

Departmental Disclosure Statement

Education and Training Amendment Bill (No 2)
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The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This 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.

18 March 2025

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Part One: General Policy Statement

The Education and Training Act 2020 (the **Act**) establishes and regulates an education system that—

- provides New Zealanders and those studying in New Zealand with the skills, knowledge and capabilities that they need to fully participate in the labour market, society and their communities; and
- supports their health, safety, and well-being; and
- assures the quality of the education provided and the institutions and educators that provide and support it; and honours Te Tiriti o Waitangi and supports Māori-Crown relationships.

The purpose of this Bill is to make amendments across a range of matters in the Act to give effect to new policy decisions and to make other minor and technical changes.

School board objectives

The Bill amends the objectives for school boards in governing schools by —

- making educational achievement the paramount objective (the highest priority objective), while retaining the other school board objectives as essential and supporting objectives; and
- adding a new supporting objective, which is essential to the paramount objective, for school boards to take all reasonable steps to ensure the attendance of the students enrolled in their school; and
- adding a new supporting objective, which is essential to the paramount objective, for school boards to ensure that schools use good quality assessment and aromatawai information to monitor and evaluate students' progress and achievement; and
- moving the subclause requiring schools to give effect to Te Tiriti o Waitangi by achieving equitable outcomes for Māori students to the first subclause to increase its visibility; and
- replacing the term 'local curriculum' with 'teaching and learning programmes' to strengthen the focus on the national curriculum.

Statement of national educational and learning priorities for early childhood education, primary education and secondary education

The Bill removes the ability for the Minister to issue a statement of national educational and learning priorities for early childhood education, primary education and secondary education and related references (including the education and learning objectives for early childhood education, primary education and secondary education) from the Act and secondary legislation made under the Act.

Initial teacher education

The Bill strengthens the role of government in the Teaching Council and initial teacher education, including by —

- creating a legislated advisory role for the Secretary for Education (the **Secretary**), to require the Teaching Council to have regard to the Secretary's advice when it reviews and proposes any changes to standards for qualification that lead to teacher registration, and when it conducts, in conjunction with quality assurance agencies, approvals of teacher education programmes; and

- requiring the Teaching Council to consult with the Minister of Education (the **Minister**) before the Council makes changes to the standards of ongoing practice and criteria for the issuing of practising certificates; and
- requiring the Teaching Council to include, in its annual report, information on how it had regard to any relevant statement of government policy.

Freedom of expression

The Bill imposes a duty on university councils to protect and promote academic freedom and freedom of expression and requires them to—

- develop and adopt a statement on freedom of expression; and
- report on freedom of expression and academic freedom, including the number and nature of any complaints, through their annual report.

Attendance management plans

The Bill—

- requires school boards to have an attendance management plan that sets out processes and strategies for identifying and responding to student absences with the aim of returning students to regular attendance; and
- empowers the making of regulations that create more detailed requirements for school boards regarding attendance management plans.

Other amendments

The Bill also amends the Act by—

- extending the notification period for school strikes from 3 days to no less than 7 days; and
- strengthening the Teaching Council's disciplinary and competence processes; and
- enabling national student numbers to be assigned, used and collected for the purpose of the Performance-Based Research Fund or similar research initiatives and to validate the previous collation and use of national student numbers for these purposes; and
- making the requirement for the Minister to set fees that reimburse the Crown for expenditure relating to international students optional rather than mandatory; and
- making the requirement for the Minister to issue eligibility criteria relating to the appointment of principals optional rather than mandatory; and
- making minor and technical amendments.

