

Supplementary Departmental Disclosure Statement

Education and Training (System Reform) Amendment Bill

A supplementary departmental disclosure statement for a Bill the government is proposing to amend seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill in amended form.

It highlights material changes to previous disclosures relating to:

- 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.

The original disclosure statement for the Education and Training (System Reform) Amendment Bill, dated 5 November 2025, can be found at this link:

<https://disclosure.legislation.govt.nz/bill/government/2025/228>

This supplementary 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.

13 May 2026.

Contents

Contents	2
The Main Areas of Change to the Original Disclosures	3
Part One: General Policy Statement	4
Part Two: Background Material and Policy Information	6
Part Three: Testing of Legislative Content.....	9
Part Four: Significant Legislative Features	12
Appendix One: Further Information Relating to Part Two	15

The Main Areas of Change to the Original Disclosures

This is a supplementary disclosure statement for the Education and Training (System Reform) Amendment Bill.

A supplementary disclosure statement supplements the original disclosure statement for the Bill by reporting the additions and changes that would need to be made to the original disclosure statement to accurately reflect the Bill with the proposed government amendments incorporated.

Where the Bill now also incorporates changes made by a select committee of the House, the supplementary disclosure statement will note these if relevant but will not explain them further.

The main areas of change to the original disclosure statement include:

- Changes to the proposed role, functions and governance of the Teaching Council of Aotearoa New Zealand (the Teaching Council);
- A new proposal on strengthening the oversight of home education;
- A new proposal on changing the physical restraint rules to cover school hostels; and
- Three minor and technical changes to address drafting issues that have been identified from the re-design of the vocational education and training (VET) system.

Part One: General Policy Statement

The General Policy Statement in the original disclosure statement requires the following updates to reflect the changes that are being progressed in an Amendment Paper to the Bill:

- Changes to the section on 'Clarifying workforce roles and functions' to reflect further proposed changes in the Amendment Paper to the role, functions and governance of the Teaching Council;
- Additional content for the proposal in the Amendment Paper to strengthen the oversight of home education;
- Additional content for the proposal in the Amendment Paper on changes to physical restraint rules to cover school hostels; and
- Additional content for three minor and technical changes in the Amendment Paper to address drafting issues that arise from the re-design of the VET system.

Changes to the section on 'Clarifying workforce roles and functions' in the original disclosure statement

The Bill is amended to include further changes to strengthen the governance, oversight and operation of the Teaching Council. These changes respond to recent reports that highlight concerns regarding the Teaching Council's leadership, culture, purpose and priorities, including an inadequate focus on child safety.

The original disclosure statement notes that the Bill reduces 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 of Education (the Minister). The Bill is now amended to change Teaching Council membership to a minimum of 7 and maximum of 9 members, with all members appointed by the Minister of Education. The threshold for removal of Teaching Council members is also amended to be at the discretion of the Minister.

The Bill is also amended to include additional changes to:

- include a revised purpose statement for the Teaching Council focused on elevating its role in protecting child safety;
- strengthen reporting and monitoring arrangements for the Teaching Council;
- require the Teaching Council to give effect to government policy direction and also confirm the independence of the Teaching Council's decision-making in individual cases; and
- set appointment term limits for the Teaching Council's Chief Executive.

Additional proposal on strengthening the oversight of home education

The Bill is amended to enable the oversight of home education to be strengthened in response to concerns raised by the Ministry of Education and the Education Review Office (ERO) regarding a lack of visibility of the ongoing quality of home education and the progress of home educated learners. The change involves:

- requiring those seeking to home educate to meet specific requirements prescribed in regulations to maintain an exemption from enrolment at a registered school.
- A new regulation making power for specifying the requirements that must be met to maintain an exemption from enrolment, including the regularity and required content of reporting and any other requirements such as assessment.

Additional proposal on changes to physical restraint rules to cover school hostels

The Bill is amended to set clear and appropriate limits on the use of physical restraint for school hostels by making them subject to the same legal requirements for use of physical restraint as registered schools. This involves changes to:

- align the requirements for physical restraint of boarders in school hostels with the requirements in the Act for physical restraint of students in registered schools;
- apply the Education (Physical Restraint Rules) 2024 to school hostels as well as registered schools; and
- require the Secretary for Education to consult with representatives of school hostels when developing rules.

