



Education Report: Confirmation of statutory powers under new Act

To:	Hon Chris Hipkins, Minister of Education		
Date:	5 August 2020	Priority:	High
Security Level:	In Confidence	METIS No:	1237019
Drafter:	Jan Breakwell	DDI:	04 463 8189
Key Contact:	Emily Fabling	DDI:	04 463 8480
Messaging seen by Communications team:	No	Round Robin:	No

Purpose of Report

This paper seeks your confirmation that existing delegations under the Education Act 1989 and 1964 can remain under the equivalent provisions in the new Education and Training Act 2020 and regulations, and provides advice about the process for delegating new powers.

Summary

1. The Education and Training Act 2020 replaces the two previous Education Acts and also puts some of the powers that were contained in them into new regulations. It is necessary to ensure that the operational exercise of these same powers can continue lawfully and seamlessly.
2. To legally underpin this operational activity, we have redone the delegations of the statutory powers of the Minister that were previously found in the Education Acts so that they refer to the relevant provisions of the Education and Training Act 2020.
3. Any new powers (and the associated delegations) will be the subject of a further report to you in the next couple of weeks. Meanwhile, should any new power need to be exercised, this can be done by you as holder of the power.
4. The delegation instrument and schedule is attached as Annex 1. It asks you to confirm the existing delegation of current powers, including non-delegation and sub-delegation, and in the schedule it maps the current power with the newly located and numbered provision in the Education and Training Act and regulations.

Recommended Actions


The Ministry of Education recommends that you:

- a. **sign** the instrument of delegation attached in Annex 1, and initial each page of the Schedule of powers in Annex 1

☒ Agree ☐ Disagree

- b. **note** that a further delegations paper will put forward recommendations in respect of all new powers under the Education and Training Act 2020.

Noted



Emily Fabling
Deputy Secretary
Strategy, Planning and Governance
05/08/2020



Hon Chris Hipkins
Minister of Education

___/___/___ 23/8/2020

Background

1. Under clause 5 of Schedule 6 of the Public Service Legislation Act 2020, the appropriate Minister in relation to a department may delegate powers to the chief executive of that department. When Ministers delegate to departmental chief executives, they can also approve the sub-delegation to departmental employees under clauses 2 and 3 of the Public Service Legislation Act 2020.
2. The Education and Training Act received Royal assent on 31 July 2020. It is therefore necessary to redo the delegations of the statutory powers of the Minister that were previously found in the Education Act 1989 and the Education Act 1964 so that they refer to the relevant provisions of the Education and Training Act 2020. This will ensure operational activity continues lawfully and seamlessly.
3. Regulations will also be made under the Education and Training Act 2020 that contain statutory powers previously contained in the Education Act 1989 and previously delegated. Because regulations cannot be made until the new Act is in place, the provisions of the 1989 Act that will become regulations have been saved in the new Act. The delegations schedule includes the saved content from the 1989 Act. We will seek additional delegations from you once the new regulations are made.
4. The delegations schedule in Annex 1 sets out your statutory powers: the 1st column shows the provision of the Education Act 1989 or 1964 that authorised the power and the 2nd column lists the equivalent provision of the Education and Training Act 2020. The power is described in the 3rd column and the current delegation is set out in the 4th column.
5. Finally the 5th column does three things. It specifies the delegation for your approval, in cases where there is no delegation from the Minister it specifies the non-delegation for your approval, and also identifies new powers that will be the subject of further advice.
6. These delegations of powers may be revoked or amended by you at any time. You may also review them at any time.
7. The Ministry recommends that you confirm the delegation of the statutory powers listed in the Schedule in Annex 1 to the Secretary for Education and to other employees of the Ministry as determined by the Secretary, and the non-delegation of other powers, by signing the instrument of delegation and initialling each page of the Schedule in Annex 1.

Annexes

Annex 1 – Instrument of delegation and Schedule of powers

Annex 1

Instrument of Delegation

Delegation of Minister's powers

Under clause 5 of Schedule 6 of the Public Service Legislation Act 2020, I delegate the statutory powers set out in the attached Schedule to the Secretary for Education.

Under clauses 2 and 3 of Schedule 6 of the Public Service Legislation Act 2020, I approve the further delegation of powers identified in the attached Schedule to employees of the Ministry of Education as determined by the Secretary for Education.



Hon Chris Hipkins

Minister of Education

23/08/2020

____/____/____

SCHEDULE OF STATUTORY POWERS OF THE MINISTER UNDER THE EDUCATION AND TRAINING ACT 2020

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
PART 1 – PRELIMINARY PROVISIONS				
1A	5(1)	Minister may issue statement of national education and learning priorities The power, by notice in the Gazette, to issue a statement of national education and learning priorities for early childhood education, primary education, and secondary education.	No delegation from Minister	No delegation from Minister
	6(1)	Statement of expectations The power, jointly with the Minister for Māori Crown Relations: Te Arawhiti, to jointly issue a statement that sets out expectations for agencies serving the education system and for which the Minister is responsible.		New power – recommendation to come
159AA	7(1)	Tertiary education strategy The duty, by notice in the Gazette, to issue a tertiary education strategy that sets out the Government's long term strategic direction and current and medium-term priorities for tertiary education.	No delegation from Minister	No delegation from Minister
159AC	7(2)	The power, by notice in the Gazette, to withdraw, amend or replace a tertiary education strategy.	No delegation from Minister	No delegation from Minister

Confirm delegations on this page



Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
271	8(1)	International education strategy The power to issue an international education strategy that sets out the Government's long-term strategic direction and current and medium-term priorities for international education.	No delegation from Minister	No delegation from Minister
2(1)	10(1)	Interpretation Definition of "domestic student" paragraph (c). The power to require, by notice in the Gazette, a person of a class or description of persons to be treated as if they are not international students.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
159(1)	10(1)	Definition of "domestic tertiary student" paragraph (a) (iii). The power to require, by notice in the Gazette, a person of a class or description of persons to be treated as if they are not international students.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
159(1)	10(1)	Definition of "financial year" paragraph (b)(i). The power in relation to any body, to specify a day for the purpose of a year ending date.	No delegation from Minister	No delegation from Minister
159(1)	10(1)	Definition of "government training establishment" paragraphs (a) and (b). The power to approve a Crown entity or a department for the purposes of this definition.	No delegation from Minister	No delegation from Minister
2(1)	10(1)	Definition of "lead provider". The power to recognise, by notice in the Gazette, a provider of secondary-tertiary programmes as a lead provider of those programmes.	No delegation from Minister	No delegation from Minister
78D(1)	10(1)	Definition of "participating board" paragraph (c) The power to approve the withdrawal of a participating board from a school risk management scheme	No delegation from Minister	No delegation from Minister

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Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
2(1)	10(1)	Definition of "provider group". The power to recognise, by notice in the Gazette, a group of providers of secondary-tertiary programmes as a provider group.	No delegation from Minister	No delegation from Minister
159B(2)	10(1)	Definition of "tertiary education organisation". The power, by notice in the Gazette, to identify an individual or body as a tertiary education organisation.	No delegation from Minister	No delegation from Minister
2, State Sector Act 1988	10(4)	Definition of "education service" paragraph (a)(iii). The power to designate a separate employer for an educational institution for the purposes of employment in the education service.	No delegation from Minister	No delegation from Minister
2, State Sector Act 1988	10(4)	Definition of "employer" paragraph (d)(ii). The power to designate a person or body as an employer of an institution.	No delegation from Minister	No delegation from Minister
320	10(4A)	Definition of "educational body" paragraph (a). The power to recognise a body corporate as a body that provides any educational or developmental service or facility.	No delegation from Minister	No delegation from Minister
PART 2 – EARLY CHILDHOOD EDUCATION				
	17(2)	Ministerial approval required for licensing application The power to approve a person to apply for a licence to operate a licensed early childhood education and care centre, a licensed home-based education and care service, and a licensed hospital-based education and care service.		New power – recommendation to come
	17(6)	The power to extend the expiry date of an approval under subsection (2).		New power – recommendation to come

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Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
314(1)	23(1)	Curriculum frameworks The power to prescribe or change a curriculum framework for licensed early childhood services and certificated playgroups.	No delegation from Minister	No delegation from Minister
PART 3 – PRIMARY AND SECONDARY EDUCATION				
71(2)	53(3)	Courses, work experience, and visits outside school premises The power, by notice in the Gazette, to prescribe conditions for a student's visit to a work place to obtain work experience.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
78A	57(2)	Additional religious instruction The power, if satisfied that the majority of the parents of students attending a State school wish their children to receive religious instruction additional to that provided under section 54 and the additional religious instruction is not to the detriment of the normal curriculum of the school, and after consulting the school's board, to authorise the additional religious instruction to the extent and subject to any conditions thought fit.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
5D	66(1)	Publication of mid-term start dates The power, before 1 July in any year, to publish in the Gazette the mid-term start dates for the following year.	No delegation from Minister	No delegation from Minister

