

Education and Training (System Reform) Amendment Bill

Government Bill

Explanatory note

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.

Tightening up provisions for attendance exemptions

The Bill tightens up provisions for attendance exemptions, which currently allow the Secretary for Education (the **Secretary**) and a principal to exempt a student from attending school. It does this by—

- repealing an exemption from attendance due to walking distance to school or some other reason; and
- replacing the current exemption of a student from attendance for a period of no more than 5 days with a new exemption, which allows a principal to exempt a student from attending the school only in accordance with rules made by the Secretary; and

- allowing the Secretary to make rules that specify the requirements that must be met for a principal to exempt a student from attendance.

Clarifying roles of the Education Review Office (ERO) and Ministry of Education in relation to State schools of serious concern

The Bill clarifies the Ministry's and ERO's complementary roles in identifying and responding to State schools of serious concern by—

- requiring the Chief Review Officer (**CRO**) to notify the Secretary and the Minister of Education (the **Minister**) in writing within 2 working days of forming a view that a school may be of serious concern; and
- requiring the CRO to subsequently provide a report to the Secretary and the Minister within 28 working days of receipt of the CRO notification, either stating that the school is of serious concern and what statutory intervention is recommended, or stating that the school is not of serious concern; and
- requiring the Secretary to report to both the Minister and the CRO on what action the Secretary has taken or intends to take (with a timeline) or recommends the Minister take and why, within 30 working days of receipt of the CRO's report; and
- providing that the Secretary and Minister may rely on the CRO's report when determining whether the thresholds in section 171 (interventions in State schools by the Secretary or the Minister) are met.

Supporting the next stage of the charter school model

The Bill strengthens the charter school model by allowing sponsors to hold a single contract for multiple charter schools (**multi-school contracts**). It also provides more certainty for a converted charter school that a State school similar to the type of school that the charter school was before it converted may be established if the sponsor terminates their contract or opts not to renew it and a replacement sponsor cannot be found.

Multi-school contracts will allow sponsors to better enable sharing of best practice and collaboration across the schools within the contract. The Bill provides for—

- additional detail needed for the notification of a new charter school that is part of a multi-school contract; and
- organisational flexibilities that differ from sponsors holding contracts for a single school; and
- performance management requirements for multi-school contracts; and
- additional interventions for multi-school contracts.

The Bill provides a pathway for converted charter schools to be replaced by a new State school in the event that a sponsor terminates their contract or opts not to renew. It does this by—

- requiring the Authorisation Board to attempt to find a replacement sponsor if the sponsor of a converted school gives notice of termination of the contract or notice that it will not be renewing the contract; and
- compelling the Minister to establish a replacement State school if the Authorisation Board is not able to find a replacement sponsor; and
- allowing the Minister to decline to establish a replacement State school in specific circumstances; and
- providing transitional provisions relating to the employment of staff of the closing charter school in the new State school.

Clarifying workforce roles and functions

The Bill shifts the responsibility for establishing and maintaining teacher registration criteria, teacher education qualification standards, teaching standards, practising certificate criteria, and the code of conduct from the Teaching Council of Aotearoa New Zealand (the **Teaching Council**) to the Secretary.

The Bill also makes the following changes to clarify and focus the Teaching Council's role:

- expanding the Teaching Council's current role in approving teacher education programmes to include the ability to monitor and review providers' delivery of approved programmes, place conditions on new or existing programme approvals, and cancel approvals:
- reducing the size of the Teaching Council from 13 members to a minimum of 7 and maximum of 9 members, and a total of 3 elected members (1 early childhood education, 1 primary, and 1 secondary representative), with the other members being appointed by the Minister:
- making minor changes to the term of office for Teaching Council members and removing the focus on raising the status of the profession from the Teaching Council's purpose statement:
- removing the Teaching Council's functions related to providing direction and best practice information to teachers, enhancing the status of teachers and optional leadership:
- requiring the Teaching Council to have regard to the Minister's feedback on proposed changes to fees and levies:
- providing transitional provisions for the transfer of some of the Teaching Council functions to the Secretary and the changes to the membership of the Teaching Council.

Establishing the New Zealand School Property Agency

The Bill establishes a new model for certain land, buildings, or associated infrastructure used or occupied by State schools, charter schools, and early childhood education and care centres (**education property**). It does this by establishing a new Crown agent, the New Zealand School Property Agency (**NZSPA**), which will manage edu-

cation property and ensure the administration of education property is effective and efficient.

The Bill does this by—

- defining key terms such as education property, regulated entity, relevant person, and school property portfolio; and
- providing for the establishment and membership of the Board of the NZSPA; and
- specifying the NZSPA's functions, which, in summary, are to—
 - administer education property and associated rights, improvements, and agreements relating to education property:
 - construct, acquire, and dispose of education property:
 - support regulated entities with capital projects and maintenance works:
 - monitor the performance of education property:
 - report to the Secretary on any failures by regulated entities to comply with legal requirements related to education property:
 - provide property planning and delivery advice to the Minister and Secretary:
 - maintain relationships with the regulated entities and provide advice to them:
 - support the Crown in its responsibility to give effect to Te Tiriti o Waitangi:
 - carry out any additional functions conferred on it; and
- providing NZSPA with powers to support its functions, including powers to—
 - enter, inspect, repair, and maintain education property, and carry out construction in relation to that property; and
 - recover costs for carrying out maintenance and repairs; and
 - require information from relevant persons; and
 - use other interventions in relation to State schools, for example, requiring a board to engage specialist help, prepare and carry out an action plan, attend a case conference, undertake a specialist audit, or carry out specified actions; and
- setting out provisions related to the delegation and sub-delegation of the NZSPA's powers or functions, as well as the delegation of the Minister's functions, duties, or powers to the NZSPA; and
- enabling the Minister to issue a Government policy statement to set overall direction and priorities for the school property portfolio or the network of State or charter schools; and

- providing for the transition of relevant functions, powers, and duties from the Ministry of Education to the NZSPA; and
- revoking the Public Service (Chief Executive for School Property) Order 2024.

Transferring regulatory functions from Ministry of Education to Education Review Office

The Bill establishes a statutory role of Director of Regulation (the **Director**) in the Education Review Office (**ERO**) and transfers the following functions from the Secretary to the Director:

- the regulatory functions for private schools, including registration, compliance, and enforcement (including prosecutions);
- the regulatory functions for school hostels, including licensing, compliance, enforcement (including prosecutions), and appeals.

Further to these changes, the Bill—

- shifts the power of the Minister to authorise a suitably qualified person to inspect hostels to the Director; and
- allows the Director to designate a suitably qualified person as a regulatory officer for performing functions in relation to private schools, which include the powers of entry and inspection; and
- allows the Director to delegate any of their functions, duties, or powers with certain restrictions; and
- provides transitional provisions relating to the transfer of private school and hostel functions from the Secretary and the Minister to the Director.

Other amendments

The Bill also amends the Act by—

- requiring the Secretary to plan and carry out rolling curriculum area reviews on a regular basis, providing for one type of curriculum statement, and allowing different curriculum statements to be made for different groups of schools; and
- replacing the requirement for school boards to consult the school community about the school's health curriculum, with a requirement to regularly inform the school community on that curriculum, its delivery, and parent rights under section 51 of the Act; and
- improving the quality and quantity of system level data and insights by requiring State schools, charter schools, and private schools to participate in studies that monitor the performance of our schooling system, including large-scale studies, for example, the Programme for International Student Assessment and the Trends in International Mathematics and Science Study; and
- including micro-credentials in the reporting requirements for educational providers to the New Zealand Qualifications Authority (NZQA) to ensure that students have a complete and up-to-date Record of Achievement; and

- making other minor amendments.

Departmental disclosure statement

The Ministry of Education is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2025&no=228>

Regulatory impact statement

The Ministry of Education produced regulatory impact statements on 5 June 2025, 16 June 2025, 25 June 2025, 16 July 2025, and 11 August 2025 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

Copies of these regulatory impact statements can be found at—

- <https://www.education.govt.nz/our-work/information-releases/advice-seen-our-ministers>
- <https://www.regulation.govt.nz/our-work/regulatory-impact-statements/>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. It provides that the Bill comes into force on 15 June 2026. However,—

- *clauses 4, 12 to 14, 31, 42, 44, 51, 57 to 60, and 62* (provisions relating to the New Zealand School Property Agency) come into force on 1 August 2026; and
- *clauses 6 to 8* (relating to school attendance exemptions) come into force on 1 January 2027.

Clause 3 provides that the Bill amends the Education and Training Act 2020 (the **principal Act**).

Part 1

Amendments to principal Act

Part 1 amends the principal Act to—

- establish a new Crown entity, the New Zealand School Property Agency (the **NZSPA**), whose role will be to manage **education property**, that is, land, buildings, and associated infrastructure—
 - used or occupied by State schools; or

- owned by, or leased to the Crown for use by an early childhood service or charter school or for another education purpose; and
- create a statutory role, the Director of Regulation (the **Director**), and transfer existing functions of the chief executive of the Ministry of Education (the **Secretary**) and the Minister of Education (the **Minister**) in relation to hostels and private schools to the Director; and
- tighten exemptions from school attendance; and
- transfer some functions of the Teaching Council to the Secretary; and
- require registered schools to participate in system monitoring studies if selected to do so; and
- consolidate foundation curriculum policy statements and national curriculum statements into curriculum statements; and
- change a State school board's obligations in relation to the health curriculum; and
- recognise micro-credentials; and
- make various consequential amendments and provide for transitional matters.

Clause 4 amends section 9(2), which lists provisions that relate to Te Tiriti o Waitangi in the context of regulation of the education system. This clause inserts a reference to *new section 517F(1)(h)*, which provides that the NZSPA must support the Crown in its responsibility to give effect to Te Tiriti o Waitangi.

Clause 5 amends section 10, which defines terms used in the principal Act, to—

- insert new definitions, including definitions of education property, school property portfolio, and multi-school contract; and
- repeal the definition of initial teacher education programme; and
- consequentially amend the definition of employment-based trainee teacher so it includes a person who undertakes a subsequent teacher education programme.

Clauses 6 to 8 repeal section 44 and replace sections 45 and 46 to amend provisions that relate to exemptions from school attendance. Currently, both the Secretary and a principal may grant exemptions under different circumstances. As a result of these amendments,—

- the Secretary will no longer be able to grant an exemption from school attendance on the basis of walking distance or for any other reason; and
- a principal will only be able to grant an exemption in circumstances set out in rules made by the Secretary under *new section 46*.

Clause 9 amends section 90 to consolidate foundation curriculum policy statements and national curriculum statements into a single type: curriculum statements. Curriculum statements may now also differ for different school classifications or designations and different student groups or year levels.

Clause 10 inserts into the principal Act *new sections 90A and 90B*. *New section 90A* requires the Secretary to review curriculum statements at least once every 5 years and report to the Minister on any changes they recommend to those statements. *New section 90B* enables the Minister to make changes to curriculum statements after having regard to the Secretary's recommendations (if any) and other factors.

Clause 11 replaces section 91, which currently requires a State school board to consult its school community on its health curriculum. Under *new section 91*, the board is only required to inform the school community about the content of the health curriculum and how it will be delivered, and to remind parents that they may ask the principal to excuse their child from specified parts of the health curriculum related to sexuality education. The board will need to do this on a regular basis, but at least every 3 years or whenever the health curriculum is changed, whichever occurs sooner.

Clauses 12 to 14 amend sections 161 to 163 to transfer the following functions of the Secretary to the NZSPA:

- specifying the terms and conditions that apply to property and building occupancy (section 161):
- providing consent for a board to grant a lease or a licence to any person to occupy any land, buildings, or facilities occupied by the board (section 162):
- identifying the kinds of agreements that boards may enter into in relation to the occupation of school land or buildings and specifying the conditions to which agreements are subject (section 163).

Clauses 15 and 16 consequentially amend sections 164 and 165 to update references to curriculum statements.

Clause 17 inserts into the principal Act *new sections 170A to 170C* and a cross-heading, which relate to State schools of serious concern.

New section 170A requires the chief executive of the Education Review Office (the **Chief Review Officer**) to notify the Secretary and the Minister within 2 working days if they form a view that a State school may be of serious concern.

New section 170B requires the Chief Review Officer to give the Secretary and the Minister a written report stating whether the school is of serious concern and, if it is, recommending 1 or more interventions under section 171. The Chief Review Officer must give the report within 28 working days after the Secretary and the Minister receive the notification under *new section 170A*.

New section 170C requires the Secretary to give the Chief Review Officer and the Minister a written report that sets out the action the Secretary has taken, will take, or recommends that the Minister take in relation to the school of serious concern. The Secretary must give the report within 30 working days after receiving a report under *new section 170B*.

Clause 18 amends section 171, which sets out interventions the Secretary or the Minister may use in relation to a State school. Under *new section 171(3A)*, the Secretary

or the Minister may rely on a report given by the Chief Review Officer under *new section 170B* when considering whether there are grounds for intervention.

Clause 19 amends section 190, which provides for the Minister to establish a State school. Section 190(2) provides that the decision to establish a State school is in the Minister's absolute discretion. The amendment inserts *new section 190(2A)*, which provides that this discretion is overridden if *new section 212ZEB* requires the Minister to establish a State school (*see clause 25*).

