

House of Representatives

Supplementary Order Paper

Tuesday, 7 May 2019

Education Amendment Bill (No 2)

Proposed amendments for the consideration of the Committee of the whole House

Key:

- **this is inserted text**
- **~~this is deleted text~~**

Note: This Supplementary Order Paper shows amendments to the Bill that are being proposed by the Minister for the purposes of consideration in Committee of the whole House. This document does—

- **NOT have official status in terms of unamended text**
- **NOT have the status of an as-reported version of the Bill.**

Explanatory note

This Supplementary Order Paper amends *clause 19* of the Education Amendment Bill (No 2) to extend the commencement dates of certain provisions in the Education (Update) Amendment Act 2017. It also inserts *new clause 43A* into the Bill, which consequentially amends certain provisions being inserted into Schedule 6 of the Education Act 1989 by the Education (Update) Amendment Act 2017. The amendments change “2019” to “2022” to align those provisions with the amendments to *clause 19*.

Departmental disclosure statement

The Ministry of Education is required to prepare a disclosure statement to assist with the scrutiny of this Supplementary Order Paper. It provides access to information about any material policy changes to the Bill and identifies any new significant or unusual legislative features of the Bill as amended.

A copy of the statement can be found at [http://legislation.govt.nz/disclosure.aspx?type=sop &subtype=government&year=2019&no=224](http://legislation.govt.nz/disclosure.aspx?type=sop&subtype=government&year=2019&no=224).

The Honourable Chris Hipkins, in Committee, to propose the amendments shown in the following document.

Hon Chris Hipkins

Education Amendment Bill (No 2)

Government Bill

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**Proposed amendments to
Education Amendment Bill (No 2)**

**Part 2
Amendments to other enactments**

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| 42 | Section 142 repealed (Section 350A replaced (Special provision for chief executive of correspondence school)) | 10 |
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| 44 | Section 161 amended (Consequential amendments to other enactments) | 10 |
| 45 | Schedule 3 amended | 10 |

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Education Amendment Bill (No 2) **2018**.

2 Commencement

This Act comes into force as follows:

- (a) **sections 4, 5, and 8** come into force on **1 January 2020**:
- (c) the rest of this Act comes into force on the day after the date on which this Act receives the Royal assent.

Part 1

Amendments to Education Act 1989

3 Principal Act

This Part amends the Education Act 1989 (the **principal Act**).

4 Section 2 amended (Interpretation)

In section 2(1), insert in its appropriate alphabetical order:

cohort entry policy means a policy that provides for a child who proposes to enrol in a State school or State-integrated school to be assigned to a group of children and for all of the children in that group to be enrolled in the school on the same date, being a date that is determined in accordance with **section 5B**

5 Sections 5 to 5B replaced

Replace sections 5 to 5B with:

5 Restrictions on primary school enrolment

The following persons may not be enrolled in or continue to be enrolled in a primary school or a class below form 3 at a composite school:

- (a) a child under the age of 5 years:

- (b) a child who turned 14 years of age in a previous year:
- (c) a child who, in the opinion of the Secretary,—
 - (i) has completed the work of form 2; or
 - (ii) has completed the work equivalent to form 2.

5A Cohort entry policy

- (1) A State school or State integrated school may adopt or revoke a cohort entry policy after complying with the requirements in section 5C.
- (2) A cohort entry policy must—
 - (a) apply to all children aged 5 who have not previously enrolled in a registered school; and
 - (b) provide that all such children may be enrolled only on a date determined in accordance with **section 5B**.

5B Dates for starting school under cohort entry policy

- (1) This section applies to a school that has a cohort entry policy.
- (2) A child may be enrolled not earlier than the child’s fifth birthday on a date that is—
 - (a) a term start date:
 - (b) a mid-term start date.

- (3) In this section,—

mid-term date means a date that is published as a mid-term date under **section 5D**

term start date, in relation to a school, means a date that is the first day of a term that the school is open for instruction.

6 New section 5D inserted (Publication of mid-term dates)

After section 5C, insert:

5D Publication of mid-term dates

- (1) The Minister must, before 1 July in any year, publish in the *Gazette* (by reference to specific dates) the mid-term start dates for the following year.
- (2) A mid-term start date must be the Monday that is closest to the date that is half-way between the first and last dates of a term.

7 Section 11PB amended (Enrolment schemes of certain State schools)

- (1) In section 11PB(1), delete “State schools that are accredited as enrolling communities of online learning.”.
- (2) Repeal section 11PB(1)(ca).

