Education Report: Setting a start date for the new board of the Teaching Council of Aotearoa New Zealand

To: Minister of Education

Date: 6 June 2019

Security Level: In Confidence

Priority: High

Drifter: Kirstie Scott

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DDI:

Messaging seen by Communications team: No

Round Robin: No

Purpose of Report

This report provides you with a draft paper for the Cabinet Legislation Committee (LEG). The draft LEG paper seeks authorisation to submit to the Executive Council a Commencement Order to set 1 July 2019 as the start date on which the elected and appointed members of the Teaching Council of Aotearoa New Zealand (the Teaching Council) take office.

Summary

- Clause 11H(5), Schedule 1 of the Education Act 1989 provides that all members of the new board of the Teaching Council must take office at the same time on the earlier of the following dates:
  a. a date specified by the Governor-General by Order in Council
  b. the date that is 12 months after the commencement of this clause (this date would be 29 September 2019).

- You have previously agreed [METIS 1190946 refers] to appoint members for three year terms from 1 July 2019.

- This date was chosen because the board has urgent decisions to make regarding options to ensure the Teaching Council’s financial sustainability from 1 July 2020, as well as the appointment of a permanent Chief Executive. It is not appropriate for the outgoing board to make these decisions.

- Setting a start date earlier than 29 September 2019 does not require any new policy decisions. We have issued drafting instructions to the Parliamentary Counsel Office (PCO).
Recommended Actions

The Ministry of Education recommends you:

a. note that you have agreed to appoint members of the new board of the Teaching Council for terms of three years from 1 July 2019 [METIS 1190946 refers]

    Noted

b. note that an Order in Council (a Commencement Order) is needed to set a start date earlier than 29 September 2019

    Noted

c. approve the attached paper for lodging by 10am on 13 June 2019, for consideration by LEG on 19 June 2019

    Agree/Disagree

a. agree to proactively release this paper

    Release/Not release

Emily Fabling
Deputy Secretary
Strategy, Planning and Governance

Hon Chris Hipkins
Minister of Education

[Signatures]

9/6/19
Background

1 Section 380 of the Education Act 1989 (the Act) provides that the Teaching Council comprises 13 members. The Minister of Education appoints six members and seven members are elected by different sectors of the profession.

2 Teachers voted in March and seven members were elected. You must now appoint a further six members and appoint a Chair from the appointed or elected members.

3 You have agreed to appoint Nicola Ngarewa as Chair, and to appoint the following people as members of the board: Clare Wells; Mike Rondell; Ripeka Lessels; Dagma Dyck; Frian Wadila.

4 We have provided you with a draft paper for the Appointment and Honours Cabinet Committee (APH) [METIS 1190946 refers] and appointments will be considered by APH on 12 June 2019.

5 The APH paper noted your intention to appoint members for terms of three years from 1 July 2019 to 30 June 2022.

Commencement Order.

6 Clause 11H(5), Schedule 1 of the Education Act 1989 provides that all members of the new board must take office at the same time on the earlier of the following dates:
   - a date specified by the Governor-General by Order in Council
   - the date that is 12 months after the commencement of this clause (that is, 29 September 2019).

7 In this context, a Commencement Order is required to set 1 July 2019 as the start date for the board.

8 This date was agreed on because the board has urgent decisions to make regarding options to ensure the Teaching Council’s financial sustainability from 1 July 2020, as well as the appointment of a permanent Chief Executive. It is not appropriate for the outgoing board to make these decisions.

9 The Teaching Council has previously advised the elected members that they will take office on 1 July.

10 The Commencement Order required to set a start date is routine, and does not require any new policy decisions. We have therefore issued drafting instructions to the PCO.

Next steps

11 We expect that the Commencement Order will be drafted in time for PCO to lodge it with the Cabinet Office on 13 June 2019.

12 Once PCO has confirmed the name of the Commencement Order, we will update it in the attached draft LEG paper.

13 The LEG paper should be lodged on 13 June, for consideration by LEG on 18 June, and by Cabinet and the Executive Council on 24 June 2019.
Proactive Release

14 We recommend this paper is proactively released.

Annexes

Annex 1: draft LEG paper (for lodging)