



Education Report: Presentation of the Education (Pastoral Care of Domestic Tertiary Students) Interim Code of Practice 2019 to the House of Representatives

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| To: | Hon Chris Hipkins, Minister of Education | | |
| Date: | 22 January 2020 | Priority: | High |
| Security Level: | In Confidence | METIS No: | 1217789 |
| Drafter: | Helen Baker | DDI: | 9(2)(a) |
| Key Contact: | John Brooker | DDI: | |
| Messaging seen by Communications team: | No | Round Robin: | No |

Purpose

This report provides you with advice on presenting the Education (Pastoral Care of Domestic Tertiary Students) Interim Code of Practice 2019 (the Interim Code) to the House of Representatives (the House) as it is a disallowable instrument.

We also seek your agreement to correct a drafting error in the Interim Code prior to you presenting it to the House.

Recommended Actions

The Ministry of Education recommends you:

- a) **Note** that the Interim Code must be presented to the House of Representatives by 31 March 2020

- b) **Agree** to present the Interim Code to the House

Agree / Disagree

- c) **Note** that there is a drafting error in the Interim Code where, what should be Part 3 clause 7(1)(c) of the code, has been incorrectly placed at the beginning of clause 7(2)

- d) **Agree** to correct the drafting error in Part 3 clauses 7(1) and (2) of the Interim Code, prior to presenting the Interim Code to the House

Agree / Disagree

- e) **Agree** that this paper will be proactively released.

Agree / Disagree



Andy Jackson
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Graduate Achievement, Vocations and Careers

Hon Chris Hipkins
Minister of Education

22/01/2020

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Background

1. On 4 December 2019, the Cabinet Social Well-being Committee agreed to the content of the Interim Code and authorised you, as Minister of Education, to make minor drafting or technical changes to the Interim Code before it is issued [SWC-19-MIN-0194 refers; confirmed by Cabinet on 9 December CAB-19-MIN-0651 refers].
2. You agreed to a revised version of the Interim Code on 11 December 2019 [METIS 1215405 refers].
3. The Interim Code was published on the Ministry of Education's website following the third reading of the Education (Pastoral Care) Amendment Bill in parliament on 12 December 2019. The provisions of this Bill, including the creation of the Interim Code, came into effect on 20 December 2019 following Royal assent.

Presenting the Interim Code to the House

4. The Interim Code is a disallowable instrument as set out in section 238G of the Education Act 1989. This means you must present the Interim Code to the House so it can be considered by the Regulations Review Committee. This process ensures the transparency of the Interim Code.

Process to present the Interim Code to the House

5. The process to present the Interim Code to the House is as follows:
 - a. The Ministry of Education (the Ministry) provides this Education Report and two hard copies of the Interim Code to your office,
 - b. You agree to present the Interim Code to the House and agree to the minor formatting correction recommended below,
 - c. Your office gives the Bills Office approval to present the Interim Code to the House,
 - d. The Ministry delivers 25 copies of the Interim Code to the Office of the Clerk,
 - e. The Bills Office manages the presentation of the Interim Code to the House.
6. We have provided your office with two hard copies of the Interim Code, which have been updated to correct a drafting error as discussed below.

A minor correction to the Interim Code is needed

7. Before the Interim Code is presented to the House, we recommend that you make a minor correction to the formatting of the Interim Code.
8. This correction relates to Part 3 clauses 7(1) and (2) of the code which are set out below:

7. **Process**

- (1) *Providers must have practices that enhance student safety, including appropriate practices for –*
- (a) *a safe learning and communal environments and facilities; and*
 - (b) *human resources management; and*
- (2) *the security of students.* *Providers must have practices that maintain a supportive learning environment and provide opportunities for students to connect, build relationships and support each other.*
9. The start of clause 7 (2), which is underlined, should be set out as clause 7(1)(c) as follows:

7. **Process**

- (1) *Providers must have practices that enhance student safety, including appropriate practices for –*
- (a) *a safe learning and communal environments and facilities; and*
 - (b) *human resources management; and*
 - (c) *the security of students.*
- (2) *Providers must have practices that maintain a supportive learning environment and provide opportunities for students to connect, build relationships and support each other.*
10. We recommend you agree to correct this drafting error. Following presentation of the Interim Code to the House, the Ministry will publish an updated version of the Interim Code, with the correction made, on the Ministry's website.

Timings to present the Interim Code to the House

11. Under section 41 of the Legislation Act 2012, a disallowable instrument must be presented to the House no later than the 16th sitting day of the House after the day on which it is made.
12. The Interim Code was issued on 20 December 2019 following the Education (Pastoral Care) Amendment Act coming into force.¹
13. We recommend that you present the Interim Code to the House in early February. The latest date you must present the Interim Code to the House is 31 March 2020, which is the 16th sitting day after 20 December 2019.

¹ Note that the content of the Interim Code came into force on 1 January 2020.