

# House of Representatives

# Supplementary Order Paper

Wednesday, 26 November 2014

## Education Amendment Bill (No 2)

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### *Proposed amendments*

Chris Hipkins, in Committee, to move the following amendments:

#### *Clause 6*

Delete *clause 6* (page 8, line 4 to page 13, line 6).

#### *Clause 38*

In *clause 38, new section 348*, definition of **Education Council**, replace “**Edu-  
cation Council**” (page 30, line 28) with “**Teaching Council**”.

In *clause 38*, replace *new section 380* (page 52, lines 16 to 30) with:

#### **380 Composition of Teachers Council**

- (1) The Teachers Council comprises 11 members, as follows:
  - (a) 4 members appointed by the Minister:
  - (b) 4 elected members (each of whom must be a registered teacher holding a current practising certificate), being—
    - (i) 1 teacher representing the early childhood sector, elected by teachers from that sector; and
    - (ii) 1 teacher representing the primary sector, elected by teachers from that sector; and
    - (iii) 1 teacher representing the secondary sector, elected by teachers from that sector; and
    - (iv) 1 principal, elected by principals:
  - (c) 1 person appointed by the Minister on the nomination of the New Zealand Educational Institute:
  - (d) 1 person appointed by the Minister on the nomination of the New Zealand Post Primary Teachers’ Association:
  - (e) 1 person appointed by the Minister on the nomination of the New Zealand School Trustees Association.

- (1A) The Minister must appoint one of the members appointed under subsection (1)(a) as chairperson, despite clause 1 of Schedule 5 of the Crown Entities Act 2004.
- (2) The elected members of the Teachers Council must be elected in accordance with rules made from time to time by the Teachers Council, by registered teachers who each hold a current practising certificate.
- (3) The first elections for the elected members must be held as soon as practicable after the commencement of this section but, until the date on which the elected members take office following those elections, the positions of the elected members must be filled by persons appointed by the Minister.
- (4) In order to provide for the staggered turnover of members, the Minister may specify, when appointing members to hold office when this section comes into force, which members are to hold office for 3 years (which is the standard term of office), and which are to hold office for 18 months.
- (5) An elected member becomes a member of the Council on the date fixed by the Council as the date on which elected members take office.
- (6) The term of office of every elected member is 3 years.
- (7) Despite subsection (6), every elected member continues in office until his or her successor comes into office.

In *clause 38*, delete *new section 382(1)(i)* (page 53, lines 26 to 31).

In *clause 38*, *new section 382(1)(j)*, replace “code of conduct” (page 53, line 32) with “code of ethics”.

In *clause 38*, *new section 387* (page 56, line 17 to page 57, line 25), replace the heading “**Code of conduct**” with “**Code of ethics**” and replace “code of conduct” with “code of ethics” in each place where it occurs.

In *clause 38*, *new section 389(2)(e)*, replace “code of conduct” (page 59, line 3) with “code of ethics”.

In *clause 38*, *new section 399(1)*, replace “code of conduct” (page 63, line 21) with “code of ethics”.

*Clauses 38, 42 to 47, and Schedules 2 and 3*

In *clause 38*, *new section 348*, and in *clauses 42 to 47*, replace “Education Council of Aotearoa New Zealand” with “Teaching Council of Aotearoa New Zealand” in each place where it occurs.

In *clauses 38* and *Schedules 2 and 3*, replace “Education Council” with “Teaching Council” in each place where it occurs.

## Explanatory note

This Supplementary Order Paper restores the current composition of the Teachers Council and rejects the following changes that the Bill provided for: a maximum (rather than a minimum) of 5 registered teachers, which could result in a Council with no teacher members, or with registered teachers who were not practising teachers. In addition, there were no elected teacher positions and there were no positions reserved for unions. Anyone would be able to nominate Council members: union nominees would be less likely to be appointed and members could be nominated by people with no knowledge of the sector. This Supplementary Order Paper makes these changes by restoring the current composition of the Teachers Council to 4 members appointed by the Minister; 4 elected members; 1 person appointed by the Minister on the nomination of the New Zealand Educational Institute; 1 person appointed by the Minister on the nomination of the New Zealand Post Primary Teachers' Association, and one person appointed by the Minister on the nomination of the New Zealand School Trustees Association.

This Supplementary Order Paper also replaces references to the Code of Conduct with the Code of Ethics. The existing code of ethics, which was developed in consultation with teachers, enabled teachers to respond to a range of circumstances and should be retained. Requiring a code of conduct was indicative of low trust. Further, a code of conduct that set minimum standards would encourage compliance at a minimal level of conduct and would not enhance the status of the profession as the current code of ethics does.

This Supplementary Order Paper removes the requirement that the Education Council of Aotearoa New Zealand (EDUCANZ) undertake audit and moderation of the assessment process of at least 10% of practising certificates each year. This process implies a lack of trust in principals who are responsible for audits. In addition, it will produce a large increase in paperwork for teachers; it would impose significant additional costs (increased fees) on teachers; the 10% requirement is too inflexible and if an audit and moderation function was accepted, should be discretionary rather than mandatory; and finally, this function is considered to be the responsibility of the Education Review Office.

This Supplementary Order Paper renames EDUCANZ as 'Teaching Council of Aotearoa New Zealand'. The name 'Education Council of Aotearoa New Zealand' symbolises the wider functions envisaged for the Council. Further, the new Council will not be about education but about teachers and teaching and should be reflected in the name.

This Supplementary Order Paper also repeals *clause 6*, which proposes changes to the Tertiary Council, as the changes are inconsistent, unnecessary and short sighted. In particular, this clause reduces the size of councils; it removes prescribed representation for staff, students and other stakeholders; and it increases the proportion of Ministerial appointees on councils. This Supplementary Order Paper deletes the Tertiary Council changes and reverts back to the current composition.

This Supplementary Order Paper guarantees staff and student representation. The governance changes will diminish the voice of staff and students on university and wānanga councils. As universities' and wānanga key stakeholders, they should be required participants in council decision making. The removal of prescribed staff and student members of councils will have the most negative impact on the staff and student voice, as staff and students offer valuable knowledge, skills and experience to councils that only staff and students could provide. Further, staff and students have a democratic right to serve on Tertiary Education Institution councils.

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