

Hon Chris Hipkins

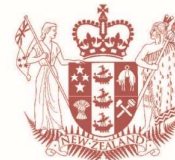
MP for Remutaka

Minister for COVID-19 Response

Minister of Education

Minister for the Public Service

Leader of the House



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

Legislative Statement – the Education and Training (Teaching Council Fees and Costs) Amendment Bill: First Reading

The purpose of the Education and Training Amendment Bill (Teaching Council Fees and Costs) Amendment Bill is to amend the Education and Training Act 2020 (the Act) to broaden the Council's existing fee-setting powers to enable the Council to set fees that cover the costs for all of its functions and powers under the Act.

The Bill also:

- clarifies that the Council can charge fees in instalments, and recover unpaid fees as debts due to the Council
- retrospectively validates the receipt of fee payments made since 1 February 2021, even though the fees have now been quashed, and validates any previous fees set and payments received by the Council or its predecessor organisations.

These amendments respond to a recent High Court judgment which resulted in the quashing of annual fees set by the Council to take effect from 1 February 2021, and a reversion to the triennial fees that previously applied.

They are necessary because the Council, which is expected to operate on a fully self-funded basis, is, according to the judgment, only explicitly authorised to recover the costs of some of its functions under the Act.

The Bill does not validate the quashed annual fees. It validates the payments received for those fees and allows the Council to credit these in part-payment of the triennial fee that now applies. The validation of fees and payments prior to 1 February 2021 is necessary because the judgment may raise doubt as to whether the Council was mandated under this Act or previous legislation to set those fees.

The policy is that the Council and its predecessors have always been able to fix the fees that were charged prior to 1 February 2021, and the Bill goes only as far as is necessary to give effect to that policy.