Education and Training (System Reform) Amendment Act 2026

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Date of assent	25 June 2026
Commencement	see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Education and Training (System Reform) Amendment Act 2026.

2 Commencement

(1) This Act comes into force on 6 July 2026.

(2) However,—

(a) the following provisions (which relate to the Director of Regulation) come into force on a single date set by Order in Council:

(i) sections 6 to 10:

(ii) sections 62 to 65:

(iii) section 67(1), but only for the purpose of giving effect to subparts 4 and 5 of Part 10 of Schedule 1 of the Education and Training Act 2020:

(iv) section 70:

(v) section 77, but only for the purpose of giving effect to the item in Part 2 of Schedule 2 relating to the Education (Hostels) Regulations 2005 (other than the item referred to in subsection (2)(d)(ii)); and

(b) the following provisions (which relate to the New Zealand School Property Agency) come into force on a single date set by Order in Council:

(i) section 4:

(ii) sections 20 to 22:

(iii) section 40:

(iv) section 57:

(v) section 59:

(vi) section 66:

(vii) section 67(1), but only for the purpose of giving effect to subpart 6 of Part 10 of Schedule 1 of the Education and Training Act 2020:

(viii) sections 73 to 76:

(ix) section 78; and

(c) sections 11 to 13 (which relate to exemptions from attendance) come into force on 1 January 2027; and

(d) the following provisions come into force on 1 July 2027:

(i) sections 17 and 18 (which relate to limits on use of physical restraint in licensed hostels):

(ii) section 77, but only for the purpose of giving effect to the item in Part 2 of Schedule 2 relating to the revocation of the definitions of licensed hostel and owner in the Education (Hostels) Regulations 2005.

Provisions commenced by Order in Council

Provisions	Commencement date	Order in Council
Sections 6 to 10; sections 62 to 65; section 67(1), but only for the purpose of giving effect to subparts 4 and 5 of Part 10 of Schedule 1 of the Education and Training Act 2020; section 70; section 77, but only for the purpose of giving effect to the item in Part 2 of Schedule 2 relating to the Education (Hostels) Regulations 2005, other than the item referred to in section 2(2)(d)(ii).	1 September 2026	Clause 2 of the Education and Training (System Reform) Amendment Act 2026 Commencement Order 2026
Section 4; sections 20 to 22; section 40; section 57; section 59; section 66; section 67(1), but only for the purpose of giving effect to subpart 6 of Part 10 of Schedule 1 of the Education and Training Act 2020; sections 73 to 76; and section 78.	1 October 2026	Clause 2 of the Education and Training (System Reform) Amendment Act 2026 Commencement Order (No 2) 2026

This note is not part of the Act.

(3) If the provisions referred to in subsection (2)(a) or (b) have not come into force by 1 November 2026, they come into force then.

(4) An Order in Council made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

3 Principal Act

This Act amends the Education and Training Act 2020.

Part 1
Amendments to principal Act

4 Section 9 amended (Te Tiriti o Waitangi)

After section 9(2)(g), insert:

(gaa) section 517F(1)(h), which provides that the New Zealand School Property Agency must support the Crown in its responsibility to give effect to Te Tiriti o Waitangi; and

5 Section 10 amended (Interpretation)

(1) In section 10(1), insert in their appropriate alphabetical order:

central government education agency means—

(a) a school board as defined in section 7(1)(d) of the Crown Entities Act 2004; and

(b) an agency that has functions in relation to education or infrastructure, and that is either of the following:

(i) a Crown agent as defined in section 10(1) of the Crown Entities Act 2004:

(ii) a public service agency as defined in section 5 of the Public Service Act 2020

conversion date, in relation to a converted school, means the date on which a State school becomes a charter school

converted school means a former State school that has become a charter school in accordance with an approval granted to a sponsor under section 212I

education property means land, buildings, or associated infrastructure that is—

(a) occupied or used by a board for the operation of a State school or purposes incidental to that operation; or

(b) owned by, or leased to, the Crown for—

(i) the operation of an early childhood education and care centre or purposes incidental to that operation; or

(ii) other education purposes (for example, property leased to a sponsor under section 212R); but

(c) does not include land, buildings, or associated infrastructure primarily used for the operation of a tertiary education organisation

forecast financial statements has the meaning given in section 2(1) of the Public Finance Act 1989

generally accepted accounting practice has the meaning given in section 8 of the Financial Reporting Act 2013

Government policy statement or **GPS** means the Government policy statement issued under section 517T

licensed hostel means a hostel that has been granted or renewed a licence that has not expired or been suspended or cancelled

multi-school contract means a charter school contract that allows a sponsor to operate 2 or more charter schools

New Zealand School Property Agency or **NZSPA** means the entity established by section 517B

owner, in relation to a hostel, means the person who is lawfully entitled to occupy, and is operating a hostel at, the hostel's premises

regulated entity, for the purposes of subpart 5A of Part 5, means—

(a) a State school board; and

(b) a proprietor occupying education property; and

(c) a sponsor occupying education property

regulatory officer means a person designated under section 621C

relevant person, for the purposes of subpart 5A of Part 5, means an occupier of education property or person in charge of that property

responsible person, in relation to a licensed hostel, means a person directly involved in, and primarily responsible for, the boarders' day-to-day care, comfort, health, and safety

school property portfolio means land, buildings, or associated infrastructure that is—

(a) occupied or used by a board for the operation of a State school or purposes incidental to that operation; and

(b) owned by, or leased to, the Crown for education purposes (for example, property leased to a sponsor under section 212R); but

(c) does not include land, buildings, or associated infrastructure primarily used for the operation of an early childhood education and care centre or tertiary education organisation

specified kura board, for the purposes of subpart 4A of Part 6, means the board of any of the following:

(a) a Kura Kaupapa Māori:

(b) a designated character school with a character that is hapū- or iwi-based, or that affiliates with Ngā Kura ā Iwi o Aotearoa:

(c) a State integrated school with a special character that is hapū- or iwi-based

system monitoring study means a study notified by the Minister under section 618A

teacher education programme means a training programme recognised by the Teaching Council as suitable for people who want to teach

(2) In section 10(1), replace the definition of **Director of Regulation** or **Director** with:

Director of Regulation or **Director** means the person appointed under section 621A

(3) In section 10(1), definition of **employment-based trainee teacher**, replace "an initial" with "a".

(4) In section 10(1), repeal the definition of **initial teacher education programme**.

6 Section 27A repealed (Director of Regulation)

Repeal section 27A.

7 Section 27B amended (Functions of Director of Regulation)

(1) In the heading to section 27B, replace "**Functions**" with "**Early childhood education functions**".

(2) Repeal section 27B(k).

8 Section 27C amended (Performance and exercise of Director's functions, duties, and powers)

(1) In the heading to section 27C, replace "**functions**" with "**early childhood education functions**".

(2) In section 27C(1), after "powers", insert "in relation to this Part".

(3) In section 27C(3), replace "Secretary" with "chief executive of the Education Review Office".

9 Section 27D amended (Principles guiding performance and exercise of Director's functions, duties, and powers)

(1) In the heading to section 27D, replace "**functions**" with "**early childhood education functions**".

(2) In section 27D, after "power", insert "in relation to this Part".

10 Section 27E repealed (Delegation of Director's functions, duties, and powers)

Repeal section 27E.

11 Section 44 repealed (Exemption from attendance because of walking distance to school or some other reason)

Repeal section 44.

12 Section 45 replaced (Exemption of student from attendance for period of no more than 5 days)

Replace section 45 with:

45 Exemption of student from attendance

(1) Despite section 36, the principal of a State school may exempt a student from attending the school in accordance with rules made by the Secretary under section 46.

(2) In the absence of evidence to the contrary, a certificate from the principal stating that a student was absent from school for any period is sufficient proof that the student was absent for that period without being exempted under subsection (1).

(3) For the purposes of this section, judicial notice must be taken of the appointment and signature of the principal.

13 Section 46 replaced (Secretary may require enrolment of certain children at distance school)

Replace section 46 with:

46 Rules about exemptions from attendance

(1) The Secretary may make rules (which must be consistent with this Act) specifying requirements that must be met for a principal to exempt a student from attendance under section 45, including (without limitation) rules—

(a) setting out the grounds on which a principal may grant an exemption from attendance; and

(b) specifying the type of evidence a principal must receive before granting an exemption; and

(c) specifying the duration of an exemption that a principal may grant.

(2) Rules under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

14 Section 90 amended (Curriculum statements and national performance measures)

(1) In the heading to section 90, replace "**Curriculum**" with "**National curriculum**".

(2) Replace section 90(1) with:

(1) The Minister may make the following:

(a) **national curriculum statements**, which are statements of—

(i) what students are to be taught and are expected to learn during the years of schooling; and

(ii) how the curriculum is to be taught and learnt (for example, through assessment or aromatawai); and

(iii) expectations and priorities for the curriculum, including for the design of teaching and learning programmes under section 164:

(b) **national performance measures**, which are targets against which the performance of boards can be measured.

(3) After section 90(2)(b), insert:

(c) differ according to the classification or designation of a school, the group or year level of students attending a school, or any combination of those classifications, designations, groups, and levels.

(4) Replace section 90(3)(a) to (c) with:

(a) national curriculum statements:

(b) national performance measures.

15 New sections 90A to 90C inserted

After section 90, insert:

90A Review of national curriculum statements by Secretary

(1) The Secretary must, on an ongoing basis,—

(a) plan for a rolling cycle of reviews of learning areas, subjects, and wāhanga ako referred to in a national curriculum statement made under section 90; and

(b) conduct those reviews.

(2) The Secretary must ensure that a plan under subsection (1) provides for a review of each learning area, subject, and wāhanga ako in a national curriculum statement at least once every 5 years.

(3) In conducting a review, the Secretary must have regard to—

(a) information about the educational achievement of students in the reviewed learning areas, subjects, and wāhanga ako; and

(b) relevant evidence, for example, from new developments in educational research; and

(c) international practice relating to the setting of curricula.

(4) As soon as practicable after conducting a review under subsection (1) or section 90C(2), the Secretary must prepare for the Minister a written report that includes—

(a) the findings of the review; and

(b) the Secretary's recommendations for any amendments that should be made to the national curriculum statement.

90B Amendment of national curriculum statements by Minister

(1) The Minister may amend a national curriculum statement made under section 90 after having regard to—

(a) the Secretary's report under section 90A(4) (if any); and

(b) information about the educational achievement of students in the reviewed learning areas, subjects, and wāhanga ako; and

(c) relevant evidence, for example, from new developments in educational research; and

(d) international practice relating to the setting of curricula.

(2) However, the Minister may amend a national curriculum statement without having regard to the matters set out in subsection (1)(a) to (d) if the changes are minor or technical.

(3) The Ministry must give public notice of any amendments made under this section.

