

Cabinet Paper material Proactive release

Minister & portfolio Hon Chris Hipkins, Minister of Education
Name of package Education Amendment Bill (No. 2): Supplementary Order Papers
Date of release 28 May 2019

These documents have been proactively released:

Cabinet paper: Education Amendment Bill (No. 2) – Supplementary Order Papers: Approval for Release

Date considered: 30 April 2019
Author: Ministry of Education

Legislation Committee Minute – LEG-19-MIN-0044

Date considered: 30 April 2019
Author: Cabinet Office

Cabinet Minute – CAB-19-MIN-0200

Date considered: 6 May 2019
Author: Cabinet Office

Education Amendment Bill (No 2) – Supplementary Order Paper No 220

Author: Parliamentary Counsel Office
Available on legislation.govt.nz

Education Amendment Bill (No 2) – Supplementary Order Paper No 224

Author: Parliamentary Counsel Office
Available on legislation.govt.nz

Material redacted

Some deletions have been made from the documents in line with withholding grounds under the Official Information Act 1982. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

The applicable withholding grounds under the Act are as follows:

Section 9(2)(f)(iv) to protect the confidentiality of advice tendered by Ministers of the Crown and officials

Some deletions have been made from the documents as the information withheld does not fall within scope of the Minister's portfolio responsibilities, and is not relevant to the proactive release of this material.

You can read the Official Information Act 1982 here:

<http://legislation.govt.nz/act/public/1982/0156/latest/DLM64785.html>

In Confidence

Office of the Minister of Education

Chair, Cabinet Legislation Committee

Education Amendment Bill (No 2) – Supplementary Order Papers: Approval for Release

Proposal

- 1** I propose that two Supplementary Order Papers (SOPs) to amend the Education Amendment Bill (No 2) (the Bill) are approved for release.
- 2** The first SOP will amend clause 19 of the Bill, and add a new clause 43A to amend the Education (Update) Amendment Act 2017 (Update Act) to delay the commencement of the planning and reporting framework for school boards of trustees (including transitional provisions). It also makes a technical amendment to clause 19 of the Bill.
- 3** The second SOP inserts clause 11A to the Bill to amend the process for changing the names of New Zealand universities.

Policy

Delaying the commencement of the new planning and reporting framework

- 4** The Update Act created a new planning and reporting framework for school boards of trustees at State and State integrated schools. This new framework originally had a commencement date of 1 January 2019. The Education Amendment Act 2018 delayed the commencement of the new framework to 1 January 2020.
- 5** On 20 March 2019, the Cabinet Social Wellbeing Committee (SWC) agreed to the issuing of drafting instructions for an SOP to delay the commencement of the new planning and reporting framework for school boards of trustees introduced by the Update Act to 1 January 2023 (SWC-19-MIN-0021). Cabinet confirmed the SWC decisions (CAB-19-MIN-0110).
- 6** SWC agreed to consequential changes from the delay of the new planning and reporting framework. This included express agreement to amending clauses 7(2A) and 7(2B) of the new Schedule 6 to the Education Act 1989 that section 158(2) of the Education (Update) Amendment Act 2017 inserts. Drafting instructions to the Parliamentary Counsel Office (PCO) also included consequential amendments to clauses 7(2C), 7(2D), and 9B(2), in order to change the references to 2019 in those clauses to 2022, in line with the delayed commencement agreed to by SWC.
- 7** If the first SOP is agreed by the Committee of the Whole and the Bill is passed, all current planning and reporting settings will remain the same until 1 January 2023.

Technical amendment to clause 19 of the Bill specifying a new commencement date

- 8 Clause 19 of the Bill specifies that sections 22, 25 and 98 of the Update Act come into force on 1 January 2019.
- 9 On 20 March 2019, SWC agreed to the issuing of drafting instructions for an SOP to amend clause 19 of the Bill to replace the now retrospective date, so that sections 22, 25 and 98 of the Update Act commence on the day after the date the Bill receives the Royal assent (SWC-19-MIN-0021). Cabinet confirmed the SWC decisions (CAB-19-MIN-0110).