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Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
7(1)	68(1)	Restrictions on enrolment at distance school The power, by notice in the Gazette, to fix criteria for enrolment in early childhood, primary, and secondary education at a distance school.	Secretary for Education	Secretary for Education
7A(1)	69(1)	Some domestic students may have to pay fees for tuition from distance schools The power to consent to an appropriate fee for a distance school course, class or programme.	No delegation from Minister	No delegation from Minister
60A(1)	90(1)	Curriculum statements and national performance measures The power, by notice in the Gazette, to publish foundation curriculum policy statements, national curriculum statements and national performance measures.	No delegation from Minister	No delegation from Minister
71C(1)	116	Communities of learning for State schools The power to approve a community of learning in accordance with Schedule 5.	No delegation from Minister	No delegation from Minister
71A(2)	117(2)	State schools may use off-site locations approved by Minister The power to approve, by written notice to the board of a State school, the use of an off-site location by the school if satisfied that the school's board and the owner or occupier of the off-site location have both agreed to that use and the terms of that use. This delegation does not apply in relation to off-site locations operated at or by integrated schools.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary

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Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
95(1)	122(1)	Composition of boards of special institutions The power by notice in the Gazette, to determine the composition of the Board of a special institution.	Secretary for Education	Secretary for Education
	134(2)(d)(iv)	Statements of variance and annual reports The power, by notice in the Gazette, to require the manner of presentation for reports on total remuneration paid to a principal of the school.		New power – recommendation to come
Schedule 6 clause 28(2)(b)	154(2)(b)(ii)	Restrictions on acquisition of securities The power, jointly with the Minister of Finance, to approve a board acquiring securities.	Secretary for Education	Secretary for Education
Schedule 6 clause 29(2)(b)	155(2)(b)	Restrictions on borrowing The power to approve, jointly with the Minister of Finance, the borrowing of a board under this section.	No delegation from Minister	No delegation from Minister
Schedule 6 clause 31(2)(b)	157(2)(b)	Restrictions on giving of guarantees and indemnities The power to approve, jointly with the Minister of Finance, the giving of a guarantee or indemnity by a board under this section.	No delegation from Minister	No delegation from Minister
Schedule 6 clause 32(2)(b)	158(2)(b)	Restrictions on use of derivatives The power to approve, jointly with the Minister of Finance, a board entering into an agreement constituting a derivative or amending such an agreement, in accordance with this section.	No delegation from Minister	No delegation from Minister

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Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
Schedule 6 clause 33(6)	159(6)	Gifts The function of directing that a gift given to a school that has closed, be applied to another school.	No delegation from Minister	No delegation from Minister
Schedule 6 clause 34	160	Real property The power to consent to a board acquiring an interest in land or a licence to occupy land or premises.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
	166(1)	Code of conduct for board members The power, by notice in the Gazette, to issue a code of conduct for the members of State school boards.		New power – recommendation to come
176C	169(2)	Sanctions for failures to comply with code of conduct The power to remove a board member (other than a principal) in accordance with this section.	No delegation from Minister	No delegation from Minister
101D(2)	170(2)	Validation and invalidation of board elections The power, by notice in the Gazette, to validate the lateness, omission, or irregularity of anything required to be done in connection with an election under this Act if he/she considers that the lateness, omission, or irregularity could not materially have affected the result of the election.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary

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Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
101D(3)	170(3)	The power, by notice in the Gazette, to extend the time for doing anything required to be done in connection with an election under this Act where that thing cannot be done at or by the time at or by which it is required to be done.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
101D(5)	170(5)	The power, where the requirements of subsection (4) have been met, to declare by notice in the Gazette an election invalid or to require a new election to be held and to declare that the trustees holding office on the date of the invalid election remain in office until the close of the day before the day on which the new trustees take office.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
78I	171(2)	Interventions in State schools by Secretary or Minister The power to apply any of the (Minister's) interventions described in subsection (1) if he/she has reasonable grounds to believe that there is a risk to the operation of the school or to the welfare, or educational performance of its students.	No delegation from Minister	No delegation from Minister
78LD	178(1)	Appointment of additional board members by Minister The power, by written notice to a board, to appoint an additional trustee of the board, who may be appointed as the presiding board member.	No delegation from Minister	No delegation from Minister
78M(1)	180(1)	Limited statutory manager The power, by notice in the Gazette, to direct the Secretary to appoint a limited statutory manager for the board of a school in accordance with the requirements of this section.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary

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Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
78M(6)	180(7)	The power, by notice in the Gazette, to amend a notice issued under subsection (1).	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
78M(7)	180(8)	The duty, if satisfied that the appointment is no longer required, to revoke a notice issued under subsection (1).	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
78N(1)	181(1)	<p>Dissolution of board and appointment of commissioner</p> <p>The power to dissolve the board of a school by notice in the Gazette, and to direct the Secretary to appoint a commissioner to replace that board.</p> <p>This delegation applies only in respect of interventions applied following a request by the board or, in the case of an integrated school, the school's proprietor.</p>	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary

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Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
146A(1)	190(1)	Minister may establish State schools The power, in the Minister's absolute discretion, subject to section 195 of this Act and to subsection (2) of this section, by notice in the Gazette to establish a new school: a) describing the place where the school is to be located and b) for a secondary school, specifying whether it is a boys', girls', or co-educational; and c) specifying a name for the school.	No delegation from Minister	No delegation from Minister
146(4)	190(6)	The power to approve an alternative constitution when establishing a school.	No delegation from Minister	No delegation from Minister
146A(1)	191(1)	Single-sex schools The power, subject to section 195 of this Act, by notice in the Gazette to declare any school to be a single-sex school or a co-educational school.	No delegation from Minister	No delegation from Minister
146A(3)	191(3)	The power, having regard to subsection (4), by notice in the Gazette, to limit, in relation to a specified single sex school, the number of students of the opposite sex who may enrol at the school.	No delegation from Minister	No delegation from Minister

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Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
148(1)	193(1)	Normal schools, etc The power, subject to section 209 of this Act, by notice in the Gazette to: <ul style="list-style-type: none"> a) designate 1 or more specified primary schools as normal or model schools; b) designate within a specified primary school a normal or model school, or model class; c) revoke any designation under this section. 	No delegation from Minister	No delegation from Minister
150(1)	194(1)	Contributing schools The power, subject to section 209 of this Act, to determine which primary schools are to be or cease to be contributing schools.	No delegation from Minister	No delegation from Minister
150(2)	194(2)	The duty, where the Minister determines that a primary school is to be or cease to be a contributing school, to give the school's board written notice of the determination.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
150(4)	194(4)	The power, if satisfied that there are enrolled at a contributing school students whose education is wholly or in part bilingual, by written notice to the board specifying the languages concerned, to permit the Board to give education to those students in accordance with conditions specified in the notice.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
150(7)	194(7)	The power, in determining that a school should be or should cease to be a contributing school, to provide for education at specified year levels to be phased in or phased out over a specified period or periods.	No delegation from Minister	No delegation from Minister
151	195(1)	Provision of education at composite schools The power, subject to section 209 of this Act, by written notice to the board of a composite school, to require the board to provide education for the year levels specified in the notice.	No delegation from Minister	No delegation from Minister
152(1)	196(1)	Provision of education at composite schools The power, by notice in the Gazette, to designate a State school that is not a State integrated school as a distance school or to remove a designation.	No delegation from Minister	No delegation from Minister
152(4)	196(4)	The power to consent to a distance school providing early childhood education.	No delegation from Minister	No delegation from Minister
98(1)(a), 1964 Act	197(1)(a)	Specialist schools and special services The power, having regard to the provision of special education in any locality or localities, to establish a specialist school.	No delegation from Minister	No delegation from Minister
98(1)(c), 1964 Act	197(1)(b)	The power to establish, or authorise the establishment of any special service, having regard to the provision of special education in any locality or localities.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary

Confirm delegations on this page



Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
98(2), 1964 Act	197(2)	The power to disestablish a specialist school or special service established under subsection (1) if dissatisfied with the manner in which the school or service is being conducted; or if it is considered that sufficient provision is made by another similarly established school or service, or by any other school or class in or reasonably near to the same locality.	No delegation from Minister	No delegation from Minister
153(1)	198(1)	Minister may change classification of school The power, in the Minister's/delegate's absolute discretion, subject to section 209 of this Act, by notice in the Gazette to; <ul style="list-style-type: none"> a) Declare a composite school to be a primary, intermediate or secondary school b) Declare a primary, intermediate or secondary school to be a composite school c) Declare an intermediate school to be a primary or secondary school d) Declare a primary or secondary school to be in intermediate school. 	No delegation from Minister	No delegation from Minister
153(1A)	198(3)	The power, in the Minister's/delegate's absolute discretion, subject to section 209 of this Act, by notice in the Gazette, to specify the year levels for which education must be given at a school and provide for year levels to be phased in over a specified period or periods.	No delegation from Minister	No delegation from Minister