(4) The Minister may exercise the power in subsection (1) whether or not the Secretary has reviewed the national curriculum statement, or reported on it under section 90A.

90C Minister may direct Secretary to review national curriculum statement

(1) Despite section 90A, the Minister may direct the Secretary to review 1 or more learning areas, subjects, or wāhanga ako in a national curriculum statement.

(2) The Secretary must commence the review as soon as is reasonably practicable after receiving the direction.

16 Section 91 replaced (Board of State school must consult about delivery of health curriculum)

Replace section 91 with:

91 Board of State school must inform school community about delivery of health curriculum

(1) The board of a State school must inform the school community—

(a) about the content of the health curriculum and how it will be delivered; and

(b) that a parent of a student enrolled at the school may ask the principal in writing under section 51 to ensure that the student is released from tuition in specified parts of the health curriculum related to sexuality education.

(2) The board must carry out the duty in subsection (1) on a regular basis, but at least once every 3 years or whenever the health curriculum is changed, whichever occurs sooner.

(3) In this section, **school community** means,—

(a) for a State integrated school, the parents of students enrolled at the school, and the school's proprietors:

(b) for any other State school, the parents of students enrolled at the school:

(c) in every case, any other person who the board considers is part of the school community for the purposes of this section.

17 Section 99 amended (Limits on use of physical restraint at registered schools)

(1) In the heading to section 99, after "**registered schools**", insert "**and licensed hostels**".

(2) In section 99(1), after "school", insert "or licensed hostel".

(3) In section 99(4), replace the definition of **authorised staff member** with:

authorised staff member,—

(a) in relation to a registered school, means an employee who is trained and authorised by the employer to use physical restraint in accordance with this section:

(b) in relation to a licensed hostel, means an employee who is trained and authorised by the owner to use physical restraint in accordance with this section

18 Section 100 amended (Rules on use of physical restraint at registered schools)

(1) In the heading to section 100, after "**registered schools**", insert "**and licensed hostels**".

(2) In section 100(1),—

(a) after "employers,", insert "owners,"; and

(b) after "persons holding a teaching position,", insert "responsible persons,"; and

(c) after "registered schools", insert "or licensed hostels".

(3) After section 100(3)(c), insert:

(d) owners or representatives of licensed hostels.

19 Section 127 amended (Paramount objective of boards in governing schools)

(1) In section 127(2)(b), replace "foundation curriculum policy statement" with "national curriculum statement".

(2) Replace section 127(2)(f)(i) with:

(i) any national curriculum statement; and

20 Section 161 amended (Occupancy of property and buildings)

(1) In section 161(1) and (7)(c), replace "Secretary" with "Board of the NZSPA".

(2) After section 161(1), insert:

(1A) Before specifying any terms and conditions under this section, the Board of the NZSPA must consult the Secretary.

21 Section 162 amended (Leases and licences granted by boards)

In section 162(1), (2), and (3), replace "Secretary" with "Board of the NZSPA".

22 Section 163 amended (Other agreements to occupy school land or buildings)

In section 163(4), replace "Secretary" with "Board of the NZSPA".

23 Section 164 amended (Teaching and learning programmes)

In section 164(a), delete "foundation curriculum policy statements and".

24 Section 165 amended (Monitoring of and reporting on student performance)

In section 165(2)(a), delete "foundation curriculum policy statements and".

25 New sections 170A to 170C and cross-heading inserted

After section 170, insert:

State schools of serious concern

170A Notification by Chief Review Officer

(1) This section applies if the Chief Review Officer forms a view, following the performance of 1 or more of their functions under section 463, that a State school may be of serious concern.

(2) The Chief Review Officer must notify the Secretary and the Minister of their view within 2 working days after forming that view.

170B Report by Chief Review Officer

(1) The Chief Review Officer must give the Secretary and the Minister a written report—

(a) stating whether the school notified under section 170A is of serious concern to the Chief Review Officer; and

(b) recommending 1 or more interventions under section 171 that may address the matter (if the report states that the school is of serious concern to the Chief Review Officer).

(2) The report must be given within 28 working days after the Secretary and the Minister receive the notification under section 170A.

170C Report by Secretary

(1) This section applies if the Secretary receives a report under section 170B stating that a school is of serious concern to the Chief Review Officer.

(2) The Secretary must give the Chief Review Officer and the Minister a written report that sets out—

(a) what action (if any) the Secretary has taken in relation to the school; or

(b) what action the Secretary intends to take in relation to the school, and the time frame for that action; or

(c) what action the Secretary recommends that the Minister take in relation to the school, with reasons for the recommendation.

(3) The report must be given within 30 working days after the Secretary receives the report under section 170B.

26 Section 171 amended (Interventions in State schools by Secretary or Minister)

After section 171(3), insert:

(3A) In considering whether reasonable grounds are established under subsection (2) or (3), the Minister or the Secretary may rely on and take into account information in a report given under section 170B.

(3B) Subsection (3A) does not limit the information that the Minister or the Secretary can rely on or take into account for the purposes of subsection (2) or (3).

27 Section 190 amended (Minister may establish State schools)

After section 190(2), insert:

(2A) Despite subsection (2), the Minister must establish a State school if required to do so under section 212ZEB.

28 Section 212I amended (Authorisation Board may approve sponsor)

(1) In section 212I(1), replace "a charter school" with "1 or more charter schools".

(2) After section 212I(5), insert:

Additional criteria for multi-school contracts

(6) In the case of a sponsor proposing to enter into a multi-school contract, the Authorisation Board must also take into account the following matters:

(a) the overall operating model of the schools the sponsor proposes to operate, including how the sponsor intends to allocate resources between them:

(b) if applicable, how each school that the sponsor is currently operating is performing.

Amendment of approval

(7) The Authorisation Board may, with the agreement of the sponsor, amend an existing approval to—

(a) add 1 or more charter schools; or

(b) remove 1 or more charter schools.

29 Section 212L amended (Charter school contracts)

(1) In section 212L(1), replace "a charter school" with "1 or more charter schools".

(2) After section 212L(5), insert:

(5A) In the case of a multi-school contract, the contract must set out the matters referred to in the following provisions in relation to each school covered by the contract:

(a) subsection (5)(a):

(b) subsection (5)(d) and (e):

(c) subsection (5)(g):

(d) subsection (5)(h) to (j):

(e) if applicable, subsection (6).

(5B) Despite subsection (5A), the contract may, in relation to the matters referred to in subsection (5)(g), provide for a single self-audit report for all the schools covered by the contract with school-specific sections.

(5C) The Agency and a sponsor may, by agreement, vary a multi-school contract to—

(a) add 1 or more charter schools; or

(b) remove 1 or more charter schools.

30 Section 212M amended (Notification of charter school)

Replace section 212M(2) with:

(2) A notice under subsection (1) must specify—

(a) whether the charter school is covered by a multi-school contract; and

(b) in relation to each charter school covered by a charter school contract,—

(i) the name and location of the charter school to which the contract relates; and

(ii) the name of the sponsor; and

(iii) whether the charter school is to be a primary, secondary, or composite school; and

(iv) whether the charter school will offer or provide distance learning and, if so, whether the school's main mode of curriculum delivery will be distance learning; and

(v) the year levels for which education may be given at the school; and

(vi) any religious, philosophical, or other distinguishing characteristics of the school; and

(vii) whether all or any (and if so, which) year levels are to be single-sex.

31 Section 212O amended (Duties of sponsors)

(1) In section 212O, after "A sponsor must", insert ", in relation to each charter school covered by the contract,".

(2) In section 212O, insert as subsection (2):

(2) However, in the case of a multi-school contract, the sponsor may appoint a chief executive to be responsible for the day-to-day management of all the schools covered by the contract.

32 Section 212P amended (Sponsor to control management of charter school)

In section 212P(1) and (2), replace "the school" with "each school covered by the charter school contract".

33 New sections 212ZEA and 212ZEB and cross-heading inserted

After section 212ZE, insert:

Replacement of converted school with State school

212ZEA Authorisation Board to find replacement sponsor

(1) This section applies if the sponsor of a converted school gives—

(a) written notice of termination of its charter school contract to the Agency and the Authorisation Board; or

(b) written notice to the Agency and the Authorisation Board that it will not exercise any right of renewal of the contract.

(2) After receiving notice under subsection (1), the Authorisation Board must take reasonable steps to find a replacement sponsor.

(3) Sections 212I, 212J, and 212K apply, with any necessary modifications, to the approval of a replacement sponsor.

(4) Section 212L applies, with any necessary modifications, to a replacement sponsor.

212ZEB Minister must establish replacement State school

(1) This section applies if the Authorisation Board is unable to find a replacement sponsor for the charter school before the date of termination or expiry of the charter school contract.

State integrated school

(2) If the converted school was, immediately before the conversion date, a State integrated school, the Minister must accept an application from the former proprietor of that school to negotiate integration.

(3) Despite subsection (2), the Minister is not required to establish a replacement State integrated school if, in the Minister's opinion, 1 or more of the following apply:

(a) establishing the school would have significant implications for the Crown's finances that are not justified in the circumstances:

(b) establishing the school would not benefit the network of State schools by allowing students access to quality schooling and providing choice about the type of education they receive:

(c) there is insufficient community support for integration of the school.

(4) After the Minister accepts an application under subsection (2), the Minister must offer terms that are substantially similar to those in the previous integration agreement relating to the school.

State school other than State integrated school

(5) If the converted school was, immediately before the conversion date, a State school other than a State integrated school, the Minister must, under section 190, establish a replacement State school of the same type that the converted school was before the date of conversion.

(6) Despite subsection (5), the Minister is not required to establish a replacement State school if, in the Minister's opinion, 1 or more of the following apply:

(a) establishing the school would have significant implications for the Crown's finances that are not justified in the circumstances:

(b) establishing the school would not benefit the network of State schools by allowing students access to quality schooling and providing choice about the type of education they receive:

(c) there is insufficient community support for the replacement school.

34 Section 212ZF amended (Interventions in charter schools by Authorisation Board)

(1) After section 212ZF(1)(e), insert:

(f) in the case of a multi-school contract,—

(i) remove 1 or more charter schools from the contract; or

(ii) remove 1 or more charter schools from the contract and replace the sponsor with another sponsor.

(2) In section 212ZF(3), replace "subsection (1)(d) or (e)" with "subsection (1)(d), (e), or (f)".

(3) In section 212ZF(5), after "charter school contract", insert "or exercising the power in subsection (1)(f)".

35 Section 213 amended (Secretary may require application for registration of school)

(1) In the heading to section 213, replace "**Secretary**" with "**Director**".

(2) In section 213, replace "Secretary" with "Director of Regulation" in each place.

36 Section 214 amended (Registration of private schools)

In section 214(2), replace—

(a) "Secretary" with "Director of Regulation" in each place; and

(b) "provided" with "approved".

