



**National Council of
Women of New Zealand**

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**Submission to the Education and Science Select Committee on the Education
Amendment Bill (No 2) 193-1**

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 30 organisations affiliated at national level and a further 40 organisations affiliated at branch level. It has 22 branches throughout the country attended by representatives of these organisations, as well as individual members. NCWNZ's function is to represent and promote the interests of New Zealand women through research, discussion and action. This submission has been prepared by the NCWNZ Education Standing Committee and the Parliamentary Watch Committee after consultation with the membership of NCWNZ.

Introduction

NCWNZ members generally do not support the proposed structures for either the proposed Education Council of New Zealand (Educanz) or for University Councils, because of the strong belief in the democratic principle of the right of people to be represented in governance. They also strongly support the principle of diversity of opinion and perspective on governing bodies, arising from a diversity of gender, of ethnicity, and of background experiences, to name a few. It is noted that no gender impact analysis has been done on this Bill, and indeed, there is no indication in the templates for the Ministry of Education Regulatory Impact Statements or Departmental Disclosure statements that gender analysis should be considered. We feel that this is an oversight that could easily be amended.

The tightening of the provisions to protect international students is generally approved of by NCWNZ members. We have no comment on the Quality Assurance measures.

Recommendations

- A gender impact analysis should be carried out for the Bill, and this should become a standard feature of the preparation of a Bill.
- Clause 6: The minimum size of a University council should be 10 people, and should always include staff and student representation.
- Clause 38/new Part 32/new clause 380: The new governing council of Educanz should not be totally Minister appointed, but included some members elected by teachers. A minimum number of registered teachers on the Council should be specified.

- Clause 38/new Part 32/new clause 387: The Code of Ethics should be retained alongside the new Code of Conduct.
- Clause 38/new Part 32/new clause 393: Mandatory reporting for complaints against formerly employed teachers should be for serious misconduct, in the same way as for a school's current employees.

Comments on specific clauses

Clause 6: Governance of tertiary institutions

Please note that these comments refer to University councils, because most of our members have minimal experience with Wānanga and therefore do not feel qualified to represent their views. This relates to the principle of having diversity on Councils, as discussed below.

NCWZN members generally do not support reducing the size of University Councils to the level recommended, but see a minimum of at least 10 people necessary to ensure a sufficiently representative council. The representative model is definitely preferred by members to ensure democratic governance. A recommended minimum of 10 people is in line with our prior submission on Polytechnic Council reform (S09.30). Indeed, many of our members would prefer a higher minimum number. A frequent comment regarding reducing the size of University Councils was that this policy was not based on any evidence that this will produce more effective governance, or even that there is a 'problem' that needs to be fixed. The Ministry of Education Regulatory Impact Statement acknowledges that "there are no immediate issues with financial and educational performance in most New Zealand universities and Wānanga" and describes the proposed changes as *possibly* being helpful for these institutions to meet *projected* future challenges, but no evidence is provided. The Government, through the Ministry of Education, expects educational institutions to base their practice on evidence; NCWZN expects the same of the Government.

Members believe that diversity on governance councils is beneficial for functioning. Therefore the guidelines directing the Minister and Councils to have regard for ethnic and socio-economic diversity, gender balance, and to include at least one Māori member, are welcomed. However, history shows that both the Ministerial and Council appointments do not result in such diversity.¹ The majority of our responding members therefore favour legislating for diversity rather than leaving it to guidelines.

As the responding members' preferred model of governance is of a democratic, representative Council, they favour legislating for the inclusion of (at least) staff and student representatives. It was noted by some members that with the student union voice having been diminished through recent legislation, it is even more essential to keep a student representative on the university council, to allow an avenue for student concerns to be heard. A further point was that many of the women on university councils are staff or student representatives, and removing the requirement for such representatives is likely to increase the already skewed gender bias. Another frequent comment was that the focus on appointing members with business experience over education experience was over-emphasised. The point was made that a university has different aims and structures to a business, and these different types of knowledge need to be equally represented on the governance council.

¹ NZUSA (2014) *Minister, size does matter!* Retrieved from http://www.students.org.nz/minister_size_does_matter ; TEU (2014) *Women need to act to save seats on councils*. Tertiary Update, 17(9), Retrieved from <http://teu.ac.nz/2014/04/women-seats-councils/> .

