

Departmental Disclosure Statement

Education and Training (System Reform) 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.

5 November 2025.

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Part One: General Policy Statement

The Education and Training Act 2020 (the **Act**) establishes and regulates an education system that—

- provides New Zealanders and those studying in New Zealand with the skills, knowledge, and capabilities that they need to fully participate in the labour market, society, and their communities; and
- supports their health, safety, and well-being; and
- assures the quality of the education provided and the institutions and educators that provide and support it; and
- honours Te Tiriti o Waitangi and supports Māori-Crown relationships.

The purpose of this Bill is to make amendments across a range of matters in the Act to give effect to new policy decisions and to make other minor and technical changes.

Tightening up provisions for attendance exemptions

The Bill tightens up provisions for attendance exemptions, which currently allow the Secretary for Education (the **Secretary**) and a principal to exempt a student from attending school. It does this by—

- repealing an exemption from attendance due to walking distance to school or some other reason; and
- replacing the current exemption of a student from attendance for a period of no more than 5 days with a new exemption, which allows a principal to exempt a student from attending the school only in accordance with rules made by the Secretary; and
- allowing the Secretary to make rules that specify the requirements that must be met for a principal to exempt a student from attendance.

Clarifying roles of the Education Review Office (ERO) and Ministry of Education in relation to State schools of serious concern

The Bill clarifies the Ministry's and ERO's complementary roles in identifying and responding to State schools of serious concern by—

- requiring the Chief Review Officer (**CRO**) to notify the Secretary and the Minister of Education (the **Minister**) in writing within 2 working days of forming a view that a school may be of serious concern; and
- requiring the CRO to subsequently provide a report to the Secretary and the Minister within 28 working days of receipt of the CRO notification, either stating that the school is of serious concern and what statutory intervention is recommended, or, stating that the school is not of serious concern; and
- requiring the Secretary to report to both the Minister and the CRO on what action the Secretary has taken or intends to take (with a timeline) or recommends the Minister take and why, within 30 working days of receipt of the CRO's report; and

- providing that the Secretary and Minister may rely on the CRO's report when determining whether the thresholds in section 171 (interventions in State schools by the Secretary or the Minister) are met.

Supporting the next stage of the charter school model

The Bill strengthens the charter school model by allowing sponsors to hold a single contract for multiple charter schools (multi-school contracts). It also provides more certainty for a converted charter school that a State school similar to the type of school that the charter school was, before it converted, may be established if the sponsor terminates their contract or opts not to renew it and a replacement sponsor cannot be found.

Multi-school contracts will allow sponsors to better enable sharing of best practice and collaboration across the schools within the contract. The Bill provides for—

- additional detail needed for the notification of a new charter school that is part of a multi-school contract; and
- organisational flexibilities that differ from sponsors holding contracts for a single school; and
- performance management requirements for multi-school contracts; and
- additional interventions for multi-school contracts.

The Bill provides a pathway for converted charter schools to be replaced by a new State school in the event that a sponsor terminates their contract or opts not to renew. It does this by—

- requiring the Authorisation Board to attempt to find a replacement sponsor if the sponsor of a converted school gives notice of termination of the contract or notice that it will not be renewing the contract; and
- compelling the Minister to establish a replacement State school if the Authorisation Board is not able to find a replacement sponsor; and
- allowing the Minister to decline to establish a replacement State school in specific circumstances; and
- providing transitional provisions relating to the employment of staff of the closing charter school in the new State school.

Clarifying workforce roles and functions

The Bill shifts the responsibility for establishing and maintaining teacher registration criteria, teacher education qualification standards, teaching standards, practising certificate criteria, and the code of conduct from the Teaching Council of Aotearoa New Zealand (the Teaching Council) to the Secretary.

The Bill also makes the following changes to clarify and focus the Teaching Council's role:

- expanding the Teaching Council's current role in approving teacher education programmes to include the ability to monitor and review providers' delivery of approved programmes, place conditions on new or existing programme approvals and cancel approvals:
- reducing 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:
- making minor changes to the term of office for Teaching Council member and removing the focus on raising the status of the profession from the Council's purpose statement:
- removing the Teaching Council's functions related to providing direction and best practice information to teachers, enhancing the status of teachers and optional leadership:
- requiring the Council to have regard to the Minister's feedback on proposed changes to fees and levies:
- providing transitional provisions for the transfer of some of the Teaching Council functions to the Secretary and the changes to the membership of the Teaching Council.

Establishing the New Zealand School Property Agency

The Bill establishes a new model for certain land, buildings, or associated infrastructure used or occupied by State schools, charter schools, and early childhood education and care centres (**education property**). It does this by establishing a new Crown agent, the New Zealand School Property Agency (**NZSPA**), which will manage education property and ensure the administration of education property is effective and efficient.

