Minister & portfolio  Hon Chris Hipkins, Minister of Education
Name of package  Education (2020 School Staffing) Order 2019
Date considered  5 August 2019
Date of release

These documents have been proactively released:

**Cabinet paper: Education (2020 School Staffing) Order 2019**
Date considered: 30 July 2019, Cabinet Legislation Committee
Author: Ministry of Education

**Education (2020 School Staffing) Order 2019**
Date considered: 30 July 2019, Cabinet Legislation Committee
Author: Ministry of Education
This document is not included in this bundle, as it is available online [here](http://legislation.govt.nz).

**Cabinet Legislation Committee minute – LEG-19-MIN-0104**
Date considered: 30 July 2019
Author: Cabinet Office

**Cabinet minute – CAB-19-MIN-0377**
Date considered: 5 August 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.

You can read the Official Information Act 1982 here:
In Confidence

Office of the Minister of Education

Cabinet Legislation Committee

Education (2020 School Staffing) Order 2019

Proposal

1. I propose that Cabinet Legislation Committee authorise the submission of the Education (2020 School Staffing) Order 2019 to the Executive Council

Background

School Staffing Order

2. Part 8A of the Education Act 1989 (the Act) requires that an Order in Council be made every year to limit the financial liability of the Crown arising out of its obligation to pay teachers’ salaries.

3. An annual Education (School Staffing) Order (the Order) is made under section 91H of the Act. It prescribes the limits on the number of teachers that may be employed by schools for the following year.

4. The Order must be made in the year before the year in which it is to apply.

5. Each annual Order follows the previous year’s Order and incorporates any new policy changes which have been approved by Cabinet.

Comment

6. A change has been made to include the Budget 2019 provision for Learning Support Coordinators (CAB-18-MIN-0526). This change is in Clause 80.

7. Clause 17 has been updated to reflect the increase of 1,000 management units for high schools that has been agreed as part of collective bargaining.

8. Clause 35 has been updated to reflect changes in the Teach First NZ Programme.

9. Clause 52 has been amended to reflect that staffing entitlement transfers relating to instrumental and vocal music tuition are transferred to the schools listed in Schedule 5 of the Order.

10. Clause 79 has been updated to reflect that the clause includes both resource teachers and managers, learning and behaviour.

11. Schedule 3 has been modified to reflect staffing for a teen parent unit with a maximum roll of 23 students.
12. The notional rolls for Kingslea School and regional health schools have changed for 2020. Schedules 6 and 8 have been updated to reflect the changes to the entitlement staffing, principal's grade and salary units of these schools.

13. In addition, the use of "Form 1 – 7 schools have been replaced with "Year 7 to 13" schools and definition of special school deleted as this is already defined in the Education Act 1989.

Timing and 28-day rule


Compliance

15. The regulations comply with each of the following:
   - principles of the Treaty of Waitangi;
   - rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
   - principles and guidelines set out in the Privacy Act 1993;
   - relevant international standards and obligations; and

Regulations Review Committee

16. There are no anticipated grounds upon which the Regulations Review Committee would need to draw the Order to the attention of the House in terms of Standing Order 315.

Certification by Parliamentary Counsel

17. The draft regulations have been certified by the Parliamentary Counsel Office as being in order for submission to Cabinet.

Regulatory impact analysis

18. Treasury has determined that the regulatory decisions sought in this Cabinet paper are exempt from the requirement to provide a Regulatory Impact Assessment as they have no or minor impacts on businesses, individuals or not for profit entities.

Financial implications

19. No additional funding is being sought or is necessary to implement the changes to the Order.

Publicity

20. Education sector unions and other relevant education bodies will be advised of the enactment of the Order through its notification in the *New Zealand Gazette*. Boards of trustees will be advised of their provisional staffing in September.
Consultation

21. An opportunity to review and comment on the draft Education (2020 School Staffing) Order 2019 was given to: the Treasury, the Education Council of New Zealand, the Education Review Office, the New Zealand Educational Institute, the New Zealand School Trustees Association, the New Zealand Area Schools’ Association, the New Zealand Post Primary Teachers’ Association, the New Zealand Catholic Education Office, the Secondary Principals’ Association of New Zealand, the New Zealand Association for Intermediate and Middle Schooling, the New Zealand Principals’ Federation, the New Zealand Secondary Principals’ Council and the New Zealand Educational Institute Principals’ Council.

22. No adverse comments were received from any of the recipients.

Recommendations

The Minister of Education recommends that the Cabinet Legislation Committee:

1. note that this paper seeks authorisation to submit the Education (2020 School Staffing) Order 2019 to the Executive Council;

2. note that the Education (School Staffing) Order is made annually to limit the financial liability of the Crown arising out of its obligation to pay teachers’ salaries by prescribing the limits on the number of teachers that may be employed by boards in the year the Order applies;

3. note that the Education (2020 School Staffing) Order 2019 provides Learning Support Coordinators that were agreed to in the Budget 2019 package;

4. note that all other updates are minor cost neutral drafting changes;

5. authorise the submission to the Executive Council of the Education (2020 School Staffing) Order 2019; and


Authorised for lodgement

Chris Hipkins
Minister of Education
Education (2020 School Staffing) Order 2019

On 30 July 2019, the Cabinet Legislation Committee:

1. noted that the Education (School Staffing) Order is made annually to limit the financial liability of the Crown arising out of its obligation to pay teachers’ salaries by prescribing the limits on the number of teachers that may be employed by boards in the year the Order applies;

2. noted that the Education (2020 School Staffing) Order 2019 provides Learning Support Coordinators that were agreed to in the Budget 2019 package;

3. noted that all other updates are minor cost neutral drafting changes;

4. authorised the submission to the Executive Council of the Education (2020 School Staffing) Order 2019 [PCO 22169/18.0];

5. noted that the Education (2020 School Staffing) Order 2019 will come into force on 5 September 2019.

Vivien Meek
Committee Secretary

Present:
Hon Chris Hipkins (Chair)
Hon Stuart Nash
Hon Iain Lees-Galloway
Hon Damien O’Connor
Hon Tracey Martin
Hon Eugenie Sage
Michael Wood MP (Senior Government Whip)

Officials present from:
Officials Committee for LEG

Hard-copy distribution:
Minister of Education
Cabinet

Minute of Decision

Report of the Cabinet Legislation Committee: Period Ended 2 August 2019

On 5 August 2019, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 2 August 2019:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Portfolio: Education</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

Martin Bell for Secretary of the Cabinet

Hard-copy distribution:
Cabinet Legislation Committee