Confirm delegations on this page



Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
154(1)	199(1) and (2)	Minister may close State school The power, subject to section 209 of this Act and to clause 22 of Schedule 6, after consulting the Board of a state school, to be satisfied that it should be closed, and by written notice to the Board, to ask the Board if it has any arguments in favour of the school staying open.	No delegation from Minister	No delegation from Minister
154(2)	199(3)	The power, after considering all arguments (if any) received from the Board within 28 days after it received notice under subsection (2), by notice in the Gazette specifying a day on which the school is to close, to close the school.	No delegation from Minister	No delegation from Minister
154(2A)	199(4)	The power in the Minister's/delegate's absolute discretion, to close the school, regardless of whether the consultation has been completed, in accordance with the requirements of this section.	No delegation from Minister	No delegation from Minister
154(3)(b)	199(6)(b)	The function of receiving the assets, liabilities and debts of a closed school board.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
154(3)(b)	199(6)(b)	The function of receiving the assets, liabilities and debts of a closed school board - specific delegation re employment (1): The power to assume responsibility for the employment arrangements of former staff who have raised, or raise, a personal grievance or other employment relationship problem against a school which has closed.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary

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Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
154(3)(b)	199(6)(b)	The function of receiving the assets, liabilities and debts of a closed school board - specific delegation re employment (2): The power to assume responsibility for the employment arrangements of staff members at any school upon the closure of that school.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
154(3A)	199(7)(a)	The power, in respect of property held in trust for the benefit of the school, to apply to the Public Trust to devise a scheme to modify the trust for the benefit of another school.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
154A	200(1)	Minister may designate and redesignate schools The power, by notice in the Gazette, and in accordance with this section and after consultation with the board of the affected school, to designate, re-designate or remove designations from schools as specified in this section.	No delegation from Minister	No delegation from Minister
155(1)	201(1)	Kura Kaupapa Maori The power, when establishing a state school as a character school under sections 191 and 192, to also designate that character school as a Kura Kaupapa Maori.	No delegation from Minister	No delegation from Minister
155A(1)	202(1)	Te Aho Matua The power to authorise the publication of a Te Aho Matua statement in the Gazette, including an explanation in English in the same Gazette.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary

Confirm delegations on this page



Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
155A(3)	202(2)	The power to authorise the reprinting of all or the amendment of any part of Te Aho Matua in the Gazette but only if asked to do so by te kaitiaki o Te Aho Matua and if an explanation in English is published in the same Gazette.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
156(1)	204(1)	Designated character schools The power when establishing a State school, to designate the school as a designated character school in accordance with this section and in accordance with section 205.	No delegation from Minister	No delegation from Minister
156A(3)	204(2)	The power in the Minister's/delegate's absolute discretion, to refuse to establish a designated character school.	No delegation from Minister	No delegation from Minister
156AA(1)	204(1)	The power, by notice in the Gazette, when establishing a State school, to designate the school as a designated character school and(if applicable) also designate the school as a Kura Kaupapa Māori, if satisfied of the matters in section 204(3) and having undertaken consultation under section 204(4).	No delegation from Minister	No delegation from Minister
156AA(4)	204(5)	The power, by notice in the Gazette and after consultation with the board of a designated character school, make the following amendments: For a Kura Kaupapa Māori, amend the name of the school or amend the summary of special characteristics of the school. For any other designated character school, amend the description of the different character of the school or name a body that has a special affiliation with the school or has responsibility for the different character of the school. For any designated character school, amend the statement of the constitution of the board.	No delegation from Minister	No delegation from Minister

Confirm delegations on this page



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Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
156A(1)	206(1)	Minister may merge schools The power, subject to sections 207 and 209 of this Act, to merge one or more State schools that are not State integrated schools with another state school that is not a State integrated school if satisfied that paragraphs (a) to (c) are met.	No delegation from Minister	No delegation from Minister
156A(4)	206(5)	The duty to give notice of whether the board of the continuing school is to be (a) the board of the continuing school plus co-opted trustees representing each merging school, or (b) a board appointed by the Minister.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
157(2)	209(1)	Consultation The duty to consult the board of the school concerned before taking any action under paragraphs (a) to (h) of this subsection.	No delegation from Minister	No delegation from Minister
157(3)	209(2)	The duty to consult the boards of all state schools whose rolls might, in the opinion of the Minister, be affected if action is taken under paragraphs (a) to (h) of this subsection.	No delegation from Minister	No delegation from Minister
157A	210(1)	Community education forums The power at any time to appoint a person to; a) convene within a specified area public meetings relating to any action the Minister proposes to consider taking under this part of this Act; and b) advise the Minister on the views expressed at the meetings.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary

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Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
31B	215	Recognition of secondary-tertiary programmes The power to recognise a provider group of secondary–tertiary programmes in accordance with Schedule 8 .	No delegation from Minister	No delegation from Minister
	219(1)	Chief Referee and deputy chief referees The power to appoint a Chief Referee and, if required, to appoint 1 or more deputy chief referees for the purposes of this subpart and in accordance with any regulations made under section 607.		New power – recommendation to come
PART 4 – TERTIARY AND VOCATIONAL EDUCATION AND TRAINING				
227A(1)	257(1)	Ministerial direction to institutions relating to compulsory student services fees The power, for the purpose of ensuring accountability in the use of compulsory student services fees, to give an institution a written direction in accordance with this section.	No delegation from Minister	No delegation from Minister
227A(4)	257(4)	The power, if an institution does not comply with a direction given under subsection (1), to give a written direction to that institution in accordance with this section.	No delegation from Minister	No delegation from Minister
227A(5)	257(5)	The duty, before giving a direction under subsection (1) or (4), by notice in the Gazette, to set out the proposed direction, invite submissions by a specified date, and consider submissions.	No delegation from Minister	No delegation from Minister

Confirm delegations on this page



Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
223(2)	260(2)	<p>Programmes</p> <p>The power to direct an institution's council not to provide or continue to provide a particular programme of study or training if the Minister/delegate believes on reasonable grounds, after consulting the council and any other persons that the Minister/delegate thinks fit, that the provision or continued provision of the programme of study or training—</p> <p>(a) would have significant implications for the allocation of the national resources available for tertiary education or vocational training; and</p> <p>(b) would be contrary to the efficient use of those resources.</p>	<p>Secretary for Education</p> <p>Any employee of the Ministry as determined by the Secretary</p>	<p>Secretary for Education</p> <p>Any employee of the Ministry as determined by the Secretary</p>
162(2)	268(1)	<p>Establishment of institutions</p> <p>The power to recommend the establishment of an institution, subject to the requirements of subsection (2).</p>	No delegation from Minister	No delegation from Minister
162(5)	268(3)	The power, on the recommendation of the council concerned, to change the name of an institution by notice published in the Gazette.	No delegation from Minister	No delegation from Minister
164(1)	270(1)	<p>Disestablishment of institutions</p> <p>The power to recommend to the Governor-General the disestablishment of an institution subject to the requirements of this section.</p>	No delegation from Minister	No delegation from Minister
164(4)	270(4)	The power to recommend to the Governor-General, to incorporate a disestablished institution into another institution subject to the requirements of this section.	No delegation from Minister	No delegation from Minister

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
171(1)	276(1)(a)	Membership of council The power, by written notice to the Council, in accordance with the requirements of section 278, to appoint 4 members to a council comprising 10, 11 or 12 members or to appoint 3 members to a council comprising 8 or 9 members.	No delegation from Minister	No delegation from Minister
192(5)(a)	282(5)(a)	Powers of institutions The power to determine an amount or formula for determining an amount which an institution is limited to in selling, disposing, mortgaging or charging an asset or interest in an asset without having to obtain the consent of the Secretary.	No delegation from Minister	No delegation from Minister
192(5)(c)	282(5)(c)	The power to determine an amount or formula for determining an amount which sets the maximum amount which an institution may borrow, issue as debentures or raise as money without having to obtain the consent of the Secretary.	No delegation from Minister	No delegation from Minister
195C	289(1)	Minister may appoint Crown observers for institutions The power, if it is considered on reasonable grounds that an institution is at risk, to appoint a Crown observer, in accordance with subsection (2).	No delegation from Minister	No delegation from Minister
195D	290(1)	Minister may dissolve council and appoint commissioner The power, by written notice and in accordance with the requirements of this section, to dissolve an institution's council and appoint a commissioner to act in place of the council.	No delegation from Minister	No delegation from Minister

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
195F	293(1)	Minister to appoint advisory committee The function of appointing an advisory committee if a commissioner is appointed under section 290.	No delegation from Minister	No delegation from Minister
220A(1)	307(1)	Minister may require related entities to prepare statements or reports The power, if there are reasonable grounds to believe that an institution may be at risk due to the institution's investment in a related entity, to, by notice in writing, require the entity to prepare 1 or more statements or reports.	No delegation from Minister	No delegation from Minister
222D	317	Minister may specify administrative regions for NZIST The power, by notice in the Gazette, to specify administrative regions for NZIST for the purposes of aligning with the regions as specified by the Government.	No delegation from Minister	No delegation from Minister
222G	320(1)	Membership of NZIST's council The power to appoint up to 9 members of NZIST's council in accordance with this section and sections 321 and 323.		New power – recommendation to come
222I	322(1)	Chairperson and deputy chairperson The power to appoint a chairperson and deputy chairperson of NZIST's council from among its members by giving written notice to the member concerned stating the term for which the member is appointed	No delegation from Minister	No delegation from Minister