Part Two: Background Material and Policy Information

Published reviews or evaluations

2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?	NO
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Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	NO
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Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	YES
<p>Six regulatory impact statements were prepared by the Ministry of Education:</p> <p>Attendance Management Plans for School Boards (9 September 2024)</p> <ul style="list-style-type: none"> https://www.regulation.govt.nz/our-work/regulatory-impact-statements/regulatory-impact-statement-attendance-management-plans-for-school-boards/ https://web-assets.education.govt.nz/s3fs-public/2025-03/RIS%2039%20-%20Attendance%20Action%20Plan_%20Second%20Phase%20Initiative_Redacted.pdf?VersionId=vJB_Zr5NYc3rmdQK6qmlrfMJMVdnZxNK <p>Extending the School Strike Notification (8 October 2024)</p> <ul style="list-style-type: none"> https://www.regulation.govt.nz/assets/RIS-Documents/Regulatory-Impact-Statement-Extending-the-School-Strike-Notification.pdf https://web-assets.education.govt.nz/s3fs-public/2025-02/44%20-%20RIS%20-%20Extending%20the%20School%20Strike%20Notification_Redacted.pdf?VersionId=W_hzDVDkNJTyTsFsYmxMMsbenlZKFyd7 <p>Unique Identifier Use in the PBRF or Other Research Initiatives (9 October 2024)</p> <ul style="list-style-type: none"> https://www.regulation.govt.nz/assets/RIS-Documents/Regulatory-Impact-Statement-Authorising-the-use-of-National-Student-Numbers-for-the-Performance-Based-Research-Fund..pdf https://web-assets.education.govt.nz/s3fs-public/2025-02/44%20-%20RIS%20-%20Unique%20Identifier%20use%20in%20the%20PBRF%20or%20other%20research%20initiative_Redacted.pdf?VersionId=ZmbCO7Yk9U0Qw1Mw1.cLZkBXeGT06_39 <p>Improving accountability and transparency for standard setting and approval functions for ITE (21 November 2024)</p> <ul style="list-style-type: none"> https://www.regulation.govt.nz/assets/RIS-Documents/RIS-Improving-accountability-and-transparency_Redacted.pdf https://web-assets.education.govt.nz/s3fs-public/2025-03/RIS%2051%20-%20Providing%20clear%20direction%20to%20Teaching%20council_Redacted.pdf?VersionId=A_0C3cSrxnfdniEN_C7npXArYHhT8.z <p>Refocusing schools on the Government's priorities (25 November 2024)</p> <ul style="list-style-type: none"> https://www.education.govt.nz/our-work/information-releases/advice-seen-our-ministers/2024-advice-seen-ministers <p>Strengthening Freedom of Speech in New Zealand's Universities (2 December 2024)</p> <ul style="list-style-type: none"> https://www.regulation.govt.nz/our-work/regulatory-impact-statements/regulatory-impact-statement-strengthening-freedom-of-speech-in-new-zealands-universities/ https://web-assets.education.govt.nz/s3fs-public/2025-03/RIS%2010.%20Cabinet%20paper%20-%20University%20Freedom%20of%20Speech%20Legislation_Redacted.pdf?VersionId=3bwJ0l1fq0q1D3SbO_RJrLEt_bGldTz <p>The Ministry for Regulation's Impact Analysis team determined that the other proposals (the Teaching Council, principal eligibility criteria, International Student Fee, and Wānanga minor omission proposals) are exempt from the requirement to provide a Regulatory Impact Statement on the grounds that they have no or only minor impacts on businesses, individuals and not-for-profit entities.</p>	

2.3.1. If so, did the RIA Team in the Treasury provide an independent opinion on the quality of any of these regulatory impact statements?	NO
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2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?	YES
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The following changes are relatively minor in terms of their legislative effect and arose as a result of the drafting process. They are identified in the interest of transparency.

School board objectives and national education and learning priorities proposal:

Educational achievement as the paramount objective: The regulatory impact statement refers to a proposal to make educational achievement as the **primary** objective for school boards with other objectives being essential supporting objectives. Since this regulatory impact statement was completed, the proposal for the educational achievement objective was amended to replace the term 'primary objective' with '**paramount** objective'. This was supported by the inclusion of definitions for the terms 'paramount objective' and 'supporting objective'.