Amending the process for changing a university's name under the Education Act 1989

- 10 On 20 March 2019, SWC agreed to the issuing of drafting instructions for an SOP to amend the process for changing the names of New Zealand universities (SWC-19-MIN-0021). Cabinet confirmed the SWC decisions (CAB-19-MIN-0110).
- 11 The new process will require that if a university wishes to change its name:
 - 11.1 it must notify the Minister in writing of its proposal;
 - 11.2 the Minister must present the proposal by way of resolution to the House of Representatives (House);
 - 11.3 the House approves or declines the proposed name change by resolution of the House; and
 - 11.4 if the House passes a resolution approving the name change, the Minister issues a *Gazette* notice to that effect.
- 12 This process will only apply to universities, not to other tertiary education institutions.

The proposed legislative amendments

- 13 The delay to the commencement of the new planning and reporting framework and the technical amendment to clause 19 are unlikely to be contentious as the changes are minor or technical in nature.
- 14 It is appropriate to make the process for a university name change more robust by giving the decision-making authority to the House, rather than the Minister. This will align the process for a university name change with the higher bar required for the disestablishment of universities compared to other Tertiary Education Institutions (TEIs) in section 164 of the Education Act 1989. I consider that the current name change process in section 162(5) of the Act is sufficient for TEIs other than universities.
- 15 Legislative action is required because, in order for policies set out above to have legal effect, changes must be made to their respective Acts.

Impact analysis

- 16** The Regulatory Quality Team at the Treasury has determined that the regulatory decisions sought in this Cabinet paper relating to:
- 16.1 extending the school board planning and reporting date and other proposed amendments are exempt from the requirement to provide a Regulatory Impact Assessment (RIA) on technical grounds because they provide solely for the commencement of existing legislation or legislative provisions; and
 - 16.2 the process to change university names are exempt from the requirement to provide an RIA as they have no or minor impacts on businesses, individuals, or not for profit entities.

Compliance

- 17** The SOPs proposed for release comply with the following:
- 17.1 the principles of the Treaty of Waitangi;
 - 17.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
 - 17.3 the disclosure statement requirements;
 - 17.4 the principles and guidelines set out in the Privacy Act 1993;
 - 17.5 relevant international standards and obligations; and
 - 17.6 the *Legislation Guidelines* (2018 edition).
- 18** A disclosure statement has been prepared for the two SOPs (see Appendix 1).

Consultation

- 19** The following government departments and public bodies were consulted in the development of policy proposals: the Treasury, Ministry of Social Development, Office for Disability Issues, Ministry for Women, Te Puni Kōkiri, Ministry for Pacific Peoples, Oranga Tamariki – the Ministry for Children, Ministry of Justice, Department of Corrections, New Zealand Police, Education Review Office, Tertiary Education Commission, New Zealand Qualifications Authority and the Teaching Council of Aotearoa New Zealand. The State Services Commission and Department of Prime Minister and Cabinet were informed.
- 20** The draft SOP was referred to the Tertiary Education Commission.

Binding on the Crown

- 21** The SOPs will not be binding on the Crown. This is consistent with the rest of the Bill, as well as with the Education Act 1989¹ and the Education (Update) Amendment Act 2017.

¹ With the exception of Part 33 “State integrated schools”.

Allocation of decision making powers

- 22** The second SOP, which amends the process for changing universities' names, allocates a power currently held by the executive (the Minister of Education) to the legislature. Currently, the Minister has the power to change the name of a university under section 162(5) of the Education Act 1989. The SOP allocates this power to the House.

Associated regulations

- 23** No new regulations are needed to bring the SOPs into operation.
- 24** However, the new planning and reporting framework that is being postponed by the first SOP requires regulations to be made. Regulation-making powers for the framework are set out in section 95 of the Update Act.
- 25** As a consequential amendment to the postponement of the new planning and reporting framework, the first SOP changes the commencement of these regulation-making powers to come into force the day after the date the Bill receives its Royal assent.

Other instruments

- 26** The SOPs do not include any provision empowering the making of legislative or disallowable instruments.
- 27** Under section 38(2) of Legislation Act 2012, a resolution of the House of Representatives (as is proposed as part of the amendment to the process for changing universities' names) is not a disallowable instrument.

Definition of Minister/department

- 28** The SOPs do not contain a definition of Minister, department (or equivalent government agency), or chief executive of a department.