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
222I	322(2)	The power, by written notice to the member concerned, to dismiss the chairperson or deputy chairperson of NZIST's council from office as chairperson or deputy chairperson.	No delegation from Minister	No delegation from Minister
222R	331(2)	<p>Minister may appoint Crown observer for NZIST</p> <p>The power, in accordance with the requirements of this section and section 338, to appoint a Crown observer to NZIST's council if the Minister/delegate believes on reasonable grounds that—</p> <p>(a) NZIST or a related entity of NZIST may be at risk; or</p> <p>(b) the education and training performance of the students enrolled at NZIST or a related entity of NZIST may be at risk.</p>		New power – recommendation to come
222U	334(2)	<p>Minister may appoint Crown observer for NZIST</p> <p>The power, in accordance with the requirements of this section and section 338, to appoint a Crown manager for NZIST if the Minister/delegate believes on reasonable grounds – (a) that there is a risk to the operation or long-term viability of NZIST or a related entity of NZIST; or</p> <p>(b) that the education and training performance of the students enrolled at NZIST or a related entity of NZIST is at risk.</p>		New power – recommendation to come

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
222X	337(1)	<p>Minister may dissolve NZIST's council and appoint commissioner</p> <p>The power, in accordance with the requirements of this section and section 338, by written notice, to dissolve NZIST's council and appoint a commissioner to act in place of the council if the Minister believes on reasonable grounds that—</p> <p>(a) there is a serious risk to the operation or long-term viability of NZIST; and</p> <p>(b) other methods of reducing the risk have failed or appear likely to fail.</p>		New power – recommendation to come
222X	337(6)	The duty to be satisfied (following an annual review or at any other time) that the risk that gave rise to the appointment of the commissioner has been reduced enough so that it is appropriate that NZIST be administered by a council.		New power – recommendation to come
222Y	338	<p>NZIST's council may request intervention</p> <p>The duty, if requested by NZIST's council to act under any of sections 331 to 337, to – (a) consider any submission or evidence supplied by NZIST's council and (b) consider whether to act under that section; and the power to act under another of those sections in accordance with paragraph (c).</p>		New power – recommendation to come

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
222ZA	340(3)	Formation of NZIST subsidiaries and provisions that apply The power to recommend to the Governor-General specified provisions of the Act that will not apply to an NZIST subsidiary formed under subsection (1) that does not provide education or training.	No delegation from Minister	No delegation from Minister
232AA	342(1)	Minister may recognise categories of private training establishments The power, by notice in the <i>Gazette</i> , to recognise categories and subcategories of registered private training establishments.	No delegation from Minister	No delegation from Minister
232AA	342(2)	The duty, by notice in the <i>Gazette</i> , to specify the criteria for including a registered private training in a particular category or subcategory.	No delegation from Minister	No delegation from Minister
235D	360(1)	Ministerial direction to registered establishments relating to compulsory student services fees The power, for the purpose of ensuring accountability in the use of compulsory student services fees, to give 1 or more registered establishments a written direction in accordance with this section.	No delegation from Minister	No delegation from Minister

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
235D	360(4)	The power, if a registered establishment does not comply with a direction given under subsection (1), to give a written direction to that establishment in accordance with this section specifying— (a) the types of student services that the establishment may make available to students; and (b) the maximum amount that students may be charged for those services; and (c) when the direction must be complied with.	No delegation from Minister	No delegation from Minister
479	363(1)	Establishment of workforce development councils The power, in accordance with the requirements of this section, to recommend to the Governor-General the establishment of a workforce development council.		New power – recommendation to come
479	363(2)(iv)	The power to confer additional functions on a workforce development council in accordance with section 366(1)(l).		New power – recommendation to come
480	364(1)	Disestablishment of workforce development councils The power, in accordance with the requirements of this section, to recommend to the Governor-General the disestablishment of a workforce development council and provide for the distribution of its assets and liabilities.		New power – recommendation to come

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
482	366(2)	Functions of workforce development councils The power, by notice in the <i>Gazette</i> , to specify criteria relating to when a workforce development council must endorse a programme before it may be approved by NZQA under section 349.		New power – recommendation to come
13F, Industry Training and Apprenticeships Act 1992	378(1)	Minister may issue apprenticeship training code The power, by notice in the <i>Gazette</i> , to issue an apprenticeship training code that— (a) is consistent with this subpart; and (b) sets out the responsibilities of apprentices, their employers, and persons carrying out apprenticeship training activities under this subpart.	No delegation from Minister	No delegation from Minister
26, Industry Training and Apprenticeships Act 1992	382(1)	Levy may be imposed by Order in Council The power, in accordance with the requirements of this section and section 384, to recommend to the Governor-General the imposition of a levy on qualifying members of a levy group.	No delegation from Minister	No delegation from Minister
51(5), Industry Training and Apprenticeships Act 1992	383(2)	Orders are confirmable instruments The duty to indicate an intention with regard to a levy order continuing in force.	No delegation from Minister	No delegation from Minister

PART 5 – PERFORMANCE, FUNDING, AND SUPPORT

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
159D	402(2)	Composition of TEC The function of advertising an intention to appoint a member at least 2 months before appointment and the duty to seek responses from interested persons.	No delegation from Minister	No delegation from Minister
159KG(1)	410(1)(b)	Certain powers may not be delegated The power, by notice in writing to the Commission, to specify any other power that must not be delegated by the Commission.	No delegation from Minister	No delegation from Minister
159I	415(1)	Minister may delegate functions or powers to TEC The power to delegate to the Commission functions and powers under the Act.	No delegation from Minister	No delegation from Minister
159J	416(1)	Minister may direct TEC The power, in accordance with section 112 of the Crown Entities Act 2004, to direct TEC to undertake additional functions that are consistent with TEC's objectives.	No delegation from Minister	No delegation from Minister
159E	417(2)	Charging The power to approve the charging of a commercial rate for any goods and services provided by the Commission.	No delegation from Minister	No delegation from Minister
159L	419(1)	Minister must determine design of funding mechanisms The power to determine the design of the funding mechanisms that TEC must use to fund organisations.	No delegation from Minister	No delegation from Minister

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
159M(1)(b)(i)	420(1)(b)(i)	Restrictions on design of funding mechanisms The power, by notice in the Gazette, to publish a statement about the conditions proposed under this clause.	No delegation from Minister	No delegation from Minister
159M(2)	420(2)	The power to direct that funding be provided to NZIST via funding mechanism if considered consistent with efficient use of national resources and is in national interest.	No delegation from Minister	No delegation from Minister
159OA	423(1)	Variation of determination of design of funding mechanisms The power, after TEC has implemented, or started to implement, the funding mechanisms under clause 8, to vary the determination of the design of the funding mechanisms.	No delegation from Minister	No delegation from Minister
256B	431(2)	Constitution The duty when appointing members, to consult such persons, authorities and bodies as considered appropriate, and to have regard to the interests of industry, the professions, and the authorities and bodies that are responsible for providing education.	No delegation from Minister	No delegation from Minister
253(5)	452(5)	Rules The power to approve any proposed rules of NZQA in accordance with this section.	No delegation from Minister	No delegation from Minister
253C(2)	456(1)	Minister may consent to use of certain terms in name or description of registered establishment or wānanga The power in accordance with the requirements of this section to grant consent to a registered establishment to use the term university to describe itself.	No delegation from Minister	No delegation from Minister

Confirm delegations on this page



Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
253C	456(2)	The power in accordance with the requirements of this section to grant consent to a wānanga to use the term university to describe itself.	No delegation from Minister	No delegation from Minister
253C(5)	456(5)	The power to carry out a review of a registered establishment or wānanga to assess whether it is continuing to comply with any conditions subject to which it was granted consent under this section.	No delegation from Minister	No delegation from Minister
253C(6)	456(6)	The power, if not satisfied with compliance with the requirements of the consent, to withdraw the consent or suspend the consent in accordance with this subsection.	No delegation from Minister	No delegation from Minister
254(3)	457(2)	Fees The power to consent to the charging of a fee under subsection (1)(b) to a person who is a student at a relevant school.	No delegation from Minister	No delegation from Minister
325(a)	463(a)	Chief Review Officer to perform certain functions The power to direct the Chief Review Officer to administer reviews, either general or relating to particular matters, of the performance of applicable organisations in relation to the applicable services they provide.	No delegation from Minister	No delegation from Minister
325(c)	463(c)	The power to require the giving of such other assistance and advice on the performance of applicable organisations.	No delegation from Minister	No delegation from Minister

