

Departmental Disclosure Statement

Education (Update) Amendment Bill

The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by the Ministry of Education.

The Ministry of Education certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

18 August 2016

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Part One: General Policy Statement

The Education (Update) Amendment Bill (the **Bill**) amends the Education Act 1989 (the **Act**). The public policy objectives of the Bill are to -

- make the achievement and learning of children and young people central to the early childhood education and compulsory schooling Parts of the Act;
- strengthen the efficiency, effectiveness and accountability of schools and the schooling network;
- enhance collaboration within the schooling network;
- increase flexibility in the enrolment and attendance requirements for the first year of learning;
- strengthen the legal framework for managing teacher competence issues;
- establish a future focused legislative framework for online learning;
- update aspects of the law that have become outmoded and inefficient;
- improve the provision of careers services by the government.

The Bill sets out objectives to guide the education system in the early childhood and schooling sectors. The objectives inform the setting of the Government of the day's priorities for the early learning and schooling sectors through the new statement of National Education and Learning Priorities. The statement will establish a clear strategic direction that allows a focus on children and young people and their educational outcomes.

The strategic direction-setting is made operational through a number of amendments. These strengthen the efficiency, effectiveness and accountability of schools and the schooling network. The amendments include:

- a more comprehensive articulation of the roles and responsibilities of school boards of trustees, which is set out in one place in the Act;
- new planning and reporting processes;
- the power for the Minister to set national performance measures.

The clauses of the Bill that establish new planning and reporting processes, including the power to set national performance measures, will come into force by 1 January 2019 or at an earlier date specified by Order in Council. This allows sufficient time for regulations to be promulgated and for State and State integrated schools to make the transition to the new regime.

The effectiveness and accountability of schools is also being strengthened through changes to the interventions regime in the Act. The Bill provides for additional interventions to enable faster, more tailored responses when a school is experiencing difficulties in ensuring the achievement of all its children and young people.

The Bill updates Part 12 of the Act which deals with the establishment of schools, in particular to remove outmoded administrative processes and streamline a Part that has important operational consequences for the schooling sector. The amendments to Part 12 -

- add a purpose clause which clearly sets out the rationale for the Part;

- allow the Minister to require 2 or more schools to be administered by a single board where at least one of the schools is not performing well:
- create a single establishment process for schools that have a designated character under section 155 (kura kaupapa Māori) and section 156.

The Bill contains amendments defining the groups of schools known as “communities of learning”. It allows for communities of learning to adopt a more formal agreement between the Secretary and the members of communities about the delivery of joint services. These amendments will help to strengthen the efficiency of the education system by encouraging greater collaboration between members of communities of learning.

The Bill allows schools, after community consultation, to require children to start school as a group at the beginning of a term, instead of on their fifth birthday, as is currently the case. Starting school as a group can be beneficial for children and their teachers. Children will be able to begin school at the beginning of the term before their fifth birthday if that birthday falls before the mid-point of the term.

Once enrolled, a 5-year-old will be required to attend school whenever it is open. Children do not have to enrol until the age of 6, and some 5-year-olds enrol but attend intermittently, establishing patterns of poor attendance. Both of these amendments are designed to improve the progress of children during the important first year of schooling.

The Bill supports quality teaching by strengthening the legal framework for managing teacher competence issues. It establishes a Competence Authority as part of the Education Council of Aotearoa New Zealand. The new Authority is a critical means of ensuring that complaints about teachers’ competence are dealt with promptly and robustly.

The Bill also includes a number of amendments addressing aspects of the law that have become outmoded and inefficient. As an example, there are amendments to Part 3 of the Act that improve the efficient administration of enrolment schemes for schools.

Legislative framework for online learning

The Bill proposes to insert a new Part into the Act and to make consequential amendments to update what has to date been called “correspondence” education. Currently, this is delivered exclusively by Te Aho o Te Kura Pounamu (**Te Kura**), the Correspondence School. This learning approach is now called “online learning”.

The Bill enables the responsible Minister to accredit a wide range of providers as communities of online learning. This could include schools, tertiary education providers (such as universities, polytechnics, wānanga, and private training establishments), or other corporate entities.

