



VS

# Report: Workforce regulation: Teaching Council governance

To:	Hon Erica Stanford, Minister of Education		
Cc:	Choose an item.		
Date:	7/05/2025	Deadline:	16/05/2025
Security Level:	Sensitive	Priority:	Medium
From:	Paul Aitken Senior Policy Manager	Phone:	9(2)(a)
Drafter:	Loran McNamara	METIS No:	1346488

## Why are we sending this to you?

- You agreed to retain the Teaching Council (the Council) with a reduced set of functions and to resize its board with the balance in favour of Ministerial appointments (METIS 1346036). In that paper we noted that we would provide further advice on the governance arrangements to give effect to those decisions.

## What action do we need, by when?

- We are seeking your decisions on the size of the Council and other small changes to support effective governance and oversight. Please return the signed paper by 16 May so decisions can be included as policy proposals in a paper to Cabinet later in June as part of confirming the Education System Reform Bill ( ).

## Key facts, issues and questions

- Reshaping the Council will support increased effectiveness and better alignment with its proposed reduced scope of functions.
- While we consider seven to be an appropriate size, we recommend a range of 7-9 to increase flexibility. Both options would include a requirement to have a minimum of three elected members to retain cross-sector representation and voice.
- We have recommended several technical changes that as a package will support continuity and administrative efficiency of the Council's governance.
- You may wish to consider testing these proposals with the current Council Chair at a minimum prior to policy approval, if not a more fulsome targeted Teaching Council consultation on the workforce reform package, which we can discuss with you.

## Alignment with Government priorities

1. This report aligns with your education system Priority 4: Improved teacher training: Developing the workforce of the future, including leadership development pathways.

## Background

2. You have agreed the Council should retain responsibility for teacher competence and conduct, keeping the register of teachers, and carrying out registration and certification approvals, with the standard setting functions transferring to the Ministry of Education and ITE approval, monitoring and review functions to the Education Review Office (ERO) [METIS 1346036 refers].
3. The functions the Teaching Council will retain are critical in maintaining the status of the profession and mean it will continue to play an important role in ensuring teachers are competent, fit to practice, and accountable for the way in which they teach.
4. You had considered making initial changes to the Council's governance arrangements as part of the Education and Training Amendment Bill (No 2) (ETAB 2). However, you agreed to instead progress changes to the Teaching Council's governance as part of the Education System Reform Bill (9(2)) (ERB [redacted]) [METIS 1343904 refers].
5. This paper now seeks your decisions on the size of the Council and other small changes to support effective governance and oversight, to be progressed through ERB [redacted].

## The current ministerial appointment process will need to continue

6. The three-year term of the Council ends this year and the current process for elected members has been completed, with voting closing on 28 February 2025, and elected members being announced.<sup>1</sup> We recently provided you advice on the Ministerial appointments beginning on 30 June 2025 [METIS 1345239 refers]. Once all appointments have been made, these members will serve on the Council until ERB [redacted] comes into effect.

## Reshaping the Council to increase effectiveness

7. Having an effective Council is important to ensure the professional body is well run and can support quality teaching and uphold high standards of the profession, which in turn supports safety and high educational outcomes for learners. Having the right mix of people and skills is an important factor in effective governance.<sup>2</sup>
8. You have also noted the strong support among the teaching profession for a professional body which appropriately recognises the expertise of the profession to influence the governing of the Council.
9. Given that you have now decided on a reduced scope of functions for the Teaching Council, and to shifting the balance in favour of ministerial appointed members, we now need to ensure the Council's governance is fit-for-purpose.

## We have assumed that you will retain elected members on the Council

10. In-line with your previous direction to shift the Council to majority ministerial appointments, we have assumed that this means elected members will make up the minority of appointments. A mixed composition of this kind enables the retention of sector voice and feelings of professional ownership for teachers over their representative body.
11. The alternative is that all members are appointed by the Minister, with the option to receive nominations from the sector. This would be a significant shift away from an independent

<sup>1</sup> [Meet your successful candidates of the Governing Council elections! :: Teaching Council of Aotearoa New Zealand](#)

<sup>2</sup> [Elements of effective governance — Office of the Auditor-General New Zealand](#)

professional body and is therefore not in-line with previous decisions you have made to retain the Teaching Council.

