

House of Representatives

Supplementary Order Paper

Wednesday, 12 April 2017

Education (Update) Amendment Bill

Proposed amendments

Catherine Delahunty, in Committee, to move the following amendments:

New clause 38A

After *clause 38* (page 35, after line 27), insert:

38A New Part 6 inserted

After section 35R, insert:

Part 6
Parent Advocacy Council

48 Purpose of this Part
The purpose of this Part is to establish a Parent Advocacy Council.

49 Interpretation
In this Part, unless the context otherwise requires,—
applicant means—

- (a) a person who has the care for a child or young person (such as a parent or guardian) intending to enrol, previously enrolled, or currently enrolled at a state or state-integrated school:
- (b) a child or young person intending to enrol, currently enrolled, or previously enrolled at a state or state-integrated school:
- (c) any group of people referred to in **paragraphs (a) or (b)**—
who have applied to the Parent Advocacy Council for mediation or a decision under this Part

Board has the meaning given by section 2 of this Act

child means a child or young person under 19 years of age

Council means the Parent Advocacy Council established under this Part

member means a member of the Council

Minister means the Minister of the Crown for the time being responsible for the administration of the justice system in New Zealand

Ministry means the Ministry of Justice

parent means a person who has the care for a child or young person (such as a parent or guardian) intending to enrol, previously enrolled, or currently enrolled at a state or state-integrated school

public education system means the system relating to state and state-integrated schools in the compulsory education sector.

50 Purpose of Parent Advocacy Council

The purpose of the Council is to ensure that the educational needs of children are addressed in the public education system through—

- (a) providing free, quality information for parents, children, and schools;
- (b) providing a dispute resolution system for parents and schools to resolve complaints
- (c) operating as an independent advisory body that has expertise in educational policy and can make recommendations and report to Parliament, the Government, Ministers, government agencies and schools.

51 Membership of Council

- (1) The Council comprises 8 members appointed by the Minister of Justice on the recommendation of—
 - (a) national representative organisations of parents; and
 - (b) national representative organisations of teachers; and
 - (c) national representative organisations of principals; and
 - (d) national representative organisations of school boards of trustees; and
 - (e) the Children’s Commissioner.
- (2) The Minister must ensure that the Council has—
 - (a) an equal membership according to gender; and
 - (b) at least one member who is under 20 years of age; and

- (c) at least one member who identifies as Māori.
- (3) In appointing members under **subsection (1)**, the Minister must also have regard to—
 - (a) the members reflecting the diversity of Aotearoa New Zealand in terms of ethnicity, disability, religion, and geographic region; and
 - (b) members having skills relating to governance, the education system, and dispute resolution.

52 Functions of Council

- (1) The Council's functions are to—
 - (a) provide free, quality information for parents, children, and schools about the public education system in the compulsory sector;
 - (b) provide a dispute resolution system for parents and schools to resolve issues relating to enrolment, exclusion, or access to education for students;
 - (c) act as an independent advisory body that has expertise in educational policy and can make recommendations and report to Parliament, the Government, Ministers, government agencies and schools.
- (2) The dispute resolution service provided under **section 52(1)(b)** may be accessed through an approved application by a parent, a child, or a state or state-integrated school.
- (3) The Council may refuse to provide the service under **section 52(1)(b)** where it considers that the complaint or issue in dispute—
 - (a) is trivial;
 - (b) is frivolous or vexatious;
 - (c) has already been addressed or resolved by the Council or another body;
 - (d) does not relate sufficiently to the applicant;
 - (e) is outside the scope of the functions of the Council.

53 Powers of Council

- (1) The Council has all powers granted to it under this Act and any other enactment.
- (2) The Council may require information to be produced to further an inquiry and decision under **section 52(1)(b)**.

54 Decisions of Council

All decisions of the Council under **section 52(1)(b)** must be provided in writing with reasons, and a copy provided to the applicant and respondent.

Explanatory note

This Supplementary Order Paper amends the Education (Update) Amendment Bill by re-establishing the Parent Advocacy Council to provide information about the public education system to parents, children, and schools, to provide a free or low-cost dispute resolution system for parents and schools to resolve complaints, and to provide an independent advisory body that has expertise in educational policy and can make recommendations and report to Parliament, the Government, Ministers, government agencies and schools.