8 Section 25 amended (Students required to enrol must attend school)

- (1) In section 25(1)(b), delete “4 or”.
- (2) In section 25(3A), delete “4 or”.

9 Section 35C amended (Criteria for registration as private school)

After section 35C(g), insert:

- (h) is a physically and emotionally safe place for students.

10 Section 35K repealed (Suspension of registration if welfare of students may be at risk)

Repeal section 35K.

11 Section 35L amended (Duration of suspension)

Repeal section 35L(2).

12 Section 382 amended (Functions of Teaching Council)

- (2) After section 382(1)(e), insert:

- (ea) to review, at any time, the criteria for teacher registration established under paragraph (e) and, after consultation with the Minister,—
 - (i) vary, delete, or replace 1 or more of the criteria; or
 - (ii) add 1 or more criteria; or
 - (iii) delete all of the criteria and substitute new criteria:

- (4) After section 382(1)(f), insert:

- (fa) to review, at any time, the standards for qualifications established under paragraph (f) and, after consultation with the Minister,—
 - (i) vary, delete, or replace 1 or more of the standards; or
 - (ii) add 1 or more standards; or
 - (iii) delete all of the standards and substitute new standards:

13 New section 382A inserted (Issue of statement of Government policy relating to Teaching Council’s functions)

After section 382, insert:

382A Issue of statement of Government policy relating to Teaching Council’s functions

- (1) The Minister may, at any time, issue a statement of Government policy relating to 1 or more of the Teaching Council’s functions specified in section 382(1).
- (2) Before issuing a statement of Government policy, the Minister must consult the Teaching Council.
- (3) Every statement of Government policy must be—

- (a) given in writing to the Teaching Council; and
 - (b) published in the *Gazette*; and
 - (c) presented to the House of Representatives.
- (4) A statement of Government policy comes into effect on the date specified in the *Gazette* notice, which date must be on or after the date of the notice and is to be treated as the date on which the statement is issued.
- (5) When performing its functions, the Teaching Council must have regard to any relevant statement of Government policy.
- (6) A statement of Government policy may be amended, revoked, or replaced in the same way as it is given.
- (7) A statement of Government policy issued under this section is neither a legislative instrument nor a disallowable instrument for the purposes of the Legislation Act 2012, and does not have to be presented to the House of Representatives under section 41 of that Act.

14 Schedule 1 amended

In Schedule 1, after Part 7, insert:

Part 8

Provisions relating to Education Amendment Act (No 2) 2018

23 Interpretation

In this Part,—

amendment Act means the **Education Amendment Act (No 2) 2018**

commencement date means the date on which this clause comes into force

transition period means the period beginning on the commencement date and ending on the date that is 6 months after the commencement date.

24 Transitional provision in relation to criteria for registration as private school

- (1) A school that is provisionally or fully registered as a private school under section 35A before the commencement date—
- (a) is to be treated as having met the criterion specified in **section 35C(h)** during the transition period; and
 - (b) must be able to show, after the expiry of the transition period, that it meets that criterion.
- (2) Despite **subclause (1)**, a school that is provisionally registered under section 35A must meet the criterion specified in **section 35C(h)** if—
- (a) the school's provisional registration is being renewed under section 35A(4); or

- (b) the school is being reviewed pursuant to a request made under section 35A(5); or
 - (c) the school is being fully registered under section 35A(6).
- (3) An application to be registered as a private school made under section 35A before the commencement date, but not determined by that date, is to be treated as an application received on or after the commencement date.

25 Transitional provision in relation to suspension of private school

- (1) Any process for the suspension of a school commenced before the commencement date is to be completed under this Act as if the amendment Act had not been enacted.
- (2) A suspension resulting from the process specified in **subsection (1)** is to be dealt with under this Act as if the amendment Act had not been enacted.
- (3) A complaint made under this Act before the commencement date, but not determined by that date, is to be dealt with under this Act as if the amendment Act had not been enacted.

Part 2

Amendments to other enactments

Subpart 1—Amendments to Education Act 1964

15 Amendments to Education Act 1964

This subpart amends the Education Act 1964.

16 Section 2 amended (Interpretation)

In section 2(1), insert in its appropriate alphabetical order:

correspondence school or correspondence classes means any school or institution, or any classes, established by the Minister to provide instruction by correspondence

17 New section 96 inserted (Correspondence schools and classes for continuing education)

After section 95, insert:

96 Correspondence schools and classes for continuing education

Having regard to the provision of continuing education, the Minister may establish any school or classes to provide instruction by correspondence for that purpose; and any school or class so established shall be controlled in such manner, and shall charge such fees for the instruction provided, as the Minister may determine.