Clauses 20 to 24 relate to charter schools and make amendments that allow for the governing body of a charter school (a **sponsor**) to enter into a multi-school contract.

Clause 20 amends section 212I, which provides for the Authorisation Board to approve a sponsor to operate a charter school. This amendment inserts criteria that the Authorisation Board must take into account for multi-school contracts and also provides for amending the approval of a sponsor.

Clause 21 amends section 212L, which provides for the Charter School Agency to enter into a contract on behalf of the Crown with a sponsor that allows the sponsor to operate a charter school. This amendment specifies matters that a multi-school contract must set out and provides for variations to a multi-school contract.

Clause 22 amends section 212M, which requires the Minister to notify the establishment of a charter school in the *Gazette*. The amendment inserts a requirement for the *Gazette* notice to specify whether the charter school is part of a multi-school contract.

Clause 23 amends section 212O, which sets out a sponsor's duties. The amendments specify that the duties of a sponsor relate to each charter school covered by the charter school contract and insert *new section 212O(2)*, which allows a sponsor to appoint 1 chief executive to be responsible for the day-to-day management of all schools covered by a multi-school contract entered into by the sponsor.

Clause 24 amends section 212P, which provides for a sponsor to control the management of a charter school, to include a reference to each school covered by a charter school contract.

Clause 25 inserts *new sections 212ZEA and 212ZEB* and a cross-heading, which relate to replacing a former State school that has become a charter school (a **converted school**) with a State school.

New section 212ZEA provides for the Authorisation Board to find a replacement sponsor for a converted school if the existing sponsor has given—

- notice of termination of its charter school contract to the Authorisation Board; or
- notice to the Authorisation Board that it will not exercise a right of renewal under the contract.

New section 212ZEB provides for the Minister to establish a replacement State school if the Authorisation Board has not been able to find a replacement sponsor for a converted school. If the converted school was a State integrated school before it was converted, the Minister can only accept an application from the former proprietor of that

school and must offer terms that are substantially similar to those in the previous integration agreement. If the converted school was not a State integrated school before it was converted, the Minister must establish a replacement State school of the same type that the converted school was before it was converted. However, the Minister is not obliged to establish a replacement State school if—

- establishing the school would have significant financial implications for the Crown that are not justified; or
- establishing the school would not allow students access to quality schooling or choice about the type of education; or
- there is insufficient support for the replacement school or integration.

Clause 26 amends section 212ZF, which sets out interventions that the Authorisation Board may use in relation to charter schools. Under *new section 212ZF(1)(f)*, the Authorisation Board may remove 1 or more charter schools from a multi-school contract. In addition, the Authorisation Board may replace the existing sponsor with a new one after removing 1 or more charter schools from a multi-school contract. *Clause 26* also makes minor consequential amendments.

Sections 213 and 214 provide for the Secretary's functions in relation to the registration of private schools. *Clauses 27 and 28* amend those sections to transfer those functions to the Director.

Clause 29 replaces section 239 as a consequence of the replacement of section 46. It replaces the reference to a notice under section 46 with a reference to a direction under section 82(1)(c), which requires a parent to enrol a child in a distance school in specified circumstances. This offence provision has also been redrafted to align with current drafting practices.

Clause 30 replaces a reference in section 249 to the Secretary with a reference to the Director consequential on the transfer of functions (*see clause 28*).

Clause 31 inserts a reference to *new subpart 5A* into section 399, which outlines Part 5 (performance, funding, and support). *New subpart 5A* relates to the NZSPA (*see clause 42*).

Clause 32 amends section 452, which sets out what rules the New Zealand Qualifications Authority may make. This amendment allows micro-credentials to be included in a student's record of achievement.

Clause 33 replaces section 475(1) to change the membership of the Teaching Council. Currently, the Teaching Council must have 13 members (6 Minister-appointed members and 7 elected members). Under *new section 475(1)*, there must be at least 7 members but no more than 9 members (4 to 6 Minister-appointed members and 3 elected members).

Clause 34 amends section 476, which provides for the Minister to appoint members of the Teaching Council. These amendments remove the requirement for the Minister to consult representatives of parent and community interest groups before appointing

a member. Section 476(1) and (2) has also been redrafted to align with current drafting practices.

Clause 35 amends section 478 to remove raising the status of the profession as the means by which the Teaching Council achieves its purpose.

Clause 36 amends section 479, which sets out the functions and powers of the Teaching Council. Several functions and powers are transferred to the Secretary (*see clause 38*), primarily those related to criteria for teacher registration, standards of qualifications, the code of conduct, and establishing and maintaining standards and criteria for ongoing practice and practising certificates.

Under *new section 479(3B)*, the Teaching Council may impose, amend, and revoke the conditions on the approval of teacher education programmes and cancel an approval after consulting the Secretary.

The following functions of the Teaching Council are removed:

- providing direction for teachers:
- enhancing the status of teachers:
- identifying and disseminating best practice in teaching and fostering the teaching profession's continued development.

Clause 37 amends section 480 to change the consultation requirement for fixing fees and imposing levies. The Teaching Council will now need to consult the Minister as well as registered teachers before fixing a fee or imposing a levy.

Clause 38 inserts *new section 480A*, which sets out the functions of the Secretary. These include the following functions that were previously performed by the Teaching Council (*see clause 36*):

- establishing and maintaining—
 - the criteria for teacher registration:
 - standards and criteria for qualifications, ongoing practice, and practising certificates:
 - the code of conduct for teachers:
- performing reviews of the above criteria, standards, and code of conduct every 7 years or at shorter intervals:
- amending or replacing the criteria, standards, and code of conduct following a review.

Clause 39 amends section 485, which relates to the code of conduct that applies to teachers, to replace references to the Teaching Council with references to the Secretary following the transfer of functions. *New section 485(1A)* specifies that the Secretary cannot delegate the functions and duties under this section.

Clauses 40 and 41 make additional consequential amendments to sections 487 and 495 following the transfer of the code of conduct function to the Secretary. Under section 495, complaints relating to teacher conduct will still need to be addressed to the Teaching Council.

Clause 42 inserts *new subpart 5A (new sections 517A to 517Z)* into Part 5. This subpart—

- provides that if a Minister (other than the Minister of Education) is given responsibility for the administration of the subpart (or 1 or more sections in it), that person must perform their functions and duties, and exercise their powers jointly with the Minister of Education (*new section 517A*)
- establishes the NZSPA (*new sections 517B and 517C*):
- sets out the membership, objective, functions, duties, and powers of the NZSPA and its Board (*new sections 517D to 517R*):
- sets out the role of the Minister in relation to the NZSPA (*new sections 517S to 517Z*).

Under *new section 517D*, the Board of the NZSPA may consist of 5 to 9 members appointed by the Minister.

New section 517E outlines the objective of the NZSPA.

New section 517F sets out the functions of the NZSPA. These primarily relate to managing education property and undertaking building, maintenance, and administration of the education property portfolio on behalf of the Crown.

New section 517G sets out collective duties of the NZSPA Board (which are additional to its duties set out in the Crown Entities Act 2004).

New sections 517H to 517R set out the NZSPA Board's powers, which include—

- authorising a person to enter and inspect education property, and carry out construction, repairs and maintenance in relation to that property (with additional requirements specified if the education property is a dwelling house):
- recovering money spent on necessary repairs and maintenance:
- requiring information from a relevant person:
- exercising low-level intervention powers in relation to State schools if there is a concern about land, buildings, or associated infrastructure used or occupied by a school, for example, requiring the school board to engage specialist help or prepare and complete an action plan:
- delegating or subdelegating functions and powers to a member, an employee, or the chief executive of the NZSPA Board.

Under *new section 517S*, the Minister may delegate functions, duties, and powers to the NZSPA Board that are consistent with the Board's functions and objective as stated in the Act.

Under *new section 517T*, the Minister may issue a Government policy statement (GPS) to set the overall direction and priorities for school property or the network of State or charter schools. *New sections 517U to 517Z* are administrative provisions relating to the GPS.

Clause 43 inserts references to *new subparts 4A and 5A* into section 547, which outlines Part 6 (administration of education system).

Clause 44 amends section 560, which relates to the governing of early childhood education and care centres on Crown land. These amendments replace all references to the Secretary with references to the NZSPA. As a result, the NZSPA will be responsible for notifying an occupancy document and exercising other associated powers.

Clause 45 amends section 598, which relates to the code of conduct that applies to the education service, to require the Secretary, before issuing a code of conduct under this section, to have regard to the teacher code of conduct (*see* section 485).

Clause 46 inserts *new subpart 4A (new sections 618A to 618C)* into Part 6. *New subpart 4A* provides that the Minister may notify system monitoring studies in the *Gazette*. Selected registered schools must participate in the notified study unless an exemption applies under *new section 618B(3)*.

Clause 47 inserts *new subpart 5A (new sections 621A to 621D)* into Part 6. *New subpart 5A* establishes the statutory role of the Director of Regulation in the Education Review Office (**ERO**) and sets out the Director's functions and powers. The Secretary's functions in relation to private schools and hostels are transferred to the Director. The Director may delegate any of the Director's functions, duties, or powers (with certain restrictions if the delegate is not an employee of ERO or outside the public service). The Director may also appoint regulatory officers (to exercise powers in respect of private schools).

Clause 48 replaces section 628, which relates to powers of entry and inspection. The content remains substantially the same except that, under *new section 628*, the authorisation powers are split between the Secretary and the Director. The Secretary may authorise entry into any registered school and the Director may only authorise entry into a private school.

Clause 49 consequentially amends section 629 as a result of the replacement of section 628.

Clause 50 amends section 632, which enables the Minister to authorise entry to inspect hostels under section 631, to transfer that power to the Director.

Clause 51 consequentially amends section 635, which signposts the powers of entry and inspection elsewhere in the principal Act, to include a reference to *new section 517H*.

Clause 52 and Schedule 1 insert *new Part 8* into Schedule 1 (transitional, savings, and related provisions). *New Part 8* provides for transitional matters relating to the transfer of Teaching Council functions, changes related to the Teaching Council's membership, the replacement of converted schools, the transfer of the Secretary's and the Minister's functions relating to private schools and hostels, and the transfer of the Ministry's functions to the NZSPA.

Clause 53 makes consequential amendments to Schedule 3 (teacher registration, practising certificates, and other matters) by inserting references to *new section 480A* following the transfer of some Teaching Council functions to the Secretary.

Clause 54 consequentially amends Schedule 6 (State integrated schools) following the insertion of *new section 212ZEB*.

Clause 55 makes consequential amendments to Schedule 7 (private schools) following the transfer of functions from the Secretary to the Director. The Secretary's further review under clause 1(4) of that schedule is replaced with a Director's assessment. Clause 9 (review of private schools) is consequentially updated to reflect this change.

Clause 56 amends Schedule 19 (Teaching Council) to allow the Minister to specify that a member is appointed to the Teaching Council for a period shorter than the standard 3-year term of office. This amendment also enables the Minister, if a member dies or ceases to hold office, to decide whether to appoint a replacement or leave the vacancy open (the restriction that the vacancy had to arise within 6 months of the expiry of the vacating member's term is removed).

Part 2

Amendments to other legislation

Clauses 57 and 58 amend the Crown Entities Act 2004 to include the NZSPA in the list of Crown agents.

Clauses 59 and 60 amend the Ombudsmen Act 1975 to include the NZSPA in the list of organisations to which that Act applies.

Clause 61 and Schedule 2 make consequential amendments to the Methodist Charitable and Educational Trusts Act 1911 and secondary legislation made under the principal Act.

Clause 62 revokes the Public Service (Chief Executive for School Property) Order 2024.