37 Section 239 replaced (Offence relating to failure to comply with notice given under section 46)

Replace section 239 with:

239 Offence relating to failure to comply with Secretary's direction under section 82(1)(c)

(1) A parent commits an offence if the parent fails to comply with a direction given by the Secretary under section 82(1)(c).

(2) The parent is liable on conviction to a fine not exceeding $3,000.

38 Section 249 amended (Offences relating to operation of private schools)

In section 249(3), replace "Secretary" with "Director of Regulation".

39 Section 284 amended (Statutes)

In section 284(2), replace "This section" with "Subsection (1)(h)".

40 Section 399 amended (Outline of Part 5)

After section 399(6), insert:

(6A) Subpart 5A concerns the New Zealand School Property Agency.

41 Section 452 amended (Rules)

In section 452(1)(s), after "qualifications", insert ", micro-credentials," in each place.

42 Section 475 replaced (Composition of Teaching Council)

Replace section 475 with:

475 Composition of Teaching Council

(1) The Teaching Council consists of at least 7, but not more than 9, members appointed by the Minister in accordance with section 476.

(2) The Minister—

(a) must appoint one of the members appointed under this section as chairperson; and

(b) may appoint one of the members appointed under this section as a deputy chairperson.

43 Section 476 amended (Ministerial appointment as member)

(1) Replace section 476(1) and (2) with:

(1) The members of the Teaching Council appointed by the Minister must be persons nominated after the Teaching Council vacancy has been publicly notified.

(2) The public notice must—

(a) specify the appointment process; and

(b) list the criteria for appointment specified in subsection (4).

(2) Repeal section 476(3).

(3) Replace section 476(4)(b) with:

(b) have regard to the collective skills, experience, and knowledge of members of the Teaching Council, including (without limitation) the candidate's knowledge and experience in any of the following areas:

(i) governance:

(ii) finance and risk management:

(iii) regulatory compliance:

(iv) disciplinary processes:

(v) understanding of the partnership principles of Te Tiriti o Waitangi.

(4) After section 476(4), insert:

(5) The Minister must appoint at least 3 members who each have at least 5 years' experience in the education sector.

44 Section 478 replaced (Purpose of Teaching Council)

Replace section 478 with:

478 Purposes of Teaching Council

The purposes of the Teaching Council are to—

(a) provide regulatory oversight of teachers' fitness to practise and professional competence; and

(b) through the performance of its functions set out in section 479(1), ensure the safety of children and young people in early childhood, primary, and secondary education settings; and

(c) provide assurance about the quality of initial teacher education programmes and their providers in order to ensure that graduates are prepared for the workforce.

45 Section 479 amended (Functions and powers of Teaching Council)

(1) Replace section 479(1) with:

(1) The functions of the Teaching Council are to—

(a) carry out the functions under Schedule 3 relating to teacher registration:

(b) conduct, in conjunction with quality assurance agencies,—

(i) approvals of teacher education programmes; and

(ii) monitoring and review of delivery of those programmes:

(c) monitor and enforce the requirements relating to mandatory reporting in this subpart and Schedule 3:

(d) perform the disciplinary functions in this subpart relating to teacher misconduct and reports of teacher convictions:

(e) set the criteria for reporting serious misconduct and for reporting on competence issues:

(f) perform the functions in this subpart relating to teacher competence:

(g) co-ordinate a system providing for the vetting by the Police of all teachers:

(h) prosecute, as the Teaching Council considers appropriate, breaches of the requirements of this Act relating to mandatory reports to the Council, teacher registration, practising certificates, and limited authorities to teach:

(i) perform any other functions conferred on it by this Act or any other legislation.

(2) Repeal section 479(2).

(3) After section 479(3), insert:

(3A) For the purpose of carrying out its functions in subsection (1)(b), the Teaching Council may, by written notice, require a teacher education programme provider to give the Council any information specified in the notice within a specified time.

(3B) The Teaching Council may do 1 or more of the following after consulting the Secretary:

(a) impose conditions on the approval of a teacher education programme when approving the programme:

(b) impose new conditions on the approval:

(c) amend or revoke any existing conditions:

(d) cancel a programme approval.

(4) In section 479(7), replace "(1)(g), (h), or (i)" with "(1)(b)".

46 Section 480 amended (Teaching Council fees, levies, and costs)

In section 480(4)(a), replace "registered teachers" with "the Minister, registered teachers,".

47 New section 480A inserted (Functions of Secretary)

After section 480, insert:

480A Functions of Secretary

(1) The functions of the Secretary are to—

Teacher registration

(a) establish and maintain criteria for teacher registration under Schedule 3 that the Secretary considers necessary or desirable:

Standards and criteria for qualifications, ongoing practice, and practising certificates

(b) establish and maintain standards for qualifications that lead to teacher registration:

(c) establish and maintain—

(i) standards for ongoing practice; and

(ii) criteria for the issue of practising certificates of different kinds:

Code of conduct

(d) establish and maintain a code of conduct for teachers under section 485:

Reviews and subsequent action

(e) review the following in accordance with subsection (2):

(i) the criteria for teacher registration established under paragraph (a):

(ii) the standards and criteria for qualifications, ongoing practice, and practising certificates established under paragraphs (b) and (c):

(iii) the code of conduct established under section 485:

(f) vary, delete, add to, or replace 1 or more criteria or standards established under paragraphs (a) to (c) after—

(i) a review under paragraph (e); and

(ii) consulting the Teaching Council and the organisations of employees affected by the criteria or standards:

(g) vary, add to, or replace the code of conduct established under section 485 after a review under paragraph (e).

(2) The Secretary must carry out the reviews referred to in subsection (1)(e)—

(a) at least once every 7 years; or

(b) at shorter intervals if the Secretary thinks there is good reason to do so.

48 Section 481 amended (Ministerial powers)

(1) Replace the heading to section 481 with "**Powers of Minister and Secretary**".

(2) In section 481(2), after "Minister", insert "or the Secretary" in each place.

(3) After section 481(2), insert:

(3) Despite anything in this subpart, the Minister may not give a direction or intervene in any matter that relates to any specific registration, competence, conduct, or disciplinary matter being considered by any of the following:

(a) the Teaching Council:

(b) the Complaints Assessment Committee:

(c) the Disciplinary Tribunal:

(d) the Competence Authority.

49 Section 482 amended (Issue of statement of Government policy relating to Teaching Council's functions)

In section 482(5), replace "have regard to" with "give effect to".

50 New sections 482A to 482D and cross-heading inserted

After section 482, insert:

Reporting and financial obligations

482A Obligation to prepare statement of intent

(1) The Teaching Council must prepare a statement of intent at least once in every 3-year period.

(2) A statement of intent must relate to the next financial year and at least the following 3 financial years.

(3) A statement of intent must, for the period to which it relates,—

(a) set out the strategic objectives that the Teaching Council intends to achieve or contribute to:

(b) explain the nature and scope of the Teaching Council's functions and intended operations:

(c) explain how the Teaching Council intends to manage its functions and operations to meet its strategic intentions:

(d) explain how the Teaching Council proposes to manage its organisational health and capability:

(e) explain how the Teaching Council proposes to assess its performance:

(f) set out and explain any other matters that—

(i) are reasonably necessary to achieve an understanding of the Teaching Council's strategic intentions and capability:

(ii) the Teaching Council is required to include in its statement of intent under this Act or another Act.

Ministerial involvement in statement of intent

(4) The Minister may, if the Minister considers it necessary or desirable,—

(a) require the Teaching Council to provide the Minister with a draft statement of intent:

(b) make comments on a draft statement of intent:

(c) agree with the Teaching Council that information additional to that referred to in subsection (3) be included in a statement of intent:

(d) by written notice, require the Teaching Council to—

(i) amend information included in a statement of intent:

(ii) provide a new statement of intent that complies with this section:

(iii) follow a particular process or time frame in relation to the matters referred to in paragraphs (a) to (d)(ii).

(5) Despite subsection (2), the Minister may require the new statement of intent to relate to the remainder of the current financial year in addition to the next financial year and at least the following 3 financial years.

482B Obligation to publish and present statement of intent

(1) The Teaching Council must, as soon as practicable, publish a statement of intent prepared under section 482A on an Internet site maintained by or on behalf of the Council.

(2) The Teaching Council must, as soon as practicable after preparing a statement of intent, present it to the House of Representatives.

482C Obligation to prepare statement of performance expectations

(1) Before the start of each financial year, the Teaching Council must prepare a statement of performance expectations for the financial year.

(2) A statement of performance expectations must—

(a) identify the nature of key outputs that the Teaching Council intends to deliver; and

(b) include an explanation of what the outputs are intended to achieve and how delivery of the outputs will be assessed against the statement of intent; and

(c) contain forecast financial statements prepared in accordance with generally accepted accounting practice.

(3) In preparing a statement of performance expectations under subsection (1), the Teaching Council must have regard to any expectations of the Minister that are communicated to the Council in writing and that relate to—

(a) the Teaching Council's work programme; or

(b) engagement with the Minister or the Ministry.

Ministerial involvement in statement of performance expectations

(4) The Minister may, if the Minister considers it necessary or desirable,—

(a) require the Teaching Council to provide the Minister with a draft statement of performance expectations:

(b) make comments on a draft statement of performance expectations:

(c) agree with the Teaching Council that information additional to that referred to in subsection (2) be included in a statement of performance expectations:

(d) by written notice, require the Teaching Council to—

(i) amend information included in a statement of performance expectations:

(ii) provide a new statement of performance expectations that complies with this section:

(iii) follow a particular process or time frame in relation to the matters referred to in paragraphs (a) to (d)(ii).

482D Obligation to publish and present statement of performance expectations

(1) The Teaching Council must, as soon as practicable, publish a statement of performance expectations prepared under section 482C on an Internet site maintained by or on behalf of the Council.

(2) The Teaching Council must, as soon as practicable after preparing a statement of performance expectations, present it to the House of Representatives.

51 Section 483 replaced (Reports)

Replace section 483 with:

483 Annual report on operations

(1) The Teaching Council must, as soon as practicable after the end of each financial year, prepare an annual report on its operations.

(2) The Teaching Council must publish an annual report on an Internet site maintained by or on behalf of the Teaching Council.

(3) The Teaching Council must, as soon as practicable after preparing an annual report, present it to the House of Representatives.

(4) The annual report must include (without limitation)—

(a) a statement of performance for the financial year, including the outputs achieved, as compared with the outputs intended to be delivered (which were included in the statement of performance expectations); and

(b) the financial statements of the Teaching Council that have been audited by a qualified auditor (within the meaning of section 35 of the Financial Reporting Act 2013); and

(c) an audit report from the person who audited the financial statements; and

(d) a report on how the Teaching Council has complied with the requirement under section 482(5) to give effect to any relevant statement of Government policy; and

(e) any other matters that relate to or affect the Teaching Council's operations that the Teaching Council is otherwise required, or has undertaken, to report on in its annual report.