Commencement of legislation

- 29** The SOPs will come into force the day after the date on which the Bill receives Royal assent.
- 30** The SOPs change the commencement date for the following sections of the Education (Update) Amendment Act 2017:
- 30.1** section 2(5) of the Update Act is amended to change the commencement date for sections 41(2) and (5), 43, 60, 68, and 158(2) of that Act from 1 January 2020 to 1 January 2023 or such earlier date as appointed by the Governor-General by Order in Council;
- 30.2** section 2(5) of the Update Act is amended to provide that the regulation-making powers, inserted by section 95 of that Act, comes into force on the day after the date that the Bill receives the Royal assent; and
- 30.3** clause 19 is amended to replace section 2(4) of the Update Act so that sections 22, 25 and 98 of that Act come into force on the day after the date the Bill receives the Royal assent.

Parliamentary stages

- 31 The Education Amendment Bill (No 2) was introduced into the House on 13 September 2018. The Bill was referred to the Education and Workforce Committee on 27 September 2018. The Committee provided its report back on the Bill on 5 April 2019.
- 32 As the Select Committee stage of the Bill has passed, the SOPs will not be referred to the Education and Workforce Committee.
- 33 I propose tabling the SOPs at the Committee of the Whole House.
- 34 The Bill should be enacted in early June 2019. This is to allow for time to publish the 2020 mid-term dates for cohort entry policies (the settings of which are changed by the Bill). The Bill requires the mid-term dates to be published before 1 July 2019.

Proactive Release

- 35 I intend to proactively release this Cabinet paper subject to redaction as appropriate under the Official Information Act 1982.

Recommendations

- 36 The Minister of Education recommends that the Committee:
 - 1 **note** that the Education Amendment Bill (No 2) (the Bill) holds a **s 9(2)(f)(iv)** [redacted], on the 2019 Legislation Programme
 - 2 **note** that the two supplementary order papers (SOPs) to the Bill implement policies to:
 - 2.1 delay the commencement of the new planning and reporting framework for school boards of trustees from 1 January 2020 to 1 January 2023
 - 2.2 make a technical amendment to change the retrospective commencement date contained in clause 19 of the Bill
 - 2.3 amend the process for changing the names of New Zealand universities
 - 3 **approve** the SOPs for release
 - 4 **note** that I intend to table the SOPs at the Committee of the Whole House Stage of the Bill.

Authorised for lodgement

Hon Chris Hipkins

Minister of Education



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Education Amendment Bill (No 2): Supplementary Order Papers

Portfolio **Education**

On 30 April 2019, the Cabinet Legislation Committee, having been authorised by Cabinet to have Power to Act [CAB-19-MIN-0188]:

1 **noted** that on 20 March 2019, the Cabinet Social Wellbeing Committee agreed to amend the Education Amendment Bill (No 2) (the Bill) through an Supplementary Order Papers (SOPs) to:

- 1.1 change the commencement date for the new planning and reporting framework from 1 January 2020 to 1 January 2023, and consequential changes to the current transitional provisions and the commencement date for regulation-making powers;
- 1.2 provide for a process by which name changes to universities would be subject to the approval of the House of Representatives;

[SWC-19-MIN-0021]

2 **noted** that the Bill holds a category 2 priority s 9(2)(f)(iv) on the 2019 Legislation Programme;

3 **noted** that two SOPs to the Bill implement policies to:

- 3.1 delay the commencement of the new planning and reporting framework for school boards of trustees from 1 January 2020 to 1 January 2023;
- 3.2 make a technical amendment to change the retrospective commencement date contained in clause 19 of the Bill;
- 3.3 amend the process for changing the names of New Zealand universities;

4 **approved** the release of the:

- 4.1 Supplementary Order Paper to the Education Amendment Bill (No 2) [PCO 19342-1/6.0];
- 4.2 Supplementary Order Paper to the Education Amendment Bill (No 2) [PCO 19342-2/4.0];

5 **noted** that the Minister of Education intends to release the SOPs at the committee of the whole House stage of the Bill.