Removing section 5(4) of the Act: Whilst the original intention was to only remove the NELP related provisions from section 5 of the Act, Cabinet also decided to remove the remaining objectives on *Section 5 (4) The education and learning objectives for early learning, primary and secondary education*. There is no requirement for anyone to comply with or have regard to these objectives and removing them would simplify and streamline the Act. Originally, the objectives were intended to provide a clear and visible purpose statement for the education system. Since its introduction, other provisions have been included or strengthened to provide strategic statements, including section 90 (curriculum statements and national performance measures), section 127 (school board objectives) and new purpose sections for the Act (section 4), early learning (section 14) and schooling (section 32).

Freedom of expression proposal:

The regulatory impact statement refers to **freedom of speech** in New Zealand's universities. Subsequently, the proposal has been changed to refer to **freedom of expression**. This is because freedom of expression is consistent with the terminology in other legislation, whereas 'freedom of speech' would create inconsistent language across the statute book, for example with the New Zealand Bill of Rights Act 1990. 'Freedom of expression' is consistent with the policy decisions made by Cabinet for this proposal.

Extent of impact analysis available

2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?	NO
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2.5. For the policy to be given effect by this Bill, is there analysis available on:	
(a) the size of the potential costs and benefits?	YES
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO
<p>An assessment of the potential marginal costs and benefits of the six proposals that have regulatory impact statements are included in their regulatory impact statements. These regulatory impact statements can be accessed through the links included under question 2.3, and the cost-benefit analyses can be found on the following pages:</p> <ul style="list-style-type: none"> • Attendance Management Plans for School Boards: pp 13-14 • Extending the School Strike Notification: pp 16-18 • Unique Identifier Use in the PBRF or Other Research Initiatives: pp 16-17 • Improving accountability and transparency for standard setting and approval functions for ITE: pp 24-27 • Refocusing schools on the Government's priorities: pp 18-19 • Strengthening Freedom of Speech in New Zealand's Universities: pp 22-23 <p>No proposals in this Bill create the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth.</p>	

2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	YES
(b) the nature and level of regulator effort put into encouraging or securing compliance?	YES
<p>For a number of proposals in this Bill, the potential costs or benefits are likely to be impacted by the level of effective compliance or non-compliance and the nature and level of regulator effort. Analysis is included at Appendix 1.</p>	

Part Three: Testing of Legislative Content

Consistency with New Zealand's international obligations

3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?

Officials have considered whether each proposal is consistent with New Zealand's international obligations. Particular consideration has been given to the following proposals:

School strike notification proposal

This proposal proposes to amend the Education and Training Act 2020 to change the amount of time unions must provide before giving notice of a proposed strike from 3 days to no less than 7 days. As part of the development of this policy, consideration was given to ensure that the proposal does not conflict with the International Labour Organization's International Declaration on Social Justice for a Fair Globalisation 2008.

Freedom of expression proposal

As part of the development of the freedom of expression proposal, consideration was given to the potential for the policy to suggest that freedom of expression holds primacy over other human rights, which would be inconsistent with human rights law and practice. For example, if other rights in the Bill of Rights Act 1990 were engaged by the proposal, then international human rights instruments to which New Zealand is a party might be likewise engaged. Officials shared early drafts of this proposal with the Ministry of Justice to identify any concerns of this nature that could be resolved through the drafting process (this did not pre-empt the BORA vet).

Consideration was also given to whether the proposal conflicts with the right to education under the International Covenant on Economic, Social and Cultural Rights, whereby higher education is to be equally accessible to all on the basis of capacity. We consider that the freedom of expression proposal does not conflict with accessibility on the basis of capacity.

Consistency with the government's Treaty of Waitangi obligations

3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?

Throughout the process of developing the proposals in this Bill, the Ministry has proactively considered the Te Tiriti o Waitangi implications. This is evidenced, in part, through public and targeted consultation on some proposals, the Treaty of Waitangi impact analysis contained in Regulatory Impact Statements and Cabinet papers and consulting on draft Cabinet papers with Te Puni Kōkiri and Te Arawhiti, as detailed below:

Consultation

Public consultation was undertaken on the school strike notification, national student numbers and school board objectives and national education and learning priorities proposals.