52 Section 485 amended (Code of conduct)

(1) In section 485(1) and (5), replace "Teaching Council" with "Secretary".

(2) After section 485(1), insert:

(1A) Despite clause 2 of Schedule 6 of the Public Service Act 2020, the Secretary must not delegate to any person the functions or duties under this section.

(3) Replace section 485(2) with:

(2) When preparing the code of conduct (and any amendments to it), the Secretary—

(a) must take all reasonable steps to consult—

(i) those who are bound by it; and

(ii) the Teaching Council; and

(iii) the Public Service Commissioner; and

(b) must have regard to—

(i) any relevant minimum standards of integrity and conduct or code of conduct that the Public Service Commissioner sets or issues under section 17 of the Public Service Act 2020; and

(ii) any code of conduct that the Secretary issues under section 598.

(4) Repeal section 485(3).

53 Section 486 amended (Teaching Council to make rules)

Repeal section 486(1)(a).

54 Section 487 amended (Delegations)

Repeal section 487(2)(e).

55 Section 488 replaced (Chief executive and employees)

Replace section 488 with:

488 Chief executive and employees

(1) The Teaching Council may appoint a chief executive—

(a) for a term not exceeding 5 years; and

(b) who is not a member of the Teaching Council.

(2) The chief executive may be reappointed.

(3) The Teaching Council may appoint any other employees it thinks necessary or desirable for the efficient performance of its functions.

56 Section 495 amended (Complaints about conduct)

In section 495(1), replace "Teaching Council" with "Secretary".

57 New subpart 5A of Part 5 inserted

After section 517, insert:

Subpart 5A—New Zealand School Property Agency

Establishment of New Zealand School Property Agency

517A Persons responsible for administration of subpart

(1) The following persons are responsible for the administration of this subpart:

(a) the Minister who, under any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act:

(b) if an additional Minister is given responsibility for the administration of this subpart (or 1 or more sections in this subpart), that person and the person referred to in paragraph (a).

(2) If subsection (1)(b) applies, the persons referred to in that subsection must act jointly in the performance of their functions and duties, and the exercise of their powers under this subpart (or 1 or more sections of this subpart).

517B New Zealand School Property Agency established

The New Zealand School Property Agency is established.

517C NZSPA is Crown entity

(1) The New Zealand School Property Agency is a Crown agent.

(2) The Crown Entities Act 2004 applies to the New Zealand School Property Agency, except to the extent that this Act expressly provides otherwise.

517D Membership of NZSPA

(1) The Board of the NZSPA consists of at least 5, but not more than 9, members.

(2) The members of the Board of the NZSPA must be appointed by the Minister.

(3) When appointing members, the Minister must be satisfied that the Board of the NZSPA collectively has knowledge of, and experience and expertise in, the following areas:

- (a) governance relating to—
  - (i) construction; and
  - (ii) infrastructure delivery; and
  - (iii) asset management; and
  - (iv) the public sector:
- (b) management of large infrastructure or property portfolios:
- (c) financial and risk management:
- (d) government processes:
- (e) the New Zealand schooling system:
- (f) perspectives of State school boards and their employees, and school communities.

Objective, functions, and additional duties of NZSPA

517E Objective of NZSPA

The objective of the NZSPA is to support and contribute to the achievement of the purpose of this Act by ensuring that the administration of education property is—

- (a) effective and efficient; and
- (b) consistent with good practice for investment and asset management, including standards and directions issued by the Government.

517F Functions of NZSPA

(1) The functions of the NZSPA are to—

- (a) administer the following as agent of the Crown:
  - (i) education property and associated rights:
  - (ii) improvements to education property:
  - (iii) agreements relating to education property and associated rights:

(b) manage the planning, design, construction, acquisition, maintenance, repair, and disposal of education property—

(i) in accordance with this Act and the Public Works Act 1981; and

(ii) in a manner that gives effect to standards and priorities set by the Government:

(c) support the regulated entities in planning and managing capital projects and maintenance works funded by the Ministry:

(d) monitor the performance of education property, including by ensuring that the maintenance by a relevant person and the regulated entities of their land, buildings, and associated infrastructure complies with the following requirements:

(i) terms and conditions specified under section 161 or 560 (as applicable):

(ii) other legislative requirements:

(iii) other standards and policies specified by the Secretary or the NZSPA:

(e) report to the Secretary, if required under section 517G(1)(b), on a failure of a regulated entity to comply with 1 or more requirements referred to in paragraph (d):

(f) provide advice about property planning and delivery to the Minister and the Secretary to support decision-making related to property investment:

(g) maintain relationships with the regulated entities and provide advice to them about education property:

(h) support the Crown in its responsibility to give effect to Te Tiriti o Waitangi, including by—

(i) supporting the Crown in negotiating and agreeing the settlement of claims made by Māori in relation to breaches or alleged breaches of Te Tiriti o Waitangi or its principles; and

(ii) understanding and administering Te Tiriti o Waitangi settlement commitments in relation to education property as agent of the Crown:

(i) carry out any additional function—

(i) conferred on it by this Act or any other legislation; or

(ii) relevant to its objective that the Minister directs in accordance with section 112 of the Crown Entities Act 2004.

(2) The Board of the NZSPA may employ any person—

(a) it thinks necessary or desirable for the effective and efficient administration of its functions; and

(b) who is not an existing member of the Board of the NZSPA or a State school board; and

(c) subject to the condition that the person does not become a member of the Board of the NZSPA or a State school board during their employment term.

517G Additional collective duties of NZSPA Board

(1) The Board of the NZSPA must ensure that—

(a) the NZSPA maintains systems and processes to ensure that the NZSPA has the capability and capacity to perform its functions under section 517F; and

(b) the NZSPA makes a report to the Secretary if—

(i) a regulated entity has failed to comply with, or is not complying with, 1 or more requirements referred to in section 517F(1)(d); and

(ii) the non-compliance is significant or recurring; and

(iii) intervention by the NZSPA has failed to address the non-compliance within a reasonable time; and

(c) it appoints a chief executive—

(i) who is not an existing member of the Board of the NZSPA or a State school board; and

(ii) subject to the condition that they do not become a member of the Board of the NZSPA or a State school board during their appointment term; and

(iii) in accordance with section 117 of the Crown Entities Act 2004.

(2) The duties of the Board of the NZSPA in subsection (1) are—

(a) in addition to the duties in sections 49 to 52 of the Crown Entities Act 2004; and

(b) collective duties owed to the Minister for the purposes of section 58 of the Crown Entities Act 2004.

Powers of NZSPA Board

517H Power to authorise entry, inspection, construction, repairs, and maintenance

(1) The Board of the NZSPA may, for the purpose of performing the functions of the NZSPA under section 517F, authorise a person in writing to exercise the powers in subsection (2).

(2) A person holding an authorisation under subsection (1) (the **authorised person**) may, at any reasonable time and having given reasonable notice to a relevant person,—

(a) enter and inspect education property:

(b) inspect, photocopy, print, or copy onto a storage device a document (whether held in electronic or paper form) that the authorised person believes on reasonable grounds to belong to the relevant person:

(c) remove a document described in paragraph (b), whether in its original form or as an electronic or a paper copy:

(d) require the relevant person to—

(i) produce documents or provide information relating to the operation of the school or early childhood education and care centre that is operated on the education property:

(ii) permit the authorised person to copy or take extracts from the documents or information:

(e) enter education property and carry out, or arrange for the carrying out of,—

(i) any construction related to that property; or

(ii) necessary repairs or maintenance.

Additional requirements for entry of dwelling house

(3) An authorised person may only enter education property that is a dwelling house—

(a) in the case of an emergency; or

(b) for the purpose of inspecting the premises, between 8 am and 7 pm on any day after giving the relevant person at least 48 hours' notice of the intended entry, and not more frequently than once in any period of 4 weeks; or

(c) for the purpose of carrying out construction, necessary repairs, or maintenance on the premises between 8 am and 7 pm on any day after giving the relevant person at least 24 hours' notice of—

(i) the intended entry; and

(ii) the reason for the intended entry.

(4) An authorised person may only exercise the powers in subsection (2)(b) to (d) in relation to a dwelling house if the person has reasonable grounds to believe the documents or information relate to the operation of the school or the early childhood education and care centre that employs the relevant person.

Duties of relevant person

(5) The relevant person must facilitate the exercise of powers under subsection (2)(a) and (e).

General requirements for exercise of power

(6) An authorisation under subsection (1) must contain—

(a) a reference to this section; and

(b) the full name of the authorised person; and

(c) a statement of the powers conferred on that person by this section.

(7) A person exercising a power under subsection (2) must have the appropriate written authorisation and evidence of identity, and must produce them to the relevant person—

(a) on first entering the premises; and

(b) whenever subsequently reasonably required to do so by the relevant person.

Duties of authorised person after exercise of certain powers

(8) If the authorised person removes documents from the premises under subsection (2)(c) or copies them under subsection (2)(d), the authorised person must—

(a) leave at the premises a list of the documents removed or copied; and

(b) return the documents, or a copy of them, to the relevant person as soon as practicable.

(9) The authorised person must list any construction, repairs, or maintenance carried out under subsection (2)(e) and provide the list to the relevant person as soon as is reasonably practicable.

517I Recovery of money expended for necessary repairs and maintenance

Costs reasonably incurred by the NZSPA for necessary repairs or maintenance carried out or arranged under section 517H(2)(e)(ii)—

(a) must be paid by the relevant person on demand by the Board of the NZSPA; and

(b) if not paid by the relevant person in accordance with the NZSPA Board's demand, are recoverable from the relevant person in a court of competent jurisdiction as a debt due to the NZSPA.

517J Power to require information

(1) The Board of the NZSPA may, by written notice that complies with subsection (2), require a relevant person to provide information relating to 1 or more of the following:

(a) the land:

(b) any buildings on the land:

(c) any associated infrastructure:

(d) any maintenance or repairs planned or carried out in relation to the land, buildings, or associated infrastructure.

(2) The notice must specify the information required and the date by which it must be provided to the Board of the NZSPA or a person authorised by the Board of the NZSPA.

(3) The relevant person must provide the information in writing by the date specified in the notice.

517K Interventions in State school by NZSPA

(1) The following interventions may be used in relation to a State school:

(a) a requirement by the Board of the NZSPA for a board to engage specialist help:

(b) a requirement by the Board of the NZSPA for a board to prepare and carry out an action plan:

(c) a requirement by the Board of the NZSPA that the board attend a case conference to enable a particular issue or particular issues to be discussed and actions to be agreed:

(d) a requirement by the Board of the NZSPA that the board engage an appropriately qualified person to undertake a specialist audit of any aspect of the school's affairs:

(e) the issuing by the Board of the NZSPA to the board of a performance notice requiring the board to carry out a specified action by a specified date.