Hon Erica Stanford

Education and Training (System Reform) Amendment Bill

Government Bill

Contents

		Page
1	Title	5
2	Commencement	5
3	Principal Act	5
Part 1		
Amendments to principal Act		
4	Section 9 amended (Te Tiriti o Waitangi)	5
5	Section 10 amended (Interpretation)	5
6	Section 44 repealed (Exemption from attendance because of walking distance to school or some other reason)	7
7	Section 45 replaced (Exemption of student from attendance for period of no more than 5 days)	7
	45 Exemption of student from attendance	7
8	Section 46 replaced (Secretary may require enrolment of certain children at distance school)	8
	46 Rules about exemptions from attendance	8
9	Section 90 amended (Curriculum statements and national performance measures)	8
10	New sections 90A and 90B inserted	9
	90A Review of curriculum statements by Secretary	9
	90B Amendment of curriculum statements by Minister	9
11	Section 91 replaced (Board of State school must consult about delivery of health curriculum)	10
	91 Board of State school must inform school community about delivery of health curriculum	10

**Education and Training (System Reform) Amendment
Bill**

12	Section 161 amended (Occupancy of property and buildings)	10
13	Section 162 amended (Leases and licences granted by boards)	10
14	Section 163 amended (Other agreements to occupy school land or buildings)	10
15	Section 164 amended (Teaching and learning programmes)	10
16	Section 165 amended (Monitoring of and reporting on student performance)	11
17	New sections 170A to 170C and cross-heading inserted	11
<i>State schools of serious concern</i>		
	170A Notification by Chief Review Officer	11
	170B Report by Chief Review Officer	11
	170C Report by Secretary	11
18	Section 171 amended (Interventions in State schools by Secretary or Minister)	12
19	Section 190 amended (Minister may establish State schools)	12
20	Section 212I amended (Authorisation Board may approve sponsor)	12
21	Section 212L amended (Charter school contracts)	12
22	Section 212M amended (Notification of charter school)	13
23	Section 212O amended (Duties of sponsors)	13
24	Section 212P amended (Sponsor to control management of charter school)	13
25	New sections 212ZEA and 212ZEB and cross-heading inserted	14
<i>Replacement of converted school with State school</i>		
	212ZEA Authorisation Board to find replacement sponsor	14
	212ZEB Minister must establish replacement State school	14
26	Section 212ZF amended (Interventions in charter schools by Authorisation Board)	15
27	Section 213 amended (Secretary may require application for registration of school)	15
28	Section 214 amended (Registration of private schools)	15
29	Section 239 replaced (Offence relating to failure to comply with notice given under section 46)	15
	239 Offence relating to failure to comply with Secretary's direction under section 82(1)(c)	16
30	Section 249 amended (Offences relating to operation of private schools)	16
31	Section 399 amended (Outline of Part 5)	16
32	Section 452 amended (Rules)	16
33	Section 475 amended (Composition of Teaching Council)	16
34	Section 476 amended (Ministerial appointment as member)	16
35	Section 478 amended (Purpose of Teaching Council)	17
36	Section 479 amended (Functions and powers of Teaching Council)	17
37	Section 480 amended (Teaching Council fees, levies, and costs)	18

**Education and Training (System Reform) Amendment
Bill**

38	New section 480A inserted (Functions of Secretary)	18
	480A Functions of Secretary	18
39	Section 485 amended (Code of conduct)	19
40	Section 487 amended (Delegations)	19
41	Section 495 amended (Complaints about conduct)	19
42	New subpart 5A of Part 5 inserted	19
	Subpart 5A—New Zealand School Property Agency	
	<i>Establishment of New Zealand School Property Agency</i>	
517A	Persons responsible for administration of subpart	19
517B	New Zealand School Property Agency established	20
517C	NZSPA is Crown entity	20
517D	Membership of NZSPA	20
	<i>Objective, functions, and additional duties of NZSPA</i>	
517E	Objective of NZSPA	20
517F	Functions of NZSPA	20
517G	Additional collective duties of NZSPA Board	22
	<i>Powers of NZSPA Board</i>	
517H	Power to authorise entry, inspection, construction, repairs, and maintenance	22
517I	Recovery of money expended for necessary repairs and maintenance	24
517J	Power to require information	24
517K	Interventions in State school by NZSPA	25
517L	Specialist help	25
517M	Action plans	26
517N	Case conference	27
517O	Specialist audit	27
517P	Performance notice	28
517Q	Power to delegate and subdelegate	28
517R	NZSPA powers elsewhere in this Act	29
	<i>Role of Minister</i>	
517S	Responsible Minister may delegate functions, duties, or powers to NZSPA	29
517T	Minister may issue GPS	30
517U	Preparation or review of GPS	30
517V	Content of GPS	30
517W	GPS must be made available	31
517X	Status of GPS	31
517Y	Effect of GPS	31
517Z	Amending GPS	31
43	Section 547 amended (Outline of Part 6)	31

**Education and Training (System Reform) Amendment
Bill**

44	Section 560 amended (Centres situated on land owned by, or leased to, the Crown)	32
45	Section 598 amended (Code of conduct)	32
46	New subpart 4A of Part 6 inserted	32
Subpart 4A—System monitoring studies		
618A	Minister to notify system monitoring studies	32
618B	Registered school must participate in system monitoring studies	32
618C	Minister may grant exemption	33
47	New subpart 5A of Part 6 inserted	33
Subpart 5A— Provisions relating to Director of Regulation		
621A	Director of Regulation	33
621B	Functions of Director of Regulation	34
621C	Regulatory officers	34
621D	Delegation of Director’s functions, duties, and powers	34
48	Section 628 replaced (Powers of entry and inspection)	36
	628 Powers of entry and inspection	36
49	Section 629 amended (Entry where private school suspected of being unregistered)	37
50	Section 632 amended (Authorised persons)	37
51	Section 635 amended (Entry and inspection powers elsewhere in Act)	37
52	Schedule 1 amended	37
53	Schedule 3 amended	37
54	Schedule 6 amended	38
55	Schedule 7 amended	38
56	Schedule 19 amended	39

Part 2

Amendments to other legislation

Amendment to Crown Entities Act 2004

57	Principal Act	40
58	Schedule 1 amended	40

Amendment to Ombudsmen Act 1975

59	Principal Act	40
60	Schedule 1 amended	40

Consequential amendments and revocation

61	Consequential amendments	40
62	Revocation	40

Schedule 1

New Part 8 inserted into Schedule 1

41

Schedule 2
Consequential amendments

50

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Education and Training (System Reform) Amendment Act **2025**.

2 Commencement

5

(1) This Act comes into force on **15 June 2026**.

(2) However,—

(a) the following provisions come into force on **1 August 2026**:

(i) **section 4**:

(ii) **sections 12 to 14**:

10

(iii) **section 31**:

(iv) **section 42**:

(v) **section 44**:

(vi) **section 51**:

(vii) **sections 57 to 60**:

15

(viii) **section 62**; and

(b) **sections 6 to 8** come into force on **1 January 2027**.

3 Principal Act

This Act amends the Education and Training Act 2020.

Part 1

20

Amendments to principal Act

4 Section 9 amended (Te Tiriti o Waitangi)

After section 9(2)(g), insert:

(gaa) **section 517F(1)(h)**, which provides that the New Zealand School Property Agency must support the Crown in its responsibility to give effect to Te Tiriti o Waitangi; and

25

5 Section 10 amended (Interpretation)

(1) In section 10(1), insert in their appropriate alphabetical order:

central government education agency means—	
(a) a school board as defined in section 7(1)(d) of the Crown Entities Act 2004; and	
(b) an agency that has functions in relation to education or infrastructure, and that is either of the following:	5
(i) a Crown agent as defined in section 10(1) of the Crown Entities Act 2004;	
(ii) a public service agency as defined in section 5 of the Public Service Act 2020	
conversion date , in relation to a converted school, means the date on which a State school becomes a charter school	10
converted school means a former State school that has become a charter school in accordance with an approval granted to a sponsor under section 212I	
Director of Regulation or Director means the person appointed under section 621A	15
education property means land, buildings, or associated infrastructure that is—	
(a) occupied or used by a board for the operation of a State school or purposes incidental to that operation; or	
(b) owned by, or leased to, the Crown for—	20
(i) the operation of an early childhood education and care centre or purposes incidental to that operation; or	
(ii) other education purposes (for example, property leased to a sponsor under section 212R); but	
(c) does not include land, buildings, or associated infrastructure primarily used for the operation of a tertiary education organisation	25
Government policy statement or GPS means the Government policy statement issued under section 517T	
multi-school contract means a charter school contract that allows a sponsor to operate 2 or more charter schools	30
New Zealand School Property Agency or NZSPA means the entity established by section 517B	
regulated entity , for the purposes of subpart 5A of Part 5 , means—	
(a) a State school board; and	
(b) a proprietor occupying education property; and	35
(c) a sponsor occupying education property	
regulatory officer means a person designated under section 621C	

relevant person, for the purposes of **subpart 5A of Part 5**, means an occupier of education property or person in charge of that property

school property portfolio means land, buildings, or associated infrastructure that is—

- (a) occupied or used by a board for the operation of a State school or purposes incidental to that operation; and 5
- (b) owned by, or leased to, the Crown for education purposes (for example, property leased to a sponsor under section 212R); but
- (c) does not include land, buildings, or associated infrastructure primarily used for the operation of an early childhood education and care centre or tertiary education organisation 10

specified kura board, for the purposes of **subpart 4A of Part 6**, means the board of any of the following:

- (a) a Kura Kaupapa Māori;
- (b) a designated character school with a character that is hapū- or iwi-based, or that affiliates with Ngā Kura ā Iwi o Aotearoa; 15
- (c) a State integrated school with a special character that is hapū- or iwi-based

system monitoring study means a study notified by the Minister under **section 618A** 20

teacher education programme means a training programme recognised by the Teaching Council as suitable for people who want to teach

- (2) In section 10(1), definition of **employment-based trainee teacher**, replace “an initial” with “a”.
- (3) In section 10(1), repeal the definition of **initial teacher education programme**. 25

6 Section 44 repealed (Exemption from attendance because of walking distance to school or some other reason)

Repeal section 44.

7 Section 45 replaced (Exemption of student from attendance for period of no more than 5 days) 30

Replace section 45 with:

45 Exemption of student from attendance

- (1) Despite section 36, the principal of a State school may exempt a student from attending the school in accordance with rules made by the Secretary under **section 46**. 35
- (2) In the absence of evidence to the contrary, a certificate from the principal stating that a student was absent from school for any period is sufficient proof that

- the student was absent for that period without being exempted under **subsection (1)**.
- (3) For the purposes of this section, judicial notice must be taken of the appointment and signature of the principal.
- 8 Section 46 replaced (Secretary may require enrolment of certain children at distance school)** 5
- Replace section 46 with:
- 46 Rules about exemptions from attendance**
- (1) The Secretary may make rules (which must be consistent with this Act) specifying requirements that must be met for a principal to exempt a student from attendance under **section 45**, including (without limitation) rules— 10
- (a) setting out the grounds on which a principal may grant an exemption from attendance; and
 - (b) specifying the type of evidence a principal must receive before granting an exemption; and 15
 - (c) specifying the duration of an exemption that a principal may grant.
- (2) Rules under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- 9 Section 90 amended (Curriculum statements and national performance measures)** 20
- (1) Replace section 90(1) with:
- (1) The Minister may make the following:
- (a) **curriculum statements**, which are statements of— 25
 - (i) what students are to be taught and are expected to learn during the years of schooling; and
 - (ii) how the curriculum is to be taught and learnt (for example, through assessment or aromatawai); and
 - (iii) expectations and priorities for the curriculum, including for the design of teaching and learning programmes under section 164:
 - (b) **national performance measures**, which are targets against which the performance of boards can be measured. 30
- (2) In section 90(2), delete “national”.
- (3) After section 90(2)(b), insert:
- (c) differ according to the classification or designation of a school, the group or year level of students attending a school, or any combination of those classifications, designations, groups, and levels. 35
- (4) Replace section 90(3)(a) to (c) with:

- (a) curriculum statements:
- (b) national performance measures.

10 New sections 90A and 90B inserted

After section 90, insert:

90A Review of curriculum statements by Secretary	5
(1) The Secretary must, on an ongoing basis,—	
(a) plan for reviews of learning areas, subjects, and wāhanga ako referred to in a curriculum statement made under section 90; and	
(b) conduct those reviews.	
(2) The Secretary must ensure that a plan under subsection (1) provides for a review of each learning area, subject, and wāhanga ako in a curriculum statement at least once every 5 years.	10
(3) In conducting a review, the Secretary must have regard to—	
(a) information about the educational achievement of students in the reviewed learning areas, subjects, and wāhanga ako; and	15
(b) relevant evidence, for example, from new developments in educational research; and	
(c) international practice relating to the setting of curricula.	
(4) As soon as practicable after conducting a review under subsection (1) , the Secretary must prepare for the Minister a written report that includes—	20
(a) the findings of the review; and	
(b) the Secretary’s recommendations for any amendments that should be made to the curriculum statement.	
90B Amendment of curriculum statements by Minister	
(1) The Minister may amend a curriculum statement made under section 90 after having regard to—	25
(a) the Secretary’s report under section 90A(4) (if any); and	
(b) information about the educational achievement of students in the reviewed learning areas, subjects, and wāhanga ako; and	
(c) relevant evidence, for example, from new developments in educational research; and	30
(d) international practice relating to the setting of curricula.	
(2) The Minister may exercise the power in subsection (1) whether or not the Secretary has reviewed the curriculum statement, or reported on it under section 90A .	35

11 Section 91 replaced (Board of State school must consult about delivery of health curriculum)

Replace section 91 with:

91 Board of State school must inform school community about delivery of health curriculum

5

- (1) The board of a State school must inform the school community—
- (a) about the content of the health curriculum and how it will be delivered; and
 - (b) that a parent of a student enrolled at the school may ask the principal in writing under section 51 to ensure that the student is released from tuition in specified parts of the health curriculum related to sexuality education.
- (2) The board must carry out the duty in **subsection (1)** on a regular basis, but at least once every 3 years or whenever the health curriculum is changed, whichever occurs sooner.
- (3) In this section, **school community** means,—
- (a) for a State integrated school, the parents of students enrolled at the school, and the school’s proprietors;
 - (b) for any other State school, the parents of students enrolled at the school;
 - (c) in every case, any other person who the board considers is part of the school community for the purposes of this section.

10

15

20

12 Section 161 amended (Occupancy of property and buildings)

- (1) In section 161(1) and (7)(c), replace “Secretary” with “Board of the NZSPA”.
- (2) After section 161(1), insert:
- (1A) Before specifying any terms and conditions under this section, the Board of the NZSPA must consult the Secretary.

25

13 Section 162 amended (Leases and licences granted by boards)

In section 162(1), (2), and (3), replace “Secretary” with “Board of the NZSPA”.