Subpart 2—Amendments to Education (Update) Amendment Act 2017

18 Amendments to Education (Update) Amendment Act 2017

This subpart amends the Education (Update) Amendment Act 2017.

19 Section 2 amended (Commencement)

(1) Replace section 2(4) with:

(4) Sections 22, 25, and 98 come into force on **1 January 2019** the date that **section 19** of the Education Amendment Act (No 2) **2018** comes into force.

(2) Replace section 2(5) with:

(5) Sections 39(4), 41(2) and (5), 43, 60, 68, and 158(2) come into force on the earlier of—

(a) a date appointed by the Governor-General by Order in Council:

(b) **1 January 2023**.

(5A) Section 95 comes into force on the date that **section 19** of the Education Amendment Act (No 2) **2018** comes into force.

20 Section 5 amended (Section 2 amended (Interpretation))

Repeal section ~~5(5)~~ and ~~(6)~~ 5(4) to (6).

21 Section 11 repealed (Sections 7 and 7A repealed)

Repeal section 11.

22 Section 20 amended (Section 16 amended (Secretary's powers when excluded student younger than 16))

Repeal section 20(2) and (3).

23 Section 25 amended (Section 20 replaced (New Zealand citizens and residents between 6 and 16 to go to school))

(1) In section 25, heading to new section 20, delete “**or enrolling community of online learning**”.

(2) In section 25, replace new section 20(1) with:

(1) Every person who is a New Zealand citizen or resident must, during the period beginning on the person's sixth birthday and ending on the person's 16th birthday, be enrolled at a registered school.

24 Sections 26 to 29 repealed

Repeal sections 26 to 29.

25 Section 30 amended (Section 25 amended (Students required to enrol must attend school))

Repeal section 30(2).

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- 26 Sections 32 to 34 repealed**
Repeal sections 32 to 34.
- 27 Section 36 amended (Section 35Q amended (Suspensions and expulsions of students from private schools to be notified to Secretary))**
Repeal section 36(2).
- 28 Section 38 repealed (New Part 3A inserted)**
Repeal section 38.
- 29 Section 39 amended (Section 60 amended (Interpretation))**
Repeal section 39(3).
- 30 Section 52 repealed (Section 78A amended (Powers of entry and inspection))**
Repeal section 52.
- 31 Section 67 repealed (Section 81A repealed (Grants for correspondence schools))**
Repeal section 67.
- 32 Sections 70 and 71 repealed**
Repeal sections 70 and 71.
- 33 Section 72 amended (Section 92 amended (Interpretation))**
Repeal section 72(1), (3), and (4).
- 34 Section 98 amended (Section 144A amended (Secretary may require information for proper administration of Act))**
In section 98(1), repeal new section 144A(1AAA)(c).
- 35 Section 100 amended (Section 145 amended (Interpretation))**
Repeal section 100(1).
- 36 Section 107 repealed (Section 152 repealed (Correspondence schools))**
Repeal section 107.
- 37 Section 120 repealed (Section 158A amended (Interpretation))**
Repeal section 120.
- 38 Section 122 amended (Section 158R amended (Secretary's powers when student younger than 16 is excluded from partnership school kura hourua))**
Repeal section 122(2).

- 39 Section 125 repealed (Section 159 amended (Interpretation))**
Repeal section 125.
- 40 Sections 131 to 135 repealed**
Repeal sections 131 to 135.
- 41 Section 140 repealed (Section 342 amended (Interpretation))**
Repeal section 140.
- 42 Section 142 repealed (Section 350A replaced (Special provision for chief executive of correspondence school))**
Repeal section 142.
- 43 Section 156 amended (New Schedule 1 inserted)**
- (1) In section 156(2), new Part 4 inserted in Schedule 1 of the Education Act 1989, clause 4, replace “schedule” with “Part”.
 - (2) Repeal section 156(4).
- 43A Section 158 amended (Schedule 6 replaced)**
In section 158(2), new clauses 7(2A), (2B), (2C), and (2D) and 9B(2), replace “2019” with “2022”.
- 44 Section 161 amended (Consequential amendments to other enactments)**
Repeal section 161(3).
- 45 Schedule 3 amended**
In Schedule 3, repeal Part 3.