

4 December 2008

ATTORNEY-GENERAL

**LEGAL ADVICE  
CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:  
EDUCATION (NATIONAL STANDARDS) AMENDMENT BILL**

- 1 We have considered whether the Education (National Standards) Amendment Bill (PCO 13501/8) ('the Bill') is consistent with the New Zealand Bill of Rights Act 1990 ('the Bill of Rights Act'). We understand that the Bill is likely to be considered by Cabinet at its meeting on Monday, 8 December 2008.
- 2 The Bill seeks to amend the Education Act 1989 (the 'Act'). The Bill aims to ensure that all children subject to compulsory education attend school as required, and have the skills they need to do well at school and succeed in the workforce. To that end, it seeks to raise the standards of achievement and attendance in the compulsory education sector by empowering the Minister of Education to set national standards for literacy and numeracy.
- 3 The Bill also proposes amendments to:
  - raise the level of fines imposed on parents who fail to enrol their child at school, or who fail to ensure their child attends school once enrolled; and
  - give the Secretary for Education the power to conduct prosecutions under Part 2 of the Act, or appoint another person to do so on his or her behalf.
- 4 We have reached the conclusion that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.

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