- Under the current Council composition, there are mandatory leadership representative positions for primary, secondary and ECE sectors. We recommend retaining a minimum of three elected members but removing these leadership representation positions. School and early learning service leaders would be able to vote for their preferred candidates and would be able to represent their sector if they wished to stand for election. This provides more flexibility across the three elected members.

**We recommend reducing the size of the Council alongside changing its makeup**

- We note there is no perfect size for the governing arrangements for an entity with this range of functions. We have reviewed other professional bodies in New Zealand who have a similar scope of functions to what you have decided the Teaching Council would retain (see Annex 1). We have assessed two options that would reduce the size of the Council and support more effective and efficient governance.
- Under both options we would expect the skill mix to cover skills and experience in governance and leadership, finance, strategy, and risk management as well as legislative/regulatory change and strategic expertise. We propose the current set of skills, experience and knowledge the Minister must take account of when appointing members, listed under section 476 (4) of the Education and Training Act, remains unchanged. This includes understanding the partnership principles of Te Tiriti o Waitangi.
- The two options are:
  - Option A: 7 total Council members
  - Option B: A minimum of 7 and a maximum of 9 total Council members (recommended)
- We also considered a total of 5 Council members, however the boards we assessed as outline in Annex 1 ranged in size from 6 to 10 members. We therefore considered that a membership of 5 would be too small to effectively deliver the proposed scope of functions retained by the Council.
- Table 2 analyses the two options. While we consider 7 is an appropriate size for the Council, we recommend Option B because of the flexibility that a range provides.

**Table 2: Analysis of size options**

	<b>7 Members</b>	<b>7-9 members (recommended)</b>
Size/composition	<ul style="list-style-type: none"><li>3 elected members (allows for one representative for each sector)</li><li>4 ministerially appointed members</li></ul>	<ul style="list-style-type: none"><li>minimum 3 elected members (allow for one representative from each sector)</li><li>minimum of 4 and maximum of 6 ministerially appointed members</li></ul>
Analysis	<ul style="list-style-type: none"><li>Seven is considered an efficient size for effective governance given scope of functions (aligns with like boards).</li><li>Allows for mix of skills and attributes and reduces overall size of the Council.</li><li>Less flexibility to adjust size based on the quality of applicants or skills required.</li></ul>	<ul style="list-style-type: none"><li>More flexibility to set size based on the quality of applicants and skills required.</li><li>Flexibility in range aligns with like Councils (Nursing and Dental).</li><li>If upper range is adopted, it still reduces from current size but could significantly unbalance the sector representation if this remains at 3.</li></ul>

## Consideration of further changes to increase oversight

18. In our previous advice, we indicated that you may wish to consider other measures to increase accountability and oversight over the Council [METIS 1346036 refers].
19. Since then, you have confirmed your decision to retain the Council in its current form, rather than moving it closer to government (e.g. a Crown Entity).
20. Reducing the size of the Council and shifting to majority ministerial appointments in this model is a significant shift. Combined with your decision to reduce the Council's scope of functions and shift them to the Ministry and ERO, this will have a big impact on accountability and oversight of occupational regulation.
21. We considered other options that would further increase government's oversight but are not recommending them for the reasons outlined below:
  - 21.1. **Increasing your ability to remove appointed members from the Council without the need for 'just cause'.** This would align with the Crown Entities Act, which provides this flexibility for appointed members. Extending this so it could apply to elected members would diminish any confidence the profession has in their election process. Therefore, applying this change to all members is not well targeted to where the biggest challenges on the Council are likely to be and will likely create more concern than benefit.
  - 21.2. **Allowing you to direct the Chair on appointment through a Letter of Expectations.** This would give you a stronger power than the current Statement of Government Policy lever, which takes time to develop, and to which the Council only needs to have regard to. However, this would be a significant shift from retaining the Council as an independent entity and could be seen as effectively turning the Council into a Crown Agent, which would be keenly contested.
  - 21.3. **Aligning behavioural expectations for Council members to that of the Code of Conduct for Crown Entity board members.** There is no evidence from Council members behaviour that this is necessary for an independent entity. As above, it could be seen as another step to turn the Teaching Council into a Crown Entity, without calling it that.

