

House of Representatives

Supplementary Order Paper

Tuesday, 13 September 2016

Education Legislation Bill

Proposed amendments

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

New subpart 14A

After *clause 34* (page 15, after line 31), insert:

Subpart 14A—Amendments to Part 32 (Education Council)

34A Section 380 (Composition of Education Council)

Replace section 380 with:

380 Composition of Education Council

- (1) The Education Council comprises 13 members as follows:
 - (a) 7 elected members (each of whom must be a registered teacher holding a current practising certificate), being—
 - (i) 1 teacher representing the early childhood sector, elected by teachers from the sector; and
 - (ii) 1 teacher representing the primary sector, elected by teachers from that sector; and
 - (iii) 1 teacher representing the secondary sector, elected by teachers from that sector; and
 - (iv) 1 teacher educator, elected by registered teachers working in the fields of initial and ongoing teacher education; and
 - (v) 1 principal representing the primary sector, elected by principals from that sector; and

- (vi) 1 principal representing the secondary sector, elected by principals from that sector; and
 - (vii) 1 head teacher, senior teacher, or supervisor, representing leadership in the early childhood education sector, elected by leaders from that sector:
- (b) 6 members appointed by the Minister in accordance with **clause 1 of schedule 21**.
- (2) The Minister must appoint 1 of the members appointed or elected under this section as chairperson.
 - (3) The elected members of the Education Council must be elected in accordance with rules made under section 388 by registered teachers who each hold a current practising certificate.
 - (4) The first elections for the elected members must be held as soon as practicable after the commencement of this section but, until the date on which the elected members take office following these elections, the Education Council remains in place.
 - (5) In order to provide for the staggered turnover of members, the Minister may specify, when appointing members to hold office when this section comes into force, which members are to hold office for 3 years (which is the standard term of office specified in **subsection (7)**), and which are to hold office for 18 months.
 - (6) An elected member becomes a member of the Education Council on the date fixed by the Education Council as the date on which elected members take office.
 - (7) The term of office of every elected member is 3 years.
 - (8) Despite **subsection (7)**, every elected member continues in office until his or her successor comes into office.

New subpart 16

After *clause 35* (page 16, after line 5), insert:

Subpart 16—Amendments to Schedule 21 (Governance provisions of Education Council)

35AA Schedule 21 amended

- (1) In Schedule 21, replace clause 1 with:

1 Ministerial appointment as member

- (1) The members of the Education Council appointed by the Minister must be persons nominated after notification of the Education Council vacancy in the *Gazette* and the consultation by the Minister undertaken in accordance with **subclause (3)**.

- (2) A *Gazette* notice made under **subclause (1)** must specify the appointment process and must list the criteria for appointment specified in **subclauses (3) and (4)**.
 - (3) At least 1 of the members appointed by the Minister must be appointed after consultation by the Minister with such representatives of parent and community interest groups in relation to schools and ECE services as the Minister thinks fit.
 - (4) In appointing a member of the Education Council, the Minister must—
 - (a) take into account each candidate’s ability to carry out the duties of a member of the Education Council and represent the public interest; and
 - (b) have regard to the collective skills, experience, and knowledge making up the overall composition of the Education Council, including (but not limited to) the candidate’s knowledge and experience in any of the following areas:
 - (i) education:
 - (ii) governance:
 - (iii) leadership experience and skills:
 - (iv) financial skills:
 - (v) understanding of the partnership principles of the Treaty of Waitangi.
- (2) In Schedule 21, clause 3(1), after “Council”, insert “that the Minister has appointed under **section 380(1)(a)**”.

Explanatory note

This Supplementary Order Paper amends the Education Legislation Bill (the **Bill**) to make a number of further amendments to the Education Act 1989 (the **Act**). The main objective of these amendments is to improve the governance arrangements for the Education Council of Aotearoa New Zealand. The purpose of the Education Council (the **Council**) is to ensure safe and high quality leadership, teaching, and learning for children and young people in early childhood, primary, secondary, and senior secondary schooling in English medium and Māori medium settings through raising the status of the profession. It stands to reason, therefore, that the governance of the council should be directly elected by, and representative of, the teaching profession as well as appointed lay representatives, and that its name should reflect the central role teaching plays in quality education.

The teaching profession has less control of its affairs than most professions. For example, the current Council provisions contrast with how members are chosen for the Nursing Council. In 2009, the then Health Minister Tony Ryall led the modification of that appointment system to enable nurses to elect members of the council. The ra-

tionale for that move was that it was an important step toward giving nurses greater say in decisions affecting scopes of practice, competence, and safety.

The Education Act 1989 currently provides that the new Council comprises 9 members. The Minister of Education appoints all 9 members. There are no elections. This Supplementary Order Paper retains an independent statutory basis for the Council, but its governing body is a mix of teacher members elected directly by the teaching profession and lay representatives appointed by the Minister of Education. It is possible under the current Act that 4 of 9 Council members are non-teachers. “At least 5 of the members must be registered under section 353 and hold a practising certificate under section 361” – Schedule 21, clause 1(1) and (2). This Bill proposes that teachers should be in a majority in the leadership of their own professional body. Teachers expect that membership of the Council should include appointments in the public interest, but it is only logical to build teachers’ ownership of the organisation required to promote and monitor the standards of their profession by ensuring they have a direct vote on some Council members. The teaching profession supports greater legal independence for the Council, but it cannot, and will not, be perceived to be independent of Government as long as all of its governance body members are directly appointed by the Minister. This Supplementary Order Paper proposes that the membership of the Council be increased to 13, to include a senior early childhood education leader and a teacher educator and 5 other qualified and registered teachers or teacher leaders. Ministerial appointments fill the 6 other member positions.