Education (Board of Trustee Freedom) Amendment Bill

23 JUNE 2010

ATTORNEY-GENERAL

LEGAL ADVICE
CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990: EDUCATION (BOARD OF TRUSTEE FREEDOM) AMENDMENT BILL

1. We have considered whether the Education (Board of Trustee Freedom) Amendment Bill (“the Bill”), a Members’ Bill in the name of Sir Roger Douglas MP, is consistent with the New Zealand Bill of Rights Act 1990 (“Bill of Rights Act”). The Bill was introduced into the House of Representatives on 17 June 2010 and is currently awaiting its first reading. We understand that the next Members’ Day is scheduled for 30 June 2010.

2. The Bill seeks to amend the Education Act 1989 to enable Boards of Trustees to manage their own affairs by having full control over the employment of teachers at their school. The Bill would require the Board of every school to pay the salaries of its teachers out of grants paid to it and empower Boards to negotiate the terms and conditions of teachers’ employment. The Bill would also remove the right for Boards of correspondence schools to be paid an annual grant.

3. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act. This advice has been prepared by the Public Law Group and the Office of Legal Counsel.

Jeff Orr
Chief Legal Counsel
Office of Legal Counsel

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