

Supplementary Departmental Disclosure Statement

Education and Training Amendment Bill

A supplementary disclosure statement for proposed government amendments to a Bill seeks to bring together in one place some selected information to support and enhance the Parliamentary and public scrutiny of those proposed amendments.

It highlights certain significant powers or features in the proposed amendments that might be of particular Parliamentary or public interest and warrant an explanation.

It provides a limited supplement to the original disclosure statement for the Education and Training Amendment Bill dated 12 June 2024, which can be found at this link [NZ Legislation Disclosures](#).

This supplementary disclosure statement was prepared by the Ministry of Education.

The Ministry of Education certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

16 July 2024.

Significant Legislative Features

Offences, penalties and court jurisdictions

1. Do the proposed amendments create, amend, or remove:	
(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalties)?	NO
(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	NO

1.1. Was the Ministry of Justice consulted about these provisions?	YES
The Ministry of Justice was consulted on the cabinet paper seeking the amendments and the Amendment Paper.	

Privacy issues

2. Do the proposed amendments create, amend, or remove any provisions relating to the collection storage, access to, correction of, use or disclosure of personal information?	NO
2.1. Was the Privacy Commissioner consulted about these provisions?	YES
The Office of the Privacy Commissioner was consulted on the cabinet paper seeking the amendments.	

Compulsory acquisition of private property

3. Do the proposed amendments contain any provisions that could result in the compulsory acquisition of private property?	NO

Charges in the nature of a tax

4. Do the proposed amendments create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO

Retrospective effect

5. Do the proposed amendments affect rights, freedoms, or impose obligations, retrospectively?	NO

Strict liability or reversal of the burden of proof for offences

6. Do the proposed amendments:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for any offence or civil pecuniary penalty proceeding?	NO

Civil or criminal immunity

7. Do the proposed amendments create or amend a civil or criminal immunity for any person?	NO

Significant decision-making powers

8. Do the proposed amendments create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	YES
<p><i>The proposed amendments are to:</i></p> <p>Sharing resources between schools proposal:</p> <p>This proposal allows converted charter schools to have access to shared resourcing such as Communities of Learning Kāhui Ako, Resourcing Teachers, Learning Support Coordinators, and Technology staffing for years 7-8 students. This will be done by amending the Education and Training Act 2020 (Act) through the Education and Training Amendment Bill (Bill) by:</p> <ul style="list-style-type: none"> providing, despite their employment agreement, that an employee of a State school may not refuse a requirement from their employer to provide services to a charter school or to students enrolled at a charter school if that requirement would otherwise be a lawful and reasonable instruction. deeming the Sponsor of a converted charter school to be a party to any arrangement regarding the sharing of staff that the board of a converting school was a party to prior to its conversion. <p>Multi-employer collective agreement (MECA) proposal:</p> <p>In order to ensure charter schools maintain flexibility in their employment of staff, this proposal is for an amendment to the Education and Training Act 2020 that would prohibit unions from initiating MECA bargaining with charter school sponsors under the Employment Relations Act 2000.</p> <p>Impact on rights</p> <p>Both the cluster resourcing proposal and the MECA proposal will have a significant impact on the rights of an employee.</p> <p>The cluster resourcing proposal will prevent a teacher who provides services in a cluster resourcing stream, such as Learning Support, from refusing to continue to provide those services under the terms of a collective employment agreement only because charter schools are not a State school. The purpose of this proposal is to ensure students at a converted can continue to receive this type of specialist teaching support once the school converts.</p> <p>The MECA proposals will prohibit charter school employees from being employed under a MECA. This will affect a charter school's employee's rights to be employed under a MECA. The purpose is to provide sponsors of charter schools with the flexibility to negotiate salary and employment terms directly with employees.</p>	

Powers to make delegated legislation

9. Do the proposed amendments create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	NO

10. Do the proposed amendments create or amend any other powers to make delegated legislation?	NO

Any other unusual provisions or features

11. Do the proposed amendments contain any provisions (other than those noted above) that are unusual or call for special comment?	NO