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
328A(a)	466(a)	Functions of Chief Review Officer The power to direct the Chief Review Officer to carry out reviews of the education services provided to persons exempted from the requirements of section 34.	No delegation from Minister	No delegation from Minister
328A(c)	466(c)	The power to require the giving of any other assistance and advice on the education services provided to persons exempted from the requirements of section 34.	No delegation from Minister	No delegation from Minister
328E(a)	470(a)	Functions of Chief Review Officer The power to direct the Chief Review Officer to carry out reviews of the provision of a safe physical and emotional environment that supports learning for students accommodated in hostels.	No delegation from Minister	No delegation from Minister
328E(c)	470(c)	The power to require the giving of any other assistance and advice on the provision of a safe physical and emotional environment that supports learning for students accommodated in hostels.	No delegation from Minister	No delegation from Minister
380(1)(a)	475(1)(a)	Composition of Teaching Council The power to appoint 6 members of the Teaching Council in accordance with section 476.	No delegation from Minister	No delegation from Minister
380(2)	475(3) (a)	The duty to appoint one of the members appointed to the Teaching Council as chairperson.	No delegation from Minister	No delegation from Minister
	475(3)(b)	The power to appoint one of the members appointed to the Teaching Council as a deputy chairperson.	No delegation from Minister	No delegation from Minister

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
384(1)	481(1)	Ministerial powers The power to commission an independent audit of the conduct of the Teaching Council's functions.	No delegation from Minister	No delegation from Minister
384(2)	481(2)	The power, by written notice to the Teaching Council, to require the Teaching Council to provide any financial, statistical or other information.	No delegation from Minister	No delegation from Minister
382A(1)	482(1)	Issue of statement of Government policy relating to Teaching Council's functions The power to issue a statement of Government policy relating to 1 or more of the Teaching Council's functions specified in section 451(1).	No delegation from Minister	No delegation from Minister
398	494(3)	Disciplinary bodies The duty to prepare a list of people who are not teachers, employers, or members of an employing body, at least one of whom will be included on the Disciplinary Tribunal.	No delegation from Minister	No delegation from Minister
410AA	505(3)	Competence Authority The duty to prepare a list of people who are not teachers, employers, or members of an employing body, at least one of whom will be included on the Competence Authority.	No delegation from Minister	No delegation from Minister
270(3)	511(3)	Functions The power to direct Education New Zealand to perform any function that is considered consistent with the Government's policy on international education.	No delegation from Minister	No delegation from Minister

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
272(1)	512(1)	Membership of board of Education New Zealand The power, after consultation with the bodies, people and organisations listed in subsection (2), to appoint members to the board of Education New Zealand.	No delegation from Minister	No delegation from Minister
272A(1)	513(1)	Special advisers to board The power to appoint special advisers to the board of Education New Zealand as listed in this subsection.	No delegation from Minister	No delegation from Minister
272B(1)	514(1)	International education advisory committee The power to establish an international education advisory committee to provide expert advice.	No delegation from Minister	No delegation from Minister
272B(3)	514(3)	The power to appoint members of the international education advisory committee by written notice to each member in accordance with the requirements of this section.	No delegation from Minister	No delegation from Minister
272B(5)	514(5)	The power to give terms of reference on the topics or subject areas on which the committee may advise the board.	No delegation from Minister	No delegation from Minister
4A(1)	520(1)	Certain international students may enrol at State schools as of right The power, by notice in the Gazette, to declare international students of a specified kind or description to be entitled to enrol at state schools.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
4C	522	Exemption from paying fees The power, by notice in the Gazette, to exempt international students of a particular kind or description from the payment of all or a specified proportion of the amount required by section 491 of this Act to be paid.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
4D(1)	523(1)	Board must reimburse the Crown for expenditure relating to international students The power, by notice in the Gazette, to set fees to be paid by boards in respect of international students enrolled at State schools.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
4D(3A)	523(4)	The power to pay to the proprietors of an integrated school whose board has paid a fee under this section a portion of that fee, as determined in accordance with a formula prescribed under subsection (5) for the purpose of reimbursing the proprietors for that part of the levy associated with the use of capital assets owned by the proprietors.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
4D(3B)	523(5)	The power, by notice in the Gazette, to prescribe a formula for the payment of money under subsection (4).	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
228(7) (c)	526(9)(c)	Fees for international students The power, to publish a notice in the Gazette, concerning accounting requirements relating to international students enrolled at institutions.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
235B(1)	530(1)	Refund requirements set by <i>Gazette</i> notice The power, by notice in the Gazette, to specify, for the purposes of refunds under section 499, the matters listed in this subsection.	No delegation from Minister	No delegation from Minister
235B(2)	530(2)	The duty to consult with the bodies listed in this subsection before giving notice under subsection (1).	No delegation from Minister	No delegation from Minister
238G(1)(a)	534(1)(a)	Pastoral care codes of practice The power to publish a code of practice that provides a framework for the pastoral care of domestic students.	No delegation from Minister	No delegation from Minister
238G(1)(b)	534(1)(b)	The power to publish a code of practice that provides a framework for the pastoral care of international students.	No delegation from Minister	No delegation from Minister
238G(1)(c)	534(1)(c)	The power to publish a code of practice that provides a framework for the pastoral care of domestic tertiary and international students.	No delegation from Minister	No delegation from Minister
238J(4)	536(4)	Student contract dispute resolution scheme established The power, by notice in the Gazette, to appoint 1 or more persons or an agencies to be responsible for administering the DRS.	No delegation from Minister	No delegation from Minister
238M(1)	539(1)	Rules of student contract dispute resolution scheme The power to recommend an Order in Council prescribing rules for the functioning and administration of the DRS, in accordance with the requirements of subsection (2).	No delegation from Minister	No delegation from Minister
238I (1B)	540(3)	How export education levy may be applied The power to approve reimbursement to the Crown in the circumstances set out in paragraphs (b) and (c) of this subsection.	No delegation from Minister	No delegation from Minister

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
PART 6 – ADMINISTRATION OF THE EDUCATION SYSTEM				
311(2)	548(2)	Funding of certain early childhood services and certified playgroups The power to determine the amount of any general or discretionary grant to be paid, in accordance with section 516(1), to the service provider for every licensed early childhood service, the service provider who operates a certificated playgroup, or the management of a body corporate for the purpose of establishing a licensed early childhood service or certificated playgroup.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
311(3)	548(3)	The power to determine the means by which the amounts of grants may be calculated or ascertained in accordance with this subsection and subsection (4).	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
311(5) (a)	548(5)(a)	The power to specify, in writing before or when a grant is paid, any conditions which apply to that grant.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
311(5) (b)	548(5)(b)	The power to specify in writing before or when a grant is paid, any purposes which that grant must be used for.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
312	549	Loans to licensed early childhood services The power, on any terms and conditions considered appropriate, to lend to the service provider for any licensed early childhood service, public money appropriated by Parliament for the purpose.	No delegation from Minister	No delegation from Minister
79(1)	550(1)	Grants and supplementary grants to boards The power, subject to subsections (3) and (4) of this section and section 554, to determine such grants, of such amounts, that a board shall be paid out of public money appropriated by Parliament for the purpose.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
79A(1)	551(1)	Discretionary grants to boards The power, subject to subsections (3) to (7) of this section and section 554, to make, in or for a financial year, discretionary grants to boards out of public money appropriated by Parliament for the purpose.	No delegation from Minister	No delegation from Minister
79(3)	551(3)	The power to determine the amount of each discretionary grant made under subsection (1).	No delegation from Minister	No delegation from Minister
79(5)	551(5)(b)	The power to determine, by notice in the Gazette, other conditions on a discretionary grant made under subsection (1).	No delegation from Minister	No delegation from Minister
79B	552(1)	Minister may prescribe exemptions to mandatory condition The power, by notice in the Gazette, to prescribe exemptions to the condition in section 551(5)(a).	No delegation from Minister	No delegation from Minister