Minor and technical amendments to support the redesign of the VET system

The Bill is amended to include three minor and technical changes in order to maintain the original policy intent of the 2025 redesign of the VET system. The changes are to:

- return statute-making powers listed in section 284(1) of the Act to polytechnics;
- clarify responsibility for paying the remuneration costs of the independent chairperson of the Federation Committee; and
- insert a transitional provision allowing Industry Skills Boards to be designated as a lead provider of secondary-tertiary programmes for the period that they are delivering work-based training.

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
<p>In addition to the information in the original disclosure statement, the following proposals in the Amendment Paper have been informed by publicly available reports:</p> <p>The Teaching Council amendments have been informed by recent reviews and evaluations of the Teaching Council:</p> <ul style="list-style-type: none"> • The Debbie Francis report into the Council's strategic direction, operations and organisational culture: TCFINAL2212254YEHDF.pdf • The Public Service Commission's report into the Council's handling of conflicts of interest. Findings of Teaching Council investigation released: Te Kawa Mataaho Public Service Commission <p>The changes to physical restraint rules to cover school hostels were a response to the final report of the Royal of Commission of Inquiry into Abuse in Care (RCOI). The proposed changes support the Government to fulfil recommendation 73 of the report which relates to the use of restrictive practices for children and young people in care.</p> <ul style="list-style-type: none"> • RCOI final report: Whanaketia – Through pain and trauma, from darkness to light Abuse in Care - Royal Commission of Inquiry <p>We note that the Bill now incorporates the Education and Workforce Select Committee's recommendation to include the proposal to transfer regulatory functions for early childhood education (ECE) from the Ministry of Education to ERO. The proposal to transfer ECE functions to ERO has been informed by the Ministry for Regulation's ECE regulatory sector review:</p> <ul style="list-style-type: none"> • Regulatory Review of Early Childhood Education: Regulatory-Review-of-Early-Childhood-Education-full-report-v2.pdf 	

Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	NO
<p>No change from the original disclosure statement. Neither the Bill nor the Amendment Paper seeks to give effect to New Zealand action in relation to an international treaty.</p>	

Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	YES
<p>In addition to the five regulatory impact statements (RIS) provided in the original disclosure statement, the Ministry of Education has prepared the following two RIS for the Amendment Paper:</p> <ul style="list-style-type: none"> • Title: Changes to Teaching Council organisational arrangements, dated 25 March 2026. • Title: Strengthening oversight of home education, dated 23 March 2026. <p>We note that the Bill now incorporates the Education and Workforce Select Committee’s recommendation to include the proposal to transfer regulatory functions for ECE from the Ministry of Education to the ERO. A RIS was prepared in April 2025 for a range of proposals to respond to the ECE regulatory sector review, including seeking in principle agreement to transfer responsibility for core ECE regulatory functions from the Ministry to ERO as part of wider education system reforms:</p> <ul style="list-style-type: none"> • Title: Proposals responding to the ECE regulatory sector review, dated 11 April 2025. <p>All RIS identified above can be found on:</p> <ul style="list-style-type: none"> • the Ministry of Education websites: Education and Training (System Reform) Amendment Bill - Ministry of Education or Early learning regulatory review - Ministry of Education • the Ministry for Regulation’s website: https://www.regulation.govt.nz/our-work/regulatory-impact-statements/ 	

2.3.1. If so, did the Ministry for Regulation provide an independent opinion on the quality of any of these regulatory impact statements?	YES
<p>In addition to the information in the original disclosure statement, we note that the RIS on ‘Proposals responding to the ECE regulatory sector review’ provided in section 2.3, was considered by the Ministry of Education’s Quality Assurance Panel as not meeting Cabinet’s quality assurance criteria for impact analysis, due to tight constraints on the options considered, limited analysis of impacts, costs and benefits and lack of consultation on the proposals imposed by the timeframe. The Ministry for Regulation and the Ministry of Education have agreed to provide a Post Implementation Report on the chosen options.</p>	