Students will be able to enrol -

- in a face-to-face school, with a full-time learning programme provided by the school, with online tuition from a community of online learning, or
- in a community of online learning, which provides the student with a full-time online learning programme, either itself or with tuition from other communities of online learning.

The enrolling institution, whether a school or community of online learning, will be responsible for the student's full time learning programme and pastoral care.

The repeal of 3 sections of the Act will be delayed until 31 December 2017 or an earlier date specified by Order in Council. This will provide for a transitional period in order to maintain the status quo for aspects of the operations of Te Kura while regulations are being drafted. The sections of the Act are -

- section 7, (additional restrictions on enrolment at correspondence school):
- section 7A, (certain domestic students may be required to pay fees for tuition from correspondence school):
- section 29(1)(b) which relates to an offence for irregular attendance at a correspondence school.

Legislative framework for State integrated schools

The Bill proposes to insert a new Part into the Act establishing an updated and streamlined legislative framework for the State integrated school sector. As a consequence, the Private Schools Conditional Integration Act 1975 is repealed.

The Part has a number of amendments aimed at ensuring the ongoing viability of the State integrated school sector. These include -

- a statutory power for the responsible Minister to require financial or any other information from a proprietor or potential proprietor of a State integrated school in certain circumstances:
- a requirement for the proprietor to have regard to criteria for managing their schooling provision in a way that takes into account matters of importance to the Crown.

Provision of careers services

The Bill disestablishes Careers New Zealand and creates a refocused careers service within the Tertiary Education Commission to achieve a more coherent flow of careers information for young people and their families. This will enable them to make better informed choices in relation to schooling and beyond.

The relevant clauses of the Bill which disestablish Careers New Zealand and transfer its functions to the Tertiary Education Commission will come into force on 18 April 2017, 1 month after the Bill comes into force. The delay allows the Tertiary Education Commission to undertake an offer and acceptance process with Careers New Zealand staff. Staff will have 1 month to consider and sign new contracts, after the Bill comes into force.

Following the end of the offer and acceptance process the Tertiary Education Commission will have 6 months to align its resources to undertake a more focused set of careers functions, which are the provision of careers information and strengthening connections between education and employment. The relevant clauses of the Bill that establish these functions as TEC's statutory career functions will come into force on 18 October 2017, seven months after the Bill comes into force.

Part Two: Background Material and Policy Information

Published reviews or evaluations

2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?	YES
Considering Education Regulation in New Zealand, The Taskforce on Regulations Affecting School Performance, May 2014 http://www.education.govt.nz/ministry-of-education/specific-initiatives/taskforce-on-regulations-affecting-school-performance/	

Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	NO
2.2.1. If so, was a National Interest Analysis report prepared to inform a Parliamentary examination of the proposed New Zealand action in relation to the treaty?	N/A

Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	YES
<p>Make the achievement and learning of children and young people central to the early childhood education and compulsory schooling Parts of the Education Act 1989</p> <ul style="list-style-type: none"> <i>Establishing enduring objectives for education for children and young people aged 0-18</i> “Establishing enduring goals for education for children and young people aged 0 to18”; Ministry of Education; 5 May 2016 http://www.education.govt.nz/ministry-of-education/regulatory-impact-statements/updated-the-education-act/establishing-enduring-goals-for-education-for-children-and-young-people-aged-0-to-18/ <i>statement of National Education and Learning Priorities</i> “Establishing a mechanism for government to set out its medium-term priorities for early childhood education and schooling”; Ministry of Education; 5 May 2016 http://www.education.govt.nz/ministry-of-education/regulatory-impact-statements/updated-the-education-act/establishing-a-mechanism-for-government-to-set-out-its-medium-term-priorities-for-early-childhood-education-and-schooling/ <p>Strengthen the efficiency, effectiveness and accountability of schools and the schooling network</p> <ul style="list-style-type: none"> <i>Establishing roles and responsibilities for boards of trustees</i> “Clarifying boards of trustees’ roles and responsibilities”; Ministry of Education; 5 May 2016 http://www.education.govt.nz/ministry-of-education/regulatory-impact-statements/updated-the-education-act/clarifying-boards-of-trustees-roles-and-responsibilities/ <i>Better accountability through improved planning and reporting</i> “Improving planning and reporting for schools”; Ministry of Education; 5 May 2016 http://www.education.govt.nz/ministry-of-education/regulatory-impact-statements/updated-the-education-act/improving-planning-and-reporting-for-schools/ <i>Better supporting schools in difficulty</i> “Better supporting schools in difficulty”; Ministry of Education; 5 May 2016 http://www.education.govt.nz/ministry-of-education/regulatory-impact-statements/updated-the-education-act/better-supporting-schools-in-difficulty/ <p>Enhance collaboration within the schooling network</p> <ul style="list-style-type: none"> <i>Supporting the evolution of Communities of Learning</i> “Strengthening collaborative governance”; Ministry of Education; 5 May 2016 http://www.education.govt.nz/ministry-of-education/regulatory-impact-statements/updated-the-education-act/strengthening-collaborative-governance/ <p>Increase flexibility in the enrolment and attendance requirements for the first years of learning</p> <ul style="list-style-type: none"> <i>Allow schools to introduce cohort entry</i> “Changes to enable schools to implement cohort entry arrangements for children first starting school”; Ministry of Education; 5 May 2016 http://www.education.govt.nz/ministry-of-education/regulatory-impact-statements/updated-the-education-act/changes-to-enable-schools-to-implement-cohort-entry-arrangements-for-children-first-starting-school/ <i>Compulsory attendance upon starting school</i> “Compulsory attendance for five year olds once enrolled”; Ministry of Education; 5 May 2016 http://www.education.govt.nz/ministry-of-education/regulatory-impact-statements/updated-the-education-act/compulsory-attendance-for-five-year-olds-once-enrolled/ <p>Update aspects of the law that have become outmoded and inefficient</p> <ul style="list-style-type: none"> <i>Improving the way enrolment schemes are managed</i> “Improving the way enrolment schemes are managed”; Ministry of Education; 5 May 2016 http://www.education.govt.nz/ministry-of-education/regulatory-impact-statements/updated-the-education-act/improving-the-way-enrolment-schemes-are-managed/ <i>Updating Part 12 of the Education Act</i> “Better management of education provision”; Ministry of Education; 10 August 2016 http://www.education.govt.nz/ministry-of-education/regulatory-impact-statements/updated-the-education-act/better-management-of-education-provision/ (For remainder, see Appendix 1). 	

2.3.1. If so, did the RIA Team in the Treasury provide an independent opinion on the quality of any of these regulatory impact statements?	NO
The RIA Team in the Treasury advised that no independent assessment was required for the suite of 14 RISs, because the RISs did not meet the threshold for assessment.	

2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?	NO
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Extent of impact analysis available

2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?	NO
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2.5. For the policy to be given effect by this Bill, is there analysis available on:	
(a) the size of the potential costs and benefits?	YES
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO
Increase flexibility in the enrolment and attendance requirements for the first years of learning <ul style="list-style-type: none"> • <i>Allow schools to introduce cohort entry</i> The Regulatory Impact Statement (see question 2.3 above) addresses the size of potential costs and benefits (see pages 7-13).	

2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	YES
(b) the nature and level of regulator effort put into encouraging or securing compliance?	YES

Make the achievement and learning of children and young people central to the early childhood education and schooling Parts of the Education Act 1989

- *statement of National Education and Learning Priorities*

YES- (a) and (b)

Strengthen the efficiency, effectiveness and accountability of schools and the schooling network

- *Better accountability through improved planning and reporting*

YES- (a) and (b)

- *Better supporting schools in difficulty*

YES- (a) and (b)

Update aspects of the law that have become outmoded and inefficient

- *Improving the way Enrolment Schemes are managed*

YES- (a) and (b)

Increase flexibility in the enrolment and attendance requirements for the first years of learning

- *Compulsory attendance upon starting school*

YES- (a) and (b)

Establish a future focused legislative framework for online learning

- *Introducing contestability and wider student access to online learning*

YES- (a) and (b)

Part Three: Testing of Legislative Content

Consistency with New Zealand's international obligations

3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?
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The policies to be given effect by the Education (Update) Amendment Bill do not affect New Zealand's international obligations.