The Bill does this by—

- defining key terms such as education property, regulated entity, relevant person, and school property portfolio; and
- providing for the establishment and membership of the Board of the NZSPA; and
- specifying the NZSPA's functions which, in summary, are to—
 - administer education property and associated rights, improvements, and agreements relating to education property:
 - construct, acquire, and dispose of education property:
 - support regulated entities with capital projects and maintenance works:
 - monitor the performance of education property:
 - report to the Secretary on any failures by regulated entities to comply with legal requirements related to education property:
 - provide property planning and delivery advice to the Minister and Secretary:

- maintain relationships with the regulated entities and provide advice to them:
- support the Crown in its responsibility to give effect to Te Tiriti o Wai tangi:
- carry out any additional functions conferred on it; and
- providing NZSPA with powers to support its functions, including powers to—
 - enter, inspect, repair, and maintain education property, and carry out construction in relation to that property; and
 - recover costs for carrying out maintenance and repairs; and
 - require information from relevant persons; and
 - use other interventions in relations to State schools, for example, requiring a board to engage specialist help, prepare and carry out an action plan, attend a case conference, undertake a specialist audit, or carry out specified actions; and
- setting out provisions related to the delegation and sub-delegation of the NZSPA's powers or functions, as well as the delegation of the Minister's functions, duties, or powers to the NZSPA; and
- enabling the Minister to issue a Government policy statement to set overall direction and priorities for the school property portfolio or the network of State or charter schools; and
- providing for the transition of relevant functions, powers, and duties from the Ministry of Education to the NZSPA; and
- revoking the Public Service (Chief Executive for School Property) Order 2024.

Transferring regulatory functions from Ministry of Education to the Education Review Office

The Bill establishes a statutory role of Director of Regulation (the **Director**) in the Education Review Office (**ERO**) and transfers the following functions from the Secretary to the Director:

- the regulatory functions for private schools, including registration, compliance, and enforcement (including prosecutions):
- the regulatory functions for school hostels, including licensing, compliance, enforcement (including prosecutions), and appeals.

Further to these changes, the Bill—

- shifts the power of the Minister to authorise a suitably qualified person to inspect hostels to the Director; and
- allows the Director to designate a suitably qualified person as a regulatory officer for performing functions in relation to private schools, which include the powers of entry and inspection; and

- allows the Director to delegate any of their functions, duties, or powers with certain restrictions; and
- provides transitional provisions relating to the transfer of private school and hostel functions from the Secretary and the Minister to the Director.

Other amendments

The Bill also amends the Act by—

- requiring the Secretary to plan and carry out rolling curriculum area reviews on a regular basis, providing for one type of curriculum statement, and allowing different curriculum statements to be made for different groups of schools; and
- replacing the requirement for school boards to consult the school community about the school’s health curriculum, with a requirement to regularly inform the school community on that curriculum, its delivery, and parent rights under section 51 of the Act; and
- improving the quality and quantity of system level data and insights by requiring State schools, charter schools, and private schools to participate in studies that monitor the performance of our schooling system, including large-scale studies, for example, the Programme for International Student Assessment and the Trends in International Mathematics and Science Study; and
- including micro-credentials in the reporting requirements for educational providers to the NZQA to ensure students have a complete and up-to-date Record of Achievement; and
- making other minor amendments.

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
Establishing the New Zealand School Property Agency: ‘Report of the Ministerial Inquiry into School Property’, Ministry of Education, June 2024 (accessible at https://www.beehive.govt.nz/release/response-ministerial-inquiry-school-property).	

Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	NO
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Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	YES
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Five regulatory impact statements were prepared by the Ministry of Education:

Tightening up provisions for attendance exemptions:

'Amending section 45 of the Education Act' (11/08/2025)

[Regulatory Impact Statement: Amending section 45 of the Education and Training Act | Ministry for Regulation](#)

<https://www.education.govt.nz/our-work/information-releases/issue-specific-information-releases/education-and-training-system-reform-amendment-bill>

Strengthening school curriculum and assessment settings:

'Improved health curriculum information for parents' (16/6/2025)

<https://www.regulation.govt.nz/our-work/regulatory-impact-statements/>

<https://www.education.govt.nz/our-work/information-releases/issue-specific-information-releases/education-and-training-system-reform-amendment-bill>

Supporting the next stage of the charter school model:

'Pathway for charter schools to revert back to State sector' (25/6/2025)