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?	YES
<p>No change from the original disclosure statement. Relevant aspects for the introduction version of the Bill are identified in the original disclosure statement. Options analyses for the proposals in the Amendment Paper are covered in the regulatory impact statements provided in section 2.3.</p>	

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
No change from the original disclosure statement. No additional impact analysis has become available further to the RIS identified in the original disclosure statement and section 2.3 of this supplementary disclosure statement.	
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
<p>In addition to the information provided in the original disclosure statement, the potential costs and benefits of the proposed further changes to the Teaching Council and the proposal to strengthen home education in the Amendment Paper are assessed in the relevant RIS provided in section 2.3. The cost and benefit analyses can be found on the following pages:</p> <ul style="list-style-type: none"> • RIS: Changes to Teaching Council organisational arrangements, pages 4-5 and 21-23 • RIS: Strengthening oversight of home education, pages 4 and 16-18 <p>No proposals in the Bill or Amendment Paper create the potential for any group of persons to suffer substantial unavoidable loss of income or wealth.</p>	
2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be affected 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
Refer to the full response provided in Appendix One.	

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?
--

No change from the original disclosure statement. Officials have considered whether each proposal in the Bill and Amendment Paper is consistent with New Zealand's international obligations, and we do not consider the proposals will have an impact on 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?

In addition to the information provided in the original disclosure statement, Treaty of Waitangi implications were considered in the RIS for the home education proposal: Strengthening oversight of home education, page 10 (provided in section 2.3). The RIS notes that the Ministry of Education intends to undertake public consultation on the development of home education exemption regulations, including with Māori, and that Treaty of Waitangi considerations will inform advice on specific regulatory requirements.
--

Treaty of Waitangi implications for the proposals in the Amendment Paper were considered in the following Cabinet papers:

- | |
|---|
| <ul style="list-style-type: none">• <i>Paper 1: Teaching Council proposals to amend the Education and Training (System Reform) Amendment Bill</i> – at paragraph 49, the paper notes that the views of Māori initial teacher education providers and Kaupapa Māori and Māori medium education providers will need to be taken into account in how ministerial appointments are considered.• <i>Paper 2: Further policy proposals to amend the Education and Training (System Reform) Amendment Bill</i> – at paragraph 44, the paper notes that the proposal to strengthen the oversight of home education does not affect the choice of Māori whānau to home educate and the proposal to change physical restraint rules to cover school hostels improves the safety of any Māori students in school hostels. |
|---|

The Cabinet papers will be proactively released on the Ministry of Education's website: Education and Training (System Reform) Amendment Bill - Ministry of Education

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

Advice provided on the original Bill can be accessed on the Ministry of Justice's website at: 20251110-BORA-advice-Education-and-Training-System-Reform-Amendment-Bill-for-publishing.pdf

The proposals in the Amendment Paper have been provided to the Ministry of Justice, but we understand no advice has been provided to the Attorney-General on these proposals.

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)?	NO
<p>In addition to the information in the original disclosure statement, we note that the Bill now incorporates the Education and Workforce Select Committee's recommendation to include the proposal to transfer ECE regulatory functions from the Ministry of Education to ERO. This includes transferring the relevant Director of Regulation role from the Ministry of Education to ERO.</p> <p>Section 28(1) of the Act provides that an ECE service provider commits an offence if the service provider ceases to operate a centre without first telling the Secretary for Education and the Director of Regulation that it intends to stop operating the centre (or, in an emergency, telling the Secretary for Education and Director of Regulation as soon as practicable after the closure). The proposed ECE transfer would mean that the requirement to notify the Director of Regulation in the Ministry of Education would change to a requirement to notify Director of Regulation in ERO.</p>	
3.4.1. Was the Ministry of Justice consulted about these provisions?	YES
<p>In addition to the information in the original disclosure statement, the Ministry of Justice was consulted on the relevant Cabinet papers for all proposals in the Amendment Paper.</p> <p>We note that the Bill now incorporates the Education and Workforce Select Committee's recommendation to include the proposal to transfer ECE regulatory functions from the Ministry of Education to ERO. The Ministry of Justice was made aware of the intent to include this transfer in the Bill, but was not specifically consulted on the change in entity that ECEs will have to notify if they cease to operate a centre.</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>In addition to the information in the original disclosure statement, we note that the Bill now incorporates the Education and Workforce Select Committee's recommendation to include the proposal to transfer ECE regulatory functions from the Ministry of Education to ERO. As part of this change, the Bill now includes transitional provisions which provide that information (including personal information) held by the previous Director of Regulation in the Ministry of Education, in relation to their ECE functions before the transfer, is to be treated as having been held by the new Director of Regulation in ERO.</p>	
3.5.1. Was the Privacy Commissioner consulted about these provisions?	YES

