

Education (National Education and Learning Priorities) Amendment Bill

Member's Bill

As reported from the Education and Workforce Committee

Commentary

Recommendation

The Education and Workforce Committee has examined the Education (National Education and Learning Priorities) Amendment Bill and recommends by majority that it be passed with the amendments shown.

Introduction

This is a Member's bill in the name of Jan Tinetti, MP. It seeks to amend the Education Act 1989 to enable statements about the diversity of education provision to be included in the statement of National Education and Learning Priorities. The amendments proposed in the bill aim to align the statement of National Education and Learning Priorities more closely with the New Zealand Curriculum.

Proposed amendments

This commentary covers the main amendments we recommend, by majority, to the bill as introduced. We do not discuss minor or technical amendments.

Statement of National Education and Learning Priorities

The bill as introduced proposes substantial changes to section 1A of the Act through clause 4(2), (3), and (4). However, the member in charge of the bill wrote to the committee on 19 June 2018 asking to remove these provisions from the bill. Jan Tinetti said she felt that, in light of feedback and plans the Government has signalled, any changes to the enduring objectives in section 1A ought to take into account findings from the Government's Education Conversation Kōrero Mātauranga.

Jan Tinetti's letter also requested the removal of clause 4(7), which would make the statement of National Education and Learning Priorities a disallowable instrument.

We recommend, by majority, accepting both of Jan Tinetti's proposals and removing the relevant subclauses.

Consultation with stakeholders

Clause 4(5), new section 1A(4A), sets out the stakeholders the Minister must make reasonable efforts to consult. We recommend, by majority, a number of changes to the list to include young people and to replace references to "national representative organisations" with "national bodies representing the interests" of specified stakeholders.

We recommend, by majority, inserting subsection (4A)(g) to (l) so that consultation would include national bodies representing the disability community, support staff in schools and early childhood services, Māori education organisations, Pacific education organisations, proprietors of State integrated schools, and national bodies with a particular role regarding the character of designated character schools.

Issuing statement of National Education and Learning Priorities

We recommend, by majority, inserting clause 4(1AAA) to make it clear in section 1A(1) that the notice published in the *Gazette* may either contain the statement in full or describe the statement in general terms and indicate where the full text can be obtained.

Commencement

In clause 2, we recommend, by majority, changing the bill's commencement date. As introduced, the bill would come into force 3 months after it receives the Royal Assent. However, we recommend, by majority, it come into force on the day after the date on which it receives the Royal Assent.

New Zealand National Party minority view

The National Party members of the committee oppose this bill as we believe the bill proposes unnecessary minor changes to legislation and is poorly timed.

The National Education and Learning Priorities (NELP) were originally designed to ensure members of Parliament, officials, and others in the education sector share a common understanding of the objectives of education in New Zealand. This bill proposes several insignificant changes to the NELP. While some substantive changes were initially proposed, these changes were weakened throughout the select committee process to the point that they will no longer have any perceptible impact on education in New Zealand. Replacing "good" with "positive" and adding "to become life-long learners" will have no effect, while removing "educational achievement" as a core objective will only diminish the value of the NELP. We therefore do not believe that progressing this bill in its current form is a worthwhile use of Parliament's time.

The bill is also poorly timed, as the Government is currently carrying out the Education Conversation and a range of other reviews in the education sector. As the PPTA stated in their submission, the results of these reviews will impact the NELP. There-

fore, while we are not opposed to changing the NELP, we believe the bill should be delayed until the conclusion of the Education Conversation.

Appendix

Committee process

The Education (National Education and Learning Priorities) Amendment Bill was referred to the committee on 21 February 2018. The closing date for submissions was 13 April 2018. We received and considered 22 submissions from interested groups and individuals. We heard oral evidence from 12 submitters.

We received advice from the Ministry of Education.