Consistency with the government's Treaty of Waitangi obligations

3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?

Officials at the Ministry of Education with legal expertise and with expertise in the impact of education policies on Māori were involved in the policy development which the Bill effects.

Te Puni Kōkiri were consulted on the proposals relating to:

Make the achievement and learning of children and young people central to the early childhood education and compulsory schooling Parts of the Education Act 1989

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| <ul style="list-style-type: none">• Establishing enduring objectives for education for children and young people aged 0-18• statement of National Education and Learning Priorities |
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Strengthen the efficiency, effectiveness and accountability of schools and the schooling network

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| <ul style="list-style-type: none">• Establishing roles and responsibilities for boards of trustees• Better accountability through improved planning and reporting• Better supporting schools in difficulty |
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Enhance collaboration within the schooling network

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| <ul style="list-style-type: none">• Supporting the evolution of Communities of Learning |
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Increase flexibility in the enrolment and attendance requirements for the first years of learning
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| <ul style="list-style-type: none">• Allow schools to introduce cohort entry• Compulsory attendance upon starting school |
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Update aspects of the law that have become outmoded and inefficient
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| <ul style="list-style-type: none">• Improving the way Enrolment Schemes are managed• Updating Part 12 of the Education Act |
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Strengthen the legal framework for managing teacher competence issues
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| <ul style="list-style-type: none">• Establishing an Education Council Competence Authority |
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The changes to the careers system, which are to be given effect by the Education (Update) Amendment Bill, do not affect Māori rights or interests protected by the Treaty of Waitangi.
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Consistency with the New Zealand Bill of Rights Act 1990

3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?	YES
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Advice provided to the Attorney-General by the Ministry of Justice is generally expected to be available on the Ministry of Justice's website at
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http://www.justice.govt.nz/policy/constitutional-law-and-human-rights/human-rights/bill-of-rights/ .

Offences, penalties and court jurisdictions

3.4. Does this Bill create, amend, or remove:	
(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?	YES
(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	YES
<p>Increase flexibility in the enrolment and attendance requirements for the first years of learning</p> <ul style="list-style-type: none"> • <i>Allow schools to introduce cohort entry</i> <p>The Bill extends coverage of the penalty for irregular attendance (section 29 of the Education Act 1989) to parents of four and five year olds who are enrolled at a registered school.</p> <p>Strengthen the legal framework for managing teacher competence issues</p> <ul style="list-style-type: none"> • <i>Establishing an Education Council Competence Authority</i> <p>The Bill extends the jurisdiction of the District Court, by enabling a teacher who is the subject of a decision by the Competence Authority to appeal the decision to the District Court.</p>	

3.4.1. Was the Ministry of Justice consulted about these provisions?	YES
<p>Increase flexibility in the enrolment and attendance requirements for the first years of learning</p> <ul style="list-style-type: none"> • <i>Allow schools to introduce cohort entry</i> <p>The Ministry of Justice was consulted on the proposal to allow schools to introduce cohort entry through the Cabinet paper 'Policy proposals for Updating the Education Act 1989'.</p> <p>Strengthen the legal framework for managing teacher competence issues</p> <ul style="list-style-type: none"> • <i>Establishing an Education Council Competence Authority</i> <p>The Ministry of Justice was consulted on advice as to whether it was appropriate for the newly established Competence Authority to have the power to order the cancellation of a teacher's registration, practising certificate, or Limited Authority to Teach. The Ministry advised that this was acceptable providing there was an appeal process and the process of natural justice were adhered to.</p>	

Privacy issues

3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?	YES
<p>Establish a future focused legislative framework for online learning</p> <ul style="list-style-type: none"> • <i>Introducing contestability and student wider access to online learning</i> <p>YES</p>	

3.5.1. Was the Privacy Commissioner consulted about these provisions?	YES
<p>Establish a future focused legislative framework for online learning</p> <ul style="list-style-type: none"> • <i>Introducing contestability and wider student access to online learning</i> <p>YES</p>	