The Office of the Privacy Commissioner (OPC) was consulted on the proposals in the introduction version of the Bill and also on the transfer of ECE regulatory functions to ERO (which was included in the Bill through the Select Committee process).

The proposals in the Amendment Paper have not been consulted with the OPC as they do not raise any immediate privacy implications. While the home education and school hostels proposals do not have immediate privacy implications, both proposals enable the development of secondary legislation through which privacy issues may be identified. This includes the potential collection or use of personal information in the regulations for the home education proposal and the rules for use of physical restraint in school hostels. The Ministry of Education will consider privacy implications as part of the development of the secondary legislation and work with the OPC as necessary.

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

In addition to the information in the original disclosure statement, the Ministry undertook targeted sector engagement for the proposal in the Amendment Paper on changes to physical restraint rules to cover school hostels. The consultation took place over 2 weeks in November 2025. A total of 96 submitters responded to a survey. Over 80 percent of submitters agreed that the proposed change will create stronger safeguards for students, will make it easier for school hostels to understand the requirements and should be easy for school hostels to implement.

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?

YES

The Ministry of Education has been working with ERO to prepare for the transfer of ECE regulatory functions. This includes planning for implementation and testing the workability and completeness of the provisions.

On the hostels proposal, targeted sector engagement in November 2025 set out in section 3.6 resulted in 80 percent of submitters supporting the change and saying it should be easy for school hostels to implement.

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
No change from the original disclosure statement. Neither the Bill nor the Amendment Paper contains such provisions.	

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?	YES
No change from the original disclosure statement. Relevant information regarding the Bill is provided in the original disclosure statement. The proposals in the Amendment Paper do not create or amend such powers.	

Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO
No change from the original disclosure statement. Neither the Bill nor the Amendment Paper affects rights, freedoms or impose obligations retrospectively.	

Strict liability or reversal of the 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
No change from the original disclosure statement. Neither the Bill nor the Amendment Paper makes these changes.	

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO
No change from the original disclosure statement. Neither the Bill nor the Amendment Paper makes these changes.	

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?	NO
No change from the original disclosure statement. Neither the Bill nor the Amendment Paper makes these changes.	

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
No change from the original disclosure statement. Neither the Bill nor the Amendment Paper makes these changes.	