### You may wish to consider a requirement to consult with the Minister on increases fees and levies

22. Like other professional bodies, teachers and principals pay for their certification and registration through fees and levies, which funds the Teaching Council's mandatory functions.<sup>3</sup> You have recently announced Government's commitment to cover all teachers' fees and levies through Budget 2025 for three years, excluding overseas-trained teachers. While this is time-limited, governments in the future may choose to continue to make significant contributions to the Council via teacher fees and levies.
23. Based on the current fees and levies cost distribution estimates, we anticipate the current fees could be reduced to approximately 80 percent of their current rates with the reduced scope of functions.<sup>4</sup> We will provide you with further information on the financial impacts of your workforce reform package in a subsequent briefing.
24. Under the current fee setting arrangements of the Council, the Government will not have direct oversight of what level the Council will set its fees and levies, and how it will be apportioned, yet it could be paying for the majority of this cost. Currently the legislation

<sup>3</sup> Note that practicing certificates between 2023 – 2025 have been indirectly funded through teacher and principal collective agreements in the last bargaining round as a lump sum gross payment (and until 2026 for the kindergarten teachers collective agreement).

<sup>4</sup> Teaching Council Fees and levy: more information and Q&As, March 2025

outlines the Council's fees and levies must reflect the actual and reasonable costs of its functions, and they must consult the profession on any proposed changes.

25. We consider that a stronger level of oversight should be afforded to Government going forward. To achieve this, you could require the Teaching Council to consult the Minister when they are proposing to make changes to their fees and levies, and have regard to any feedback provided by the Minister. The Council is already required to consult the profession when making these changes, so this would not be overly burdensome for the Council, and provides greater oversight for the Government, while also ensuring the Council maintains a level of independence from Government.

## **We recommend making technical changes to support improved continuity and administrative efficiency**

26. We consider it useful to consider other changes that could further support improved effectiveness of the Council. Below we outline options to improve the continuity of the Council membership, the administrative efficiency of advertising vacancies and the requirements to fill short term vacancies.

### **We recommend ministerially appointed members' end dates are staggered**

27. A key current concern for the Ministry is continuity for the Council, which in turn impacts effectiveness, due to the terms for members all ending on 30 June every three years. The Council chair shares this concern. You could instead enable the staggering of term end dates for ministerially appointed Council members. This approach would help to provide stability and continuity of the Council. We recommend that Ministerial appointments are similar to those in the Crown Entities Act 2004 (s32, Terms of office for members) which allows appointment for three years or any shorter period stated in the notice of appointment. We do not recommend staggering elected members, as it would be costly to run staggered elections.

### **We recommend removing the requirement to consult with parent and community groups about at least one appointment**

28. Section 476(3) of the Education and Training Act outlines that at least 1 of the appointed members must be appointed after the Minister consults, as the Minister thinks fit, representatives of parent and community interest groups in relation to schools and early childhood services. This requirement can be burdensome, as it is vague, and can be interpreted in different ways. We recommend removing this section as appointments will need to be tightly focused on those who will have the right skill sets to ensure effective governance given the Council will be smaller in size.

### **We recommend aligning advertising for vacancies with other education boards**

29. The other change that we could make, particularly if you enable the staggering of Council terms, is to remove the New Zealand Gazette as the specific means of notifying Council vacancies (Section 476(1) and (2) of the Education and Training Act 2020). This is in keeping with removing low-value regulation and bureaucracy as the Council is the only education entity with a legislative directive to use the Gazette to advertise. The Gazette does not have much reach with the potential candidate pool compared to other more targeted websites. This change modernises the process for advertising vacancies, and retains the process of notifying vacancies in advance, the skills sought and the appointment process.

**We recommend you consider removing the requirement to fill short term vacancies for all members (occurring more than 6 months before the expiry of a term)**

30. If a ministerially appointed member resigns more than six months before the end of a term the Minister must replace the member (Schedule 19, S5 of the Act). This can result in rapid processes where limited due diligence can occur and very short terms, where new appointments have little ability to contribute to the Council. We recommend this is shifted to an optional requirement and is at the discretion of the responsible Minister. This ensures the Minister can balance the needs for specialised skillsets with the value of a short-term appointment.
31. You could also test whether this requirement should be changed for elected members through consultation with the Council. Currently an election process must be run if an elected member resigns more than six months before their term ends.

**We have also considered the Council's name and purpose**

**We recommend maintaining the name of the Teaching Council**

32. As you have indicated that you would like to maintain the Council in its current form, with functions that are crucial to upholding the status of the profession, we consider the current name, Teaching Council of Aotearoa, is still appropriate. Leaving the Council's name unchanged reduces the number of clauses in the Education and Training Act 2020 that would require changes, as the Teaching Council is mentioned throughout this Act. This would support your objectives to enable faster drafting for ERB<sub>1</sub>. However, if you would like further advice on options for a name change, we can provide you with this.