External consultation

3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?	YES
<p>Public consultation was held from 2 November to 14 December 2015. Consultation was held on the proposals relating to:</p> <p>Make the achievement and learning of children and young people central to the early childhood education and compulsory education Parts of the Education Act 1989</p> <ul style="list-style-type: none"> Establishing enduring objectives for education for children and young people aged 0-18 statement of National Education and Learning Priorities <p>Strengthen the efficiency, effectiveness and accountability of schools and the schooling network</p> <ul style="list-style-type: none"> Establishing roles and responsibilities for boards of trustees Better accountability through improved planning and reporting Better supporting schools in difficulty <p>Enhance collaboration within the schooling network</p> <ul style="list-style-type: none"> Supporting the evolution of Communities of Learning <p>Increase flexibility in the enrolment and attendance requirements for the first years of learning</p> <ul style="list-style-type: none"> Allow schools to introduce cohort entry Compulsory attendance upon starting school <p>Update aspects of the law that have become outmoded and inefficient</p> <ul style="list-style-type: none"> Improving the way Enrolment Schemes are managed Updating Part 12 of the Education Act 1989. <p>Responses were received from teachers, parents, family and whānau, board of trustee members, other education sector professionals and education sector groups, members of iwi groups and Māori organisations, Pacific Peoples' families, communities, and principals, members of community groups, businesses or business groups, other stakeholder groups and interested citizens. Feedback generally showed support for the policies.</p> <p>The full discussion document is available on the Ministry of Education's website here: http://www.education.govt.nz/assets/Documents/Ministry/consultations/Updating-the-Education-Act-1989-A-public-discussion-document.pdf .</p> <p>The summary of submissions to the consultation can be found on the Ministry's website here: http://www.education.govt.nz/assets/Uploads/Summary-of-submissions-final.pdf.</p> <p>Additional targeted consultation was undertaken around boards' roles and responsibilities, and planning and reporting changes from mid March to early April. Targeted sector organisations were contacted to provide additional submissions.</p> <p>Opportunities for additional public feedback were also available on boards' roles and responsibilities, and planning and reporting changes. Two A3 documents were made available on the Ministry of Education's website. The public were able to provide feedback at regional cross-sector forums and by email to a Ministry web mailbox. Information on the additional consultation period can be found here: http://www.education.govt.nz/ministry-of-education/consultations-and-reviews/updating-the-education-act-1989/.</p> <p>Details on external agencies consulted are included in Appendix Two.</p>	

Other testing of proposals

3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?	NO
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Part Four: Significant Legislative Features

Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO
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Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO
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Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO
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Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO
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Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	YES
Strengthen the legal framework for managing teacher competence issues <ul style="list-style-type: none">• <i>Establishing an Education Council Competence Authority</i> <p>The Bill changes the decision maker in respect of decisions as to whether a teacher's practising certificate, registration, or LAT should be cancelled from the Education Council to the Competence Authority. As the decision maker is changing from the Education Council, the power will change from 'cancelling' to 'ordering cancellation', because under the Education Act 1989, the Education Council is the only body that can actually cancel a teacher's practising certificate, registration, or LAT. This is consistent with the approach taken in respect of the Disciplinary Tribunal which deals with complaints relating to teacher conduct.</p> <p>The safeguards around the new decision making body will be the appeal process to the District Court and the application of natural justice.</p>	

Powers to make delegated legislation

4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	NO
4.8. Does this Bill create or amend any other powers to make delegated legislation?	YES
<p>Strengthen the efficiency, effectiveness and accountability of schools and the schooling network</p> <ul style="list-style-type: none"> <i>Better accountability through improved planning and reporting</i> <p>The Bill authorises the Governor-General to make regulations about school planning and reporting. The regulations are required to set out the detailed requirements for the new regime. The regulations will be drafted by the Parliamentary Counsel Office and subject to review by the Regulations Review Committee.</p> <p>Establish a future focused legislative framework for online learning</p> <ul style="list-style-type: none"> <i>Introducing contestability and wider student access to online learning</i> <p>The Bill authorises the Governor-General to make regulations in relation to the accreditation of Communities of Online Learning, including setting out processes for accreditation. The Governor-General is also authorised to make regulations in relation to the operation of accredited Communities of Online Learning.</p> <p>The regulations will be drafted by the Parliamentary Counsel Office and subject to review by the Regulations Review Committee.</p> <p>Strengthen the legal framework for managing teacher competence issues</p> <ul style="list-style-type: none"> <i>Establishing an Education Council Competence Authority</i> <p>The Bill amends the Education Council's power to make rules to enable them to establish a Competence Authority. Education Council rules are a legislative and a disallowable instrument.</p>	

