



NATIONAL COUNCIL OF WOMEN OF NEW ZEALAND

TE KAUNIHERA WAHINE O AOTEAROA

Oral Submission to the Education and Science Select Committee on the Education Amendment Bill (No 2) 193-1 S14.08

made by Dr Judy Whitcombe and Jean Fuller on 14 May 2014

Education and Science Select Committee:

Chairperson: Cam Calder, National, List; Deputy Chair: Colin King, National, Kaikoura; Maggie Barry, National, North Shore; Holly Walker, Green, List; Chris Hipkins, Labour, Rimutaka; Tim MacIndoe, National, Hamilton West; Tracey Martin, NZ First, List; Maryan Street, Labour, List; Megan Woods, Labour, Wigram.

Good morning. My name is **Judy Whitcombe** and my colleague is **Jean Fuller**. We are both members of the Parliamentary Watch Committee of the National Council of Women of New Zealand. The submission has been prepared from a background of policy decisions and consultation with the members of our organisation.

Introduction

This is an important Bill which has been studied by our members throughout the country. And, in recent weeks, it has produced media publicity. While the objectives stated in the General Policy Statement are important, there is doubt that they will be achieved by the mechanisms outlined in the Bill. Our submission has dealt with the clauses in the Bill where members have addressed their comments. However, in the short time available today it is proposed to concentrate on the two key aspects which were of major concern – **Governance of Tertiary Institutions** and the proposed **Education Council**.

Governance of Tertiary Institutions - Clause 6

The Ministry of Education Fact Sheet provides information on the changes proposed to University and Wānanga Councils. The size reduction proposed is “to increase efficiency”. One wonders whether such a rationale could be applied to other bodies – such as Parliament - perhaps? The submission states that there appears to be no evidence that smaller size will produce more effective governance. The submission also refers to the Ministry’s Regulatory Impact Statement which acknowledges that “there are no immediate issues with financial and educational performance in most universities and Wānanga” and that changes in legislation should be “evidence based”. However, no evidence has been provided.

The major cause for concern is the composition of Councils proposed under Clause 6. S. 171B (1) covers **Matters to be considered when appointing members**. Here there is no prescription for membership. It is pointed out that “half the population is male and half is female”. This is stating the obvious, without any requirement that there should be a gender balance. It has been pointed out that in recent ministerial appointments women were only one sixth of the appointees.

When appointing members, S. 171B (2) the Bill states “at least one member shall be Maori”, there are no other specifications. The current Act (page 383) specifies staff – both academic and general –

and student membership of the Council. Many of our members have had experience in Tertiary Institutions – as staff, students and in governance positions, and were well aware of the importance of a cohesive operation which is best achieved through staff and student involvement in governance. While it is acknowledged that the Bill does not preclude this, we think that the non-specification in the Bill is a grave omission. In the words of one member “Surely it is discriminatory to NOT have representatives of staff and students required by law, as are Minister’s appointees and Maori”. Another point made in the responses was that the Polytechnic model of reduced Council size is not appropriate as Universities are “multi-million dollar enterprises with highly diverse profiles and are research oriented”.

The lack of any reference to gender analysis in the Regulatory Impact Statements or Disclosure Statements is also commented on in our submission.

Education Council of New Zealand (Educanz) Clause 38, new Part 32

As the submissions states, NCWNZ has been interested in the teaching profession through earlier submissions. There are two issues in this Bill which our members were most concerned about – the composition of the proposed Council and the Code of Conduct.

There was strong opposition to a totally Minister-appointed governing Council. The explanatory note mentions a 2013 Review of the Teachers Council and its finding that, in its current form, it was not best placed to lead the education profession. However, the replacement proposed – 9 members to be appointed by the Minister (Schedule 22) was seen to be a step too far. The Regulatory Impact Statement makes the comment that Ministerial appointments are necessary to make sure the government objectives for the sector are met and that the interests of the profession are not put ahead of public interest. This view appears to suggest that the public can or should trust the Minister’s judgement more than that of the teachers. Some members referred to the Medical Council (which is cited as the model for this “new body for teachers”.) It is required by law to have the majority of its members registered doctors.

The point about the gender balance of Ministerial appointees to date, was also made. In the words of one member, with experience in the education sector, “The Bill shows awareness of the need to gain teacher support but the determination to restrict sector influence which pervades the Bill is unlikely to bring about a culture change.” A general concern through all the responses was that Ministerial appointments do not accommodate for diversity and transparency on the Board.

There was also opposition to the proposed Code of Conduct which was seen as “punitive and judgmental”. Members’ comments included “A code of ethics helps to determine the culture of the sector. Changing this to a Code of Conduct de-values the importance of ethical standards” and that a Code of Ethics would “better withstand the test of time”.

Summary

The issues in this Bill, which been consistently raised by NCWNZ members, concern the proposals to reduce the size of University and Wānanga Councils, increase the proportion of ministerial appointments, and remove specified staff and student representation from the Act. The new Education Council as outlined in the Bill is also opposed, on the grounds that would not be equipped to govern the teaching profession. Thank you for the opportunity to make this submission.

Judy Whitcombe,
14 May 2014

Questions/Comments:

Tim Macindoe: Mr Macindoe picked up on our negative comments about the proposed Code of Conduct and wanted to know why we considered it punitive? He spent some time on a commentary which expressed the view that for the vast majority of teachers this would not be an issue but in rare serious cases it should be available.

Judy reaffirmed that our members saw the Code as punitive as opposed to the more aspirational Code of Ethics which better reflected the professional nature of the role. She pointed out that this had been a view among members.

Maryan Street: Ms Street asked what proportion of our membership had tertiary experience?

Judy made a guesstimate that perhaps one third would have tertiary education.

In Ms Street's opinion this gave our submission a greater strength. The majority of submissions they had heard had come from organisations or individuals involved in the education system whereas our submission represented a much wider slice of society which gave it a special value.

Jean Fuller
14/5/14