

24 January 2018

Hon David Parker, Attorney-General

Consistency with the New Zealand Bill of Rights Act 1990: Education (National Education and Learning Priorities) Amendment Bill

1. We have considered whether the Education (National Education and Learning Priorities) Amendment Bill ('the Bill'), a member's Bill in the name of Jan Tinetti MP, is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 ('the Bill of Rights Act').
2. The Bill amends the Education Act 1989 ('the principal Act'). Section 1A of the principal Act provides that the Minister of Education may issue a statement of National Education and Learning Priorities ('the statement') by notice in the Gazette. The statement must be consistent with education objectives, and developed following consultation requirements, that are contained in s 1A. This Bill alters the wording of those objectives, and specifies classes of people who must be consulted.
3. The Bill's general policy statement indicates its intent is to enable appropriate statements regarding the diversity of education provision to be included in the statement, to align the statement more closely with the New Zealand Curriculum, and to provide an aspirational vision for young New Zealanders' futures. For the purposes of this advice, where there appear to be drafting errors in the Bill we have interpreted the relevant provisions in light of that policy statement. We note this has not been possible in respect of cl 4(1), as it purports to repeal a subsection that does not exist in the principal Act.
4. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.

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