Targeted consultation on the Teaching Council proposal (run by the NZ Teaching Council) included consultation with Te Rūnanga Nui o Ngā Kura Kaupapa Māori o Aotearoa, and Te Akatea (Te Runanga Nui o Ngā Kura Kaupapa Māori felt they were not given enough time to respond).

Targeted consultation was initially completed on a proposal to 'lift and shift' Initial Teacher Education (ITE) standard setting and approval functions from the Teaching Council to the Secretary for Education. Following advice and consultation feedback, Cabinet agreed to an alternative set of proposals a 'transparency and accountability' package, which is being progressed through the Bill. These proposals were not consulted on.

As part of the engagement on the 'lift and shift' package the Ministry contacted Te Akatea, Te Rūnanga Nui o Ngā Kura Kaupapa o Aotearoa, Ngā Kura ā Iwi and the three Wānanga. Due to the limited time for these groups to consider the 'lift and shift' proposals, only Te Akatea

(who made a joint public statement with other peak bodies) and Te Wānanga o Awanuiārangi provided a submission to the 'lift and shift' package of proposals.

Feedback received during consultation processes were actively considered in the development of the proposals.

Consideration of Treaty of Waitangi implications in regulatory impact statements and Cabinet paper

Six of the proposals for this Bill have a regulatory impact statement that includes analysis of Treaty of Waitangi implications. These are the proposals for attendance management plans, school strike notification, national student numbers, initial teacher education, school board objectives and national education and learning priorities, and freedom of expression. The development of some of these regulatory impact statements were informed by consultation with the Ministry's internal Māori Education Policy team and external consultation as indicated above. The full analysis included in the regulatory impact statements can be accessed through the links included under **question 2.3**.

The Cabinet paper for the Teaching Council, principal eligibility criteria, International Student Fee and Wānanga minor omission proposals consider the Treaty of Waitangi implications of these proposals.

Cabinet paper agency consultation

Final policy decisions for proposals in this Bill were sought through five Cabinet papers. Drafts of all five of these Cabinet papers were shared with Te Puni Kōkiri during agency consultation, this provided an opportunity to check whether the summary of our Treaty Impact Analysis correctly identified the key Treaty implications. Drafts of the Cabinet papers for the attendance management plans, school board objectives and national education and learning priorities, and freedom of expression proposals were also shared with Te Arawhiti during agency consultation. Feedback received during agency consultation was considered in the development of the final Cabinet papers.

Consistency with the New Zealand Bill of Rights Act 1990

3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?	YES
The Ministry of Justice has assessed the Bill for consistency with the New Zealand Bill of Rights Act 1990 and provided advice to the Attorney-General prior to introduction.	

Offences, penalties and court jurisdictions

3.4. Does this Bill create, amend, or remove:	
(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?	YES
(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	NO
Teaching Council proposal The proposal to amend section 479 of the Education and Training Act 2020 includes expanding the Teaching Council's current function of prosecuting breaches of the requirements of the Act to include failure to make mandatory reports to the Teaching Council.	

Privacy issues

3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?	YES
<p>Teaching Council proposal</p> <p>This proposal includes proposed amendments that allow the Teaching Council to annotate the public Register of teachers or List of Limited Authorities to Teach in additional circumstances. This includes a change to include annotations when there is an agreement between a teacher or a holder of a limited authority to teach (LAT) and the Teaching Council that the teacher or LAT holder will not teach due to serious misconduct allegations until the agreement is ended.</p> <p>Freedom of expression proposal</p> <p>The requirement for a complaints process for academic freedom and freedom of expression in this proposal may require some additional collection and handling of personal information by universities. For example, staff and student awareness of the proposal may result in an increase in complaints made. However, it is anticipated that universities will adapt their existing complaints processes if necessary to include complaints related to academic freedom and freedom of expression. New Zealand universities are subject to the Privacy Act 2020 and all of the universities have privacy policies in place for handling personal information.</p> <p>National student numbers proposal</p> <p>This proposal enables national student numbers (NSNs) to be assigned to researchers and used and collated for the purpose of the Performance Based Research Fund or similar research initiatives, and validates previous collection and use of NSNs for these purposes to enable ongoing use of this NSN data.</p>	

3.5.1. Was the Privacy Commissioner consulted about these provisions?	YES
The Office of the Privacy Commissioner has been consulted on the proposals in this Bill . Their feedback was considered when making final design decisions.	