(2) The Board of the NZSPA may use an intervention described in subsection (1) only if the Board has reasonable grounds for concern about land, buildings, or associated infrastructure occupied or used by the board.

(3) When applying an intervention, the Board of the NZSPA must apply whichever intervention it considers is reasonable to deal with the risk without intervening more than necessary in the affairs of the board.

(4) The application of any one intervention does not preclude applying any other intervention, either concurrently or at any other time.

517L Specialist help

(1) The Board of the NZSPA may, by written notice to a board, require the board to engage specified specialist help to remedy an issue with land, buildings, or associated infrastructure occupied or used by the board.

(2) A notice given under subsection (1) must identify particular persons or organisations, or types of persons or organisations, whom the board must engage.

(3) The Board of the NZSPA may also require, in the notice, that the board provide to the Secretary a report or reports (for example, a progress report and a final report) on the specialist help—

(a) by the specified time or times; or

(b) at the specified intervals; or

(c) both.

(4) A board that receives a notice under subsection (1) must—

(a) engage the specialist help as soon as practicable; and

(b) pay the fees and reasonable expenses of any person or organisation engaged to provide specialist help, unless the Board of the NZSPA determines otherwise; and

(c) if applicable, provide a report to the Board of the NZSPA at the time or times, or intervals, specified in the notice.

517M Action plans

(1) The Board of the NZSPA may, by written notice to a board, require the board to prepare and carry out an action plan to remedy an issue with land, buildings, or associated infrastructure occupied or used by the board.

(2) A notice under subsection (1) must specify—

(a) the matters that the action plan must address; and

(b) the outcomes sought; and

(c) the time within which a draft action plan must be prepared.

(3) A board that receives a notice under subsection (1) must comply with it by—

(a) preparing a draft action plan within the time specified in the notice; and

(b) presenting it to the Board of the NZSPA for approval.

(4) The Board of the NZSPA may negotiate with the board over the draft action plan in order to reach an agreed plan.

(5) However, if, after a reasonable period, the board and the Board of the NZSPA have not reached agreement over the content of the action plan, the Board of the NZSPA may give notice to the board that the Board of the NZSPA will approve a particular version of the plan.

(6) If the Board of the NZSPA has approved an action plan, the board must—

(a) implement it in accordance with its terms, unless the Board of the NZSPA directs otherwise; and

(b) make the plan available as if it were part of the strategic plan required under section 138.

517N Case conference

(1) The Board of the NZSPA may, by written notice to a board, require the board to attend a case conference on a specified date to—

(a) discuss an issue with land, buildings, or associated infrastructure occupied or used by the board; and

(b) agree actions to address that issue.

(2) The notice must specify the issue or issues to be discussed.

(3) A board that receives a notice under subsection (1) must attend the case conference.

(4) The Board of the NZSPA may invite any person to attend the case conference if the Board considers that the person's presence at the conference is desirable.

Parties agree on action

(5) If the case conference results in the parties reaching agreement on an action to address an issue, the agreement—

(a) must be recorded in writing; and

(b) is binding on the parties.

Parties not able to agree on action

(6) If the Board of the NZSPA and the board are not able to agree on an action to address an issue, the Board of the NZSPA may, by written notice to the board, require it to—

(a) take a particular action; and

(b) provide the Board of the NZSPA with a report or reports (for example, a progress report and a final report) on the action taken—

(i) at a given time or given times; or

(ii) at specified intervals; or

(iii) both.

(7) A board that receives a notice under subsection (6) must,—

(a) in relation to a requirement to take a particular action, take the action as soon as practicable; and

(b) if the notice includes a requirement to report to the Board of the NZSPA, provide a report or reports at the time or times, or intervals, specified in the notice.

517O Specialist audit

(1) The Board of the NZSPA may, by written notice to the board, require a board to engage an appropriately qualified person to undertake a specialist audit in relation to land, buildings, or associated infrastructure occupied or used by the board.

(2) A notice under subsection (1) must identify particular persons or organisations, or types of persons or organisations, whom the board must engage.

(3) The Board of the NZSPA may also require, in the notice, that the board provide the Board of the NZSPA with a report or reports (for example, a progress report and a final report) on the audit—

(a) as at a given time or times; or

(b) at specified intervals; or

(c) both.

(4) A board that receives a notice under subsection (1) must—

(a) undertake the audit as soon as practicable; and

(b) pay the fees and reasonable expenses of any person or organisation engaged to undertake the audit, unless the Board of the NZSPA determines otherwise; and

(c) provide a report or reports to the Board of the NZSPA at the time or times, or intervals, specified in the notice.

517P Performance notice

(1) The Board of the NZSPA may, by written notice to a board, issue a performance notice requiring the board to carry out a specified action by a specified date in relation to land, buildings, or associated infrastructure occupied or used by the board.

(2) The Board of the NZSPA may also require, in the notice, that the board provide the Board of the NZSPA with a report or reports (for example, a progress report and a final report) on the action taken—

(a) as at a given time or given times; or

(b) at specified intervals; or

(c) both.

(3) A board that receives a notice under subsection (1) must—

(a) take the action by the date specified in the notice; and

(b) if applicable, provide a report or reports to the Board of the NZSPA at the time or times, or intervals, specified in the notice.

517Q Power to delegate and subdelegate

(1) Despite section 73 of the Crown Entities Act 2004, the Board of the NZSPA must not delegate the duty to appoint a chief executive under section 517G(1)(c) to a person other than a person acting in place of the chief executive.

(2) A delegation under section 73 of the Crown Entities Act 2004 to the chief executive, if there is no chief executive for the time being, or if the chief executive is absent from duty, continues to have effect as if made to the person for the time being acting in place of the chief executive.

Subdelegation

(3) Despite clause 2(7) of Schedule 6 of the Public Service Act 2020, the Board of the NZSPA may subdelegate a power or function delegated to it by the Secretary to the following persons:

(a) a member of the Board:

(b) the chief executive of the NZSPA:

(c) an employee of the NZSPA.

(4) The remaining provisions of clause 2 of Schedule 6 of the Public Service Act 2020 apply to a subdelegation under subsection (3) with any necessary modifications.

(5) The Board of the NZSPA may subdelegate a function, duty, or power delegated to it under section 517S to the following persons:

(a) a member of the Board:

(b) the chief executive of the NZSPA:

(c) an employee of the NZSPA.

517R NZSPA powers elsewhere in this Act

The Board of the NZSPA also has the powers set out in sections 161 to 163 and 560.

Role of Minister

517S Responsible Minister may delegate functions, duties, or powers to NZSPA

(1) The Minister may, either generally or specifically, delegate to the Board of the NZSPA any or all of the Minister's functions, duties, or powers under this Act or any other Act, including functions, duties, and powers delegated to the Minister under this Act or any other Act.

(2) A delegation—

(a) must be in writing; and

(b) may be revoked at will in writing; and

(c) may be subject to instructions or conditions.

(3) Despite subsection (1), the Minister must not delegate—

(a) the general power of delegation:

(b) any functions, duties, or powers that are inconsistent with the objective of the NZSPA set out in section 517E:

(c) the powers in sections 517T to 517Z.

(4) The power of the Minister to delegate under this section—

(a) is subject to any prohibitions, restrictions, or conditions contained in any other Act in relation to the delegation of the Minister's functions, duties, or powers; but

(b) does not limit any power of delegation conferred on the Minister by any other Act.

(5) The NZSPA may perform or exercise any functions, duties, or powers delegated to it in the same manner and with the same effect as if they had been conferred on it directly and not by delegation (subject to any general or special directions given or conditions imposed by the Minister).

(6) If the NZSPA purports to act under any delegation, it is, in the absence of proof to the contrary, presumed to be acting in accordance with the terms of the delegation.

(7) A delegation does not affect or prevent the Minister from performing or exercising a function, duty, or power or affect the Minister's responsibility for the actions of any person acting under the delegation.

517T Minister may issue GPS

(1) The Minister may issue a GPS in relation to either or both of the following:

(a) the network of State and charter schools:

(b) the school property portfolio.

(2) The purpose of the GPS is to set an overall direction and priorities in relation to either or both of the following:

(a) the network of State and charter schools:

(b) the school property portfolio.

(3) The Minister—

(a) may review the GPS at any time; but

(b) must review the GPS at intervals that are no more than 3 years apart.

517U Preparation or review of GPS

When preparing or reviewing a GPS, the Minister must—

(a) be satisfied that the GPS contributes to the objective of the NZSPA as set out in section 517E; and

(b) consult the Ministry and the NZSPA, and have regard to their views; and

(c) engage with other persons that the Minister considers appropriate.

517V Content of GPS

(1) The GPS must include the following:

(a) the Government's overall direction and priorities in relation to either or both of the following:

(i) the network of State and charter schools, including in relation to Kaupapa Māori, Māori medium, and learning support:

(ii) the school property portfolio:

(b) how the Government expects—

(i) the Ministry and the NZSPA to give effect to the Government's priorities for the network of State and charter schools and the school property portfolio; and

(ii) the NZSPA to manage and deliver its objective and carry out its functions:

(c) a framework for regular monitoring of progress and reporting requirements.

(2) The GPS may include any other matters the Minister considers relevant.

517W GPS must be made available

(1) As soon as practicable after issuing a GPS, the Minister must present a copy of the GPS to the House of Representatives.

(2) The GPS must be made publicly available as soon as practicable after it is issued by publishing a copy on the Ministry's Internet site in a format that is readily accessible.

517X Status of GPS

(1) A GPS is not a direction for the purposes of Part 3 of the Crown Entities Act 2004.

(2) Sections 517T to 517Z do not limit other provisions relating to directions in the Crown Entities Act 2004.

517Y Effect of GPS

(1) The Ministry and the NZSPA must give effect to the GPS.

(2) The Minister may, by notice in the *Gazette*, require a central government education agency to give effect to the GPS.

(3) Before exercising a power under subsection (2), the Minister must consult the agency likely to be affected by the exercise of the power.

517Z Amending GPS

(1) The Minister may amend the GPS at any time.

(2) Sections 517U, 517V, and 517W do not apply to an amendment to the GPS if the Minister considers the amendment is not significant.

58 Section 547 amended (Outline of Part 6)

(1) After section 547(5), insert:

(5A) Subpart 4A sets out provisions concerning system monitoring studies.

(2) After section 547(6), insert:

(6A) Subpart 5A sets out provisions concerning the Director of Regulation.

59 Section 560 amended (Centres situated on land owned by, or leased to, the Crown)

(1) In section 560(1)(d), (2)(a) and (b), and (3), replace "Secretary" with "Board of the NZSPA" in each place.

(2) In section 560(2)(c), replace "Secretary's approval" with "approval of the Board of the NZSPA".