Gerrard Carter
Committee Secretary

Present:

Rt Hon Winston Peters
Hon Chris Hipkins (Chair)
Hon Andrew Little
Hon Iain Lees-Galloway (part of item)
Hon Damien O'Connor
Hon Kris Faafoi
Hon Tracey Martin
Hon Julie Ann Genter
Hon Eugenie Sage
Hon Ruth Dyson (Senior Government Whip)

Officials present from:

Officials Committee for LEG

Hard-copy distribution:

Minister of Education

Proactively Released by the Minister of Education



Cabinet

Minute of Decision

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Report of the Cabinet Legislation Committee: Period Ended 3 May 2019

On 6 May 2019, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 3 May 2019:

[REDACTED]	[REDACTED]	[REDACTED]
LEG-19-MIN-0044	Education Amendment Bill (No 2): Supplementary Order Paper Portfolio: Education	CONFIRMED
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Redactions made as content out of scope of Minister's portfolio responsibility

Michael Webster
Secretary of the Cabinet

Hard-copy distribution:
 Cabinet Legislation Committee
 Minister of Transport
 Minister of Commerce and Consumer Affairs

House of Representatives

Supplementary Order Paper

Tuesday, 7 May 2019

Education Amendment Bill (No 2)

Proposed amendments for the consideration of the Committee of the whole House

Key:

- **this is inserted text**
- **~~this is deleted text~~**

Note: This Supplementary Order Paper shows amendments to the Bill that are being proposed by the Minister for the purposes of consideration in Committee of the whole House. This document does—

- NOT have official status in terms of unamended text
- NOT have the status of an as-reported version of the Bill.

Explanatory note

This Supplementary Order Paper amends *clause 19* of the Education Amendment Bill (No 2) to extend the commencement dates of certain provisions in the Education (Update) Amendment Act 2017. It also inserts *new clause 43A* into the Bill, which consequentially amends certain provisions being inserted into Schedule 6 of the Education Act 1989 by the Education (Update) Amendment Act 2017. The amendments change “2019” to “2022” to align those provisions with the amendments to *clause 19*.

Departmental disclosure statement

The Ministry of Education is required to prepare a disclosure statement to assist with the scrutiny of this Supplementary Order Paper. It 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=sop &subtype=government&year=2019&no=224](http://legislation.govt.nz/disclosure.aspx?type=sop&subtype=government&year=2019&no=224).

The Honourable Chris Hipkins, in Committee, to propose the amendments shown in the following document.

Hon Chris Hipkins

Education Amendment Bill (No 2)

Government Bill

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8 Section 25 amended (Students required to enrol must attend school)	5
9 Section 35C amended (Criteria for registration as private school)	5
10 Section 35K repealed (Suspension of registration if welfare of students may be at risk)	5
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12 Section 382 amended (Functions of Teaching Council)	5
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**Proposed amendments to
Education Amendment Bill (No 2)**

**Part 2
Amendments to other enactments**

Subpart 1—Amendments to Education Act 1964

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96	Correspondence schools and classes for continuing education	7

Subpart 2—Amendments to Education (Update) Amendment Act 2017

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19	Section 2 amended (Commencement)	8
20	Section 5 amended (Section 2 amended (Interpretation))	8
21	Section 11 repealed (Sections 7 and 7A repealed)	8
22	Section 20 amended (Section 16 amended (Secretary's powers when excluded student younger than 16))	8
23	Section 25 amended (Section 20 replaced (New Zealand citizens and residents between 6 and 16 to go to school))	8
24	Sections 26 to 29 repealed	8
25	Section 30 amended (Section 25 amended (Students required to enrol must attend school))	8
26	Sections 32 to 34 repealed	9
27	Section 36 amended (Section 35Q amended (Suspensions and expulsions of students from private schools to be notified to Secretary))	9
28	Section 38 repealed (New Part 3A inserted)	9
29	Section 39 amended (Section 60 amended (Interpretation))	9
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31	Section 67 repealed (Section 81A repealed (Grants for correspondence schools))	9
32	Sections 70 and 71 repealed	9
33	Section 72 amended (Section 92 amended (Interpretation))	9
34	Section 98 amended (Section 144A amended (Secretary may require information for proper administration of Act))	9
35	Section 100 amended (Section 145 amended (Interpretation))	9
36	Section 107 repealed (Section 152 repealed (Correspondence schools))	9
37	Section 120 repealed (Section 158A amended (Interpretation))	9
38	Section 122 amended (Section 158R amended (Secretary's powers when student younger than 16 is excluded from partnership school kura hourua))	9

39	Section 125 repealed (Section 159 amended (Interpretation))	10
40	Sections 131 to 135 repealed	10
41	Section 140 repealed (Section 342 amended (Interpretation))	10
42	Section 142 repealed (Section 350A replaced (Special provision for chief executive of correspondence school))	10
43	Section 156 amended (New Schedule 1 inserted)	10
43A	Section 158 amended (Schedule 6 replaced)	10
44	Section 161 amended (Consequential amendments to other enactments)	10
45	Schedule 3 amended	10

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Education Amendment Bill (No 2) **2018**.