14 Section 163 amended (Other agreements to occupy school land or buildings)

30

In section 163(4), replace “Secretary” with “Board of the NZSPA”.

15 Section 164 amended (Teaching and learning programmes)

In section 164(a), delete “foundation curriculum policy statements and national”.

16 Section 165 amended (Monitoring of and reporting on student performance)

In section 165(2)(a), delete “foundation curriculum policy statements and national”.

17 New sections 170A to 170C and cross-heading inserted

5

After section 170, insert:

State schools of serious concern

170A Notification by Chief Review Officer

- (1) This section applies if the Chief Review Officer forms a view, following the performance of 1 or more of their functions under section 463, that a State school may be of serious concern. 10
- (2) The Chief Review Officer must notify the Secretary and the Minister of their view within 2 working days after forming that view.

170B Report by Chief Review Officer

- (1) The Chief Review Officer must give the Secretary and the Minister a written report— 15
 - (a) stating whether the school notified under **section 170A** is of serious concern to the Chief Review Officer; and
 - (b) recommending 1 or more interventions under section 171 that may address the matter (if the report states that the school is of serious concern to the Chief Review Officer). 20
- (2) The report must be given within 28 working days after the Secretary and the Minister receive the notification under **section 170A**.

170C Report by Secretary

- (1) This section applies if the Secretary receives a report under **section 170B** stating that a school is of serious concern to the Chief Review Officer. 25
- (2) The Secretary must give the Chief Review Officer and the Minister a written report that sets out—
 - (a) what action (if any) the Secretary has taken in relation to the school; or
 - (b) what action the Secretary intends to take in relation to the school, and the time frame for that action; or 30
 - (c) what action the Secretary recommends that the Minister take in relation to the school, with reasons for the recommendation.
- (3) The report must be given within 30 working days after the Secretary receives the report under **section 170B**. 35

- 18 Section 171 amended (Interventions in State schools by Secretary or Minister)**
- After section 171(3), insert:
- (3A) In considering whether reasonable grounds are established under subsection (2) or (3), the Minister or the Secretary may rely on and take into account information in a report given under **section 170B**. 5
- (3B) **Subsection (3A)** does not limit the information that the Minister or the Secretary can rely on or take into account for the purposes of subsection (2) or (3).
- 19 Section 190 amended (Minister may establish State schools)**
- After section 190(2), insert: 10
- (2A) Despite subsection (2), the Minister must establish a State school if required to do so under **section 212ZEB**.
- 20 Section 212I amended (Authorisation Board may approve sponsor)**
- (1) In section 212I(1), replace “a charter school” with “1 or more charter schools”.
- (2) After section 212I(5), insert: 15
- Additional criteria for multi-school contracts*
- (6) In the case of a sponsor proposing to enter into a multi-school contract, the Authorisation Board must also take into account the following matters:
- (a) the overall operating model of the schools the sponsor proposes to operate, including how the sponsor intends to allocate resources between them: 20
- (b) if applicable, how each school that the sponsor is currently operating is performing.
- Amendment of approval*
- (7) The Authorisation Board may, with the agreement of the sponsor, amend an existing approval to— 25
- (a) add 1 or more charter schools; or
- (b) remove 1 or more charter schools.
- 21 Section 212L amended (Charter school contracts)**
- (1) In section 212L(1), replace “a charter school” with “1 or more charter schools”. 30
- (2) After section 212L(5), insert:
- (5A) In the case of a multi-school contract, the contract must set out the matters referred to in the following provisions in relation to each school covered by the contract:
- (a) subsection (5)(a): 35
- (b) subsection (5)(d) and (e):

- (c) subsection (5)(g):
- (d) subsection (5)(h) to (j).
- (5B) The Agency and a sponsor may, by agreement, vary a multi-school contract to—
 - (a) add 1 or more charter schools; or
 - (b) remove 1 or more charter schools.

22 Section 212M amended (Notification of charter school)

Replace section 212M(2) with:

- (2) A notice under subsection (1) must specify—
 - (a) whether the charter school is covered by a multi-school contract; and
 - (b) in relation to each charter school covered by a charter school contract,—
 - (i) the name and location of the charter school to which the contract relates; and
 - (ii) the name of the sponsor; and
 - (iii) whether the charter school is to be a primary, secondary, or composite school; and
 - (iv) whether the charter school will offer or provide distance learning and, if so, whether the school’s main mode of curriculum delivery will be distance learning; and
 - (v) the year levels for which education may be given at the school; and
 - (vi) any religious, philosophical, or other distinguishing characteristics of the school; and
 - (vii) whether all or any (and if so, which) year levels are to be single-sex.

23 Section 212O amended (Duties of sponsors)

- (1) In section 212O, after “A sponsor must”, insert “, in relation to each charter school covered by the contract,”.
- (2) In section 212O, insert as subsection (2):
- (2) However, in the case of a multi-school contract, the sponsor may appoint a chief executive to be responsible for the day-to-day management of all the schools covered by the contract.

24 Section 212P amended (Sponsor to control management of charter school)

In section 212P(1) and (2), replace “the school” with “each school covered by the charter school contract”.

25 New sections 212ZEA and 212ZEB and cross-heading inserted

After section 212ZE, insert:

Replacement of converted school with State school

212ZEA Authorisation Board to find replacement sponsor

- (1) This section applies if the sponsor of a converted school gives— 5
- (a) written notice of termination of its charter school contract to the Agency and the Authorisation Board; or
 - (b) written notice to the Agency and Authorisation Board that it will not exercise any right of renewal of the contract.
- (2) After receiving notice under **subsection (1)**, the Authorisation Board must take reasonable steps to find a replacement sponsor. 10
- (3) Sections 212I, 212J, and 212K apply, with any necessary modifications, to the approval of a replacement sponsor.
- (4) Section 212L applies, with any necessary modifications, to a replacement sponsor. 15

212ZEB Minister must establish replacement State school

- (1) This section applies if the Authorisation Board is unable to find a replacement sponsor for the charter school before the date of termination or expiry of the charter school contract. 20
- State integrated school*
- (2) If the converted school was, immediately before the conversion date, a State integrated school, the Minister must accept an application from the former proprietor of that school to negotiate integration.
- (3) Despite **subsection (2)**, the Minister is not required to establish a replacement State integrated school if, in the Minister’s opinion, 1 or more of the following apply: 25
- (a) establishing the school would have significant implications for the Crown’s finances that are not justified in the circumstances:
 - (b) establishing the school would not benefit the network of State schools by allowing students access to quality schooling and providing choice about the type of education they receive: 30
 - (c) there is insufficient community support for integration of the school.
- (4) After the Minister accepts an application under **subsection (2)**, the Minister must offer terms that are substantially similar to those in the previous integration agreement relating to the school. 35

	<i>State school other than State integrated school</i>	
(5)	If the converted school was, immediately before the conversion date, a State school other than a State integrated school, the Minister must, under section 190, establish a replacement State school of the same type that the converted school was before the date of conversion.	5
(6)	Despite subsection (5) , the Minister is not required to establish a replacement State school if, in the Minister’s opinion, 1 or more of the following apply:	
	(a) establishing the school would have significant implications for the Crown’s finances that are not justified in the circumstances:	10
	(b) establishing the school would not benefit the network of State schools by allowing students access to quality schooling and providing choice about the type of education they receive:	
	(c) there is insufficient community support for the replacement school.	
26	Section 212ZF amended (Interventions in charter schools by Authorisation Board)	15
(1)	After section 212ZF(1)(e), insert:	
	(f) in the case of a multi-school contract,—	
	(i) remove 1 or more charter schools from the contract; or	
	(ii) remove 1 or more charter schools from the contract and replace the sponsor with another sponsor.	20
(2)	In section 212ZF(3), replace “subsection (1)(d) or (e)” with “subsection (1)(d), (e), or (f) ”.	
(3)	In section 212ZF(5), after “charter school contract”, insert “or exercising the power in subsection (1)(f) ”.	25
27	Section 213 amended (Secretary may require application for registration of school)	
(1)	In the heading to section 213, replace “Secretary” with “Director”.	
(2)	In section 213, replace “Secretary” with “Director of Regulation” in each place.	30
28	Section 214 amended (Registration of private schools)	
	In section 214(2), replace—	
	(a) “Secretary” with “Director of Regulation” in each place; and	
	(b) “provided” with “approved”.	
29	Section 239 replaced (Offence relating to failure to comply with notice given under section 46)	35
	Replace section 239 with:	

239	Offence relating to failure to comply with Secretary’s direction under section 82(1)(c)	
(1)	A parent commits an offence if the parent fails to comply with a direction given by the Secretary under section 82(1)(c).	
(2)	The parent is liable on conviction to a fine not exceeding \$3,000.	5
30	Section 249 amended (Offences relating to operation of private schools)	
	In section 249(3), replace “Secretary” with “Director of Regulation”.	
31	Section 399 amended (Outline of Part 5)	
	After section 399(6), insert:	
(6A)	Subpart 5A concerns the New Zealand School Property Agency.	10
32	Section 452 amended (Rules)	
	In section 452(1)(s), after “qualifications”, insert “, micro-credentials,” in each place.	
33	Section 475 amended (Composition of Teaching Council)	
(1)	Replace section 475(1) with:	15
(1)	The Teaching Council consists of at least 7, but not more than 9, members as follows:	
(a)	at least 4, but not more than 6, members appointed by the Minister in accordance with section 476:	
(b)	3 elected members, being—	20
(i)	1 person representing the early childhood education sector, elected by teachers from that sector; and	
(ii)	1 person representing the primary education sector, elected by teachers from that sector; and	
(iii)	1 person representing the secondary education sector, elected by teachers from that sector.	25
(2)	In section 475(6), replace “(iii), (v), and (vi)” with “and (iii)”.	
(3)	Repeal section 475(7).	
34	Section 476 amended (Ministerial appointment as member)	
(1)	Replace section 476(1) and (2) with:	30
(1)	The members of the Teaching Council appointed by the Minister must be persons nominated after the Teaching Council vacancy has been publicly notified.	
(2)	The public notice must—	
(a)	specify the appointment process; and	
(b)	list the criteria for appointment specified in subsection (4).	35

- (2) Repeal section 476(3).
- 35 Section 478 amended (Purpose of Teaching Council)**
In section 478, delete “, through raising the status of the profession”.
- 36 Section 479 amended (Functions and powers of Teaching Council)**
- (1) Replace section 479(1) with: 5
- (1) The functions of the Teaching Council are to—
- (a) carry out the functions under Schedule 3 relating to teacher registration:
 - (b) conduct, in conjunction with quality assurance agencies,—
 - (i) approvals of teacher education programmes; and
 - (ii) monitoring and review of delivery of those programmes: 10
 - (c) monitor and enforce the requirements relating to mandatory reporting in this subpart and Schedule 3:
 - (d) perform the disciplinary functions in this subpart relating to teacher misconduct and reports of teacher convictions:
 - (e) set the criteria for reporting serious misconduct and for reporting on competence issues: 15
 - (f) perform the functions in this subpart relating to teacher competence:
 - (g) co-ordinate a system providing for the vetting by the Police of all teachers:
 - (h) prosecute, as the Teaching Council considers appropriate, breaches of the requirements of this Act relating to teacher registration, practising certificates, and limited authorities to teach: 20
 - (i) perform any other functions conferred on it by this Act or any other legislation.
- (2) Repeal section 479(2). 25
- (3) After section 479(3), insert:
- (3A) For the purpose of carrying out its functions in **subsection (1)(b)**, the Teaching Council may, by written notice, require a teacher education programme provider to give the Teaching Council any information specified in the notice within a specified time. 30
- (3B) The Teaching Council may do 1 or more of the following after consulting the Secretary:
- (a) impose conditions on the approval of a teacher education programme when approving the programme:
 - (b) impose new conditions on the approval: 35
 - (c) amend or revoke any existing conditions:
 - (d) cancel a programme approval.

37 Section 480 amended (Teaching Council fees, levies, and costs)

In section 480(4)(a), replace “registered teachers” with “the Minister, registered teachers,”.

38 New section 480A inserted (Functions of Secretary)

After section 480, insert:

5

480A Functions of Secretary

(1) The functions of the Secretary are to—

Teacher registration

(a) establish and maintain criteria for teacher registration under Schedule 3 that the Secretary considers necessary or desirable:

10

Standards and criteria for qualifications, ongoing practice, and practising certificates

(b) establish and maintain standards for qualifications that lead to teacher registration:

(c) establish and maintain—

15

(i) standards for ongoing practice; and

(ii) criteria for the issue of practising certificates of different kinds:

Code of conduct

(d) establish and maintain a code of conduct for teachers under section 485:

Reviews and subsequent action

20

(e) review the following in accordance with **subsection (2)**:

(i) the criteria for teacher registration established under **paragraph (a)**:

(ii) the standards and criteria for qualifications, ongoing practice, and practising certificates established under **paragraphs (b) and (c)**:

25

(iii) the code of conduct established under section 485:

(f) vary, delete, add to, or replace 1 or more criteria or standards established under **paragraphs (a) to (c)** after—

(i) a review under **paragraph (e)**; and

(ii) consulting the Teaching Council and the organisations of employees affected by the criteria or standards:

30

(g) vary, add to, or replace the code of conduct established under section 485 after—

(i) a review under **paragraph (e)**; and

(ii) consulting the Teaching Council and the organisations of employees affected by the code.

