

# House of Representatives

# Amendment Paper

## Education and Training Amendment Bill

### *Proposed amendments*

Hon David Seymour, in Committee, to move the following amendments:

#### *Clause 40*

In *clause 40*, after *new section 212ZC* (page 27, after line 19), insert:

#### *Multi-employer collective agreements*

#### **212ZCA Restriction on initiating bargaining for multi-employer collective agreement involving sponsor**

- (1) This section applies to a union whose members include employees of a sponsor.
- (2) The union may not initiate bargaining under the Employment Relations Act 2000 for a multi-employer collective agreement (as defined in section 33(5) of that Act) with—
  - (a) 2 or more sponsors; or
  - (b) 1 or more sponsors and any 1 or more other employers.

#### *New clause 53A*

After *clause 53* (page 34, after line 9), insert:

#### **53A New section 601A inserted (Lawful instruction regarding charter school services)**

After section 601, insert:

#### **601A Lawful instruction regarding charter school services**

- (1) An employer at a State school may require an employee at that school to provide services to a charter school (a **recipient school**) or a charter school student if that requirement would otherwise be a

lawful and reasonable instruction, but for the recipient school being a charter school, or the student being enrolled at a charter school.

- (2) This clause overrides anything to the contrary in—
- (a) the Employment Relations Act 2000; and
  - (b) a relevant employment agreement.

*Schedule 1: new clause 125 and cross-heading*

In Schedule 1, after *clause 124* (page 42, after line 36), insert:

*Shared education services*

**125 Arrangements between State schools for shared education services**

- (1) This clause applies if the board of a converted school was, before its conversion, a party to a written arrangement (for example, a memorandum of understanding), whether legally binding or not, with the boards of 1 or more other State schools regarding the sharing of education services, employees, or students.
- (2) On and after the conversion date,—
- (a) the sponsor is to be treated as if it were a party to the arrangement; and
  - (b) all references in the arrangement to the board of the converted school must be treated as if they were references to the sponsor.

### Explanatory note

This Amendment Paper amends the Education and Training Amendment Bill.

*Clause 40*, which inserts *new subpart 6A* into *Part 3*, is amended to insert *new section 212ZCA*. The new provision restricts a union whose members include employees of a charter school from initiating bargaining for a multi-employer collective agreement with 2 or more sponsors or 1 or more sponsors and any other employers.

*New clause 53A* inserts *new section 601A* to provide that a board of a State school may require an employee at that school to provide services to a charter school or student enrolled at that school.

Schedule 1 of the Bill, which contains transitional and savings provisions, is amended to insert *new clause 125* into *new Part 6*. *New clause 125* applies to a converted school that before its conversion date had a written arrangement (whether legally binding or not), for example, a memorandum of understanding, with 1 or more other State schools for the sharing of education services, employees, or students. On and after the conversion date, the sponsor of the charter school is treated as a party to that arrangement in place of the board of the converted school.

### **Departmental disclosure statement**

The Ministry of Education is required to prepare a disclosure statement to assist with the scrutiny of this Amendment Paper. The disclosure statement provides access to information about any material policy changes to the Bill and identifies any new significant or unusual legislative features of the Bill as amended.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=ap&subtype=government&year=2024&no=49&>

### **Regulatory impact assessment**

The Ministry of Education produced a regulatory impact assessment on 17 July 2024 to help inform the new policy decisions taken by the Government relating to the contents of this Amendment Paper.

A copy of this regulatory impact assessment can be found at—

- <https://www.education.govt.nz/our-work/information-releases/advice-seen-by-our-ministers/>
- <http://www.treasury.govt.nz/publications/informationreleases/ria>