



Education and Training Amendment Act 2021

Public Act 2021 No 58
Date of assent 15 December 2021
Commencement see section 2

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Schedule
Consequential and minor amendments

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Education and Training Amendment Act 2021.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act

This Act amends the Education and Training Act 2020.

Part 1
Substantive amendments

4 Section 6 amended (Statement of expectations)

Replace section 6(1) with:

- (1) The Minister and the Minister for Māori Crown Relations: Te Arawhiti may, for the purposes of providing equitable outcomes for all students, jointly issue a statement that sets out expectations for the following agencies:
- (a) the Ministry:
 - (b) TEC:
 - (c) NZQA:
 - (d) the Education Review Office:
 - (e) Education New Zealand.

5 Section 99 amended (Limits on use of physical restraint at registered schools)

- (1) In section 99(1), replace “teacher or” with “person holding a teaching position or an”.
- (2) In section 99(2)(b), replace “teacher” with “person holding a teaching position”.

6 Section 100 amended (Rules on use of physical restraint at registered schools)

In section 100(1), replace “teachers,” with “persons holding a teaching position,”.

7 Section 101 amended (Guidelines on use of physical restraint and behaviour management at registered schools)

In section 101(4), replace “teachers, and authorised staff members” with “persons holding a teaching position, and authorised staff members at registered schools”.

8 Section 171 amended (Interventions in State schools by Secretary or Minister)

In section 171(2), replace “The Secretary or the Minister may use an intervention” with “The Secretary may use an intervention described in subsection (1)(a) to (f)”.

9 Section 636 amended (Regulations relating to early childhood services)

(1) Replace section 636(1)(a) with:

- (a) prescribing matters relating to applications for approval to apply for a licence, including (without limitation)—
 - (i) prescribing fees and charges payable for an application:
 - (ii) specifying any conditions for approval that must be met:
- (aa) providing for the licensing of service providers to provide early childhood services of any kind, including (without limitation) providing for the transfer of licences:

(2) Repeal section 636(1)(e).

(3) In section 636(2), replace “The regulations” with “Without limiting subsection (1), the regulations”.

10 Section 667 amended (Consequential amendments to this Act)

Repeal section 667(1) and (2).

11 Section 669 amended (Repeals and revocations)

(1) Repeal section 669(1)(b) and (d).

(2) Repeal section 669(2).

12 Schedule 1 amended

In Schedule 1, clause 60(3), definition of **specified period**, replace “31 December 2021” with “31 December 2022”.

13 Schedule 4 amended

In Schedule 4, after the heading, insert:

*Preliminary***1AAA Application of certain provisions**

- (1) The Police vetting requirements in clauses 1, 2, 9, and 10 apply in respect of a person who, in the course of their work for the service provider or school, does not fall within the definition of a children's worker in section 23(1) of the Children's Act 2014 and, as a result, is not required to be safety checked under Part 3 of that Act.
- (2) To avoid doubt, nothing in this schedule limits Part 3 of the Children's Act 2014 or regulations made under that Act in relation to the safety checking of children's workers.

Police vetting in respect of licensed early childhood services

Part 2**Other amendments****14 Consequential and minor amendments to principal Act**

Amend the principal Act as set out in the Schedule.

Schedule

Consequential and minor amendments

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Section 9

In section 9(1)(c), replace “agencies serving the education system, and for which the Minister is responsible,” with “Ministry, TEC, NZQA, the Education Review Office, and Education New Zealand”.

Section 171

In section 171(1)(i), replace “dismissal” with “dissolution”.

Replace section 171(1)(j) with:

- (j) the dissolution of a board by the Secretary and the appointment of a commissioner in accordance with section 181(3).

Section 430

In section 430(1), replace “this Act” with “this subpart”.

Section 433

In section 433(1)(g), replace “this Part” with “this subpart”.

New cross-heading above section 439

After section 438, insert:

Approval of programmes

Cross-heading above section 445

In the cross-heading above section 445, delete “and consents to assess against standards”.

Section 510

In section 510(1), replace “this Act” with “this subpart”.

Section 638

In section 638(2), replace “Regulations made under subsection (1)” with “Without limiting subsection (1), the regulations”.

In section 638(2)(d), delete “, including (without limitation) the extent to which boards may contribute to their design”.

Section 640

Repeal section 640(1)(a).

In section 640(2), replace “Regulations made under subsection (1)” with “Without limiting subsection (1), the regulations”.

Section 649

Replace section 649(1) with:

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations identifying any agency or body as a specified user of national student numbers.

Schedule 1

In Schedule 1, repeal clause 7(2).

In Schedule 1, clause 7(3), replace “regulations under section 648 are made that deal with the matter addressed in the provision” with “regulations made under section 648 that deal with the matter addressed in the provision come into force”.

Schedule 4

In Schedule 4, clause 8(1)(a), replace “this schedule” with “clause 1, 2, or 5”.

In Schedule 4, heading to clause 13, after “vets”, insert “**under clause 9 or 10**”.

In Schedule 4, clause 13, replace “person—” with “person under clause 9 or 10—”.

In Schedule 4, repeal clause 14 and the cross-heading above clause 14.

Schedule 26

In Schedule 26, Part 1 heading, replace “**on Royal assent**” with “**on day after date of Royal assent**”.

Legislative history

21 April 2021	Introduction (Bill 32–1)
6 May 2021	First reading and referral to Education and Workforce Committee
4 August 2021	Reported from Education and Workforce Committee
19 October 2021	Second reading
9 November 2021	Committee of the whole House
9 December 2021	Third reading
15 December 2021	Royal assent

This Act is administered by the Ministry of Education.