35

- (2) The Secretary must carry out the reviews referred to in **subsection (1)(e)**—
- (a) at least once every 7 years; or
 - (b) at shorter intervals if the Secretary thinks there is good reason to do so.
- 39 Section 485 amended (Code of conduct)**
- (1) In section 485(1), (2), and (5), replace “Teaching Council” with “Secretary”. 5
- (2) After section 485(1), insert:
- (1A) Despite clause 2 of Schedule 6 of the Public Service Act 2020, the Secretary must not delegate to any person the functions or duties under this section.
- (3) Replace section 485(2)(b) with:
- (b) must have regard to— 10
 - (i) any relevant minimum standards of integrity and conduct or code of conduct that the Public Service Commissioner sets or issues under section 17 of the Public Service Act 2020; and
 - (ii) any code of conduct that the Secretary issues under section 598.
- (4) Repeal section 485(3). 15
- 40 Section 487 amended (Delegations)**
- Repeal section 487(2)(e).
- 41 Section 495 amended (Complaints about conduct)**
- In section 495(1), replace “Teaching Council” with “Secretary”.
- 42 New subpart 5A of Part 5 inserted** 20
- After section 517, insert:
- Subpart 5A—New Zealand School Property Agency

Establishment of New Zealand School Property Agency
- 517A Persons responsible for administration of subpart**
- (1) The following persons are responsible for the administration of this subpart: 25
- (a) the Minister who, under any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act:
 - (b) if an additional Minister is given responsibility for the administration of this subpart (or 1 or more sections in this subpart), that person and the person referred to in **paragraph (a)**. 30
- (2) If **subsection(1)(b)** applies, the persons referred to in that subsection must act jointly in the performance of their functions and duties, and the exercise of their powers under this subpart (or 1 or more sections of this subpart).

517B New Zealand School Property Agency established

The New Zealand School Property Agency is established.

517C NZSPA is Crown entity

- (1) The New Zealand School Property Agency is a Crown agent.
- (2) The Crown Entities Act 2004 applies to the New Zealand School Property Agency, except to the extent that this Act expressly provides otherwise. 5

517D Membership of NZSPA

- (1) The Board of the NZSPA consists of at least 5, but not more than 9, members.
- (2) The members of the Board of the NZSPA must be appointed by the Minister.
- (3) When appointing members, the Minister must be satisfied that the Board of the NZSPA collectively has knowledge of, and experience and expertise, in the following areas: 10
- (a) governance relating to—
 - (i) construction; and
 - (ii) infrastructure delivery; and 15
 - (iii) asset management; and
 - (iv) the public sector:
 - (b) management of large infrastructure or property portfolios:
 - (c) financial and risk management:
 - (d) government processes: 20
 - (e) the New Zealand schooling system:
 - (f) perspectives of State school boards and their employees, and school communities.

Objective, functions, and additional duties of NZSPA

517E Objective of NZSPA 25

The objective of the NZSPA is to support and contribute to the achievement of the purpose of this Act by ensuring that the administration of education property—

- (a) is effective and efficient; and
- (b) consistent with good practice for investment and asset management, including standards and directions issued by the Government. 30

517F Functions of NZSPA

- (1) The functions of the NZSPA are to—
- (a) administer the following as agent of the Crown:

- (i) education property and associated rights:
 - (ii) improvements to education property:
 - (iii) agreements relating to education property and associated rights:
 - (b) manage the planning, design, construction, acquisition, maintenance, repair, and disposal of education property— 5
 - (i) in accordance with this Act and the Public Works Act 1981; and
 - (ii) in a manner that gives effect to standards and priorities set by the Government:
 - (c) support the regulated entities in planning and managing capital projects and maintenance works funded by the Ministry: 10
 - (d) monitor the performance of education property, including by ensuring that the maintenance by a relevant person and the regulated entities of their land, buildings, and associated infrastructure complies with the following requirements:
 - (i) terms and conditions specified under section 161 or section 560 (as applicable): 15
 - (ii) other legislative requirements:
 - (iii) other standards and policies specified by the Secretary or the NZSPA:
 - (e) report to the Secretary, if required under **section 517G(1)(b)**, on a failure of a regulated entity to comply with 1 or more requirements referred to in **paragraph (d)**: 20
 - (f) provide advice about property planning and delivery to the Minister and the Secretary to support decision-making related to property investment:
 - (g) maintain relationships with the regulated entities and provide advice to them about education property: 25
 - (h) support the Crown in its responsibility to give effect to Te Tiriti o Waitangi, including by—
 - (i) supporting the Crown in negotiating and agreeing the settlement of claims made by Māori in relation to breaches or alleged breaches of Te Tiriti o Waitangi or its principles; and 30
 - (ii) understanding and administering Te Tiriti o Waitangi settlement commitments in relation to education property as agent of the Crown:
 - (i) carry out any additional function— 35
 - (i) conferred on it by this Act or any other legislation; or
 - (ii) relevant to its objective that the Minister directs in accordance with section 112 of the Crown Entities Act 2004.
- (2) The Board of the NZSPA may employ any person—

- (a) it thinks necessary or desirable for the effective and efficient administration of its functions; and
- (b) who is not an existing member of the Board of the NZSPA or a State school board; and
- (c) subject to the condition that the person does not become a member of the Board of the NZSPA or a State school board during their employment term. 5

517G Additional collective duties of NZSPA Board

- (1) The Board of the NZSPA must ensure that—
 - (a) the NZSPA maintains systems and processes to ensure that the NZSPA has the capability and capacity to perform its functions under **section 517F**; and 10
 - (b) the NZSPA makes a report to the Secretary if—
 - (i) a regulated entity has failed to comply with, or is not complying with, 1 or more requirements referred to in **section 517F(1)(d)**; and 15
 - (ii) the non-compliance is significant or recurring; and
 - (iii) intervention by the NZSPA has failed to address the non-compliance within a reasonable time; and
 - (c) it appoints a chief executive— 20
 - (i) who is not an existing member of the Board of the NZSPA or a State school board; and
 - (ii) subject to the condition that they do not become a member of the Board of the NZSPA or a State school board during their appointment term; and 25
 - (iii) in accordance with section 117 of the Crown Entities Act 2004.
- (2) The duties of the Board of the NZSPA in **subsection (1)** are—
 - (a) in addition to the duties in sections 49 to 52 of the Crown Entities Act 2004; and
 - (b) collective duties owed to the Minister for the purposes of section 58 of the Crown Entities Act 2004. 30

Powers of NZSPA Board

517H Power to authorise entry, inspection, construction, repairs, and maintenance

- (1) The Board of the NZSPA may, for the purpose of performing the functions of the NZSPA under **section 517F**, authorise a person in writing to exercise the powers in **subsection (2)**. 35

- (2) A person holding an authorisation under **subsection (1)** (the **authorised person**) may, at any reasonable time and having given reasonable notice to a relevant person,—
- (a) enter and inspect education property:
 - (b) inspect, photocopy, print, or copy onto a storage device a document (whether held in electronic or paper form) that the authorised person believes on reasonable grounds to belong to the relevant person: 5
 - (c) remove a document described in **paragraph (b)**, whether in its original form or as an electronic or a paper copy:
 - (d) require the relevant person to— 10
 - (i) produce documents or provide information relating to the operation of the school or early childhood education and care centre that is operated on the education property:
 - (ii) permit the authorised person to copy or take extracts from the documents or information: 15
 - (e) enter education property and carry out, or arrange for the carrying out of—
 - (i) any construction related to that property; or
 - (ii) necessary repairs or maintenance.
- Additional requirements for entry of dwelling house* 20
- (3) An authorised person may only enter education property that is a dwelling house—
- (a) in the case of an emergency; or
 - (b) for the purpose of inspecting the premises, between 8 am and 7 pm on any day after giving the relevant person at least 48 hours’ notice of the intended entry, and not more frequently than once in any period of 4 weeks; or 25
 - (c) for the purpose of carrying out construction, necessary repairs, or maintenance on the premises between 8 am and 7 pm on any day after giving the relevant person at least 24 hours’ notice of— 30
 - (i) the intended entry; and
 - (ii) the reason for the intended entry.
- (4) An authorised person may only exercise the powers in **subsections (2)(b) to (d)** in relation to a dwelling house if the person has reasonable grounds to believe the documents or information relate to the operation of the school or the early childhood education and care centre that employs the relevant person. 35
- Duties of relevant person*
- (5) The relevant person must facilitate the exercise of powers under **subsection (2)(a) and (e)**.

General requirements for exercise of power

- (6) An authorisation under **subsection (1)** must contain—
- (a) a reference to this section; and
 - (b) the full name of the authorised person; and
 - (c) a statement of the powers conferred on that person by this section. 5
- (7) A person exercising a power under **subsection (2)** must have the appropriate written authorisation and evidence of identity, and must produce them to the relevant person—
- (a) on first entering the premises; and
 - (b) whenever subsequently reasonably required to do so by the relevant person. 10

Duties of authorised person after exercise of certain powers

- (8) If the authorised person removes documents from the premises under **subsection (2)(c)** or copies them under **subsection (2)(d)**, the authorised person must— 15
- (a) leave at the premises a list of the documents removed or copied; and
 - (b) return the documents, or a copy of them, to the relevant person as soon as practicable.
- (9) The authorised person must list any construction, repairs, or maintenance carried out under **subsection (2)(e)** and provide the list to the relevant person as soon as is reasonably practicable. 20

517I Recovery of money expended for necessary repairs and maintenance

Costs reasonably incurred by the NZSPA for necessary repairs or maintenance carried out or arranged under **section 517H(2)(e)(ii)**—

- (a) must be paid by the relevant person on demand by the Board of the NZSPA; and 25
- (b) if not paid by the relevant person in accordance with the NZSPA Board's demand, are recoverable from the relevant person in a court of competent jurisdiction as a debt due to the NZSPA.

517J Power to require information 30

- (1) The Board of the NZSPA may, by written notice that complies with **subsection (2)**, require a relevant person to provide information relating to 1 or more of the following:
- (a) the land;
 - (b) any buildings on the land; 35
 - (c) any associated infrastructure:

- (d) any maintenance or repairs planned or carried out in relation to the land, buildings, or associated infrastructure.
- (2) The notice must specify the information required and the date by which it must be provided to the Board of the NZSPA or a person authorised by the Board of the NZSPA. 5
- (3) The relevant person must provide the information in writing by the date specified in the notice.

517K Interventions in State school by NZSPA

- (1) The following interventions may be used in relation to a State school:
 - (a) a requirement by the Board of the NZSPA for a board to engage specialist help: 10
 - (b) a requirement by the Board of the NZSPA for a board to prepare and carry out an action plan:
 - (c) a requirement by the Board of the NZSPA that the board attend a case conference to enable a particular issue or particular issues to be discussed and actions to be agreed: 15
 - (d) a requirement by the Board of the NZSPA that the board engage an appropriately qualified person to undertake a specialist audit of any aspect of the school's affairs:
 - (e) the issuing by the Board of the NZSPA to the board of a performance notice requiring the board to carry out a specified action by a specified date. 20
- (2) The Board of the NZSPA may use an intervention described in **subsection (1)** only if the Board has reasonable grounds for concern about land, buildings, or associated infrastructure occupied or used by the board. 25
- (3) When applying an intervention, the Board of the NZSPA must apply whichever intervention it considers is reasonable to deal with the risk without intervening more than necessary in the affairs of the board.
- (4) The application of any one intervention does not preclude applying any other intervention, either concurrently or at any other time. 30

517L Specialist help

- (1) The Board of the NZSPA may, by written notice to a board, require the board to engage specified specialist help to remedy an issue with land, buildings, or associated infrastructure occupied or used by the board.
- (2) A notice given under **subsection (1)** must identify particular persons or organisations, or types of persons or organisations, whom the board must engage. 35

- (3) The Board of the NZSPA may also require, in the notice, that the board provide to the Secretary a report or reports (for example, a progress report and a final report) on the specialist help—
- (a) by the specified time or times; or
 - (b) at the specified intervals; or
 - (c) both.
- (4) A board that receives a notice under **subsection (1)** must—
- (a) engage the specialist help as soon as practicable; and
 - (b) pay the fees and reasonable expenses of any person or organisation engaged to provide specialist help, unless the Board of the NZSPA determines otherwise; and
 - (c) if applicable, provide a report to the Board of the NZSPA at the time or times, or intervals, specified in the notice.

517M Action plans

- (1) The Board of the NZSPA may, by written notice to a board, require the board to prepare and carry out an action plan to remedy an issue with land, buildings, or associated infrastructure occupied or used by the board.
- (2) A notice under **subsection (1)** must specify—
- (a) the matters that the action plan must address; and
 - (b) the outcomes sought; and
 - (c) the time within which a draft action plan must be prepared.
- (3) A board that receives a notice under **subsection (1)** must comply with it by—
- (a) preparing a draft action plan within the time specified in the notice; and
 - (b) presenting it to the Board of the NZSPA for approval.
- (4) The Board of the NZSPA may negotiate with the board over the draft action plan in order to reach an agreed plan.
- (5) However, if, after a reasonable period, the board and the Board of the NZSPA have not reached agreement over the content of the action plan, the Board of the NZSPA may give notice to the board that the Board of the NZSPA will approve a particular version of the plan.
- (6) If the Board of the NZSPA has approved an action plan, the board must—
- (a) implement it in accordance with its terms, unless the Board of the NZSPA directs otherwise; and
 - (b) make the plan available as if it were part of the strategic plan required under section 138.

