Cabinet Paper material
Proactive release

Minister & portfolio  Hon Chris Hipkins, Minister of Education
Name of package  Education (Date Members of the Teaching Council Take Office) Order 2019
Date considered  24 June 2019

These documents have been proactively released:

Cabinet paper: Education (Date Members of the Teaching Council Take Office) Order 2019
Date considered: 18 June 2019, Cabinet Legislation Committee
Author: Ministry of Education

Education (Date Members of the Teaching Council Take Office) Order 2019
Date considered: 18 June 2019, Cabinet Legislation Committee
Author: Ministry of Education
This document is available online here.

Cabinet Legislation Committee minute – LEG-19-MIN-0088
Date considered: 18 June 2019, Cabinet Legislation Committee
Author: Cabinet Office

Cabinet minute – CAB-19-MIN-0305
Date considered: 24 June 2019
Author: Cabinet Office

Material redacted

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.
In Confidence
Office of the Minister of Education
Cabinet Legislation Committee

Education (Date Members of the Teaching Council Take Office) Order 2019

Proposal

1 I propose that the Cabinet Legislation Committee authorise the submission to the Executive Council of the Education (Date Members of the Teaching Council Take Office) Order 2019.

Policy

2 Among other changes, the Education (Teaching Council of Aotearoa New Zealand) Amendment Act 2018 created a 13 member Council comprising of seven members elected by the teaching profession and six members appointed by the Minister of Education.

3 Clause 11H(5), Schedule 1 of the Education Act 1989 provides that the appointed and elected members of the Teaching Council take office at the same time on the earlier of the following dates:

   3.1 a date specified by the Governor-General by Order in Council;

   3.2 the date that is 12 months after the commencement of this clause.

4 The date specified in paragraph 3.2 would be 29 September 2019.

5 The Education (Date Members of the Teaching Council Take Office) Order 2019 specifies 1 July 2019 as the date on which the appointed and elected members of the Teaching Council take office.

6 The Education (Date Members of the Teaching Council Take Office) Order 2019 is routine, and does not require any new policy decisions

Timing and 28 day rule

7 A waiver of the 28-day rule is being sought on the basis that the Education (Date Members of the Teaching Council Take Office) Order 2019 will have little or no effect on the public.

Compliance

8 The Education (Date Members of the Teaching Council Take Office) Order 2019 complies with the following:

   8.1 the principles of the Treaty of Waitangi;

   8.2 rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
8.3 principles and guidelines set out in the Privacy Act 1993;
8.4 relevant international standards and obligations; and
8.5 *The Legislation Guidelines (2018 edition)*, which are maintained by the Legislation Design and Advisory Committee.

9 Clause 1, Schedule 21 of the Education Act 1989 requires that the members of the Teaching Council appointed by the Minister of Education must be persons nominated after notification of the Teaching Council vacancy in the *Gazette* and consultation by the Minister with representatives of parent and community interest groups in relation to schools and early childhood education services. These requirements have been complied with.

**Regulations Review Committee**

10 There are no grounds for the Regulations Review Committee to draw the Education (Date Members of the Teaching Council Take Office) Order 2019 to the attention of the House under Standing Order 315.

**Certification by Parliamentary Counsel**

11 The Education (Date Members of the Teaching Council Take Office) Order 2019 has been certified by the Parliamentary Counsel Office as being in order for submission to Cabinet.

**Regulatory impact analysis**

12 A regulatory impact statement is not required for the Education (Date Members of the Teaching Council Take Office) Order 2019 because an exemption applies. The Order provides solely for the commencement of existing legislative provisions.

**Publicity**

13 The Education (Date Members of the Teaching Council Take Office) Order 2019 will be publicised through its notification in the *New Zealand Gazette*.

**Proactive release**

14 I propose to proactively release this paper in full once Cabinet has agreed to submit the Education (Date Members of the Teaching Council Take Office) Order 2019 to the Executive Council.

**Consultation**

15 Not applicable.

**Recommendations**

16 I recommend that the Cabinet Legislation Committee:
16.1 note that Education (Teaching Council of Aotearoa New Zealand) Amendment Act 2018 received Royal assent on 28 September 2018;

16.2 note that the terms of office of the new Teaching Council of Aotearoa New Zealand members will commence on a date to be set by Order in Council;

16.3 authorise the submission to the Executive Council of the Education (Date Members of the Teaching Council Take Office) Order 2019;

16.4 note that a waiver of the 28-day rule is sought:

16.4.1 so that the Education (Date Members of the Teaching Council Take Office) Order 2019 comes into force on 1 July 2019;

16.4.2 on the grounds that the Education (Date Members of the Teaching Council Take Office) Order 2019 will have little or no effect on the public;

16.5 agree to waive the 28-day rule so that the Education (Date Members of the Teaching Council Take Office) Order 2019 can come into force on 1 July 2019;

16.6 note that Clause 1, Schedule 21 of the Education Act 1989 requires that the members of the Teaching Council appointed by the Minister of Education must be persons nominated after notification of the Teaching Council vacancy in the Gazette and consultation by the Minister with representatives of parent and community interest groups in relation to schools and early childhood education services.

16.7 note the advice of the Minister of Education that these requirements have been met.

Authorised for lodgement
Chris Hipkins
Minister of Education
Education (Date Members of the Teaching Council Take Office) Order 2019

On 18 June 2019, the Cabinet Legislation Committee:

1. **noted** that the Education (Teaching Council of Aotearoa New Zealand) Amendment Act 2018 provides for a 13-member Teaching Council of Aotearoa New Zealand, comprising of seven members elected by the teaching profession and six members appointed by the Minister of Education;

2. **noted** that the terms of office of Teaching Council members will commence on a date to be set by Order in Council;

3. **noted** that the Education (Date Members of the Teaching Council Take Office) Order 2019 provides for 1 July 2019 as the date on which the appointed and elected members of the Teaching Council take office;

4. **noted**:

   4.1 that clause 1, schedule 21 of the Education Act 1989 requires that the members of the Teaching Council appointed by the Minister of Education must be persons nominated after notification of the Teaching Council vacancy in the Gazette and consultation by the Minister with representatives of parent and community interest groups in relation to schools and early childhood education services;

   4.2 the advice of the Minister of Education that these requirements have been met;

5. **authorised** the submission to the Executive Council of the Education (Date Members of the Teaching Council Take Office) Order 2019 [PCO 22220/2.0];

6. **noted** that a waiver of the 28-day rule is sought:

   6.1 so that the Order can come into force on 1 July 2019;

   6.2 on the grounds that the Order will have little or no effect on the public;
agreed to a waiver of the 28-day rule.
On 24 June 2019, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 21 June 2019:

**LEG-19-MIN-0088**  
**Education (Date Members of the Teaching Council Take Office) Order 2019**  
Portfolio: Education  
CONFIRMED
Redactions made as content outside scope of Minister's portfolio responsibility

Michael Webster
Secretary of the Cabinet

**Hard-copy distribution:**
Cabinet Legislation Committee
Minister of Finance
Minister of Housing and Urban Development
Minister Responsible for the Earthquake Commission
Minister of Health
Associate Minister of Housing and Urban Development (Hon Jenny Salesa)