Responding members have several concerns with the proposed increasing proportion of Ministerial appointments to university councils. NCWNZ members perceive Ministerial appointments to be subject to political bias. One of our experienced life members notes that being party to a decision that was disliked by the Minister of Education resulted in not being re-appointed for a further term. Further, the example of Judith Collin's husband being appointed to the Manukau Institute of Technology Council was mentioned several times. Members feel that such political appointments compromise the traditional and legislated-for academic freedom of the Universities.

The Select Committee might like to note that the concerns raised by our members are generally the same that were raised by other submitters in the initial consultation, as summarised in the Ministry of Education Regulatory Impact Statement. This would suggest that any changes made in formulating the legislation as a result of the consultation have not addressed these basic concerns.

Clauses 22-27: International Students

Responding members generally supported provisions to strengthen the regulations protecting international students. New Zealand's reputation as a quality education provider for international students was seen as resting on our ability to treat these students well. One member commented that tightening compliance will result in only larger (and richer) schools and institutions having the capability and resources to meet requirements. This is an impact that should be considered. The proposed Code Administrator position was thought to be a good idea.

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

NCWNZ is supportive of legislation which strengthens and supports the teaching profession in general and registered teachers in particular (see previous submissions²). There is much in this Bill that appears reasonable in this regard, although we note that the ability of Educanz to support kura hourua/partnership schools will be limited if such schools choose to employ unregistered teachers. There are three new clauses which we wish to comment on.

New Clause 380: Composition of Education Council

NCWNZ members are strongly opposed to a totally Minister-appointed governing Council. The Regulatory Impact Statement makes the comment that Minister 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 the teachers'. Responding NCWNZ members clearly indicated that they would prefer to trust the teachers.

There was strong support for the current composition of the Teachers' Council to apply to the new Educanz. Members also insisted that there should be a minimum number of registered teachers on the Council (some would like a majority of registered teachers on the Council). It was noted in this regard that the Minister selecting council members from sector nominations still does not guarantee that the members will be registered teachers. NCWNZ members also felt that teachers should have a chance to elect some members, and that members should collectively have experience from all sectors. Many of the criticisms regarding representational democracy, diversity and political independence as discussed above for University Councils were also made with respect to Educanz. There was a strong sense that an Educanz governing council that was totally Ministerially appointed would not achieve the objective of a professional body that would be owned and supported by teachers, and would not be seen as politically independent, regardless of the entity's legal status.

² e.g. submissions on Education Amendment Bills in 2005 (S05.13) and 2013 (S13.01).

New Clause 387: Code of Conduct

Members had mixed opinions regarding a Code of Conduct. Whilst some members approved of a clear code and the accountability it would engender, many others viewed the Code of Conduct as punitive and judgemental, and a way of ensuring teachers could not speak out publicly against the government. The majority of members commented favourably on the current Code of Ethics, regarding it as positive, and suitable for a profession such as teachers. It was also acknowledged that it is well supported by the sector, and any new Code of Conduct should be developed in conjunction with the sector to ensure a similar level of support. A common suggestion was for the Code of Ethics to be retained alongside a Code of Conduct. A few respondents mentioned that some schools already have a Code of Conduct, and questioned the status of such codes if a national Code was prepared. Another member warned that treating an 'aspirational' Code of Ethics as an interim Code of Conduct could be problematic.

New Clause 393: Mandatory reporting of complaints received about formerly employed teachers

Whilst most members were in favour of mandatory reporting in the case of complaints against formerly employed teachers, there was some disquiet that minor and/or unsubstantiated complaints would need to be reported and that the teacher involved would not have a chance to respond. Some members suggested that mandatory reporting regarding formally employed teachers should be only required for possible serious misconduct, in the same way as for current employees under new clause 394.

Summary

The major concerns that NCWNZ members have with this Education Amendment bill are the abolishment of a representative model of governance for both University and Wānanga councils, and for the proposed Education Council. The recommendations made by NCWNZ are to increase the amount of representation on these councils and reduce the potential for political bias and narrowing of diversity amongst council members.

Other aspects of the Bill meet with members' general approval, with some recommendations to mitigate potential unfavourable impacts of a Code of Conduct and of mandatory reporting of complaints against formerly employed teachers.

Barbara Arnold

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Convener Education Standing Committee