60 Section 598 amended (Code of conduct)

Replace section 598(3)(c) with:

(c) the Public Service Commissioner, and must have regard to—

(i) any code of conduct that the Commissioner has issued under section 17 of the Public Service Act 2020; and

(ii) any code of conduct that the Secretary has issued under section 485.

61 New subpart 4A of Part 6 inserted

After section 618, insert:

Subpart 4A—System monitoring studies

618A Minister to notify system monitoring studies

The Minister may, by notice in the *Gazette*, specify—

(a) 1 or more system monitoring studies that registered schools must participate in if selected (a **notified study**); and

(b) the dates on which the schools must participate in those studies.

618B Registered school must participate in system monitoring studies

(1) The following persons must ensure that a registered school participates in a system monitoring study notified under section 618A if the school is selected to take part in that study:

(a) in the case of a State school, the board of the school:

(b) in the case of a charter school, the sponsor:

(c) in the case of a private school, the managers.

(2) If a registered school is selected to take part in a notified study, persons in that school holding a teaching position and students selected to participate must make best endeavours to answer questions associated with the study.

(3) However, subsections (1) and (2) do not apply to—

(a) a specified kura board:

(b) a registered school that does not provide instruction in the language of the notified study:

(c) a registered school that has been granted an exemption under section 618C.

618C Minister may grant exemption

(1) The Minister may, by notice, exempt a specified registered school from the obligation to comply with section 618B(1) and (2).

(2) The Minister may grant the exemption only if—

(a) the Minister is satisfied that—

(i) participating in the study would cause undue hardship to the school, its staff, or students; or

(ii) there has been an unforeseen event affecting the school, its staff, or students; or

(b) the Minister considers there is another acceptable reason for granting the exemption.

(3) The Minister may grant the exemption unconditionally or subject to any conditions that the Minister may specify in the notice.

(4) The exemption notice must—

(a) identify the specified school that is exempt from the obligation to comply with section 618B(1) and (2); and

(b) give reasons for the exemption.

62 New subpart 5A of Part 6 inserted

After section 621, insert:

Subpart 5A—Provisions relating to Director of Regulation

621A Director of Regulation

(1) The chief executive of the Education Review Office (the **chief executive**) must appoint a person to be the Director of Regulation.

(2) The chief executive must be satisfied that the person has the appropriate experience and expertise to perform and exercise the functions, duties, and powers of the Director of Regulation.

(3) The person must be employed by the Education Review Office but, at the time of appointment,—

(a) need not be a current employee of the Education Review Office; and

(b) must not also be the Chief Review Officer.

(4) When performing or exercising a function, duty, or power under this Act, the Director—

(a) does so as an employee of the Education Review Office; but

(b) must exercise independent judgement if this Act requires the Director to do so (for example, if there is a requirement to act independently of the Minister or any other person).

621B Functions of Director of Regulation

(1) The functions of the Director of Regulation are to—

Early childhood education

(a) carry out the functions referred to in section 27B:

Private schools

(b) require the managers of a private entity that is not registered under section 214 to apply for registration as a private school if the Director considers that the entity is operating as a school (*see* section 213):

(c) approve forms for the purposes of applications for provisional registration under section 214:

(d) make decisions on the provisional and full registration of entities as private schools in accordance with Schedule 7:

(e) take actions against private schools in accordance with Schedule 7:

(f) receive notifications under clause 8 of Schedule 7 that a private school is to cease to operate:

(g) prosecute, as the Director considers appropriate, offences under section 249:

(h) authorise regulatory officers to exercise powers under section 628:

Hostels

(i) help to ensure the safety of students who board at hostels, including by—

(i) making decisions on the issue, suspension, cancellation, and replacement of licences for hostels; and

(ii) authorising persons under section 632 to exercise the powers set out in section 631; and

(iii) prosecuting, as the Director considers appropriate, offences under regulations relating to hostels made under section 643 of this Act:

General

(j) carry out any other functions conferred or imposed on the Director under this Act or any other legislation:

(k) publish the methods by which the Director will manage any conflicts or potential conflicts between the Director's regulatory functions under paragraphs (a) to (j) and the Chief Review Officer's monitoring, evaluation, and review functions under this Act.

(2) However, the Ministry is the Minister's principal policy adviser on matters relating to early childhood education, private schools, and hostels.

621C Regulatory officers

The Director of Regulation—

(a) may designate a suitably qualified person (whether or not an employee of the Education Review Office) as a regulatory officer for the purpose of performing functions and exercising powers in relation to private schools; and

(b) must ensure that the person has a certificate to that effect, in a form approved by the Director.

621D Delegation of Director's functions, duties, and powers

(1) The Director of Regulation may, either generally or specifically, delegate to a person any of their functions, duties, or powers.

(2) A delegation—

(a) must be in writing; and

(b) may be revoked at will in writing; and

(c) may be subject to instructions or conditions.

(3) Despite subsection (1), the Director of Regulation—

Delegation to person within public service who is not Education Review Office employee

(a) may delegate their functions, duties, or powers to a person described in subsection (4) only if—

(i) the chief executive of the Education Review Office consents in writing to that delegation; and

(ii) the delegation is for a specified period; and

Delegation outside public service

(b) may delegate a clearly identified function, duty, or power to a person outside the public service only if—

(i) the chief executive of the Education Review Office consents in writing to that delegation; and

(ii) the delegation is for a specified period; and

(iii) the Director is satisfied that any conflicts of interest will be avoided or managed; but

(c) must not delegate—

(i) a function, duty, or power to a person who is required to be provided with or may receive grants under section 548; and

(ii) the general power of delegation.

(4) For the purposes of subsection (3)(a), the person is a person who—

(a) is not an employee of the Education Review Office; but

(b) is a public service employee or an individual working in the public service as a contractor or as a secondee from elsewhere in the State services in relation to a function of the public service.

(5) A person to whom any functions, duties, or powers are delegated may perform or exercise those functions, duties, or powers in the same manner, subject to the same restrictions, and with the same effect as if they had been conferred on

them directly and not by delegation (subject to any general or special directions given or conditions imposed by the Director).

(6) A person who purports to act under any delegation is, in the absence of proof to the contrary, presumed to be acting in accordance with the terms of the delegation.

(7) The Director of Regulation must report on the effectiveness of the performance or exercise of each function, duty, or power delegated under subsection (3)(b) in the annual report of the Education Review Office (prepared in accordance with section 43 of the Public Finance Act 1989) that relates to the financial year in which the function, duty, or power is performed or exercised.

(8) In this section,—

public service has the meaning given in section 10 of the Public Service Act 2020

public service employee has the meaning given in section 65 of the Public Service Act 2020

State services has the meaning given in section 5 of the Public Service Act 2020.

63 Section 628 replaced (Powers of entry and inspection)

Replace section 628 with:

628 Powers of entry and inspection

Entry in respect of registered schools

(1) The Secretary may authorise a person in writing to exercise the powers in subsection (2).

(2) A person holding an authorisation under subsection (1) may, at any reasonable time,—

(a) enter and inspect a registered school:

(b) inspect, photocopy, print, or copy onto a storage device a document (whether held in electronic or paper form) that the person believes on reasonable grounds to belong to the board, sponsor, or manager of the school:

(c) remove a document described in paragraph (b), whether in its original form or as an electronic or a paper copy.

Entry in respect of private schools

(3) The Director of Regulation may authorise a regulatory officer in writing to exercise the powers in subsection (4).

(4) A regulatory officer holding an authorisation under subsection (3) may, at any reasonable time,—

(a) enter and inspect a private school:

(b) inspect, photocopy, print, or copy onto a storage device a document (whether held in electronic or paper form) that the regulatory officer believes on reasonable grounds to belong to the manager of the school:

(c) remove a document described in paragraph (b), whether in its original form or as an electronic or a paper copy.

Requirements for exercise of powers of entry and inspection

(5) An authorisation under subsection (1) or (3) must contain—

(a) a reference to this section; and

(b) the full name of the person authorised; and

(c) a statement of the powers conferred on that person by this section.

(6) A person exercising a power under subsection (2) or (4) must have the appropriate written authorisation and evidence of identity, and must produce them to the person in charge of the premises concerned (or the person having possession or control of the documents concerned)—

(a) on first entering the premises; and

(b) whenever subsequently reasonably required to do so by the person in charge.

(7) If any documents are removed from a school under subsection (2)(c) or (4)(c), the person who removes the documents must—

(a) leave at the school a list of the documents removed; and

(b) return the documents, or a copy of them, to the school as soon as practicable unless to do so would prejudice any investigation being or to be carried out by the Ministry or the Education Review Office.

(8) In this section, **inspect**, in relation to a school, includes—

(a) accessing the written and recorded work of students enrolled there; and

(b) meeting and talking with students enrolled there.

64 Section 629 amended (Entry where private school suspected of being unregistered)

In section 629(1), replace "section 628(3)" with "section 628(1) or (3)".

65 Section 632 amended (Authorised persons)

In section 632(1), replace "Minister" with "Director of Regulation".

66 Section 635 amended (Entry and inspection powers elsewhere in Act)

In section 635, insert as subsection (2):

(2) The right of persons authorised by the NZSPA to enter and inspect education property and to carry out (or arrange for the carrying out of) any construction, necessary repairs, or maintenance is set out in section 517H.

67 Schedule 1 amended

(1) In Schedule 1,—

(a) insert the Part set out in Schedule 1 of this Act as the last Part; and

(b) make all necessary consequential amendments.

(2) In Schedule 1, clause 114, replace the definitions of **conversion date** and **converted school** with:

conversion date has the meaning given in section 10(1)

converted school has the meaning given in section 10(1)

(3) In Schedule 1, clause 152(1), after "162", insert "(other than clause 155A)".

(4) In Schedule 1, after clause 152(1), insert:

(1A) Clause 155A applies during the period beginning on 6 July 2026 and ending on the close of 31 December 2027.

(5) In Schedule 1, after clause 155, insert:

155A Industry skills board may be part of secondary–tertiary programme

(1) Despite clause 1(1) of Schedule 8, the Minister may, by notice in the *Gazette*, recognise as a provider group of secondary–tertiary programmes a group of organisations that includes 1 or more industry skills boards that provide training activities.

(2) Despite clause 5 of Schedule 8, the Minister may, by notice in the *Gazette*, recognise as a lead provider of secondary–tertiary programmes an industry skills board that provides training activities.

68 Schedule 3 amended

(1) In Schedule 3, clause 2(d), replace "section 479(1)(e)" with "section 480A(1)(a)".

(2) In Schedule 3, clause 10(2)(c), replace "Teaching Council under section 479(1)((j)" with "Secretary under section 480A(1)(c)".

(3) In Schedule 3, clause 10(4)(b)(ii), (6)(a)(iv), and (6)(b)(iii), replace "section 479(1)(j)" with "section 480A(1)(c)".