517N Case conference

- (1) The Board of the NZSPA may, by written notice to a board, require the board to attend a case conference on a specified date to—
- (a) discuss an issue with land, buildings, or associated infrastructure occupied or used by the board; and 5
 - (b) agree actions to address that issue.
- (2) The notice must specify the issue or issues to be discussed.
- (3) A board that receives a notice under **subsection (1)** must attend the case conference.
- (4) The Board of the NZSPA may invite any person to attend the case conference if the Board considers that the person’s presence at the conference is desirable. 10
- Parties agree on action*
- (5) If the case conference results in the parties reaching agreement on an action to address an issue, the agreement—
- (a) must be recorded in writing; and 15
 - (b) is binding on the parties.
- Parties not able to agree on action*
- (6) If the Board of the NZSPA and the board are not able to agree on an action to address an issue, the Board of the NZSPA may, by written notice to the board, require it to— 20
- (a) take a particular action; and
 - (b) provide the Board of the NZSPA with a report or reports (for example, a progress report and a final report) on the action taken—
 - (i) at a given time or given times; or
 - (ii) at specified intervals; or 25
 - (iii) both.
- (7) A board that receives a notice under **subsection (6)** must,—
- (a) in relation to a requirement to take a particular action, take the action as soon as practicable; and
 - (b) if the notice includes a requirement to report to the Board of the NZSPA, provide a report or reports at the time or times, or intervals, specified in the notice. 30

517O Specialist audit

- (1) The Board of the NZSPA may, by written notice to the board, require a board to engage an appropriately qualified person to undertake a specialist audit in relation to land, buildings, or associated infrastructure occupied or used by the board. 35

- (2) A notice under **subsection (1)** must identify particular persons or organisations, or types of persons or organisations, whom the board must engage.
- (3) The Board of the NZSPA may also require, in the notice, that the board provide the Board of the NZSPA with a report or reports (for example, a progress report and a final report) on the audit— 5
- (a) as at a given time or times; or
 - (b) at specified intervals; or
 - (c) both.
- (4) A board that receives a notice under **subsection (1)** must— 10
- (a) undertake the audit as soon as practicable; and
 - (b) pay the fees and reasonable expenses of any person or organisation engaged to undertake the audit, unless the Board of the NZSPA determines otherwise; and
 - (c) provide a report or reports to the Board of the NZSPA at the time or times, or intervals, specified in the notice. 15

517P Performance notice

- (1) The Board of the NZSPA may, by written notice to a board, issue a performance notice requiring the board to carry out a specified action by a specified date in relation to land, buildings, or associated infrastructure occupied or used by the board. 20
- (2) The Board of the NZSPA may also require, in the notice, that the board provide the Board of the NZSPA with a report or reports (for example, a progress report and a final report) on the action taken—
- (a) as at a given time or given times; or
 - (b) at specified intervals; or 25
 - (c) both.
- (3) A board that receives a notice under **subsection (1)** must—
- (a) take the action by the date specified in the notice; and
 - (b) if applicable, provide a report or reports to the Board of the NZSPA at the time or times, or intervals, specified in the notice. 30

517Q Power to delegate and subdelegate

- (1) Despite section 73 of the Crown Entities Act 2004, the Board of the NZSPA must not delegate the duty to appoint a chief executive under **section 517G(1)(c)** to a person other than a person acting in place of the chief executive. 35
- (2) A delegation under section 73 of the Crown Entities Act 2004 to the chief executive, if there is no chief executive for the time being, or if the chief

executive is absent from duty, continues to have effect as if made to the person for the time being acting in place of the chief executive.

Subdelegation

- (3) Despite clause 2(7) of Schedule 6 of the Public Service Act 2020, the Board of the NZSPA may subdelegate a power or function delegated to it by the Secretary to the following persons: 5
- (a) a member of the Board:
 - (b) the chief executive of the NZSPA:
 - (c) an employee of the NZSPA.
- (4) The remaining provisions of clause 2 of Schedule 6 of the Public Service Act 2020 apply to a subdelegation under **subsection (1)** with any necessary modifications. 10
- (5) The Board of the NZSPA may subdelegate a function, duty, or power delegated to it under **section 517S** to the following persons: 15
- (a) a member of the Board:
 - (b) the chief executive of the NZSPA:
 - (c) an employee of the NZSPA.

517R NZSPA powers elsewhere in this Act

The Board of the NZSPA also has the powers set out in sections 161 to 163 and 560. 20

Role of Minister

517S Responsible Minister may delegate functions, duties, or powers to NZSPA

- (1) The Minister may, either generally or specifically, delegate to the Board of the NZSPA any or all of the Minister's functions, duties, or powers under this Act or any other Act, including functions, duties, and powers delegated to the Minister under this Act or any other Act. 25
- (2) A delegation—
- (a) must be in writing; and
 - (b) may be revoked at will in writing; and
 - (c) may be subject to instructions or conditions. 30
- (3) Despite **subsection (1)**, the Minister must not delegate—
- (a) the general power of delegation:
 - (b) any functions, duties, or powers that are inconsistent with the objective of the NZSPA set out in **section 517E**:
 - (c) the powers in **sections 517T to 517Z**. 35
- (4) The power of the Minister to delegate under this section—

- (a) is subject to any prohibitions, restrictions, or conditions contained in any other Act in relation to the delegation of the Minister’s functions, duties, or powers; but
- (b) does not limit any power of delegation conferred on the Minister by any other Act. 5
- (5) The NZSPA may perform or exercise any functions, duties, or powers delegated to it in the same manner and with the same effect as if they had been conferred on it directly and not by delegation (subject to any general or special directions given or conditions imposed by the Minister.
- (6) If the NZSPA purports to act under any delegation, it is, in the absence of proof to the contrary, presumed to be acting in accordance with the terms of the delegation. 10
- (7) A delegation does not affect or prevent the Minister from performing or exercising a function, duty, or power or affect the Minister’s responsibility for the actions of any person acting under the delegation. 15
- 517T Minister may issue GPS**
- (1) The Minister may issue a GPS in relation to either or both of the following:
- (a) the network of State and charter schools:
- (b) the school property portfolio.
- (2) The purpose of the GPS is to set an overall direction and priorities in relation to either or both of the following: 20
- (a) the network of State and charter schools:
- (b) the school property portfolio.
- (3) The Minister—
- (a) may review the GPS at any time; but 25
- (b) must review the GPS at intervals that are no more than 3 years apart.
- 517U Preparation or review of GPS**
- When preparing or reviewing a GPS, the Minister must—
- (a) be satisfied that the GPS contributes to the objective of the NZSPA as set out in **section 517E**; and 30
- (b) consult the Ministry and the NZSPA, and have regard to their views; and
- (c) engage with other persons that the Minister considers appropriate.
- 517V Content of GPS**
- (1) The GPS must include the following:
- (a) the Government’s overall direction and priorities in relation to either or both of the following: 35

<ul style="list-style-type: none"> (i) the network of State and charter schools, including in relation to Kaupapa Māori, Māori medium, and learning support: (ii) the school property portfolio: (b) how the Government expects— <ul style="list-style-type: none"> (i) the Ministry and the NZSPA to give effect to the Government’s priorities for the network of State and charter schools and the school property portfolio; and (ii) the NZSPA to manage and deliver its objective and carry out its functions: (c) a framework for regular monitoring of progress and reporting requirements. <p>(2) The GPS may include any other matters the Minister considers relevant.</p>	<p>5</p> <p>10</p>
517W GPS must be made available	
<ul style="list-style-type: none"> (1) As soon as practicable after issuing a GPS, the Minister must present a copy of the GPS to the House of Representatives. (2) The GPS must be made publicly available as soon as practicable after it is issued by publishing a copy on the Ministry’s Internet site in a format that is readily accessible. 	<p>15</p>
517X Status of GPS	
<ul style="list-style-type: none"> (1) A GPS is not a direction for the purposes of Part 3 of the Crown Entities Act 2004. (2) Sections 517T to 517Z do not limit other provisions relating to directions in the Crown Entities Act 2004. 	<p>20</p>
517Y Effect of GPS	
<ul style="list-style-type: none"> (1) The Ministry and the NZSPA must give effect to the GPS. (2) The Minister may, by notice in the <i>Gazette</i>, require a central government education agency to give effect to the GPS. (3) Before exercising a power under subsection (2), the Minister must consult the agency likely to be affected by the exercise of the power. 	<p>25</p>
517Z Amending GPS	
<ul style="list-style-type: none"> (1) The Minister may amend the GPS at any time. (2) Sections 517U, 517V, and 517W do not apply to an amendment to the GPS if the Minister considers the amendment is not significant. 	<p>30</p>
43 Section 547 amended (Outline of Part 6)	
<ul style="list-style-type: none"> (1) After section 547(5), insert: (5A) Subpart 4A sets out provisions concerning system monitoring studies. 	<p>35</p>

(2) After section 547(6), insert:

(6A) **Subpart 5A** sets out provisions concerning the Director of Regulation.

44 Section 560 amended (Centres situated on land owned by, or leased to, the Crown)

(1) In section 560(1)(d), (2)(a) and (b), and (3), replace “Secretary” with “Board of the NZSPA” in each place. 5

(2) In section 560(2)(c), replace “Secretary’s approval” with “approval of the Board of the NZSPA”.

45 Section 598 amended (Code of conduct)

Replace section 598(3)(c) with: 10

- (c) the Public Service Commissioner, and must have regard to—
 - (i) any code of conduct that the Commissioner has issued under section 17 of the Public Service Act 2020; and
 - (ii) any code of conduct that the Secretary has issued under section 485. 15

46 New subpart 4A of Part 6 inserted

After section 618, insert:

Subpart 4A—System monitoring studies

618A Minister to notify system monitoring studies

The Minister may, by notice in the *Gazette*, specify— 20

- (a) 1 or more system monitoring studies that registered schools must participate in, if selected (a **notified study**); and
- (b) the dates on which the schools must participate in those studies.

618B Registered school must participate in system monitoring studies

(1) The following persons must ensure that a registered school participates in a system monitoring study notified under **section 618A** if the school is selected to take part in that study: 25

- (a) in the case of a State school, the board of the school;
- (b) in the case of a charter school, the sponsor;
- (c) in the case of a private school, the managers. 30

(2) If a registered school is selected to take part in a notified study, persons in that school holding a teaching position and students selected to participate must make best endeavours to answer questions associated with the study.

(3) However, **subsections (1) and (2)** do not apply to—

- (a) a specified kura board: 35

- (b) a registered school that does not provide instruction in the language of the notified study:
- (c) a registered school that has been granted an exemption under **section 618C**.

618C Minister may grant exemption

5

- (1) The Minister may, by notice, exempt a specified registered school from the obligation to comply with **section 618B(1) and (2)**.
- (2) The Minister may grant the exemption only if—
 - (a) the Minister is satisfied that—
 - (i) participating in the study would cause undue hardship to the school, its staff, or students; or
 - (ii) there has been an unforeseen event affecting the school, its staff, or students;
 - (b) the Minister considers there is another acceptable reason for granting the exemption.
- (3) The Minister may grant the exemption unconditionally or subject to any conditions that the Minister may specify in the notice.
- (4) The exemption notice must—
 - (a) identify the specified school that is exempt from the obligation to comply with **section 618B(1) and (2)**; and
 - (b) give reasons for the exemption.

10

15

20

47 New subpart 5A of Part 6 inserted

After section 621, insert:

Subpart 5A— Provisions relating to Director of Regulation

621A Director of Regulation

25

- (1) The chief executive of the Education Review Office (the **chief executive**) must appoint a person to be the Director of Regulation.
- (2) The chief executive must be satisfied that the person has the appropriate experience and expertise to perform and exercise the functions, duties, and powers of the Director of Regulation.
- (3) The person must be employed by the Education Review Office, but at the time of appointment—
 - (a) need not be a current employee of the Education Review Office; and
 - (b) must not also be the Chief Review Officer.

30

621B Functions of Director of Regulation

The functions of the Director of Regulation are to—

Private schools

- (a) require the managers of a private entity that is not registered under section 214 to apply for registration as a private school if the Director considers that the entity is operating as a school (*see* section 213): 5
- (b) approve forms for the purposes of applications for provisional registration under section 214:
- (c) make decisions on the provisional and full registration of entities as private schools in accordance with Schedule 7: 10
- (d) take actions against private schools in accordance with Schedule 7:
- (e) receive notifications under clause 8 of Schedule 7 that a private school is to cease to operate:
- (f) prosecute, as the Director considers appropriate, offences under section 249: 15
- (g) authorise regulatory officers to exercise powers under **section 628**:

Hostels

- (h) help to ensure the safety of students who board at hostels, including by—
 - (i) making decisions on the issue, suspension, cancellation, and replacement of licences for hostels; and 20
 - (ii) authorising persons under section 632 to exercise the powers set out in section 631; and
 - (iii) prosecuting, as the Director considers appropriate, offences under regulations relating to hostels made under section 643 of this Act. 25

621C Regulatory officers

The Director of Regulation—

- (a) may designate a suitably qualified person (whether or not an employee of the Education Review Office) as a regulatory officer for the purpose of performing functions and exercising powers in relation to private schools; and 30
- (b) must ensure that the person has a certificate to that effect, in a form approved by the Director.