Any other unusual provisions or features

4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?	YES
<p>Make children and young people and their learning more visible in the Education Act 1989</p> <ul style="list-style-type: none"> • Establishing enduring objectives for education for children and young people aged 0-18 <p>A number of Acts include overarching goals, objects or objectives; however, this is an unusual feature. The objectives set out in new Part 1AA inform the setting of the Government of the day's priorities for the early learning and schooling sectors through the new statement of National Education and Learning Priorities.</p> <p>Update aspects of the law that have become outmoded and inefficient</p> <ul style="list-style-type: none"> • Updating and streamlining the legislative framework for State integrated schools <p>The Private Schools Conditional Integration Act 1975 is binding on the Crown. New Part 33, "State integrated schools", will be binding on the Crown, despite the Education Act 1989 not being binding on the Crown. A Part of an Act can be made binding on the Crown in order to avoid the conferment of an unfair benefit on the Crown, to the potential detriment of third parties. In creating a legislative framework for State integrated schools in the Education Act 1989, the new Part 33 is to bind the Crown in order to preserve the existing relationship between the Crown and proprietors of State-integrated schools.</p> <p>In new Part 33 is a clarification that where the Part deals with the same or similar subject matter as other Parts of the Education Act 1989, the State Sector Act 1988, or any regulations made under these Acts, the express provisions of new Part 33 will prevail. However, new Part 33 must be construed in a sense consistent with the other Parts of the Education Act 1989 or any other enactments concerned where such a construction is appropriate and reasonable. This maintains the legal position that exists under the Private Schools Conditional Integration Act 1975.</p>	

Appendix One: Further Information Relating to Part Two

Regulatory impact analysis – question 2.3

Update aspects of the law that have become outmoded and inefficient (continued)

- *Updating and streamlining the legislative framework for State integrated schools*

“Implementing property funding changes and changes to regulatory settings for state-integrated schools”; Ministry of Education; 22 June 2016

<http://www.education.govt.nz/ministry-of-education/regulatory-impact-statements/updating-the-education-act/implementing-property-funding-changes-and-changes-to-regulatory-settings-for-state-integrated-schools/>

Establish a future focused legislative framework for online learning

- *Introducing contestability and wider student access to online learning*

“Establishing the regulatory framework for online learning”; Ministry of Education; 10 August 2016

<http://www.education.govt.nz/ministry-of-education/regulatory-impact-statements/updating-the-education-act/establishing-a-regulatory-framework-for-online-learning/>

Strengthen the legal framework for managing teacher competence issues

- *Establishing an Education Council Competence Authority*

“Creation of a new specialist body to consider complaints regarding teachers’ professional competence”; Ministry of Education; 5 May 2016

<http://www.education.govt.nz/ministry-of-education/regulatory-impact-statements/updating-the-education-act/creation-of-a-new-specialist-body-to-consider-complaints-regarding-teachers-professional-competence/>

Improve the provision of careers services by the government

- *Transferring Careers New Zealand’s functions to the Tertiary Education Commission (TEC)*

“Options for Improving the Careers Information Service”; Ministry of Education; 10 August 2016

<http://www.education.govt.nz/ministry-of-education/regulatory-impact-statements/updating-the-education-act/options-for-improving-the-careers-information-service/>

Appendix Two: Further Information Relating to Part Three

External consultation – question 3.6

The draft Bill was provided to the Department of the Prime Minister and Cabinet, the State Services Commission, the Treasury, and the Education Review Office.