External consultation

3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?	YES
<ul style="list-style-type: none"> Public consultation was undertaken on the school strike notification, national student numbers and section 127 and national education and learning priorities proposals. Targeted consultation was undertaken on the Teaching Council and freedom of expression proposals. Agency consultation was undertaken on each of the policy Cabinet papers for the proposals in this Bill. An overview of the consultation that was undertaken for proposals in this Bill is included at Appendix 2. 	

Other testing of proposals

3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?	NO
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Part Four: Significant Legislative Features

Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO
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Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	YES
International student fee proposal The Bill proposes to amend the Education and Training Act 2020 so that the Minister of Education has discretion on whether to set an International Student Fee (ISF) (that is, it is no longer a mandatory requirement to set a fee).	

Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	YES
National student numbers proposal The Bill proposes to validate the previous use of the National Student Numbers for the purpose of the Performance Based Research Fund or similar research initiatives.	

Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO
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Significant decision-making powers

4.6. Does this Bill 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?	NO
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Powers to make delegated legislation

4.7. Does this Bill 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
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4.8. Does this Bill create or amend any other powers to make delegated legislation?	YES
<p>Attendance management plans proposal</p> <p>The Bill proposes to enable regulations that specify content and procedural requirements of schools' attendance management plans. Regulations will be developed alongside the Bill and are intended to be implemented by November 2025 to enable the Regulations to be in place for the commencement of the attendance management plan provisions.</p> <p>Freedom of expression proposal</p> <p>The Bill proposes to enable regulations that specify matters relating to freedom of expression and academic freedom to be included in the annual report of university councils. This provision is intended to only be used if needed to ensure sufficient comparability in universities' reporting for benchmarking and comparing progress over time. At this time, there are no plans to develop regulations.</p> <p>School board objectives and national education and learning priorities proposal</p> <p>The Bill proposes consequential amendments to the following regulations:</p> <ul style="list-style-type: none"> the Education (Early Childhood Services) Regulations 2008, to revoke the requirement for licenced early childhood education service providers to have regard to any statement of National Education and Learning Priorities. the Education (School Planning and Reporting) Regulations 2023, to revoke provisions requiring a board's strategic plan to include information relating to the link between the board's strategic goals and the statement of national education and learning priorities. 	

Any other unusual provisions or features

4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?	NO
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Appendix One: Further Information Relating to Part Two

Extent of impact analysis available – question 2.6

Attendance management plans proposal

This proposal introduces requirements for schools to have an attendance management plan. The potential benefits of this policy will be impacted by the compliance of schools with these requirements.

The Ministry is working with the Education Review Office to investigate how the two agencies can provide assurance that boards are meeting the new proposed requirements for having attendance management plans and responding to irregular attendance effectively. Should a school refuse to have a plan or not action its plan, the proposed new provisions under the Bill would mean the Ministry would have stronger grounds for using the intervention framework set out in section 171 of the Act than it currently does. This is because requirements to have an attendance management plan mean that there will be clearer evidence if a school is not meeting its section 36 and attendance management plan obligations to take all reasonable steps to respond to absence. This work by the Ministry and ERO to secure compliance may impact the potential benefits of this policy.

Initial teacher education proposal

This proposal:

- introduces requirements for the Teaching Council to have regard to the Secretary of Education's advice on any reviews or changes to standards for qualifications that lead to teacher registration; and when the Council conducts approvals of teacher education programmes;
- requires the Teaching Council to consult with the Minister of Education on any changes to the standards for on-going practice and criteria for issuing of practising certificates; and
- introduces a requirement for the Council's annual report to include information on how they gave regard to any relevant Statements of Government Policy.