4.8. Does this Bill create or amend any other powers to make delegated legislation?	YES
<p data-bbox="223 566 1355 607"><u><i>Proposal to strengthen the oversight of home education</i></u></p> <p data-bbox="223 607 1355 712">The proposal to strengthen the oversight of home education empowers the Governor-General to make regulations through Order in Council that prescribe the requirements to maintain a home education exemption under section 38 of the Act, including (without limitation):</p> <ul data-bbox="287 716 1355 940" style="list-style-type: none"> • the regularity of reporting required to maintain an exemption from enrolment under section 38; • the required content of reports to the Ministry of Education; • any assessment requirements for students in respect of whom a section 38 exemption is held; and • any other matter necessary for the administration of section 38. <p data-bbox="223 952 1355 1048">The regulation making power will be limited to setting the requirements for maintaining a home education exemption. The requirements for obtaining a home education exemption in the first instance are set out in primary legislation under section 38 of the Act.</p> <p data-bbox="223 1059 1355 1155">A regulation making power is preferred over setting specific requirements for maintaining a home education exemption in primary legislation. This is because regulations are better suited to the detailed requirements needed and can be updated more easily over time.</p> <p data-bbox="223 1167 1355 1323">The regulations will be drafted by Parliamentary Counsel, subject to Cabinet scrutiny, and not come into force until at least 28 days after their making. Regulations will be subject to the Acts and Regulations Publication Act 1989, disallowance under the Regulations Disallowance Act 1989, and subject to review by the Regulations Review Committee under Standing Order 326.</p> <p data-bbox="223 1335 1355 1375"><u><i>Proposal on changes to physical restraint rules to cover school hostels</i></u></p> <p data-bbox="223 1375 1355 1532">The proposal on changes to physical restraint rules to cover school hostels involves an amendment to section 100 of the Act which currently empowers and requires the Secretary for Education to make rules relating to practice and procedure for the use of physical restraint at registered schools. The proposal amends this rule making power by extending it to cover the use of physical restraint in school hostels.</p> <p data-bbox="223 1543 1355 1729">As with the settings for registered schools, it is appropriate that the details of procedure and practice in relation to the use of physical restraint in school hostels is provided through delegated legislation (i.e. rules). The key policy settings relating to the circumstances in which restraint is prohibited and allowed are set in primary legislation for registered schools (sections 99 and 100 of the Act), and the proposal ensures that these primary legislative requirements also apply to school hostels.</p> <p data-bbox="223 1740 1355 1917">This proposal will require the current Education (Physical Restraint) Rules 2024 to be amended accordingly. Section 100(3) requires sector consultation before amendments to the rules are made. The amended rules will be presented to the House of Representatives by the Minister of Education and will be disallowable. The amended rules must also be published by the Secretary for Education.</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?	NO
No change from the original disclosure statement. Neither the Bill nor the Amendment Paper has such provisions.	

Appendix One: Further Information Relating to Part Two

Extent of impact analysis available – question 2.6

In addition to the information provided in the original disclosure statement, potential implications of compliance requirements proposed by the Amendment Paper are considered below.

Proposal to changes the Teaching Council's role, functions and governance

The costs and benefits of the further changes to the Teaching Council are assessed in the relevant RIS in section 2.3 (refer to pages 4 and 21-23 of the RIS)

Changes to the Council's monitoring and reporting requirements are designed to increase accountability. This is also the purpose of requiring the Council to give effect to Statements of Government Policy. The benefits of these changes are contingent on their enforcement. The changes are legislative requirements on the Council, but it will be the responsibility of government to assess and ensure the quality of monitoring and reporting, and how the Council is giving effect to Statements of Government Policy.

Proposal to strengthen the oversight of home education

The costs and benefits of the proposal to strengthen the oversight of home education are assessed in the relevant RIS provided in section 2.3 (refer to pages 4 and 17-19 of the RIS).

The benefits of this proposal will depend on how well families comply with the new requirements. The home education sector was not consulted during the development of this proposal, so the level of support is currently unclear. However, families who home educate generally tend to prefer less regulation. The Ministry intends to consult the home education sector on the details of proposed regulations before these are finalised to identify key issues and ensure they are workable.

The Ministry will be responsible for monitoring and enforcing compliance, including revoking exemptions from enrolment, if the requirements in the new regulations are not met.

Proposal on changes to physical restraint rules to cover school hostels

The intended outcome of ensuring boarders in hostels have the same level of protections as students in registered schools will depend on hostels' compliance with the strengthened requirements for the use of physical restraint. The school hostels sector is highly supportive of this proposal. Over 80 percent of submitters to recent sector survey agreed that the proposed change will create stronger safeguards for students, will make it easier for school hostels to understand the requirements and should be easy for school hostels to implement. Many also said that their practice is already aligned with the requirements in the physical restraint rules. The Ministry will also be consulting the hostel sector on the updates to the physical restraint rules to cover hostels to ensure that these are appropriate for the hostel context.

The physical restraint rules require that parents are notified, and an incident report is sent to the Ministry whenever restraint is used. The Ministry uses this to identify when additional training and support is needed. Schools, and in future hostels, must have a policy on physical restraint, aligned to the restraint rules. The Ministry encourages parents to ask to see the policy and to pursue complaints processes if they do not consider it has been followed.