Consultation drafts of specific Parts of this Bill were provided to the Association of Proprietors of Integrated Schools, the Education Council, The Tertiary Education Commission, and Careers New Zealand.

The Treasury, the State Services Commission, the Education Review Office, the Ministry of Health, the Ministry of Justice, the Ministry of Pacific Peoples, the Ministry of Social Development, Te Puni Kōkiri and the Office of the Controller and Auditor-General have been consulted on the proposals relating to:

Make the achievement and learning of children and young people central to the early childhood education and compulsory schooling Parts of the Education Act 1989

- Establishing enduring objectives for education for children and young people aged 0-18
- statement of National Education and Learning Priorities

Strengthen the efficiency, effectiveness and accountability of schools and the schooling network

- Establishing roles and responsibilities for boards of trustees
- Better accountability through improved planning and reporting
- Better supporting schools in difficulty

Enhance collaboration within the schooling network

- Supporting the evolution of Communities of Learning

Increase flexibility in the enrolment and attendance requirements for the first years of learning

- Allow schools to introduce cohort entry
- Compulsory attendance upon starting school

Update aspects of the law that have become outmoded and inefficient

- Improving the way Enrolment Schemes are managed
- Updating Part 12 of the Education Act 1989

Strengthen the legal framework for managing teacher competence issues

- Establishing an Education Council Competence Authority.

The Department of the Prime Minister and Cabinet and the Parliamentary Counsel Office were informed of the above proposals.

The Treasury, the State Services Commission, the Education Review Office, the Ministry of Health, and the Ministry of Pacific Peoples were consulted on the proposals relating to:

Update aspects of the law that have become outmoded and inefficient

- Updating and streamlining the legislative framework for state-integrated schools

Establish a future focused legislative framework for online learning

- Introducing contestability and wider student access to online learning.

The Department of the Prime Minister and Cabinet and the Parliamentary Counsel Office were informed of the above proposals.

Update aspects of the law that have become outmoded and inefficient

- Updating and streamlining the legislative framework for state-integrated schools.

The Association of Proprietors of Integrated Schools was consulted on the incorporation of aspects of the Private Schools Conditional Integration Act 1975 into the Education Act 1989.

Strengthen the legal framework for managing teacher competence issues

- Establishing an Education Council Competence Authority

The Education Council consulted the following organisations on the draft Education Council Rules 2016, which included the proposed establishment of a Competence Authority:

The Association of Colleges of Education in New Zealand, Children's Commissioner, Early Childhood Council, Education Review Office, Federation of Early Childhood Education Organisations, Human Rights Commission, Independent Schools of New Zealand, Institutes of Technology and Polytechnics of New Zealand, Ministry of Education, Ministry of Maori Development Te Puni Kōkiri, Ministry of Pacific Island Affairs, New Zealand Catholic Education Office, New Zealand Educational Institute Te Riu Roa, New Zealand Kindergarten Federation, New Zealand Kindergartens Incorporated, New Zealand Police, New Zealand Polytechnic Programmes Committee, New Zealand Post Primary Teachers' Association, New Zealand Principals' Federation, New Zealand Qualifications Authority, New Zealand School Trustees Association, New Zealand Vice-Chancellors' Committee, Privacy Commissioner, Secondary Principals' Association of New Zealand Incorporated, Te Kōhanga Reo National Trust, Te Rūnanga Nui o Ngā Kura Kaupapa Māori o Aotearoa, Te Tauihu o Nga Wananga Incorporated, Teacher Education Forum of Aotearoa New Zealand and the Tertiary Education Commission.

Improve the provision of career services by the government

- Transferring Careers New Zealand's functions to the Tertiary Education Commission (TEC)

The Ministry of Education consulted Careers New Zealand and the Tertiary Education Commission (TEC) on the proposed changes to the careers system during the policy development process and drafting of the final Cabinet paper.

The Treasury, the State Services Commission, the Ministry of Business, Innovation and Employment, and the Tertiary Education Commission have been consulted on the options for improving New Zealand's career system.

The Department of the Prime Minister and Cabinet has been informed of the options for improving New Zealand's career system.

Appendix Three: Further Information Relating to Part Four

N/A