<https://www.regulation.govt.nz/our-work/regulatory-impact-statements/>

<https://www.education.govt.nz/our-work/information-releases/issue-specific-information-releases/education-and-training-system-reform-amendment-bill>

Clarifying workforce roles and functions:

'Changes to the teacher workforce regulation model' (05/06/2025)

<https://www.education.govt.nz/our-work/information-releases/advice-seen-our-ministers/2024-advice-seen-ministers#2025-advice-seen-by-ministers-1>

<https://www.education.govt.nz/our-work/information-releases/issue-specific-information-releases/education-and-training-system-reform-amendment-bill>

Mandating schools to participate in education system monitoring studies:

'Making system monitoring studies compulsory for schools' (16/7/25)

<https://www.regulation.govt.nz/our-work/regulatory-impact-statements/>

<https://www.education.govt.nz/our-work/information-releases/issue-specific-information-releases/education-and-training-system-reform-amendment-bill>

2.3.1. If so, did the Ministry for Regulation provide an independent opinion on the quality of any of these regulatory impact statements?

NO

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

Clarifying workforce roles and functions:

Since the regulatory impact statement was finalised, there has been approval for transitional provisions to ensure the smooth and effective transition from the current Teaching Council structure and governance to the new Teaching Council arrangements. The transitional provisions allow for the Teaching Council to continue operating effectively while providing for the necessary processes for change.

Establishing the New Zealand School Property Agency

Since the regulatory impact statement was finalised there have been further decisions made on intervention powers for NZSPA to address non-compliance, transitional and commencement provisions needed for NZSPA, and the repeal of the Public Service (Chief Executive for School Property) Order.

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
<p>An assessment of the potential marginal costs and benefits of the five proposals that have regulatory impact statements are included in their regulatory impact statements. These regulatory impact statements can be accessed through the links included under question 2.3, and the cost benefit analyses can be found on the following pages:</p> <p>Tightening up provisions for attendance exemptions: pages 23 – 26. Strengthening school curriculum and assessment settings: pages 15 – 17. Supporting the next stage of the charter school model: pages 19 – 20. Clarifying workforce roles and functions: pages 27 – 30. Mandating schools to participate in education system monitoring studies: pages 23 – 25.</p> <p>No proposals in this Bill create the potential for any group of persons to suffer a 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 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

For three proposals in this Bill, the potential costs or benefits are likely to be impacted by the level of effective compliance or non-compliance and the nature and level of regulator effort. This information is set out in their papers for Cabinet Social Outcomes Committee (SOU):

'School attendance: Amending principals' exemptions and removing walking distance exemptions' – tightening up provisions for attendance exemptions: paragraphs 15 – 25.

'Automatically triggering responses to schools of "serious concerns"' – clarifying roles of the Education Review Office (ERO) and Ministry of Education in relation to State schools of serious concern: paragraphs 22 – 28.

Transferring regulatory functions for private schools, hostels and early childhood services to ERO - transferring regulatory functions from Ministry of Education to the Education Review Office: paragraphs 36 – 39.

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?

Officials have considered whether each proposal in the Bill 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?

The Ministry has proactively considered Te Tiriti o Waitangi/Treaty of Waitangi (Treaty) implications throughout the process of developing the proposals in this Bill.

The paper for Cabinet Legislation Committee (LEG) seeking approval to introduce this Bill was shared with Te Puni Kōkiri and Te Tari Whakatau during agency consultation.

Strengthening school curriculum and assessment settings, and clarifying workforce roles and functions:

Treaty impacts were considered in the Cabinet SOU paper 'Improving regulation of the teaching workforce, curriculum and assessment' (paragraph 41).

Clarifying roles of the Education Review Office (ERO) and Ministry of Education in relation to State schools of serious concern:

The Cabinet SOU paper 'Automatically triggering responses to schools of "serious concerns"' acknowledged that the proposals have not been discussed with Te Rūnanga Nui o Ngā Kura Kaupapa o Aotearoa or Ngā Kura ā Iwi o Aotearoa, but the Ministry and ERO will work with them during implementation (paragraphs 25 and 35).

Establishing the New Zealand School Property Agency:

The Cabinet SOU paper 'New Model for Managing the School Property Portfolio' considered Treaty implications, particularly around the Crown's Treaty settlement process and education property (paragraph 44). The paper and the policy proposals were shared with Te Puni Kōkiri, Te Tari Whakatau, and the Ministry of Justice for consultation.

The regulatory impact statements for the following proposals (links included under question 2.3) considered Treaty impacts:

Tightening up provisions for attendance exemptions: pages 19 – 21.

Strengthening school curriculum and assessment settings: pages 9 & p 12.