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
81A(a)	555(a)	Grants for distance schools The power to determine the amount of a single grant to be paid in each financial year to the board of a distance school.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
81A(c)	555(c)	The power to consent and to attach conditions to that consent, to any board of a distance school paying any part or all of a teacher's salary out of money that is not part of a grant, and to a Board paying to the Crown any part or all of a teacher's salary paid by the Crown.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
81A(d)	555(d)	The power to withhold consent under paragraph (c) of this section unless satisfied that special circumstances applying to the school make it inappropriate to do so.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
321(1)	556(1)	Grants to educational bodies The power to determine such conditions as are thought fit for grants to educational bodies.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
321(2)	556(2)	The duty to be satisfied that payment of a grant under this section is in the national interest before it is paid.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
321(3)	556(3)	The power to determine the amount of, and the conditions that apply to, each grant.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
321(4)	556(4)	The power, before a grant is paid, to give the body written notice that the grant, or a part or parts of the grants (specified as a particular sum or as a proportion of the total grant), is not to be used except for purposes specified in the notice.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
	556(8)	The power, for the purposes of this section and section 557, to recognise a body that provides any educational or developmental service or facility, including a tertiary education organisation, as an educational body.	No delegation from Minister	No delegation from Minister
322(1)(a)	557(2)(a)	Educational bodies to keep accounts The power to approve the manner in which records are to be kept (in respect of the year in which the grant was made and the year after), that show fully and fairly: (i) the effect of the grant on the financial transactions, assets, liabilities, and funds of the educational body; and (ii) the educational body's compliance with the conditions.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
91K(b)	558	Reduction in grants if limits not met The power, when determining the amount of any grant payable to a board under section 550, to have regard to the extent to which the Secretary has caused teachers employed at the relevant school to be paid salaries greater in total than the salaries that would have been payable if the board had complied with sections 548(1) and 550; and, after consulting the board, to reduce the amount that the grant would otherwise have been had compliance occurred.	No delegation from Minister	No delegation from Minister
71B	561(1)	Minister may declare land no longer needed for educational purposes The power to declare by notice in the Gazette any land of the Crown to be no longer needed for educational purposes.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
88A(1)	562	Rent for teachers' residences The power by notice in the Gazette to prescribe a scheme for the payment of rent for teachers' residences.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
206(1)	563(1)	<p>Transfer of Crown assets and liabilities to institutions</p> <p>The power, despite any Act, rule of law, or agreement, to do, on behalf of the Crown, any one or more of the following:</p> <ul style="list-style-type: none"> a) Transfer to an institution assets and liabilities of the Crown (being assets and liabilities relating to the activities to be carried on by the institution); b) Vest in an institution any rights conferred by designations under operative district schemes applying to land transferred to the institution; c) Grant to an institution leases, licenses, easements, permits, or rights of any kind in respect of any assets or liabilities of the Crown. 	<p>Secretary for Education</p> <p>Any employee of the Ministry as determined by the Secretary</p>	<p>Secretary for Education</p> <p>Any employee of the Ministry as determined by the Secretary</p>
206(5)	563(5)(b)	The power to authorise a person to inform in writing the person responsible for keeping the register, of the transfer of Crown assets or liabilities.	<p>Secretary for Education</p> <p>Any employee of the Ministry as determined by the Secretary</p>	<p>Secretary for Education</p> <p>Any employee of the Ministry as determined by the Secretary</p>

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
208(1)	565(1)	Title to land The power to authorise any person to make written application to the Registrar-General of land to: <ul style="list-style-type: none"> a) Register an institution as the owner, replacing the Crown, of the estate or the interest of the Crown in any land that is incorporated in the register of otherwise registered under the Land Transfer Act 2017 and that is transferred to the institution under section 563; and b) Make the entries in the register and generally do all the things required to give effect to this section. 	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
208(3)	565(3)	The power to authorise any person to make written application to the Registrar-General of land to issue a record of title for land vested in an institution under section 564(1).	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
217(6)(b)	573(6)(b)	Effect of disestablishment of institution The duty to be liable to pay and discharge all the debts, liabilities and obligations of the Council of the disestablished institution that existed immediately before its disestablishment.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
217(7)	573(7)	The power, where any property held by a disestablished institution vests in the Minister under subsection (6)(a) of this section, to appoint another institution to be the trustee of that property.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
78D(2)	576(1)	School risk management scheme The power to establish a school risk management scheme for the purpose of indemnifying participating boards, (a) against accidental loss or damage to property of the participating boards; (b) for any other purpose authorised by regulations made under section 642.	No delegation from Minister	No delegation from Minister
78D(5)	576(4)	The power, on giving reasonable notice to participating school boards, to discontinue a school risk management scheme and direct the Secretary to wind it up.	No delegation from Minister	No delegation from Minister
78E(1)	577(1)	School risk management scheme fee The function of setting the amount of the annual fee payable by a participating school board or the rate at which the amount is to be assessed.	No delegation from Minister	No delegation from Minister
91F(b)	580(a)	Restrictions on payment of salaries of regular teachers by boards of payrolled schools The power to consent to the payment by a board of all or any part of the salary of a regular teacher in respect of employment at a payrolled school it administers, subject to the board complying with any conditions of consent.	No delegation from Minister	No delegation from Minister
77HA, State Sector Act 1988	605(2)	Restriction of compensation for technical redundancy arising from closure or merger of schools The power to determine whether a school is directly affected by a closure or merger, and that determination is binding on all parties.	No delegation from Minister	No delegation from Minister

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
139E(1)	616(1)	Agreements with trainee teachers The power to enter into an agreement under this section with any person who undertakes teacher training.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
139E(2)	616(2)	The duty of making an agreement to ensure that the agreement provides for the matters specified in this subsection.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
139E(3)	616(3)	The power to require that the agreement be signed by a guarantor for the person, in which case the guarantor is jointly and severally liable with the person under the agreement.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
	617(1)	Minister must issue eligibility criteria relating to appointment of principals The power to issue criteria that must be met by applicants for appointment to the position of a principal for the purposes set out in this subsection.		New power – recommendation to come
87B	620(1)	Report on performance of school sector The obligation in each year, not later than 30 September, to prepare and present to the House of Representatives a report on the performance of the school sector in the immediately preceding financial year ending on 31 December.	No delegation from Minister	No delegation from Minister

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
144E	632(1)	Authorised persons The power, by notice in writing, to appoint any person as an authorised person for the purpose of exercising the powers in section 595.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
238H	633(5)	Entry to inspect student accommodation subject to codes The power to approve delegations of the Code Administrator's powers and functions to any other person or agency.	No delegation from Minister	No delegation from Minister
SCHEDULE 1: TRANSITIONAL, SAVINGS, AND RELATED PROVISIONS				
	Schedule 1, clause 9(1)	The duty to review, or arrange for a review of, section 17(6).		New power – recommendation to come
	Schedule 1, clause 9(3)	The duty to prepare a report of the review of, section 17(6).		New power – recommendation to come
	Schedule 1, clause 11(1)	The temporary power to approve the provision by a State school of education outside New Zealand.		New power – recommendation to come
Schedule 1 clause 46	Schedule 1, clause 37(3)	The power, despite subpart 1 of Part 5 of the Public Finance Act 1989, to specify the contents of the final report of former polytechnics and the date or dates by which the contents of the report must be provided.	No delegation from Minister	No delegation from Minister
Schedule 1 clause 50	Schedule 1, clause 40(1)	The power to approve NZIST forming a subsidiary until the close of 31 December 2024.	No delegation from Minister	No delegation from Minister

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
Schedule 1 clause 54(b)	Schedule 1, clause 44(b)	The power, by notice in the <i>Gazette</i> , to recognise any body corporate as a transitional ITO for the purposes of clauses 29 to 41 of this Subpart.	No delegation from Minister	No delegation from Minister
Schedule 1 clause 56(1)	Schedule 1, clause 46(1)	The power, by written notice to a transitional ITO, to impose any conditions on that recognition that the Minister considers are reasonably necessary— (a) to maintain the quality and effectiveness of vocational education and training in the transitional ITO's specified industries; and (b) to ensure the success of the transfer of responsibility for the activities of the transitional ITO.	No delegation from Minister	No delegation from Minister
Schedule 1 Clause 56(2)	Schedule 1, clause 46(2)	The power to amend or revoke a condition imposed under subclause (1) of this clause by written notice to the transitional ITO.	No delegation from Minister	No delegation from Minister
Schedule 1 clause 57	Schedule 1, clause 47	The power, by notice in the <i>Gazette</i> , to change (a) the specified industries covered by a transitional ITO; or (b) the activities that must be carried out by the transitional ITO in relation to those industries.	No delegation from Minister	No delegation from Minister
Schedule 1 clause 64	Schedule 1, clause 54	The power to direct that funding be provided to a provider of work-based training if it is believed to be reasonably necessary for facilitating or ensuring the successful transfer of responsibility for the activities referred to in clause 29(3)(b) and (c).	No delegation from Minister	No delegation from Minister

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
Schedule 1 clause 65	Schedule 1, clause 55(1)	The power, by notice in the Gazette, to cancel the recognition of a transitional ITO— (a) if it asks to cancel its recognition; or (b) if the circumstances described in subclause (2) apply; or (c) if it has breached the requirement set out in section 11E of the 1992 Act (as applied by clause 32(2)(g)); or (d) if the Minister/delegate is satisfied that the transitional ITO— (i) is no longer responsible for carrying out any of the activities referred to in clause 29(3); or (ii) no longer exists.	No delegation from Minister	No delegation from Minister
Schedule 1 clause 65	Schedule 1, clause 55(2)(a)	The power to issue a notice to the transitional ITO stating that the Minister/delegate considers its performance is inadequate for any of the following reasons: (i) it is not carrying out at least 1 of the activities for the specified industries for which it is recognised; (ii) it is failing to comply with 1 or more conditions of its recognition: (iii) it is failing to comply with a compliance notice issued by NZQA; and (b) the period of time specified in the notice within which the transitional ITO must improve its performance has elapsed;	No delegation from Minister	No delegation from Minister
Schedule 1 clause 65	Schedule 1, clause 55(2)(c)	The power to be satisfied that the transitional ITO's performance continues to be inadequate for the reason specified in the notice.	No delegation from Minister	No delegation from Minister