2 Commencement

This Act comes into force as follows:

- (a) **sections 4, 5, and 8** come into force on **1 January 2020**;
- (c) the rest of this Act comes into force on the day after the date on which this Act receives the Royal assent.

Part 1

Amendments to Education Act 1989

3 Principal Act

This Part amends the Education Act 1989 (the **principal Act**).

4 Section 2 amended (Interpretation)

In section 2(1), insert in its appropriate alphabetical order:

cohort entry policy means a policy that provides for a child who proposes to enrol in a State school or State-integrated school to be assigned to a group of children and for all of the children in that group to be enrolled in the school on the same date, being a date that is determined in accordance with **section 5B**

5 Sections 5 to 5B replaced

Replace sections 5 to 5B with:

5 Restrictions on primary school enrolment

The following persons may not be enrolled in or continue to be enrolled in a primary school or a class below form 3 at a composite school:

- (a) a child under the age of 5 years:

- (b) a child who turned 14 years of age in a previous year:
- (c) a child who, in the opinion of the Secretary,—
 - (i) has completed the work of form 2; or
 - (ii) has completed the work equivalent to form 2.

5A Cohort entry policy

- (1) A State school or State integrated school may adopt or revoke a cohort entry policy after complying with the requirements in section 5C.
- (2) A cohort entry policy must—
 - (a) apply to all children aged 5 who have not previously enrolled in a registered school; and
 - (b) provide that all such children may be enrolled only on a date determined in accordance with **section 5B**.

5B Dates for starting school under cohort entry policy

- (1) This section applies to a school that has a cohort entry policy.
- (2) A child may be enrolled not earlier than the child's fifth birthday on a date that is—
 - (a) a term start date:
 - (b) a mid-term start date.
- (3) In this section,—

mid-term date means a date that is published as a mid-term date under **section 5D**

term start date, in relation to a school, means a date that is the first day of a term that the school is open for instruction.

6 New section 5D inserted (Publication of mid-term dates)

After section 5C, insert:

5D Publication of mid-term dates

- (1) The Minister must, before 1 July in any year, publish in the *Gazette* (by reference to specific dates) the mid-term start dates for the following year.
- (2) A mid-term start date must be the Monday that is closest to the date that is half-way between the first and last dates of a term.

7 Section 11PB amended (Enrolment schemes of certain State schools)

- (1) In section 11PB(1), delete “State schools that are accredited as enrolling communities of online learning.”.
- (2) Repeal section 11PB(1)(ca).

8 Section 25 amended (Students required to enrol must attend school)

- (1) In section 25(1)(b), delete “4 or”.
- (2) In section 25(3A), delete “4 or”.

9 Section 35C amended (Criteria for registration as private school)

After section 35C(g), insert:

- (h) is a physically and emotionally safe place for students.

10 Section 35K repealed (Suspension of registration if welfare of students may be at risk)

Repeal section 35K.

11 Section 35L amended (Duration of suspension)

Repeal section 35L(2).

12 Section 382 amended (Functions of Teaching Council)

- (2) After section 382(1)(e), insert:

- (ea) to review, at any time, the criteria for teacher registration established under paragraph (e) and, after consultation with the Minister,—
 - (i) vary, delete, or replace 1 or more of the criteria; or
 - (ii) add 1 or more criteria; or
 - (iii) delete all of the criteria and substitute new criteria:

- (4) After section 382(1)(f), insert:

- (fa) to review, at any time, the standards for qualifications established under paragraph (f) and, after consultation with the Minister,—
 - (i) vary, delete, or replace 1 or more of the standards; or
 - (ii) add 1 or more standards; or
 - (iii) delete all of the standards and substitute new standards:

13 New section 382A inserted (Issue of statement of Government policy relating to Teaching Council’s functions)

After section 382, insert:

382A Issue of statement of Government policy relating to Teaching Council’s functions

- (1) The Minister may, at any time, issue a statement of Government policy relating to 1 or more of the Teaching Council’s functions specified in section 382(1).
- (2) Before issuing a statement of Government policy, the Minister must consult the Teaching Council.
- (3) Every statement of Government policy must be—

