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

Legislative Statement – Education and Training (Teaching Council Fees and Costs) Amendment Bill – Second Reading

The purpose of this Bill is to amend the Education and Training Act 2020 (the **Act**) to enable the Teaching Council of Aotearoa New Zealand (the **Council**) to fix fees so that it can recover costs for all of its functions and powers. The Council is an independent statutory body responsible for the professional regulation of teachers.

The Bill responds to a judicial review brought by the Post Primary Teachers' Association (*Jones & Anor v Teaching Council of Aotearoa New Zealand | Matatū Aotearoa* [2021] NZHC 1581), which found that the Council is not authorised by the Act to fix fees for all of its functions under the Act.

The Bill amends the Act to enable the Council to fix fees so that it can recover the costs for all of its functions and powers, and therefore be fully self-funded. It also clarifies that the Council can allow fees to be paid in the manner that it prescribes (e.g. by instalments).

The Bill retrospectively validates the receipt of payments under an annual fees notice made in May 2020 that has now been quashed by the High Court, and validates any previous fees fixed and received by the Council and its predecessor organisations. The retrospective validations ensure the validity of previous fees, and allows the Council to credit fees received in relation to the now-quashed annual fee as part-payment of the current 3-yearly fee.

The Education and Workforce Committee made a number of recommendations for changes to the Bill (yet to be adopted by the House).

The Committee recommended that the Bill is amended to authorise the Council to fix levies as well as fees, because charges for some functions would be better described as levies than fees, and to clarify that the Council can only recover its actual and reasonable costs incurred in performing its functions. The Committee also recommended an amendment to require the Council to consult teachers and holders of a limited authority to teach on any proposed fee or levy, and to receive the views presented to it with an open mind and to give those views due consideration when making decisions about fees.