

House of Representatives

Supplementary Order Paper

Tuesday, 3 July 2018

Education Amendment Bill

Proposed amendments

Hon Chris Hipkins, in Committee, to move the following amendments:

New clause 9A

After *clause 9* (page 3, after line 11), insert:

9A Section 156AA amended (Process for establishing designated character schools)

(1) After section 156AA(3), insert:

(3A) The notice establishing a designated character school that is not a Kura Kaupapa Māori may also name a body that has a special affiliation with the school or has responsibility for the different character of the school.

(2) Replace section 156AA(4)(b) with:

(b) for any other type of designated character school,—

(i) amend the description of the different character of the school:

(ii) name a body that has a special affiliation with the school or has responsibility for the different character of the school:

(3) After section 156AA(4), insert:

(5) The Minister must consult with any body named under **subsection (3A)** or **(4)(b)(ii)** before amending the description of the school's different character.

Clause 12

In *clause 12(1)*, after *new section 171B(2A)* (page 4, after line 3), insert:

- (2B) However, **subsection (2A)** does not apply to the membership of the council of a wānanga.

Clause 18

In *clause 18*, heading to *new Part 6 of Schedule 1*, replace “**Provision**” (page 5, line 19) with “**Provisions**”.

In *clause 18*, *new Part 6 of Schedule 1*, after *clause 12* (page 5, after line 28), insert:

- 12A Transitional arrangements for employees of specified partnership schools kura hourua**
- (1) This clause applies to an employee—
- (a) who is employed by a sponsor at a specified partnership school kura hourua that is replaced by a specified State school; and
 - (b) who applies in writing for an equivalent position at the specified State school.
- (2) The employee must be offered the equivalent position unless—
- (a) another employee to whom this clause applies is appointed to that position; or
 - (b) the employee’s appointment would contravene section 349 or 350.
- (3) An employee appointed to an equivalent position is not entitled to receive any payment or other benefit on the ground that the position held by the employee in the specified partnership school kura hourua has ceased to exist.
- (4) This clause overrides anything to the contrary in—
- (a) an employment agreement;
 - (b) Part 6A of the Employment Relations Act 2000;
 - (c) sections 77G and 77H of the State Sector Act 1988.
- (5) In this clause,—
- equivalent position** means employment that, relative to the employee’s current position,—
- (a) involves comparable duties and responsibilities; and
 - (b) is in the same general locality or a locality within reasonable commuting distance; and
 - (c) is on terms and conditions that are no less favourable than those applying to the employee immediately before the speci-

fied partnership school kura hourua is replaced by the specified State school; and

- (d) is on terms that treat the period of service with the sponsor of the specified partnership school kura hourua (and every other period of service recognised for the purposes of the previous position as continuous service) as if it were continuous service with the education service (as that service is defined in section 2 of the State Sector Act 1988)

specified partnership school kura hourua means a partnership school kura hourua specified by the Minister by notice in the *Gazette* under **clause 12B** as a partnership school kura hourua to which this clause applies

specified State school means a State school (including a State integrated school) specified by the Minister by notice in the *Gazette* as a State school to which this clause applies.

12B Minister may specify schools for purposes of clause 12A

The Minister may, by notice in the *Gazette*, specify—

- (a) a partnership school kura hourua that is replaced by a State school as a partnership school kura hourua to which **clause 12A** applies; and
- (b) the State school that replaces the partnership school kura hourua as a State school to which **clause 12A** applies.

Explanatory note

This Supplementary Order Paper (SOP) proposes amendments to the Education Amendment Bill (the **Bill**).

This SOP proposes the insertion of a *new clause 9A* in the Bill to amend section 156AA of the Education Act 1989 (the **principal Act**). The amendments enable the Minister to name a body that has a special affiliation with or responsibility for the different character of a designated character school that is not a Kura Kaupapa Māori. The amendments also require the Minister to consult with any named body before amending the description of the school's different character.

This SOP proposes an amendment to *clause 12* of the Bill to insert *new subsection (2B)* into section 171B of the principal Act, providing that *new subsection (2A)* does not apply to the membership of the council of a wānanga. The effect of this proposed change is that councils of wānanga would not be required to ensure that at least 1 member of the council is a permanent member of the staff of the institution elected by the permanent staff and at least 1 member of council is a student enrolled at the institution elected by the students of the institution.

This SOP proposes to amend *clause 18* of the Bill to insert *new clauses 12A and 12B* into *new Part 6 of Schedule 1* of the principal Act. *New Part 6* concerns transitional

arrangements for employees of specified partnership schools kura hourua. The transitional arrangements provide that an employee of a partnership school kura hourua who applies for an equivalent position in a State school that replaces the partnership school kura hourua must be offered the equivalent position. This requirement does not apply if another employee of the specified partnership school kura hourua is appointed to the equivalent position or if the restrictions on appointment of teachers in sections 349 or 350 of the principal Act would prevent the appointment. The new transitional provision also provides that an employee appointed to an equivalent position is not entitled to receive any payment or other benefit on the ground that their position at the specified partnership school kura hourua has ceased to exist. The new provision sets out what an equivalent position means for the purpose of the transitional arrangements.

Departmental disclosure statement

The Ministry of Education considers that a departmental disclosure statement is not required to be prepared for this Supplementary Order Paper.