Clarifying workforce roles and functions: pages 13 & p 23.

Mandating schools to participate in education system monitoring studies: pages 14

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

The Ministry of Justice is assessing the Bill for consistency with the New Zealand Bill of Rights Act 1990 and will provide advice to the Attorney-General prior to introduction.

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>Clause 29 of the Bill replaces section 239 (offences relating to a parent's failure to enrol a student in a distance school) as a consequence of the replacement of section 46. It replaces the reference to a notice under section 46 with a reference to a direction under section 82(1)(c) which require a parent to enrol a child in a distance school in specified circumstances.</p> <p>Clause 30 of the Bill replaces a reference in section 249 on offences relating to the operation of private schools by replacing "Secretary" with "Director of Regulations" (DOR) as the DOR in ERO will be responsible for these functions not the Ministry of Education.</p> <p>Clause 47 of the Bill inserts a new section 621B on the functions of the DOR as the DOR in ERO will be able to prosecute for offences under section 249 (for private schools) and section 643 (for hostels).</p>	

3.4.1. Was the Ministry of Justice consulted about these provisions?	YES
The Ministry of Justice was consulted about these provisions during agency consultation of Cabinet papers for each proposal.	

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
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Clause 52 of the Bill inserts a new Part 7 into Schedule 1, which sets out transitional, savings, and related provisions for five of the proposals. Under new proposed new Part 7, there are clauses for three of the proposals relating to personal information.

Clarifying workforce roles and functions:

Under clause 128(a) of Schedule 1 of the Bill, personal information held by the Teaching Council in relation to a transferred function before the commencement date is to be treated as having been held by the Secretary

Establishing the New Zealand School Property Agency:

Under clause 136(1)(a) of Schedule 1 of the Bill, information (including personal information) held by the Ministry or the Secretary in relation to transferred functions before the commencement date is to be treated as having been held by the NZSPA.

Transferring regulatory functions from Ministry of Education to the Education Review Office:

Under clause 134(a) of Schedule 1 of the Bill, personal information held by the Minister or the Secretary in relation to their transferred functions before the commencement date is to be treated as having been held by the Director of Regulation.

3.5.1. Was the Privacy Commissioner consulted about these provisions?	YES
The Office of the Privacy Commissioner has been consulted on the proposals in this Bill. This includes early engagement on the draft Cabinet papers for some proposals, and then for all the proposals in the Bill.	

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
Targeted engagement was undertaken for some of the proposals in the Bill. There was no public consultation on any of the proposals although some were informed by previous consultation. Appendix One provides an overview of the consultation that took place for proposals in this Bill.	

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?	YES
<p>Clause 37 of the Bill amends section 480 of the Act to amend the Teaching Council's consulting requirement when fixing fees and imposing levies. The Teaching Council will now need to also consult the Minister.</p> <p>Clause 42 of the Bill inserts a new section 517J which allows the recovery of money by the NZSPA expended for necessary repairs or maintenance of education property.</p> <p>Clause 42 of the Bill inserts a new section 517O that allows NZSPA to require a school board to have a specialist audit and pay fees and reasonable expenses for the audit.</p>	

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?	NO
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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
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4.8. Does this Bill create or amend any other powers to make delegated legislation?	YES
<p>Clause 8 of the Bill replaces section 46 of the Act with a new section that enables the Secretary to make rules about student attendance exemptions. The rules will specify requirements that must be met for a principal to exempt a student from attendance under section 45 of the Act. Rules are appropriate as the types of requirements could change and flexibility is required. These rules will be secondary legislation.</p> <p>Schedule 2 of the Bill makes consequential amendments to the Methodist Charitable and Educational Trusts Act 1911, the Education (Hostels) Regulations 2005, the Education (School Boards) Regulations 2020 and the Education (School Planning and Reporting) Regulations 2023.</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
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Appendix One: Further Information Relating to Part Three

External consultation – question 3.6

The following proposals were informed by targeted engagement with sector groups or by consultation on related proposals:

- establishing the New Zealand School Property Agency (This proposal is based on the recommendations from the Ministerial Inquiry into School Property);
- strengthening school curriculum settings; and
- improving teaching workforce regulation and the administration of the Teaching Council.

The Ministry of Education worked with the Education Review Office (ERO) on the following proposals:

- requiring a response from the Ministry when ERO notifies the Ministry and Minister of a school of serious concern; and
- transferring functions for private schools and hostels from the Ministry to ERO.

NZQA consulted with stakeholders on the proposal to enable micro-credentials to be reported on to the NZQA and therefore included in students' Record of Learning.

The Ministry of Education did not consult on the other proposals in this Bill.