The potential benefits of this policy will be realised through full compliance of the Teaching Council with these requirements.

School board objectives and national education and learning priorities proposal

These proposals amend the school board objectives set out in section 127 and removes the statement of national education and learning priorities provisions and related references from the Act. The potential benefits of this policy will depend on how well schools comply with and implement the new set of objectives.

Every three years, school boards must develop a strategic plan that sets out the board's strategy for achieving (or making progress towards achieving) its strategic goals including for meeting the objectives as set out in section 127. School boards are then required to submit their strategic plan to the Secretary who may review a strategic plan and direct a board to revise it.

Additionally, the Education Review Office (ERO) regularly undertakes reviews of schools and as they do so, they connect in with each school's planning and reporting cycle. ERO prepares statements for school reports about Board Assurance of compliance with Regulatory and Legislative Requirements.

When issues are raised with the Ministry, including via the Ministry's own interactions with schools, via ERO review, or via parent/community complaints, the statutory interventions framework (in section 171 of the Act) will apply.

The Ministry and ERO's efforts to ensure Board compliance may affect the policy's potential benefits.

Freedom of expression proposal

This proposal imposes a duty on university councils and sets requirements for universities regarding freedom of expression. The potential benefits of this policy will be impacted by the compliance of universities with these requirements.

Universities will be required to adopt a statement on freedom of expression six months after the commencement date. Requiring universities to report on academic freedom and freedom of expression in their annual reports, including the number and nature of any complaints, will enable public examination of their performance. Universities (along with other tertiary institutions) must give their annual report to the Minister as soon as practicable after the end of each academic year under section 306 of the Act. Cabinet noted that the Minister will monitor universities' compliance with the requirements and consider whether additional oversight or enforcement mechanisms are needed in future.

The policy intent is to strike a balance between maintaining the institutional autonomy of universities and providing assurance that their freedom of expression statements will align with their statutory roles and responsibilities and public expectations.

Appendix Two: Further Information Relating to Part Three

External consultation – question 3.6

Attendance Management Plans proposal

There was no external consultation undertaken on this proposal due to time constraints. However, the Ministry engaged with internal takiwā (regional) staff to understand the likely impact this change will have on the schooling sector.

Teaching Council proposal

The Teaching Council held targeted engagement with stakeholders on these proposals in June 2024 – Post Primary Teachers' Association, New Zealand Educational Institute, New Zealand Principals' Federation, Secondary Principals' Association of New Zealand, Te Rūnanga nui o Ngā Kura Kaupapa Māori o Aotearoa and Te Akatea. Te Runanga Nui o Ngā Kura Kaupapa Māori felt they were not given enough time to respond. The stakeholders who provided feedback generally agreed with the proposals. There were privacy concerns over the Council being able to amend the register of teachers to indicate if a teacher has agreed not to teach while a case is being heard against them for serious misconduct. The Council considers this is a necessary change as an agreement not to teach is only agreed in very serious cases. Teachers will be informed through the process that an annotation will be made and that they can withdraw their consent at any time.

Principal eligibility criteria and Wānanga minor omission proposals

There was no consultation undertaken on these proposals as they are technical in nature.

School strike notification proposal

On 8 July 2024 Cabinet agreed to release a discussion paper for public consultation on the school strike notification proposal [CAB-24-MIN-0248]. Public consultation was undertaken from 1 August to 6 September 2024. Three options were presented in the discussion paper:

- Option 1: to make the notice period no less than three working days;
- Option 2: to make the notice period no less than seven calendar days; and
- Option 3: to retain the status quo.

In total, 124 respondents participated in the survey. Most submitters favoured Option 3 (to retain the status quo) and supported the union's suggestions. However, most school leaders, parents, caregivers and whānau supported an extension to the notice period and these are the people who are responsible for managing the impacts of strike action on students.

