

# House of Representatives

# Supplementary Order Paper

Wednesday, 26 November 2014

## Education Amendment Bill (No 2)

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### *Proposed amendments*

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

*Clause 38*

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

*Clause 38: heading to new section 387*

In *clause 38, heading to new section 387*, replace “**conduct**” (page 56, line 17) with **ethics**.

*Clause 38, new section 387*

In *clause 38, new section 387*, replace “conduct” in each place with ethics (page 56, lines 20, 21, 26, 27, and 30 and on page 57, lines 9, 14, and 17).

In *clause 38, new section 387*, delete *subsection (6)* (page 57, lines 20 to 24).

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### **Explanatory note**

*Clause 38, new section 382* of the Education Amendment Bill (No 2) outlines the proposed functions of the new Education Council of Aotearoa New Zealand (EDUCANZ), which is the body that the Government proposes to establish to take over from the Teachers Council of New Zealand.

Amongst other things, *clause 38, new section 382(1)(j)* of the Bill introduces a new function for the regulatory body of “establishing and maintaining a code of conduct”, as opposed to the current code of ethics for teachers.

This Supplementary Order Paper retains the current terminology in the Education Act 1989 by requiring the new body to establish and maintain a code of ethics and removes the consequential amendment for the current code of ethics to be the default code of conduct until a code of conduct is drafted.

The current Code of Ethics for Registered Teachers, established by the New Zealand Teachers Council, was the result of extensive discussion and consultation with the profession and the general public, and is well accepted by the teaching profession. The proposal in the Bill to replace it with a code of conduct is seen by teachers as a retrograde step. The current Code of Ethics is an aspirational document which serves 3 purposes: as a “shield, a sword, and a guide”. As a shield, it is the profession’s statement of what teaching is about; as a sword, it can be used when a teacher’s behaviour falls below what is acceptable; and as a guide, it assists teachers in their ethical thinking. A code of conduct is seen by teachers as likely to serve only 1 of these purposes: as a sword in setting minimum standards for teacher conduct. The aspirational nature of the current Code of Ethics is precious to teachers and much more appropriate to the complexity of the ethical decision making they must do every day in their classrooms.

While the current Code of Ethics, now about 10 years old, may merit a review by the new council in consultation with the profession and the general public, there is no justification for replacing it with a code of conduct.

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