



Education and Training Amendment Bill

32—1

Report of the Education and Workforce
Committee

August 2021

Contents

Recommendation.....	2
About this bill	2
What submitters said.....	3
Legislative scrutiny.....	3
Committee comment.....	3
Appendix.....	4

Marja Lubeck
Chairperson

Education and Training Amendment Bill

Recommendation

The Education and Workforce Committee has examined the Education and Training Amendment Bill and recommends that this bill be passed without amendment.

About this bill

This bill would amend the Education and Training Act 2020. Since the Act came into force in August 2020, the need to make a few relatively minor and technical changes has become apparent. The bill would make these “tidy-up” amendments.

The changes proposed in the bill are outlined below.

Statements of expectations

Clause 4 would amend section 6 of the Act to specify which agencies the Minister of Education and the Minister for Māori Crown Relations may issue statements of expectations to. These agencies would be: the Ministry of Education, the Tertiary Education Commission, NZQA (the New Zealand Qualifications Authority), the Education Review Office, and Education New Zealand.

Limits on the use of physical restraint

Clauses 5, 6, and 7 of the bill would change the wording in sections 99, 100, and 101 of the Act to clarify who can use physical restraint on a student. They would make it clear that only a person holding a teaching position can use physical restraint, or someone who is specifically authorised by their employer. This would mean, for example, that former teachers would not be automatically allowed to use physical restraint in schools. Any use of physical restraint would be subject to the conditions, rules, and guidelines set out in sections 99 to 101.

Interventions in State schools by the Secretary of Education

Section 171 of the Act sets out when and how the Minister or the Secretary of Education may intervene in a school. Clause 8 of the bill would amend section 171(2) to make clear the types of interventions the Secretary may use.

Regulations relating to licences for early childhood services

Clause 9 would amend the regulation-making power in section 636 of the Act to allow regulations to be made that reflect the new process for early childhood education services to gain approval to apply for a licence.

Retaining provisions in primary legislation

Clause 11 of the bill would amend the “sunset” provision in section 669 of the Act so that Schedules 20, 23, and 24 of the Act are not automatically repealed. These schedules are

about school enrolment schemes, electing and co-opting board members to boards of State schools, and national student numbers. We agree that it is appropriate for these provisions to remain in primary legislation rather than being moved to regulations.

Continuing with no student services fee until 2022

Clause 12 would extend by another year the current prohibition on tertiary education providers charging a compulsory student services fee. Due to COVID-19 it has not been possible to finish consultation with learners and providers to confirm the arrangements. The bill would ensure that no student services fees are charged until after 31 December 2022.

What submitters said

We received four submissions on this bill, only one of which was directly relevant to the bill. That submission expressed support for the bill and asked for it to be passed.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We sought and received advice from the Office of the Clerk about the quality of this legislation. We were satisfied with the answers provided and have no issues regarding the legislation's design to bring to the attention of the House.

Committee comment

We see this bill as necessary as it would refine the Education and Training Act in several worthwhile ways. It would ensure that the Act's intent is clear, align the Act with other legislation, and retain provisions that ought to remain in primary legislation rather than being repealed and moved to regulations.

We recommend that this bill be passed without amendment.

Appendix

Committee procedure

The Education and Training Amendment Bill was referred to this committee on 6 May 2021. We called for submissions with a closing date of 25 June 2021. We received and considered four submissions from interested groups and individuals. We heard oral evidence from two submitters at hearings in Wellington.

We received advice on the bill from the Ministry of Education. The Office of the Clerk provided advice on the bill's legislative quality.

Committee members

Marja Lubeck (Chairperson)
Chris Baillie
Camilla Belich
Hon Paul Goldsmith
Jan Logie
Jo Luxton
Ibrahim Omer
Angela Roberts
Erica Stanford

Advice and evidence received

The documents that we received as advice and evidence are available on the Parliament website, www.parliament.nz.