69 Schedule 6 amended

In Schedule 6, after clause 2(4), insert:

(4A) Despite subclause (4), the Minister must accept an application to enter into negotiations for integration if required to do so under section 212ZEB.

70 Schedule 7 amended

(1) In Schedule 7, in the following provisions, replace "Secretary" with "Director of Regulation" in each place:

(a) clause 1(1) to (3) and (5):

(b) clause 4:

(c) clause 6:

(d) clause 8:

(e) clause 9:

(f) clause 10(1) to (3):

(g) clause 11:

(h) clause 12(1) and (2).

(2) In Schedule 7, replace clause 1(4) with:

(4) The Director of Regulation may require a further assessment, in addition to the assessment under clause 9(2), of a school that has its provisional registration renewed under subclause (3).

(3) In Schedule 7, clause 1(5), replace "a review" with "an assessment".

(4) In Schedule 7, clause 4(1), replace "Secretary's approval" with "approval of the Director of Regulation".

(5) In Schedule 7, in the cross-heading above clause 8, replace "*Secretary*" with "*Director*".

(6) In Schedule 7, in the heading to clause 8, replace "**Secretary**" with "**Director**".

(7) In Schedule 7, in the cross-heading above clause 9, replace "*Review*" with "*Assessment and review*".

(8) In Schedule 7, in the heading to clause 9, replace "**Review**" with "**Assessment and review**".

(9) In Schedule 7, replace clause 9(1) to (4) with:

(1) As soon as practicable after provisionally registering an existing school or a proposed school under clause 1(1), the Director of Regulation must inform the Chief Review Officer and the Secretary of the provisional registration.

(2) The Director of Regulation must ensure that a regulatory officer assesses a school that is provisionally registered under clause 1(1)—

(a) between 6 and 12 months after the provisional registration of the school; or

(b) earlier, by agreement with its managers.

(3) The Director of Regulation must ensure that a regulatory officer conducts a further assessment of a school that has had its provisional registration renewed under clause 1(3).

(3A) The Director of Regulation must ensure that a regulatory officer periodically conducts an assessment of a fully registered private school.

(4) The Director of Regulation must ensure that a regulatory officer who conducts an assessment under subclause (2), (3), or (3A)—

(a) prepares a written report on the assessment that includes information about—

(i) whether the school meets the criteria for registration as a private school; and

(ii) the areas in which improvement is required, if the school does not meet the criteria; and

(b) gives a copy of the report to the school's manager.

(10) In Schedule 7, repeal clause 9(7).

(11) In Schedule 7, in the cross-heading above clause 10, replace "*Secretary*" with "*Director*".

(12) In Schedule 7, in the heading to clause 10, replace "**Secretary's**" with "**Director's**".

(13) In Schedule 7, clause 10(1)(b), replace "a review" with "an assessment".

(14) In Schedule 7, after clause 12(2), insert:

(3) As soon as practicable after cancelling the registration of a private school, the Director of Regulation must notify the Secretary of the cancellation.

71 Schedule 11A amended

In Schedule 11A, after clause 7(b), insert:

(c) paying remuneration to the chairperson of the Federation Committee at a rate determined by the Minister in accordance with the fees framework referred to in clause 17(3) of Schedule 11.

72 Schedule 19 amended

(1) In Schedule 19, replace clause 1(1) and (2) with:

(1) The term of office of an appointed member of the Teaching Council is 3 years or a shorter period as specified by the Minister in the member's notice of appointment.

(2) An appointed member may be reappointed for 2 more terms.

(2) In Schedule 19, repeal clause 2.

(3) In Schedule 19, replace clause 3(1) to (6) with:

(1) The Minister may, at any time and entirely at the Minister's discretion, remove a member of the Teaching Council from office.

(2) The removal must be made by written notice to the member.

(3) The notice must state the date on which the removal takes effect, which must not be earlier than the date on which the notice is received.

(4) A copy of the notice must be given to the Teaching Council.

(5) The Minister must notify the removal in the *Gazette* as soon as practicable after giving the notice.

(4) In Schedule 19, clause 4(1), delete "or elected".

(5) In Schedule 19, replace clause 5(2) to (4) with:

(2) If an extraordinary vacancy occurs, the Minister may appoint a replacement or leave the vacancy open.

(3) A person appointed to fill an extraordinary vacancy holds office only for the remainder of the vacating member's term.

Part 2
Amendments to other legislation

Amendment to Crown Entities Act 2004

73 Principal Act

Section 74 amends the Crown Entities Act 2004.

74 Schedule 1 amended

In Schedule 1, Part 1, table, insert in its appropriate alphabetical order:

New Zealand School Property Agency

Amendment to Ombudsmen Act 1975

75 Principal Act

Section 76 amends the Ombudsmen Act 1975.

76 Schedule 1 amended

In Schedule 1, Part 2, insert in its appropriate alphabetical order:

New Zealand School Property Agency

Consequential amendments and revocation

77 Consequential amendments

Amend the legislation specified in Schedule 2 as set out in that schedule.

78 Revocation

The Public Service (Chief Executive for School Property) Order 2024 (SL 2024/226) is revoked.

Schedule 1
New Part 10 inserted into Schedule 1

s 67

Part 10
Provisions relating to Education and Training (System Reform) Amendment Act 2026

204 Interpretation

In this Part, **amendment Act** means the Education and Training (System Reform) Amendment Act 2026.

Subpart 1—Transitional provisions relating to transfer of Teaching Council functions

205 Interpretation

In this subpart,—

commencement date means the date on which this subpart comes into force

transferred function means a function of the Teaching Council that, on and after the commencement date, becomes a function of the Secretary under section 480A(1).

206 Consequences of transfer of functions of Teaching Council to Secretary

On and after the commencement date,—

(a) information (including 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; and

(b) anything done or omitted to be done or that is to be done by, or in relation to, the Teaching Council in relation to a transferred function must be treated as having been done or omitted or to be done by, or in relation to, the Secretary; and

(c) the Secretary may complete any matter or thing that would, but for the amendment Act, have been completed by the Teaching Council; and

(d) a reference to the Teaching Council (whether express or implied) in legislation (other than this Act), proceedings, or other documents must, in relation to a transferred function, be read as a reference to the Secretary unless the context otherwise requires.

207 Code of conduct, standards, and criteria

(1) This clause applies to—

(a) a code of conduct established or maintained under section 485 (as it read immediately before the commencement date) and in force before the commencement date; and

(b) standards or criteria issued under section 479 (as it read immediately before the commencement date)—

(i) in force immediately before the commencement date; or

(ii) that come into force after the commencement date.

(2) The code of conduct continues in force on and after the commencement date and must be treated as if it were issued under section 485 (as amended by the amendment Act).

(3) The standards and criteria must be treated as if they were issued under section 480A.

Subpart 2—Transitional provisions relating to membership of Teaching Council

208 Interpretation

In this subpart, **commencement date** means the date on which this subpart comes into force.

209 Membership of Teaching Council

(1) This clause applies to members of the Teaching Council holding office under section 475(1)(b) immediately before the commencement date.

(2) The members remain in office until replaced in accordance with this clause (*see* clause 4(1) of Schedule 19).

(3) As soon as is reasonably practicable after the commencement date, the Minister must appoint members to the Teaching Council in accordance with section 476.

(4) All previously appointed members of the Teaching Council cease to hold office when the Minister appoints the members (regardless of the number of members appointed by the Minister).

Subpart 3—Transitional provisions relating to replacement of converted schools

210 Employees of converted schools

(1) This clause applies to an employee—

(a) who is employed by a sponsor at a converted school that is or is to be replaced by a State school under section 212ZEB; and

(b) who applies in writing for an equivalent position at that State school.

(2) The employee must be offered the equivalent position unless—

(a) another employee to whom this clause applies is appointed to that position; or

(b) the employee's appointment would contravene section 92 or 93.

(3) An employee appointed to an equivalent position is not entitled to receive any payment or other benefit on the ground that the position held by the employee in the converted school has ceased to exist.

(4) This clause overrides anything to the contrary in—

(a) a relevant employment agreement:

(b) Part 6A of the Employment Relations Act 2000:

(c) sections 603 and 604.

(5) In this clause, **equivalent position** means employment that, relative to the employee's current position,—

(a) involves comparable duties and responsibilities; and

(b) is in the same general locality or a locality within reasonable commuting distance; and

(c) is on terms that treat the period of service with the sponsor of the converted school (and every other period of service recognised for the purposes of the previous position as continuous service) as if it were continuous service with the education service.

Subpart 4—Transitional provisions relating to transfer of private school and hostel functions of Secretary and Minister

211 Interpretation

In this subpart,—

commencement date means the date on which this subpart comes into force

transferred functions means the following functions of the Secretary and the Minister that are transferred to the Director of Regulation on and after the commencement date:

(a) the functions of the Secretary under sections 213, 214, and 249, and Schedule 7:

(b) the functions of the Secretary under regulations relating to hostels made under section 643:

(c) the function of the Minister under section 632.

212 Consequences of transfer of private school and hostel functions of Secretary and Minister to Director of Regulation

On and after the commencement date,—

(a) information (including personal information) held by the Minister or the Secretary in relation to their transferred functions before the commence-

ment date is to be treated as having been held by the Director of Regulation; and

(b) anything done or omitted to be done or that is to be done by, or in relation to, the Minister or the Secretary in relation to their transferred functions must be treated as having been done or omitted or to be done by, or in relation to, the Director of Regulation; and

(c) the Director of Regulation may complete any matter or thing that would, but for the amendment Act, have been completed by the Minister or the Secretary; and

(d) a reference to the Minister or Secretary (whether express or implied) in legislation (other than this Act), proceedings, or other documents must, in relation to their transferred functions, be read as a reference to the Director of Regulation unless the context otherwise requires.

Subpart 5—Transitional provisions relating to Director of Regulation

213 Interpretation

In this subpart,—

commencement date means the date on which this subpart comes into force

ECE functions means the functions referred to in section 27B (as it read immediately before the commencement date) that are transferred to the new Director of Regulation

new Director of Regulation means the first Director appointed under section 621A

previous Director of Regulation means the Director appointed under section 27A (as it read immediately before it was repealed by section 6 of the amendment Act).

214 Consequences of transfer of ECE functions

On and after the commencement date,—

(a) information (including personal information) held by the previous Director of Regulation in relation to their ECE functions before the commencement date is to be treated as having been held by the new Director of Regulation; and

(b) anything done or omitted to be done or that is to be done by, or in relation to, the previous Director of Regulation in relation to their ECE functions must be treated as having been done or omitted or to be done by, or in relation to, the new Director of Regulation; and

(c) the new Director of Regulation may complete any matter or thing that would, but for the amendment Act, have been completed by the previous Director of Regulation; and

(d) a reference to the previous Director of Regulation (whether express or implied) in legislation (other than this Act), proceedings, or other documents must, in relation to their transferred functions, be read as a reference to the new Director of Regulation unless the context otherwise requires.

