

Education and Training Amendment Bill (No 2): Third Reading

Legislative Statement

Presented to the House in accordance with Standing Order 272 J.17

Overview

This Legislative Statement supports the Third Reading of the Education and Training Amendment Bill (No 2) (the Bill). The purpose of this Bill is to amend the Education and Training Act 2020 (the Act) to give effect to new policy decisions and make other minor and technical changes.

The Bill amends the Act to:

- change the commencement date of early childhood education (ECE) network management provisions of the Act (sections 17 to 18C in clauses 5A to 5D) from 1 August 2022 to 1 February 2023;
- further strengthen the ECE network management provisions in sections 17 (clause 5A) and 18 (clause 5C) to enable network management to be implemented in a more effective and efficient way; and provide transparency about the application and approval process, including:
 - requiring the Minister to take into account national and regional statements that outline the Government's priorities on network management; applicant's capability to establish and provide the service; and any other matters the Minister considers relevant.
 - requiring applicants to inform the Secretary of changes to their circumstances.
 - requiring the Minister to notify and seek a response from applicants of any proposed changes to conditions on an approval to apply for a licence;
- better align the Police vetting provisions in the Act with the safety checking requirements of the Children's Act 2014, so that a Police vet must be obtained for non-teaching and unregistered employees at early childhood services and schools before they commence employment;
- strengthen and streamline Teaching Council disciplinary processes by raising the threshold for mandatory referral of complaints from the Complaints Assessment Committee (CAC) to the Disciplinary Tribunal, whilst retaining an existing requirement for the CAC to reach agreement with a teacher on a sanction;
- expand the Education Review Office's (ERO) mandate to enable it to review professional learning and development services accessed by early childhood services and schools;
- enhance learner wellbeing and safety for international and tertiary students by introducing improvements to codes of pastoral care and code administration; providing the power to authorise entry and inspection of premises to the code administrator; and broadening the scope of the Disputes Resolution Scheme;
- provide Government with greater flexibility to regulate compulsory student services fees charged by tertiary education providers;
- enable Workforce Development Councils and other standard-setting bodies to develop and maintain national curricula and micro-credentials for qualifications for which they are responsible;
- allow NSNs to be assigned to students studying for NCEA in overseas jurisdictions with which New Zealand has entered into an arrangement for the teaching and

assessment of NCEA standards, and schools in those jurisdictions to be specified users of NSNs.

The Bill also makes other minor and technical amendments.

Supplementary Order Paper No. 162

Supplementary Order Paper (SOP) No. 162 was released on 23 May 2022 to be considered alongside the Bill during the Committee of the whole House stage. SOP No 162 gives effect to recent Government decisions to:

- exclude defined Māori immersion services from the requirement to obtain Ministerial approval before applying for an early childhood service licence;
- empower the Minister to recognise bodies and iwi and Māori organisations by notice in the Gazette and set criteria relating to the recognition of bodies and iwi and Māori organisations for the purpose of the definition of “excluded early childhood service”;
- make consequential amendments to the Education (Early Childhood Services) Regulations 2008 to support the exclusion;
- extend the network management approval period from up to two years to up to three years; and
- allow the Minister to impose a condition that requires the applicant to meet milestones set by the Minister.

SOP No 162 also includes some presentation and grammatical changes to the amendments to section 534(7).

Supplementary Order Paper No. 178

SOP No. 178, released on 1 July 2022, amends an error in the Act affecting the operation of provisions relating to student loans and allowances that are currently administered by the Ministry of Social Development. The SOP inserts a provision in the Bill to amend the definition of “Minister” in section 10(1) of the Act to enable the Minister of Social Development to administer relevant parts of the Act.

The SOP also amends clause 44 to modify section 531A(2) of the Bill so that it refers to “the relevant code administrator” instead of “NZQA”. This change is to fix a technical error and aligns with the policy intent to enable any wellbeing and safety code administrators that may be appointed in the future to withdraw approval of a signatory provider. While NZQA is currently the code administrator, it is possible for different code administrators to be appointed in the future.

A minor amendment is also made to Schedule 1, new clause 78(1)(b) to replace commencement “of the 2021 Act” with commencement “date”.