Committee membership

Dr Parmjeet Parmar (Chairperson)

Simeon Brown

Hon Nikki Kaye

Denise Lee

Marja Lubeck

Jo Luxton

Mark Patterson

Jamie Strange

Chlöe Swarbrick

Jan Tinetti

Nicola Willis

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Key to symbols used in reprinted bill

As reported from a select committee

text inserted by a majority

~~text deleted by a majority~~

Jan Tinetti

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Education (National Education and Learning Priorities) Amendment Act **2017**.
- 2 Commencement** 5
This Act comes into force ~~3 months~~ on the day after the date on which it receives the Royal Assent.
- 3 Principal Act**
This Act amends the Education Act 1989 (the **principal Act**).
- 4 Section 1A amended (Minister may issue statement of National Learning
and Education and Learning Priorities)** 10
(1AAA) In section 1A(1), after “sectors.”, insert “The notice may contain the statement in full or describe the statement in general terms and indicate where the full text can be obtained.”

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- (1) ~~In subsection (1), repeal paragraph (b).~~ Repeal section 1A(2)(b).
- (1A) In section 1A(4), after “must”, insert “comply with **subsection (4A)** and”.
- (2) ~~In subsection (3), replace paragraph (a) with:~~
- (a) ~~to provide learning experiences that support children and young people to reach their potential and a system that aims to achieve equitable outcomes for all; and~~ 5
- (3) ~~In subsection (3)(b), replace subparagraphs (i) to (iv) with:~~
- (i) ~~resilience, determination, confidence, creative and critical thinking, and to become lifelong learners;~~
- (ii) ~~strong social skills and the ability to form positive relationships with others;~~ 10
- (iii) ~~active participation in community life, fulfilment of civic and social responsibilities, and contribution to building a strong and just New Zealand, socially, culturally, economically and environmentally;~~ 15
- (iv) ~~promoting the development of the knowledge, values, and skills to enable students to succeed in further education and live full satisfying lives, both personally and in the world of work; and~~
- (4) ~~In subsection (3)(c), replace subparagraph (i) with:~~
- (i) ~~To instil an appreciation of the importance of an inclusive society where all people are valued and are supported to participate in ways that honour and value diversity;~~ 20
- (5) ~~In new section 1A, after subsection (4).~~ After section 1A(4), insert:
- (4A) ~~Consultation under subsection (4) must include consultation with—~~ The Minister must make reasonable efforts to consult— 25
- (a) children and young people; and
- (b) national ~~representative organisations,~~ bodies representing the interests of teachers; and
- (c) national ~~representative organisations,~~ bodies representing the interests of principals; and 30
- (d) national ~~representative organisations of school boards of trustees,~~ bodies representing the interests of governing bodies of schools; and
- (e) national ~~representative organisations,~~ bodies representing the interests of early childhood services; and
- (f) national ~~representative organisations,~~ bodies representing the interests of parents; and 35
- (g) national bodies representing the interests of the disability community; and

- (h) national bodies representing the interests of support staff in schools and early childhood services; and
- (i) national bodies representing the interests of Māori education organisations; and
- (j) national bodies representing the interests of Pacific education organisations; and 5
- (k) national bodies representing the interests of proprietors of State integrated schools; and
- (l) national bodies with a particular role in respect of the character of designated character schools. 10
- (5A) In section 1A(5)(a), replace “subsection (4)” with “subsections (4) and (4A)”.
- (6) ~~In section 1A, after subsection (5), After section 1A(5), insert:~~
- (5A) A minor change under subsection (5) is limited to a technical, short, and uncontroversial amendment that does not change or extend the policy of the statement of National Education and Learning Priorities. 15
- ~~(7) In section 1A, replace subsection (6) with:~~
- ~~(6) A statement issued under this section is a legislative instrument and is a disallowable instrument for the purposes of the Legislation Act 2012, and has to be presented to the House of Representatives under section 41 of that Act.~~

Legislative history

13 December 2017
21 February 2018

Introduction (Bill 8–1)
First reading and referral to Education and Workforce
Committee