Subpart 6—Transitional provisions relating to NZSPA

215 Interpretation

In this subpart,—

affected employee means an employee whose position ceases to exist in the Ministry as a result of a transferred function

Chief Executive for School Property means the functional chief executive for school property listed in Schedule 5 of the Public Service Act 2020

commencement date means the date on which subpart 5A of Part 5 (as inserted by the amendment Act) comes into force

equivalent position means employment that, relative to the employee's current position,—

(a) involves comparable duties and responsibilities; and

(b) is in the same general locality or a locality within reasonable commuting distance; and

(c) is on terms and conditions of employment that are no less favourable than those that applied to the employee immediately before the offer of an equivalent position (including any service-related, redundancy, and superannuation conditions); and

(d) is on terms that treat the period of service with the Ministry (and every other period of service recognised for the purposes of the previous position as continuous service) as if it were continuous service with the NZSPA

transferred functions means functions carried out by the Ministry's school property unit and the Chief Executive for School Property that become functions of the NZSPA on and after the commencement date.

216 Consequences of transfer of functions

(1) On and after the commencement date,—

(a) 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; and

(b) all rights, liabilities, entitlements, and engagements of the Crown, the Ministry, or the Secretary in relation to transferred functions become the rights, liabilities, entitlements, and engagements of the NZSPA; and

(c) anything done or omitted to be done or that is to be done in relation to transferred functions by, or in relation to, the Crown, the Ministry, or the Secretary must be treated as having been done or omitted or to be done by, or in relation to, the NZSPA; and

(d) the commencement, continuation, or enforcement of proceedings by or against the Crown, the Ministry, or the Secretary in relation to transferred functions may instead be commenced, continued, or enforced by or against the NZSPA without amendment to the proceedings; and

(e) the NZSPA may complete any matter or thing that would, but for the amendment Act, have been completed by the Crown, the Ministry, or the Secretary; and

(f) a reference to the Crown, the Ministry, or the Secretary (whether express or implied) in a notice, instrument, agreement, deed, other document, or legislation must, in relation to transferred functions, be read as a reference to the NZSPA unless the context otherwise requires.

(2) However, subclause (1)(f) does not apply to the following:

(a) this Act:

(b) an agreement, a deed, and any legislation resulting from negotiations relating to Te Tiriti o Waitangi claims made by Māori in relation to breaches, or alleged breaches, of Te Tiriti o Waitangi or its principles (unless the parties to the agreement or deed agree otherwise).

(3) The transfer of a Ministry function to the NZSPA does not, of itself, affect—

(a) a decision made, or anything done or omitted to be done, by the Crown, the Ministry, or the Secretary in relation to a transferred function before the commencement date; or

(b) any other matter or thing arising out of the Crown, the Ministry, or the Secretary performing a transferred function before the commencement date.

217 Transfer of employees

Options that may be offered to affected employee

(1) An affected employee may be offered one of the following:

(a) an equivalent position in the NZSPA (by the NZSPA):

(b) other employment in the NZSPA (by the NZSPA):

(c) redeployment within the Ministry (by the Ministry).

When employee regarded as redundant

(2) Subclause (3) applies to an affected employee who—

(a) is not offered employment in the NZSPA; or

(b) is not offered redeployment within the Ministry; or

(c) is offered, but does not accept, redeployment within the Ministry; or

(d) is offered, but does not accept, a position in the NZSPA (whether or not it is an equivalent position).

(3) The affected employee—

(a) is regarded as redundant; and

(b) ceases to be employed by the Ministry 1 month after the employee has been given written notice by the Secretary; and

(c) unless subclause (4) or section 88 of the Public Service Act 2020 (other restrictions on redundancy payments) applies, is entitled to any redundancy payment in accordance with their employment agreement.

(4) An affected employee is not entitled to receive a payment or other benefit (including redundancy compensation) on the ground that the position held by the affected employee has ceased to exist if the employee—

(a) is offered an equivalent position in the NZSPA (whether or not the employee accepts the offer); or

(b) is offered, and accepts, other employment in the NZSPA; or

(c) accepts redeployment within the Ministry.

No new employment

(5) The employment of an affected employee by the NZSPA does not—

(a) constitute new employment, including for the purposes of the Holidays Act 2003, the KiwiSaver Act 2006, or any service-related entitlements or benefits (whether legislative or otherwise); or

(b) treat that employee as a new employee for the purposes of the Employment Relations Act 2000.

Application of collective agreement

(6) Subclause (7) applies if—

(a) an affected employee accepts employment with the NZSPA; and

(b) immediately before the commencement date, the affected employee was covered by a collective agreement (the **earlier agreement**) between the Secretary and a union of which the employee was a member (the **union**).

(7) On the date the affected employee accepts employment with the NZSPA, the following apply:

(a) the NZSPA and the union are parties to a new collective agreement:

(b) the terms and conditions of the new collective agreement are the same as the earlier agreement, subject to any necessary modifications:

(c) the employee is covered by the new collective agreement as long as they remain—

(i) a member of the union; and

(ii) in a role covered by that collective agreement.

(8) Subclause (7) does not—

(a) entitle an employee who was not covered by the earlier agreement to be covered by the new collective agreement; and

(b) prevent the parties to the new collective agreement from varying or terminating the agreement in accordance with the terms of the agreement and other applicable law.

Relationship with other legislation and employment agreement

(9) This clause overrides—

(a) Part 6A of the Employment Relations Act 2000; and

(b) the following provisions in a relevant employment agreement:

(i) an employment protection provision:

(ii) a change management provision:

(iii) a process or procedural provision, including notification.

218 Government Superannuation Fund

(1) A person who, immediately before becoming an employee of the NZSPA, was a contributor to the Government Superannuation Fund under Part 2 or 2A of the Government Superannuation Fund Act 1956 is treated, for the purposes of that Act, as being employed in the Government service as long as the person continues to be employed by the NZSPA.

(2) The Government Superannuation Fund Act 1956 applies to the person in all respects as if the person's service as an employee of the NZSPA were government service.

(3) Subclause (1) does not entitle a person to become a contributor to the Government Superannuation Fund if the person has ceased to be a contributor.

(4) For the purpose of applying the Government Superannuation Fund Act 1956, the NZSPA is the controlling authority.

219 Transfer of agreements and deeds to NZSPA

(1) This clause applies to an agreement (other than an employment agreement or an agreement or deed to which clause 216(1)(f) applies) or a deed made between, or on behalf of, the Crown and another person before the commencement date that—

(a) relates to a transferred function; and

(b) the Secretary notifies the NZSPA is an agreement or deed, or class or category of agreement or deed, to which this clause applies.

(2) On and after the commencement date, the NZSPA is treated as a party to the agreement or deed in place of the Crown.

220 Transfer of property to NZSPA

(1) This clause applies to property that—

(a) is owned by the Crown immediately before the commencement date; and

(b) relates to a transferred function; and

(c) the Secretary notifies the NZSPA is property to which this clause applies.

(2) On and after the commencement date, the property vests in the NZSPA.

(3) Despite subclause (1), this clause does not apply to Crown land held for education purposes or purposes incidental to those purposes.

221 Other consequences of transfer

Nothing effected or authorised by clauses 215 to 220—

(a) places the Crown, the Ministry, the Secretary, or any other person in breach of contract or confidence or otherwise makes them liable for a civil wrong; or

(b) gives rise to a right for any person to—

(i) terminate or cancel or modify an agreement or deed; or

(ii) enforce or accelerate the performance of an obligation; or

(iii) require the performance of an obligation not otherwise arising for performance; or

(c) places any person in breach of—

(i) information privacy principle 11 set out in section 22 of the Privacy Act 2020; or

(ii) the provisions of any other Act, or any secondary legislation, rule of law, or contractual provision prohibiting, restricting, or regulating the assignment or transfer of property or the disclosure of information; or

(d) releases a surety wholly or in part from any obligation; or

(e) invalidates or discharges any agreement or deed.

Schedule 2
Consequential amendments

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Part 1
Amendments to Acts

Methodist Charitable and Educational Trusts Act 1911 (1911 No 1 (L))

In section 32(1), replace "the foundation curriculum policy statements and the" with "any".

Part 2
Amendments to secondary legislation

Education (Hostels) Regulations 2005 (SR 2005/332)

In regulation 4, revoke the definitions of **authority**, **licensed hostel**, and **owner**.

In the following provisions, replace "authority" with "Director of Regulation" in each place:

(1) regulation 5(2):

(2) regulation 6(1):

(3) regulation 9(1) and (2):

(4) regulation 12:

(5) regulation 15(1), (1A), and (5):

(6) regulation 16(1) and (2):

(7) regulations 17 to 20:

(8) regulation 21(3):

(9) regulation 22(2):

(10) regulations 23 and 24:

(11) regulation 27(1):

(12) regulation 28:

(13) regulation 29(2):

(14) regulation 31:

(15) regulation 32(1) and (3):

(16) regulation 33:

(17) regulations 35 and 36:

(18) regulation 37(1) to (3):

(19) regulation 40:

Education (Hostels) Regulations 2005 (SR 2005/332)—*continued*

(20) regulation 41(1) and (2):

(21) regulation 42(1):

(22) regulation 43(1) and (2):

(23) regulation 58(3) and (5):

(24) regulation 61(2A):

(25) regulation 70(2):

(26) regulation 71(1):

(27) regulation 72(2) and (3):

(28) the Schedule.

In the headings to regulations 12, 15, 18, and 41, replace "**Authority**" with "**Director of Regulation**".

In the headings to regulations 35 and 40, replace "**authority**" with "**Director of Regulation**".

In the heading to regulation 71, replace "**authority's**" with "**Director of Regulation's**".

In the following provisions, replace "authority's" with "Director of Regulation's" in each place:

(a) regulation 15(5):

(b) regulation 72.

Education (School Boards) Regulations 2020 (LI 2020/193)

In regulation 21(2), delete "foundation curriculum policy statements and national".

Education (School Planning and Reporting) Regulations 2023 (SL 2023/155)

In regulation 7(1)(d)(iii), replace "the foundation curriculum policy statements and" with "any".

In regulation 10(1)(a), delete "foundation curriculum policy statements and".

Legislative history

17 November 2025	Introduction (Bill 228–1)
18 November 2025	First reading and referral to Education and Workforce Committee
4 May 2026	Reported from Education and Workforce Committee (Bill 228–2)
13 May 2026	Second reading
26 May 2026	Committee of the whole House (Bill 228–3)
27 May 2026	Recommittal to committee of the whole House (Bill 228–4)
23 June 2026	Third reading
25 June 2026	Royal assent

This Act is administered by the Ministry of Education.

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