National student numbers proposal

On 29 July 2024, Cabinet agreed to release a discussion paper for public consultation on the use of unique identifiers for the PBRF [CAB-24-MIN-0267 refers]. Public consultation ran from 1 August to 29 August 2024. The following options were presented in the discussion paper:

- Option 1 – Create a new unique identifier for use with the PBRF Quality Evaluation and similar research initiatives.
- Option 2 – Continue to use new and existing NSNs and amend Schedule 24 of the Education and Training Act 2020 to allow for the use, collection and assignment of NSNs.

Officials received 24 submissions, varying from individual responses to organisation submissions. A significant portion of responses were in favour of using Open Research and Contributor Identification (ORCID) to administer the fund. This was, however, ruled out due to problems with coverage, control and privacy concerns. Discounting the responses in relation to ORCID, the majority of submitters supported Option 2 – continuing to use new and existing NSNs and amending Schedule 24 of the Act.

International student fee proposal

The Ministry engaged with the Schools International Education Business Association on the International Student Fee proposal in 2022 and 2023.

Initial teacher education proposal

Targeted consultation was completed on an earlier proposal to 'lift and shift' Initial Teacher Education (ITE) functions from the Teaching Council to the Secretary for Education (the 'lift and shift' proposal).

A mix of ITE providers and those with links to ITE were invited to take part in consultation on the 'lift and shift' package of proposals. As part of this engagement, the Ministry contacted Te Akatea, Te Rūnanga Nui o Ngā Kura Kaupapa o Aotearoa, Ngā Kura ā Iwi and the three Wānanga.

While there was limited time for these ITE providers to consider these initial teacher education proposals, several groups did provide feedback.

Following advice and consultation feedback, Cabinet agreed to an alternative set of proposals, a 'transparency and accountability' package, which is being progressed through the Bill. These proposals were not consulted on.

School board objectives and national education and learning priorities proposal

Cabinet approved public consultation on this proposal, which was conducted from 2 September – 14 October 2024 [CAB-24-MIN-0314]. 1381 submissions were received from a range of stakeholders including education organisations, Māori representative groups, advocacy groups, and wider members of the public.

Consultation feedback on the proposals was mixed. Stakeholder submissions through the main consultation channels were unsupportive of change. The New Zealand School Boards Association (NZSBA) also conducted their own survey of its board members which showed a more balanced perspective.

In response to feedback received in consultation, the proposals no longer include removing the objective for school boards to give effect to relevant student rights. Feedback on this proposal was overwhelmingly unsupportive.

Since the completion of this consultation, we have replaced the term 'primary objective' with 'paramount objective' and defined the term 'paramount' in section 127 to ensure that the other objectives remain essential supporting objectives to the paramount objective, maintaining the original policy intent of the proposal.

The consultation document on section 127 and NELP changes stated that section 5(4), which sets out the education and learning objectives for early learning and schooling, would be retained. However, Cabinet since decided to remove the remaining objectives, thus repealing section 5 (and any related references) in its entirety. As there is no requirement for anyone to comply with or have regard to these education and learning objectives, the removal is therefore a small and relatively technical change to streamline and simplify the Act.

Freedom of expression proposal

Officials undertook targeted engagement on this proposal with university vice-chancellors, Universities New Zealand and the Free Speech Union. Their feedback informed the proposed approach to this issue. Given the limited time for targeted engagement, feedback primarily reflected the initial reaction of these groups, and in the absence of a broader consultation we were unable to test the views of other stakeholder groups, particularly university staff and students.

Universities were generally concerned that the proposal was being developed at speed without appropriate consultation and were of the view that the proposed changes undermined legislative expectations of institutional autonomy. They highlighted that conversations about freedom of speech on campus are easily politicised and tend to be more constructive when progressed in a way that provide buy-in from staff and students. They pointed out that a new legislative option seems duplicative given the existing legal provisions for freedom of expression. It was suggested that universities should be encouraged to adopt voluntary freedom of expression statements.

The Free Speech Union supported progressing legislative change but highlighted that legislation should be designed carefully and with clear expectations, to avoid the risk of it undermining rather than improving freedom of speech. The union preferred more expansive amendments but indicated they would support more targeted changes if they set a clear expectation that university policies should not restrict freedom of speech.