Maori 1993 or any other enactment, on or after the appointed day, any Maori (within the meaning of section 4 of that Act) may—

(a) Give to the successor board any Maori freehold land (within the meaning of section 4 of that Act), or any interest (including an equitable interest) in any such land; or

(b) Otherwise dispose of any such land or interest in land to the successor board.

(2) Section 164 of Te Ture Whenua Maori 1993 shall, with any necessary modifications, apply to every gift and disposition under subsection (1) of this section.

(3) Unless expressly prohibited by any enactment or instrument of trust from doing so, any person or body, whether incorporated or unincorporated, including a Maori incorporation (within the meaning of section 4 of Te Ture Whenua Maori 1993), may make donations or gifts of money to the successor board.

**28. Repeals**—The following enactments are hereby repealed, with effect on the appointed day:

(a) The Maori Education Foundation Act 1961:

(b) The Maori Education Foundation Amendment Act 1962:

(c) The Maori Education Foundation Amendment Act 1963:

(d) The Maori Education Foundation Amendment Act 1965:

(e) The Maori Education Foundation Amendment Act 1970:

- (f) The Maori Education Foundation Amendment Act 1975:
- (g) The Maori Education Foundation Amendment Act 1977:
- (h) The Maori Education Foundation Amendment Act 1992.

## PART VII

AMENDMENT TO TARANAKI SCHOLARSHIPS TRUST BOARD ACT  
1957

**29. Part to be read with Taranaki Scholarships Trust Board Act 1957**—This Part of this Act shall be read together with and deemed part of the Taranaki Scholarships Trust Board Act 1957\* (hereafter in this Part of this Act referred to as the principal Act).

**30. Taranaki Scholarships**—Section 12 of the principal Act (as substituted by section 2 (1) of the Taranaki Scholarships Trust Board Amendment Act 1982) is hereby amended by repealing subsection (6), and substituting the following subsection:

“(6) A Taranaki Scholarship is tenable—

“(a) At any institution established under Part XIV of the Education Act 1989:

“(b) At any private training establishment (within the meaning of section 159 (1) of the Education Act 1989) approved for the purposes of this Act by the Minister of Education by notice in the *Gazette*.”

\*R.S. Vol. 13, p. 705  
Amendment: 1987, No. 56

*Schedule:* To omit the item relating to the Official Information Act 1982.

To omit from the item relating to the Public Finance Act 1989 the word “Fifth,”.

## EXPLANATORY NOTE

The amendment to *clause 6D* corrects a minor drafting error.

New *clause 6H* repeals section 203 of the principal Act, and replaces it with a redrafted section. Section 203 deals with the application of the Public Finance Act 1989 to tertiary institutions; and the effect of the redrafted section is to ensure that the annual and half-yearly Crown Financial Statements will properly reflect the Crown's ownership interests in tertiary institutions.

The amendment to proposed new *section 328* of the principal Act omits a reference to a review officer who enters a dwellinghouse pursuant to a warrant. By virtue of amendments already made to proposed new *section 327* of the principal Act, it is no longer possible for a review officer to enter a dwellinghouse without the consent of its occupier.

The amendment to *clause 17* corrects a cross-reference.

The amendments to *clauses 19 and 20* are technical amendments that will make it easier to split the Bill into separate Bills.

New *Part VI* provides for the abolition of the Maori Education Foundation, and its replacement by a trust board incorporated under Part II of the Charitable Trusts Act 1957. On the abolition of the Foundation, its assets and liabilities will become assets and liabilities of the trust board. Property held in trust by the Foundation will be held by the trust board subject to the same trusts; and existing powers to give property to the Foundation will become powers to give property to the trust board.

New *Part VII* amends the Taranaki Scholarships Trust Board Act 1957 so as to enable Taranaki Scholarships to be tenable at colleges of education, polytechnics, universities, wananga, and private training establishments approved by the Minister of Education. At present they are tenable only at polytechnics and universities.

The amendments to the Schedule are technical.