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
Schedule 1 clause 70	Schedule 1, clause 60(2)	The power, by notice published on an Internet site maintained by or on behalf of the Ministry, to specify any class of trainees to whom subclause (1) does not apply.	No delegation from Minister	No delegation from Minister
	Schedule 1, clause 67(3)	The power to make minor and technical amendments to an interim code for the pastoral care of domestic tertiary students.		New power – recommendation to come.
SCHEDULE 5: COMMUNITIES OF LEARNING FOR STATE SCHOOLS				
71C	Schedule 5, clause 1	The power to approve a community of learning for the purpose of the community entering an agreement under clause 2, if satisfied the requirements of sub-clause (3) are met.	No delegation from Minister	No delegation from Minister
SCHEDULE 6: STATE INTEGRATED SCHOOLS				
418(2)	Schedule 6, clause 2	The power, having accepted an application to negotiate, to enter into negotiations with an applicant for an integration agreement under clause 5.	No delegation from Minister	No delegation from Minister
418(5)(a)	Schedule 6, clause 2(4)(a)	The power, in his or her absolute discretion, to accept applications to enter into negotiations for integration under this schedule.	No delegation from Minister	No delegation from Minister
418	Schedule 6, clause 2(4)(b)	The power, in his or her absolute discretion and after giving any public notice thought fit, to decide not to consider applications from particular areas.	No delegation from Minister	No delegation from Minister
420	Schedule 6, clause 4(1)	The power to begin negotiations after an application has been accepted under clause 2.	No delegation from Minister	No delegation from Minister

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
420(2)	Schedule 6, clause 4(2)	The power, during the course of negotiations, to consult any interested persons or groups considered appropriate.	No delegation from Minister	No delegation from Minister
421(1)	Schedule 6 clause 5(1)	The power to approve the establishment of a private school as a State integrated school.	No delegation from Minister	No delegation from Minister
421(2)	Schedule 6, clause 5(2)	The power, having approved the establishment, to signify his or her approval by entering into an integration agreement with the proprietor.	No delegation from Minister	No delegation from Minister
423(3)	Schedule 6, clause 7(3)	The power, if the Minister and the proprietors so agree, to vary the terms of an integration agreement by a supplementary agreement.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
424(3)	Schedule 6, clause 8(3)	The power to give notice to the proprietors of such new effective date as thought fit.	No delegation from Minister	No delegation from Minister
426(2)	Schedule 6, clause 10(2)	The power, where subsection (1) applies, to require a proprietor or potential proprietor to provide the information specified in this subsection.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
428	Schedule 6, clause 11 (1)(a)	The power to cancel an integration agreement in accordance with this section.	No delegation from Minister	No delegation from Minister
430	Schedule 6, clause 11(1)(c)	The power to cancel an integration agreement by agreement with the proprietor in accordance with this section.	No delegation from Minister	No delegation from Minister

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
431(1)	Schedule 6, clause 15(1)(d)	The power to determine that a State integrated school may merge with another State integrated school in accordance with the requirements of subsection (2).	No delegation from Minister	No delegation from Minister
431(4)	Schedule 6, clause 15(4)	The duty to give notice of a merger under this section in the Gazette.	No delegation from Minister	No delegation from Minister
431(7)	Schedule 6, clause 15(7)	The duty to give earlier notice of the matters specified in this section.	No delegation from Minister	No delegation from Minister
432	Schedule 6, clause 16	The power to disestablish and close a State integrated school in accordance with the requirements clause 12.	No delegation from Minister	No delegation from Minister
433	Schedule 6, clause 17	The duty to give notice of the cancellation of an integration agreement or closure of a State integrated school in the Gazette.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
435	Schedule 6, clause 19(2) and (5)	The duty to assess the value of a contribution to a building or fixture and the power, with the concurrence of the Minister of Finance to approve the writing off of all or any part of a debt under this clause.	No delegation from Minister	No delegation from Minister
447	Schedule 6, clause 30(2)	The power from time to time by notice in the Gazette, to approve the rates and conditions applying to the attendance dues for a State integrated school or group of schools.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
448	Schedule 6, clause 31	The power to withdraw the right to charge attendance dues and to cancel any such withdrawal.	No delegation from Minister	No delegation from Minister

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
456	Schedule 6, clause 39(2)(d)	The power to approve or require capital works to be carried out.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
460(1)	Schedule 6, clause 43(1)	The power to give prior consent to the proprietors entering into a lease for school land.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
460(2)	Schedule 6, clause 43(2)	The power, if the proprietor fails to obtain the prior consent of the Minister/delegate to a lease, to cancel the integration agreement under clause 12.	No delegation from Minister	No delegation from Minister
461	Schedule 6, clause 44	The power with the concurrence of the Minister of Finance to approve the granting of loans subject to such conditions, including writing off, as determined with the concurrence of the Minister of Finance.	No delegation from Minister	No delegation from Minister
462(2)	Schedule 6, clause 45(2)	The power, if notified that a proprietor is unable to meet financial of other commitments and after any consultation with the proprietor thought necessary, to: (a) cancel the integration agreement; (b) close the school; or (c) arrange for acquisition by the Crown of any land, buildings, or chattels considered appropriate.	No delegation from Minister	No delegation from Minister

SCHEDULE 7: PRIVATE SCHOOLS

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
35N(1)	Schedule 7, clause 13(1)	The power to make grants to the managers of private schools out of money appropriated by Parliament for the purpose.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
35N(2)	Schedule 7, clause 13(2)	The power to determine the amount of each grant made under sub-clause (1).	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
35N(3)	Schedule 7, clause 13(3)	The power to determine conditions for any grant.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
35O(1) and (3)	Schedule 7, clause 14(1)(b)	The power to approve the manner in which records are kept in relation to unconditional and conditional grants that are made under clause 13.	No delegation from Minister	No delegation from Minister
35O(5)	Schedule 7, clause 14(5)(a)	The power to specify the day that the financial year of a school's managers ends for the purpose of clauses 14 and 15.	No delegation from Minister	No delegation from Minister
SCHEDULE 8: SECONDARY-TERTIARY PROGRAMMES				
31B(1)	Schedule 8, clause 1(1)	The power, by notice in the Gazette, to recognise as a provider group of secondary-tertiary programmes, a group of organisations that consist of those listed in this clause.	No delegation from Minister	No delegation from Minister

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
31F	Schedule 8, clause 5	The power, by notice in the Gazette, to recognise as a lead provider of secondary-tertiary programmes any of the bodies listed in this clause.	No delegation from Minister	No delegation from Minister
31H(1)	Schedule 8, clause 7(1)	The power, by notice in the Gazette, to publish government policies or priorities that apply in relation to secondary-tertiary programmes, provider groups, or lead providers.	No delegation from Minister	No delegation from Minister
31H(2)	Schedule 8, clause 7(2)	The power, by written notice to a provider group or lead provider, to issue a government policy or priority that applies in relation to the group or provider.	No delegation from Minister	No delegation from Minister
SCHEDULE 11: COUNCILS				
169(1)	Schedule 11, clause 1(1)	The power to appoint a committee consisting of three persons to advise on the constitution for the Council of a body that is, or is to be, established under section 248(1) of this Act.	No delegation from Minister	No delegation from Minister
169(3)	Schedule 11, clause 1(3)	The power, when the establishment committee has recommended a constitution for the Council in accordance with sub-clause (2), by notice published in the Gazette, to determine the constitution of the Council in accordance with the recommendation.	No delegation from Minister	No delegation from Minister
170	Schedule 11, clause 2	The power, if the council recommends that the constitution be amended in a manner that complies with the requirements of section 256, to amend the constitution in accordance with the recommendation.	No delegation from Minister	No delegation from Minister

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
176(2)	Schedule 11, clause 9(3)	The power, where the office of a member of the council of an institution becomes vacant within 3 months before the end of the member's terms of office, to decide that the vacancy does not need to be filled under this section.	No delegation from Minister	No delegation from Minister
176C(2)	Schedule 11, clause 12(2)	The power, after considering a report under subclause (1) and being satisfied that there is just cause to do so, to remove the member from office.	No delegation from Minister	No delegation from Minister
179(1)	Schedule 11, clause 17(1)	The power to fix maximum rates of fees to be paid to a member of a Council other than the chief executive.	No delegation from Minister	No delegation from Minister
SCHEDULE 16: PROVISIONS RELATING TO TRAINING LEVY				
31, Industry Training and Apprenticeships Act 1992	Schedule 16, clause 5	The power to approve an independent returning officer.	No delegation from Minister	No delegation from Minister
SCHEDULE 19: TEACHING COUNCIL				
380B	Schedule 19, clause 2	The power to remove members of the Teaching Council.	No delegation from Minister	No delegation from Minister
380(4)	Schedule 19,	The power to specify, when appointing members to hold office, different terms of office for members.	No delegation from Minister	No delegation from Minister
Schedule 21 clause 3(1)	Schedule 19, clause 3(1)	The power to revoke the appointment of a member of the Teaching Council at any time for just cause in accordance with the requirements of this clause.	No delegation from Minister	No delegation from Minister

