

Education (Establishment of Universities of Technology) Amendment Bill 2006

6 December 2006

Attorney-General

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:

EDUCATION (ESTABLISHMENT OF UNIVERSITIES OF TECHNOLOGY) AMENDMENT BILL 2006

1. We have considered the Education (Establishment of Universities of Technology) Amendment Bill ('the Bill'), a Member's Bill in the name of Hon Brian Donnelly, for consistency with the New Zealand Bill of Rights Act 1990 ('the Bill of Rights Act'). The Bill was introduced to the House of Representatives on 23 November 2006 and is currently awaiting its first reading. The Ministry understands that the next Members' Day is scheduled for 13 December 2006.
2. The purpose of the Bill is to provide for the establishment of a new category of institution (university of technology) under the Education Act and provide for the protection of that term. The Bill:
 - Amends the definition of 'institution' in section 159 of the Education Act 1989 to include 'university of technology';
 - Sets out the characteristics of universities of technology;
 - Provides for bodies established as universities of technology to incorporate;
 - Allows registered establishments to apply to the relevant Minister for consent to use the term 'university of technology'; and
 - Creates the offence of using the term 'university of technology' unless authorised by the provisions of the Education Act.
3. 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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