- (a) given in writing to the Teaching Council; and
 - (b) published in the *Gazette*; and
 - (c) presented to the House of Representatives.
- (4) A statement of Government policy comes into effect on the date specified in the *Gazette* notice, which date must be on or after the date of the notice and is to be treated as the date on which the statement is issued.
- (5) When performing its functions, the Teaching Council must have regard to any relevant statement of Government policy.
- (6) A statement of Government policy may be amended, revoked, or replaced in the same way as it is given.
- (7) A statement of Government policy issued under this section is neither a legislative instrument nor a disallowable instrument for the purposes of the Legislation Act 2012, and does not have to be presented to the House of Representatives under section 41 of that Act.

14 Schedule 1 amended

In Schedule 1, after Part 7, insert:

Part 8

Provisions relating to Education Amendment Act (No 2) 2018

23 Interpretation

In this Part,—

amendment Act means the **Education Amendment Act (No 2) 2018**

commencement date means the date on which this clause comes into force

transition period means the period beginning on the commencement date and ending on the date that is 6 months after the commencement date.

24 Transitional provision in relation to criteria for registration as private school

- (1) A school that is provisionally or fully registered as a private school under section 35A before the commencement date—
- (a) is to be treated as having met the criterion specified in **section 35C(h)** during the transition period; and
 - (b) must be able to show, after the expiry of the transition period, that it meets that criterion.
- (2) Despite **subclause (1)**, a school that is provisionally registered under section 35A must meet the criterion specified in **section 35C(h)** if—
- (a) the school's provisional registration is being renewed under section 35A(4); or

- (b) the school is being reviewed pursuant to a request made under section 35A(5); or
 - (c) the school is being fully registered under section 35A(6).
- (3) An application to be registered as a private school made under section 35A before the commencement date, but not determined by that date, is to be treated as an application received on or after the commencement date.

25 Transitional provision in relation to suspension of private school

- (1) Any process for the suspension of a school commenced before the commencement date is to be completed under this Act as if the amendment Act had not been enacted.
- (2) A suspension resulting from the process specified in **subsection (1)** is to be dealt with under this Act as if the amendment Act had not been enacted.
- (3) A complaint made under this Act before the commencement date, but not determined by that date, is to be dealt with under this Act as if the amendment Act had not been enacted.

Part 2
Amendments to other enactments

Subpart 1—Amendments to Education Act 1964

15 Amendments to Education Act 1964

This subpart amends the Education Act 1964.

16 Section 2 amended (Interpretation)

In section 2(1), insert in its appropriate alphabetical order:

correspondence school or correspondence classes means any school or institution, or any classes, established by the Minister to provide instruction by correspondence

17 New section 96 inserted (Correspondence schools and classes for continuing education)

After section 95, insert:

96 Correspondence schools and classes for continuing education

Having regard to the provision of continuing education, the Minister may establish any school or classes to provide instruction by correspondence for that purpose; and any school or class so established shall be controlled in such manner, and shall charge such fees for the instruction provided, as the Minister may determine.

Subpart 2—Amendments to Education (Update) Amendment Act 2017

18 Amendments to Education (Update) Amendment Act 2017

This subpart amends the Education (Update) Amendment Act 2017.

19 Section 2 amended (Commencement)

(1) Replace section 2(4) with:

(4) Sections 22, 25, and 98 come into force on **1 January 2019** the date that **section 19** of the Education Amendment Act (No 2) **2018** comes into force.

(2) Replace section 2(5) with:

(5) Sections 39(4), 41(2) and (5), 43, 60, 68, and 158(2) come into force on the earlier of—

(a) a date appointed by the Governor-General by Order in Council:

(b) **1 January 2023**.

(5A) Section 95 comes into force on the date that **section 19** of the Education Amendment Act (No 2) **2018** comes into force.

20 Section 5 amended (Section 2 amended (Interpretation))

Repeal section ~~5(5)~~ and ~~(6)~~ 5(4) to (6).

21 Section 11 repealed (Sections 7 and 7A repealed)

Repeal section 11.

22 Section 20 amended (Section 16 amended (Secretary's powers when excluded student younger than 16))

Repeal section 20(2) and (3).