621D Delegation of Director’s functions, duties, and powers

- (1) The Director of Regulation may, either generally or specifically, delegate to a person any of their functions, duties, or powers. 35
- (2) A delegation—

- (a) must be in writing; and
 - (b) may be revoked at will in writing; and
 - (c) may be subject to instructions or conditions.
- (3) Despite **subsection (1)**, the Director of Regulation—
- Delegation to person within public service who is not Education Review Office employee* 5
 - (a) may delegate their functions, duties, or powers to a person described in **subsection (4)** only if—
 - (i) the chief executive of the Education Review Office consents in writing to that delegation; and 10
 - (ii) the delegation is for a specified period; and*Delegation outside public service*
 - (b) may delegate a clearly identified function, duty, or power to a person outside the public service only if—
 - (i) the chief executive of the Education Review Office consents in writing to that delegation; and 15
 - (ii) the delegation is for a specified period; and
 - (iii) the Director is satisfied that any conflicts of interest will be avoided or managed; but
 - (c) must not delegate the general power of delegation. 20
- (4) For the purposes of **subsection (3)(a)**, the person is a person who—
- (a) is not an employee of the Education Review Office; but
 - (b) is a public service employee or an individual working in the public service as a contractor or as a secondee from elsewhere in the State services in relation to a function of the public service. 25
- (5) A person to whom any functions, duties, or powers are delegated may perform or exercise those functions, duties, or powers in the same manner, subject to the same restrictions, and with the same effect as if they had been conferred on them directly and not by delegation (subject to any general or special directions given or conditions imposed by the Director). 30
- (6) A person who purports to act under any delegation is, in the absence of proof to the contrary, presumed to be acting in accordance with the terms of the delegation.
- (7) In this section,—
- public service** has the meaning given in section 10 of the Public Service Act 2020 35
 - public service employee** has the meaning given in section 65 of the Public Service Act 2020

State services has the meaning given in section 5 of the Public Service Act 2020.

48 Section 628 replaced (Powers of entry and inspection)

Replace section 628 with:

628 Powers of entry and inspection	5
<i>Entry in respect of registered schools</i>	
(1) The Secretary may authorise a person in writing to exercise the powers in subsection (2) .	
(2) A person holding an authorisation under subsection (1) may, at any reasonable time,—	10
(a) enter and inspect a registered school:	
(b) inspect, photocopy, print, or copy onto a storage device a document (whether held in electronic or paper form) that the person believes on reasonable grounds to belong to the board, sponsor, or manager of the school:	15
(c) remove a document described in paragraph (b) , whether in its original form or as an electronic or a paper copy.	
<i>Entry in respect of private schools</i>	
(3) The Director of Regulation may authorise a regulatory officer in writing to exercise the powers in subsection (4) .	20
(4) A regulatory officer holding an authorisation under subsection (3) may, at any reasonable time,—	
(a) enter and inspect a private school:	
(b) inspect, photocopy, print, or copy onto a storage device a document (whether held in electronic or paper form) that the regulatory officer believes on reasonable grounds to belong to the manager of the school:	25
(c) remove a document described in paragraph (b) , whether in its original form or as an electronic or a paper copy.	
<i>Requirements for exercise of powers of entry and inspection</i>	
(5) An authorisation under subsection (1) or (3) must contain—	30
(a) a reference to this section; and	
(b) the full name of the person authorised; and	
(c) a statement of the powers conferred on that person by this section.	
(6) A person exercising a power under subsection (2) or (4) must have the appropriate written authorisation and evidence of identity, and must produce them to the person in charge of the premises concerned (or the person having possession or control of the documents concerned)—	35

- (a) on first entering the premises; and
- (b) whenever subsequently reasonably required to do so by the person in charge.
- (7) If any documents are removed from a school under **subsection (2)(c) or (4)(c)**, the person who removes the documents must— 5
- (a) leave at the school a list of the documents removed; and
- (b) return the documents, or a copy of them, to the school as soon as practicable unless to do so would prejudice any investigation being or to be carried out by the Ministry or the Education Review Office.
- (8) In this section, **inspect**, in relation to a school, includes— 10
- (a) accessing the written and recorded work of students enrolled there; and
- (b) meeting and talking with students enrolled there.
- 49 Section 629 amended (Entry where private school suspected of being unregistered)**
- In section 629(1), replace “section 628(3)” with “**section 628(1) or (3)**”. 15
- 50 Section 632 amended (Authorised persons)**
- In section 632(1), replace “Minister” with “Director of Regulation”.
- 51 Section 635 amended (Entry and inspection powers elsewhere in Act)**
- In section 635, insert as subsection (2):
- (2) The right of persons authorised by the NZSPA to enter and inspect education property and to carry out (or arrange for the carrying out of) any construction, necessary repairs, or maintenance is set out in **section 517H**. 20
- 52 Schedule 1 amended**
- (1) In Schedule 1,—
- (a) insert the Part set out in **Schedule 1** of this Act as the last Part; and 25
- (b) make all necessary consequential amendments.
- (2) In Schedule 1, clause 114, replace the definitions of **conversion date** and **converted school** with:
- conversion date** has the meaning given in section 10(1)
- converted school** has the meaning given in section 10(1) 30
- 53 Schedule 3 amended**
- (1) In Schedule 3, clause 2(d), replace “section 479(1)(e)” with “**section 480A(1)(a)**”.
- (2) In Schedule 3, clause 10(2)(c), replace “Teaching Council under section 479(1)(j)” with “Secretary under **section 480A(1)(c)**”. 35

- (3) In Schedule 3, clause 10(4)(b)(ii), (6)(a)(iv), and (6)(b)(iii), replace “section 479(1)(j)” with “**section 480A(1)(c)**”.

54 Schedule 6 amended

In Schedule 6, after clause 2(4), insert:

- (4A) Despite subclause (4), the Minister must accept an application to enter into negotiations for integration if required to do so under **section 212ZEB**. 5

55 Schedule 7 amended

- (1) In Schedule 7, in the following provisions, replace “Secretary” with “Director of Regulation” in each place:
- (a) clause 1(1) to (3) and (5): 10
 - (b) clause 4:
 - (c) clause 6:
 - (d) clause 8:
 - (e) clause 9:
 - (f) clause 10(1) to (3): 15
 - (g) clause 11:
 - (h) clause 12(1) and (2).
- (2) In Schedule 7, replace clause 1(4) with:
- (4) The Director of Regulation may require a further assessment, in addition to the assessment under **clause 9(2)**, of a school that has its provisional registration renewed under subclause (3). 20
- (3) In Schedule 7, clause 1(5), replace “a review” with “an assessment”.
- (4) In Schedule 7, clause 4(1), replace “Secretary’s approval” with “approval of the Director of Regulation”.
- (5) In Schedule 7, in the cross-heading above clause 8, replace “*Secretary*” with “*Director*”. 25
- (6) In the heading to clause 8, replace “**Secretary**” with “**Director**”.
- (7) In Schedule 7, in the cross-heading above clause 9, replace “*Review*” with “*Assessment and review*”.
- (8) In Schedule 7, in the heading to clause 9, replace “**Review**” with “**Assessment and review**”. 30
- (9) In Schedule 7, replace clause 9(1) to (4) with:
- (1) As soon as practicable after provisionally registering an existing school or a proposed school under clause 1(1), the Director of Regulation must inform the Chief Review Officer and the Secretary of the provisional registration. 35
 - (2) The Director of Regulation must ensure that a regulatory officer assesses a school that is provisionally registered under clause 1(1)—

- (a) between 6 and 12 months after the provisional registration of the school;
or
- (b) earlier, by agreement with its managers.
- (3) The Director of Regulation must ensure that a regulatory officer conducts a further assessment of a school that has had its provisional registration renewed under clause 1(3). 5
- (4) The Director of Regulation must ensure that a regulatory officer who conducts an assessment under **subclause (2) or (3)**—
- (a) prepares a written report on the assessment that includes information about— 10
- (i) whether the school meets the criteria for registration as a private school; and
- (ii) the areas in which improvement is required, if the school does not meet the criteria; and
- (b) gives a copy of the report to the school’s manager. 15
- (10) In Schedule 7, repeal clause 9(7).
- (11) In Schedule 7, in the cross-heading above clause 10, replace “*Secretary*” with “*Director*”.
- (12) In Schedule 7, in the heading to clause 10, replace “**Secretary’s**” with “**Director’s**”. 20
- (13) In Schedule 7, clause 10(1)(b), replace “a review” with “an assessment”.
- (14) In Schedule 7, after clause 12(2), insert:
- (3) As soon as practicable after cancelling the registration of a private school, the Director of Regulation must notify the Secretary of the cancellation.
- 56 Schedule 19 amended** 25
- (1) In Schedule 19, replace clause 1(1) and (2) with:
- (1) The term of office of an elected member of the Teaching Council is 3 years and an elected member may be re-elected for 2 more terms.
- (2) The term of office of an appointed member of the Teaching Council is 3 years or a shorter period as specified by the Minister in their notice of appointment. 30
- (3) An appointed member may be reappointed for 2 more terms.
- (2) In Schedule 19, clause 5(2), delete “within 6 months of the expiry of the vacating member’s term”.
- (3) In Schedule 19, repeal clause 5(3).

Part 2**Amendments to other legislation***Amendment to Crown Entities Act 2004***57 Principal Act****Section 58** amends the Crown Entities Act 2004.

5

58 Schedule 1 amendedIn Schedule 1, Part 1, table, insert in its appropriate alphabetical order:
New Zealand School Property Agency*Amendment to Ombudsmen Act 1975***59 Principal Act****Section 60** amends the Ombudsmen Act 1975.

10

60 Schedule 1 amendedIn Schedule 1, Part 2, insert in its appropriate alphabetical order:
New Zealand School Property Agency*Consequential amendments and revocation*

15

61 Consequential amendmentsAmend the legislation specified in **Schedule 2** as set out in that schedule.**62 Revocation**The Public Service (Chief Executive for School Property) Order 2024
(SL 2024/226) is revoked.

20

Schedule 1
New Part 8 inserted into Schedule 1

s 52

Part 8	
Provisions relating to Education and Training (System Reform) Amendment Act 2025	5
126 Interpretation	
In this Part, amendment Act means the Education and Training (System Reform) Amendment Act 2025 .	
Subpart 1—Transitional provisions relating to transfer of Teaching Council functions	10
127 Interpretation	
In this subpart,—	
commencement date means the date on which this subpart comes into force	
transferred function means a function of the Teaching Council that, on and after the commencement date, becomes a function of the Secretary under section 480A(1) .	15
128 Consequences of transfer of functions of Teaching Council to Secretary	
On and after the commencement date,—	
(a) information (including personal information) held by the Teaching Council in relation to a transferred function before the commencement date is to be treated as having been held by the Secretary; and	20
(b) anything done or omitted to be done or that is to be done by, or in relation to, the Teaching Council in relation to a transferred function must be treated as having been done or omitted or to be done by, or in relation to, the Secretary; and	25
(c) the Secretary may complete any matter or thing that would, but for the amendment Act, have been completed by the Teaching Council; and	
(d) a reference to the Teaching Council (whether express or implied) in legislation (other than this Act), proceedings, or other documents must, in relation to a transferred function, be read as a reference to the Secretary unless the context otherwise requires.	30
129 Code of conduct, standards, and criteria	
(1) This clause applies to—	

**Education and Training (System Reform) Amendment
Bill**

Schedule 1

(a)	a code of conduct established or maintained under section 485 (as it read immediately before the commencement date) and in force before the commencement date; and	
(b)	standards or criteria issued under section 479 (as it read immediately before the commencement date) and in force immediately before the commencement date.	5
(2)	The code of conduct continues in force on and after the commencement date and must be treated as if it were issued under section 485 (as amended by the amendment Act).	
(3)	The standards or criteria continue in force on and after the commencement date and must be treated as if they were issued under section 480A .	10
Subpart 2—Transitional provisions relating to membership of Teaching Council		
130 Interpretation		
	In this subpart, commencement date means the date on which this subpart comes into force.	15
131 Membership of Teaching Council		
(1)	This clause applies to members of the Teaching Council holding office under section 475(1)(b) immediately before the commencement date.	
(2)	The members remain in office until replaced in accordance with this clause (<i>see</i> clause 4(1) of Schedule 19).	20
(3)	As soon as is reasonably practicable after the commencement date, the Teaching Council must initiate an election process for elected members in accordance with rules relating to elections made under section 486 (the rules).	
(4)	Despite section 475(5), elected members take office on the day after the declaration of the election results under the rules.	25
(5)	As soon as is reasonably practicable after the commencement date, the Minister must appoint members to the Teaching Council in accordance with section 476.	
(6)	All previously appointed members of the Teaching Council cease to hold office when the Minister appoints the members (regardless of the number of members appointed by the Minister).	30
Subpart 3—Transitional provisions relating to replacement of converted schools		
132 Employees of converted schools		
(1)	This clause applies to an employee—	35
(a)	who is employed by a sponsor at a converted school that is or is to be replaced by a State school under section 212ZEB ; and	

(b) who applies in writing for an equivalent position at that State school.	
(2) The employee must be offered the equivalent position unless—	
(a) another employee to whom this clause applies is appointed to that position; or	
(b) the employee’s appointment would contravene section 92 or 93.	5
(3) An employee appointed to an equivalent position is not entitled to receive any payment or other benefit on the ground that the position held by the employee in the converted school has ceased to exist.	
(4) This clause overrides anything to the contrary in—	
(a) a relevant employment agreement:	10
(b) Part 6A of the Employment Relations Act 2000:	
(c) sections 603 and 604.	
(5) In this clause, equivalent position means employment that, relative to the employee’s current position,—	
(a) involves comparable duties and responsibilities; and	15
(b) is in the same general locality or a locality within reasonable commuting distance; and	
(c) is on terms that treat the period of service with the sponsor of the converted school (and every other period of service recognised for the purposes of the previous position as continuous service) as if it were continuous service with the education service.	20
Subpart 4—Transitional provisions relating to transfer of private school and hostel functions of Secretary and Minister	
133 Interpretation	
In this subpart,—	25
commencement date means the date on which this subpart comes into force	
transferred functions means the following functions of the Secretary and the Minister that are transferred to the Director of Regulation on and after the commencement date:	
(a) the functions of the Secretary under sections 213, 214, 249, and Schedule 7:	30
(b) the functions of the Secretary under regulations relating to hostels made under section 643:	
(c) the function of the Minister under section 632.	