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
Schedule 21 clause 3(1A)	Schedule 19, clause 3(2)	The power, after consulting the Teaching Council, to remove an elected member of the Teaching Council for just cause.	No delegation from Minister	No delegation from Minister
Schedule 21 clause 4A(2)	Schedule 19, clause 5(2)	The power, if an extraordinary vacancy occurs within 6 months of the expiry of the vacating member's term, in the case of an appointed member, to appoint a replacement or leave the vacancy open.	No delegation from Minister	No delegation from Minister
Schedule 21 clause 4A(3)	Schedule 19, clause 5(3)	The duty, if an extraordinary vacancy occurs more than 6 months before the expiry of the vacating member's term, in the case of an appointed member, to appoint a replacement.	No delegation from Minister	No delegation from Minister
Schedule 21 clause 5(1)	Schedule 19, clause 6(1)	The duty to appoint one of the members as chairperson by notice in writing stating the date on which the appointment takes effect.	No delegation from Minister	No delegation from Minister
Schedule 21 clause 5(6)	Schedule 19, clause 6(6)	The power, after consultation with the person concerned, to remove a chairperson of the Teaching Council from that office by written notice to the person (with a copy to the Teaching Council).	No delegation from Minister	No delegation from Minister
	Schedule 19, clause 7(1)	The power to appoint one of the members as deputy chairperson by notice in writing stating the date on which the appointment takes effect.	No delegation from Minister	No delegation from Minister
	Schedule 19, clause 7(7)	The power, after consultation with the person concerned, to remove a (deputy) chairperson of the Teaching Council from that office by written notice to the person (with a copy to the Teaching Council).	No delegation from Minister	No delegation from Minister
SCHEDULE 21: WHEN STATE SCHOOLS MUST BE OPEN				

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
65A	Schedule 21, clause 1(1)	The power to prescribe the number of half days on which schools must be open each year.	No delegation from Minister	No delegation from Minister
65B	Schedule 21, clause 2(1)	The power to specify school terms each year.	No delegation from Minister	No delegation from Minister
65C	Schedule 21, clause 3(1)	The power to specify the circumstances when a board may be open a school on a Saturday or Sunday, and when a board may be closed.	No delegation from Minister	No delegation from Minister
65C	Schedule 21, clause 3(2)	The power to specify the days during the next year when a board may close a school it administers.	No delegation from Minister	No delegation from Minister
65D(1)	Schedule 21, clause 4(1)	The power to authorise a board to open for fewer half-days than required by clause 1(3) in any year.	No delegation from Minister	No delegation from Minister
65D(2)	Schedule 21, clause 4(2)	<p>The power to authorise a board to open and close any specified school it administers in accordance with terms and holidays (specified by the delegate) that differ from those otherwise required by this Act to be observed, and subject to any terms and conditions specified by the delegate when giving the authority.</p> <p>This power may be exercised only subject to the following condition: The delegate shall exercise the powers in respect of individual schools only.</p>	<p>Secretary for Education</p> <p>Any employee of the Ministry as determined by the Secretary</p>	<p>Secretary for Education</p> <p>Any employee of the Ministry as determined by the Secretary</p>

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
65DA	Schedule 21, clause 5	The power to authorise, either unconditionally or subject to any conditions, a board to run a multiple timetable arrangement for a specified period at a specified school if satisfied that the board has adequately consulted parents, staff, and the local community, and the proposed multiple timetable arrangement is considered appropriate in the circumstances.	No delegation from Minister	No delegation from Minister
SCHEDULE 22: CONSTITUTIONS OF BOARDS OF STATE SCHOOLS				
98(1)(a)	Schedule 22, clause 3	The power to decide whether to appoint five people, or to have five people elected by parents of prospective students, to the board of a newly established State school, and to make five appointments as may be necessary until the school is opened and members have been elected.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
98A	Schedule 22, clause 4(1)	The power, by notice in the Gazette, to approve an alternative constitution for a board or a combined board in accordance with the requirements of this section.	No delegation from Minister	No delegation from Minister
110(1)	Schedule 22, clause 7(1)	The power, if the restrictions in clause 9 and the requirements of subclause (2) are met, to establish by notice in the Gazette, a combined board for a number of schools or institutions with effect on a date specified in the notice.	No delegation from Minister	No delegation from Minister
110(1D)	Schedule 22, clause 7(5)	The power, when establishing a combined board for 4 or more schools, to require the combined board to have an alternative constitution.	No delegation from Minister	No delegation from Minister
110A(1)	Schedule 22, clause 8(1)	The power, by notice in the Gazette, to establish a combined board for 2 or more schools that are newly established under section 190.	No delegation from Minister	No delegation from Minister

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Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
110A(3)	Schedule 22, clause 8(3)	The power, when establishing a combined board for 4 or more (newly established) schools, to require the combined board to have an alternative constitution.	No delegation from Minister	No delegation from Minister
112(1)	Schedule 22, clause 10(1)	The power, if satisfied after consulting the Education Review Office and the board concerned, that in all the circumstances it is appropriate for a combined board to be split, by notice in the Gazette, to establish two or more boards for the schools or institutions the combined Board administers, with effect on a date specified in the notice.	No delegation from Minister	No delegation from Minister
112A(1)	Schedule 22, clause 11(1)	The power, when splitting a board under clause 10(1) that was combined under clause 8 at establishment for 2 or more schools, to designate 1 of the boards established under clause 10(1) as being identical to the board that was established under clause 8, except that it need not be a combined board.	No delegation from Minister	No delegation from Minister
SCHEDULE 23: ELECTING AND CO-OPTING BOARD MEMBERS TO BOARDS OF STATE SCHOOLS, TERM OF OFFICE OF BOARD MEMBERS, AND ELIGIBILITY				
101(4)	Schedule 23, clause 3(4)	The power to specify, by notice in the Gazette, a range of dates during which elections for schools, other than distance schools, must be held.	No delegation from Minister	No delegation from Minister
101(7)	Schedule 23, clause 3(8)	The power, by notice in the Gazette, to fix the days for the first elections for, and first meetings of boards of, schools and institutions established or integrated after the commencement of this Act.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary

Confirm delegations on this page



Hon Chris Hipkins, Minister of Education

Previous section in 1989 Act (or other specified Act)	Section in Education and Training Act 2020	Description of power or duty	Existing delegation	Confirmed delegation
101(9)	Schedule 23, clause 3(10)	The power, by notice in the Gazette, to specify the day or days on which the first elections (if any) for, and the first meeting of, a board of a special institution shall be held.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary

EDUCATION 1989 POWERS STILL IN FORCE (TO BECOME EDUCATION (SCHOOL BOARDS) REGULATIONS 2020)

Section in 1989 Act	Description of power or duty	Existing delegation	Confirmed delegation
158(2)	The power, by written notice to the school's board, to require the board (in accordance with any arrangements specified in the notice) to do either or both of the following: (a) allow the board of another State school to use the facilities for the tuition of students enrolled at the other school: (b) provide tuition for students enrolled at another State school.	Secretary for Education Any employee of the Ministry as determined by the Secretary	Secretary for Education Any employee of the Ministry as determined by the Secretary
Schedule 6 clause 17(1)(d)	The power to approve any other person or persons to whom a board may delegate its functions or powers.	No delegation from Minister	No delegation from Minister
88	The power, by notice in the Gazette, to fix a scale of maximum fees and payments to be made to board members.	No delegation from Minister	No delegation from Minister

EDUCATION 1989 POWERS STILL IN FORCE (TO BECOME EDUCATION (PASTORAL CARE) REGULATIONS 2020)

Section in 1989 Act	Description of power or duty	Existing delegation	Confirmed delegation
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238G(5)	The duty, before issuing a code of practice, to consult— (a) those parties that the Minister/delegate considers likely to be affected by the code, including representatives of students, parents, providers, signatory providers, and the staff of providers and signatory providers; and (b) the Privacy Commissioner.	No delegation from Minister	No delegation from Minister
238H(1)	The power, by notice in the <i>Gazette</i> , to appoint a person or an agency to be responsible for— (a) administering— (i) the code for domestic tertiary students; (ii) the code for international students; (iii) the code for domestic tertiary students and international students; Or (b) administering 2 or more of the codes.	No delegation from Minister	No delegation from Minister
238H(9)	The power to give prior written approval and to impose conditions allowing the code administrator to delegate any or all of the functions, duties, and powers specified in this section to another person or agency (having regard to their knowledge, skills, or experience).	No delegation from Minister	No delegation from Minister

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