23 Section 25 amended (Section 20 replaced (New Zealand citizens and residents between 6 and 16 to go to school))

(1) In section 25, heading to new section 20, delete “or enrolling community of online learning”.

(2) In section 25, replace new section 20(1) with:

(1) Every person who is a New Zealand citizen or resident must, during the period beginning on the person's sixth birthday and ending on the person's 16th birthday, be enrolled at a registered school.

24 Sections 26 to 29 repealed

Repeal sections 26 to 29.

25 Section 30 amended (Section 25 amended (Students required to enrol must attend school))

Repeal section 30(2).

- 26 Sections 32 to 34 repealed**
Repeal sections 32 to 34.
- 27 Section 36 amended (Section 35Q amended (Suspensions and expulsions of students from private schools to be notified to Secretary))**
Repeal section 36(2).
- 28 Section 38 repealed (New Part 3A inserted)**
Repeal section 38.
- 29 Section 39 amended (Section 60 amended (Interpretation))**
Repeal section 39(3).
- 30 Section 52 repealed (Section 78A amended (Powers of entry and inspection))**
Repeal section 52.
- 31 Section 67 repealed (Section 81A repealed (Grants for correspondence schools))**
Repeal section 67.
- 32 Sections 70 and 71 repealed**
Repeal sections 70 and 71.
- 33 Section 72 amended (Section 92 amended (Interpretation))**
Repeal section 72(1), (3), and (4).
- 34 Section 98 amended (Section 144A amended (Secretary may require information for proper administration of Act))**
In section 98(1), repeal new section 144A(1AAA)(c).
- 35 Section 100 amended (Section 145 amended (Interpretation))**
Repeal section 100(1).
- 36 Section 107 repealed (Section 152 repealed (Correspondence schools))**
Repeal section 107.
- 37 Section 120 repealed (Section 158A amended (Interpretation))**
Repeal section 120.
- 38 Section 122 amended (Section 158R amended (Secretary's powers when student younger than 16 is excluded from partnership school kura hourua))**
Repeal section 122(2).

- 39 Section 125 repealed (Section 159 amended (Interpretation))**
Repeal section 125.
- 40 Sections 131 to 135 repealed**
Repeal sections 131 to 135.
- 41 Section 140 repealed (Section 342 amended (Interpretation))**
Repeal section 140.
- 42 Section 142 repealed (Section 350A replaced (Special provision for chief executive of correspondence school))**
Repeal section 142.
- 43 Section 156 amended (New Schedule 1 inserted)**
- (1) In section 156(2), new Part 4 inserted in Schedule 1 of the Education Act 1989, clause 4, replace “schedule” with “Part”.
 - (2) Repeal section 156(4).
- 43A Section 158 amended (Schedule 6 replaced)**
In section 158(2), new clauses 7(2A), (2B), (2C), and (2D) and 9B(2), replace “2019” with “2022”.
- 44 Section 161 amended (Consequential amendments to other enactments)**
Repeal section 161(3).
- 45 Schedule 3 amended**
In Schedule 3, repeal Part 3.

House of Representatives

Supplementary Order Paper

Tuesday, 7 May 2019

Education Amendment Bill (No 2)

Proposed amendment

The Honourable Chris Hipkins, in Committee, to move the following amendment:

New clause 11A

After *clause 11* (page 5, after line 15), insert:

11A Section 162 amended (Establishment of institutions)

Replace section 162(5) with:

- (5) In the case of a college of education, polytechnic, specialist college, or wananga, the Minister may, on the recommendation of its council, change the name of the college of education, polytechnic, specialist college, or wananga by notice published in the *Gazette*.
- (6) In the case of a university, its name may be changed if the procedure set out in **subsections (7) to (9)** is followed.
- (7) The university must give written notice to the Minister of the proposed name change.
- (8) If notice is given, the Minister must present the proposal to the House of Representatives.
- (9) If the House of Representatives, by resolution, accepts the proposed name change, the Minister must change the name of the university by notice published in the *Gazette*.

Explanatory note

This Supplementary Order Paper inserts *new clause 11A* into the Education Amendment Bill (No 2), which amends section 162 of the Education Act 1989. The amend-

ment sets out a procedure by which universities may seek approval for changing their names.

Departmental disclosure statement

The Ministry of Education is required to prepare a disclosure statement to assist with the scrutiny of this Supplementary Order 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=sop&subtype=government&year=2019&no=224>.