134	Consequences of transfer of private school and hostel functions of Secretary and Minister to Director of Regulation	
	On and after the commencement date,—	
	(a) information (including personal information) held by the Minister or the Secretary in relation to their transferred functions before the commencement date is to be treated as having been held by the Director of Regulation; and	5
	(b) anything done or omitted to be done or that is to be done by, or in relation to, the Minister or the Secretary in relation to their transferred functions must be treated as having been done or omitted or to be done by, or in relation to, the Director of Regulation; and	10
	(c) the Director of Regulation may complete any matter or thing that would, but for the amendment Act, have been completed by the Minister or the Secretary; and	
	(d) a reference to the Minister or Secretary (whether express or implied) in legislation (other than this Act), proceedings, or other documents must, in relation to their transferred functions, be read as a reference to the Director of Regulation unless the context otherwise requires.	15
	Subpart 5—Transitional provisions relating to NZSPA	
135	Interpretation	20
	In this subpart,—	
	affected employee means an employee whose position ceases to exist in the Ministry as a result of a transferred function	
	Chief Executive for School Property means the functional chief executive for school property listed in Schedule 5 of the Public Service Act 2020	25
	commencement date means the date on which subpart 5A of Part 5 (as inserted by the Amendment Act) comes into force	
	equivalent position means employment that, relative to the employee’s current position,—	
	(a) involves comparable duties and responsibilities; and	30
	(b) is in the same general locality or a locality within reasonable commuting distance; and	
	(c) is on terms and conditions of employment that are no less favourable than those that applied to the employee immediately before the offer of an equivalent position (including any service-related, redundancy, and superannuation conditions); and	35
	(d) is on terms that treat the period of service with the Ministry (and every other period of service recognised for the purposes of the previous pos-	

ition as continuous service) as if it were continuous service with the NZSPA

transferred functions means functions carried out by the Ministry’s school property unit and the Chief Executive for School Property that become functions of the NZSPA on and after the commencement date.

5

136 Consequences of transfer of functions

(1) On and after the commencement date,—

(a) information (including personal information) held by the Ministry or the Secretary in relation to transferred functions before the commencement date is to be treated as having been held by the NZSPA; and

10

(b) all rights, liabilities, entitlements, and engagements of the Crown, the Ministry, or the Secretary in relation to transferred functions become the rights, liabilities, entitlements, and engagements of the NZSPA; and

(c) anything done or omitted to be done or that is to be done in relation to transferred functions by, or in relation to, the Crown, the Ministry, or the Secretary must be treated as having been done or omitted or to be done by, or in relation to, the NZSPA; and

15

(d) the commencement, continuation, or enforcement of proceedings by or against the Crown, the Ministry, or the Secretary in relation to transferred functions may instead be commenced, continued, or enforced by or against the NZSPA without amendment to the proceedings; and

20

(e) the NZSPA may complete any matter or thing that would, but for the amendment Act, have been completed by the Crown, the Ministry, or the Secretary; and

(f) a reference to the Crown, the Ministry, or the Secretary (whether express or implied) in a notice, instrument, agreement, other document, or legislation must, in relation to transferred functions, be read as a reference to the NZSPA unless the context otherwise requires.

25

(2) However, **subclause (1)(f)** does not apply to the following:

(a) this Act:

30

(b) an agreement and any legislation resulting from negotiations relating to Te Tiriti o Waitangi claims made by Māori in relation to breaches, or alleged breaches, of Te Tiriti o Waitangi or its principles (unless the parties to the agreement agree otherwise).

(3) The transfer of a Ministry function to the NZSPA does not, of itself, affect—

35

(a) a decision made, or anything done or omitted to be done, by the Crown, the Ministry, or the Secretary in relation to a transferred function before the commencement date; or

(b)	any other matter or thing arising out of the Crown, the Ministry, or the Secretary performing a transferred function before the commencement date.	
137	Transfer of employees	
	<i>Options that may be offered to affected employee</i>	5
(1)	An affected employee may be offered one of the following:	
(a)	an equivalent position in the NZSPA (by the NZSPA):	
(b)	other employment in the NZSPA (by the NZSPA):	
(c)	redeployment within the Ministry (by the Ministry).	
	<i>When employee regarded as surplus and entitled to redundancy</i>	10
(2)	Subclause (3) applies to an affected employee who—	
(a)	is not offered employment in the NZSPA; or	
(b)	is not offered redeployment within the Ministry; or	
(c)	is offered, but does not accept, a position in the NZSPA (whether or not it is an equivalent position).	15
(3)	The affected employee—	
(a)	is treated as surplus; and	
(b)	ceases to be employed by the Ministry 1 month after the employee has been given written notice by the Secretary; and	
(c)	is entitled to any redundancy payment in accordance with an applicable employment agreement unless subclause (4) applies.	20
(4)	An affected employee is not entitled to receive a payment or other benefit (including redundancy compensation) on the ground that the position held by the affected employee has ceased to exist if—	
(a)	the position ceases to exist as a result of a transferred function; and	25
(b)	in connection with a transferred function,—	
(i)	the employee is offered an equivalent position in the NZSPA (whether or not the employee accepts the offer); or	
(ii)	the employee is offered, and accepts, other employment in the NZSPA; or	30
(iii)	the employee accepts redeployment within the Ministry.	
	<i>No new employment</i>	
(5)	The employment of an affected employee by the NZSPA does not—	
(a)	constitute new employment, including for the purposes of the Holidays Act 2003, the KiwiSaver Act 2006, or any service-related entitlements or benefits (whether legislative or otherwise); or	35

- (b) treat that employee as a new employee for the purposes of the Employment Relations Act 2000.
- Application of collective agreement*
- (6) **Subclause (7)** applies if—
- (a) an affected employee accepts employment with the NZSPA; and 5
- (b) immediately before the commencement date, the affected employee was covered by a collective agreement (the **earlier agreement**) between the Secretary and a union of which the employee was a member (the **union**).
- (7) On the date the affected employee accepts employment with the NZSPA, the following apply: 10
- (a) the NZSPA and the union are parties to a new collective agreement:
- (b) the terms and conditions of the new collective agreement are the same as the earlier agreement, subject to any necessary modifications:
- (c) the employee is covered by the new collective agreement as long as they remain— 15
- (i) a member of the union; and
- (ii) in a role covered by that collective agreement.
- (8) **Subclause (7)** does not—
- (a) entitle an employee who was not covered by the earlier agreement to be covered by the new collective agreement; and 20
- (b) does not prevent the parties to the new collective agreement from varying or terminating the agreement in accordance with the terms of the agreement and other applicable law.
- Relationship with other legislation and employment agreement*
- (9) This clause overrides— 25
- (a) Part 6A of the Employment Relations Act 2000; and
- (b) the following provisions in a relevant employment agreement:
- (i) an employment protection provision:
- (ii) a change management provision:
- (iii) a process or procedural provision, including notification. 30
- 138 Government Superannuation Fund**
- (1) A person who, immediately before becoming an employee of the NZSPA, was a contributor to the Government Superannuation Fund under Part 2 or 2A of the Government Superannuation Fund Act 1956 is treated, for the purpose of that Act, as being employed in the Government service as long as the person continues to be employed by the NZSPA. 35

(2)	The Government Superannuation Fund Act 1956 applies to the person in all respects as if the person's service as an employee of the NZSPA were government service.	
(3)	Subclause (1) does not entitle a person to become a contributor to the Government Superannuation Fund if the person has ceased to be a contributor.	5
(4)	For the purpose of applying the Government Superannuation Fund Act 1956, the NZSPA is the controlling authority.	
139	Transfer of agreements to NZSPA	
(1)	This clause applies to an agreement (other than an employment agreement) made between, or on behalf of, the Crown and another person before the commencement date that—	10
	(a) relates to a transferred function; and	
	(b) the Secretary notifies the NZSPA is an agreement, or class or category of agreement, to which this clause applies.	
(2)	On and after the commencement date, the NZSPA is treated as a party to the agreement in place of the Crown.	15
140	Transfer of property to NZSPA	
(1)	This clause applies to property that—	
	(a) is owned by the Crown immediately before the commencement date; and	
	(b) relates to a transferred function; and	20
	(c) the Secretary notifies the NZSPA is property to which this clause applies.	
(2)	On and after the commencement date, the property vests in the NZSPA.	
(3)	Despite subclause (1) , this clause does not apply to Crown land held for education purposes or purposes incidental to those purposes.	25
141	Other consequences of transfer	
	Nothing effected or authorised by clauses 135 to 140 —	
(a)	places the Crown, the Ministry, the Secretary, or any other person in breach of contract or confidence or otherwise makes them liable for a civil wrong; or	30
(b)	gives rise to a right for any person to—	
	(i) terminate or cancel or modify an agreement; or	
	(ii) enforce or accelerate the performance of an obligation; or	
	(iii) require the performance of an obligation not otherwise arising for performance; or	35

-
- (c) places any person in breach of any legislation, rule of law, or contractual provision prohibiting, restricting, or regulating the assignment or transfer of property or the disclosure of information; or
 - (d) releases a surety wholly or in part from any obligation; or
 - (e) invalidates or discharges any agreement.

5

Schedule 2

Consequential amendments

s 61

Part 1

Amendments to Acts

5

Methodist Charitable and Educational Trusts Act 1911 (1911 No 1 (L))

In section 32(1), replace “the foundation curriculum policy statements and the national” with “any”.

Part 2

Amendments to secondary legislation

10

Education (Hostels) Regulations 2005 (SR 2005/332)

In regulation 4, revoke the definition of **authority**.

In the following provisions, replace “authority” with “Director of Regulation” in each place:

- | | |
|--------------------------------------|----|
| (a) regulation 5(2): | 15 |
| (b) regulation 6(1): | |
| (c) regulation 9(1) and (2): | |
| (d) regulation 12: | |
| (e) regulation 15(1), (1A), and (5): | |
| (f) regulation 16(1) and (2): | 20 |
| (g) regulations 17 to 20: | |
| (h) regulation 21(3): | |
| (i) regulation 22(2): | |
| (j) regulation 23 and 24: | |
| (k) regulation 27(1): | 25 |
| (l) regulation 28: | |
| (m) regulation 29(2): | |
| (n) regulation 31: | |
| (o) regulation 32(1) and (3): | |
| (p) regulation 33: | 30 |
| (q) regulations 35 and 36: | |
| (r) regulation 37(1) to (3): | |
| (s) regulation 40: | |

Education (Hostels) Regulations 2005 (SR 2005/332)—*continued*

- (t) regulation 41(1) and (2):
- (u) regulation 42(1):
- (v) regulation 43(1) and (2):
- (w) regulation 58(3) and (5):
- (x) regulation 61(2A): 5
- (y) regulation 70(2):
- (z) regulation 71(1):
- (za) regulation 72(2) and (3):
- (zb) the Schedule.

In the headings to regulations 12, 15, 18, and 41 replace “**Authority**” with “**Director of Regulation**”. 10

In the headings to regulations 35 and 40, replace “**authority**” with “**Director of Regulation**”.

In the heading to regulation 71, replace “**authority’s**” with “**Director of Regulation’s**”. 15

In the following provisions, replace “**authority’s**” with “**Director of Regulation’s**” in each place:

- (a) regulation 15(5):
- (b) regulation 72.

Education (School Boards) Regulations 2020 (LI 2020/193) 20

In regulation 21(2), delete “**foundation curriculum policy statements and national**”.

Education (School Planning and Reporting) Regulations 2023 (SL 2023/155)

In regulation 7(1)(d)(iii), delete “**foundation curriculum policy statements and national**”.

In regulation 10(1)(a), delete “**foundation curriculum policy statements and national**”. 25