**We recommend a minor change to the Council's purpose statement**

33. The current purpose of the Teaching Council is to "ensure safe and high-quality leadership, teaching, and learning for children and young people in early childhood, primary, and secondary schooling in English-medium and Māori-medium settings, and settings of other languages, through raising the status of the profession".
34. Because of the reduced scope we propose that the purpose statement in legislation adjusted by removing from the last sentence "by raising the status of the profession". The remainder of the purpose statement still applies as public safety and quality teaching are still critical aspects for the workforce regulation functions the Council will retain.

**Implementation considerations for transition**

35. Making these changes will require amendments to the Education and Training Act 2020 (the Act) as part of ERB<sub>1</sub>. We anticipate that these changes would come into effect in August 2026. Once the legislation comes into effect, a new election will need to be held for the new elected positions, and appointments will need to be confirmed for ministerially appointed members. To support continuity and ensure the Council can continue in its governance role, we recommend the current Council remains in place while the election and appointments processes are underway. We anticipate this would take no longer than six months, with the new Council being in place by January 2027.

**Consultation with the Council**

36. We are keen to discuss with you options for targeted consultation with the Teaching Council prior to Cabinet approval to drafting. This would need to be on the full suite of workforce reform options impacting the Council.
37. However, at a minimum, you may wish to test this governance package in confidence with the Chair of the Council, in particular to identify any risks with the proposals.

## Risks in making changes to the Council's governance

38. We understand there may be sector opposition to making changes to the Teaching Council's membership to increase Government accountability and oversight. This change would be occurring in the context of bargaining for collective agreements.
39. 9(2)(g)(i)  

40. Note that Clause 8 of Schedule 19 of the Act provides that the powers of the Teaching Council are not affected by any vacancy in its members, and that all questions arising at any meeting must be decided by a majority of those members present. This means even if many members resign, decisions could still be made by the remaining members.
41. Note that a member of the Teaching Council is not entitled to any compensation or other payment or benefit relating to the member ceasing for any reason to hold office as a member.

## Financial Implications

42. Members fees and expenses are paid by the Teaching Council. As required under the Cabinet Fees Framework, the fees for Council members who are teachers or principals are paid directly to their school, centre or organisation. These members are being paid by their institutions on salary and do not accept a payment for serving on the Council.<sup>5</sup> The Cabinet Fees Framework also determines that rate at which members receive fees. This means we will need to assess what rate Council members would receive in performing the reduced set of functions. This, along with a reduced Council size would likely present a small savings to the Council.
43. Depending on when these changes are implemented, and whether you decide to retain elected members, this may mean that an election may need to occur before this term ends. If an election is triggered due to these changes, this will incur costs for the Council. We do not know the cost of the latest Council elections but in 2022 the Council estimated the cost was approximately \$80,000 excluding GST.<sup>6</sup>

## Te Tiriti implications

44. The Teaching Council is not part of the Crown, so does not have any obligations under Te Tiriti, but does take part in implementing Ka Hikitia, Ka Hāpaitia.<sup>7</sup> The Council has an explicit focus on meeting the needs of Māori learners, for example through a framework specifically designed for te reo Māori ITE programme approval and through the Standards for the Teaching Profession where a commitment to tangata whenuatanga and Te Tiriti o Waitangi partnership is required. While the Council is currently reviewing their Standards, the draft revised Standards still have a strong focus on Te Tiriti o Waitangi.
45. We know that Māori Medium and Kaupapa Māori are an important part of our education system, and that ākonga also tend to do better in these settings compared to ākonga Māori in English medium settings. Currently there is no specific representation for these sectors on the Council. When considering appointing a member of the Council, the Minister must have regard to the collective skills, experience, and knowledge of members

<sup>5</sup> Teaching Council Annual Report, 2023

<sup>6</sup> [TC-Board-Elections-2022-FAQs.pdf](#)

<sup>7</sup> [Ka Hikitia – Ka Hāpaitia | The Māori Education Strategy - Ministry of Education](#)

of the Teaching Council, including their understanding of the partnership principles of Te Tiriti o Waitangi, and this will continue to be the case under these proposed changes. Note however that the review of Treaty principles could impact on this current requirement.

46. All options in this paper reduce teacher voice on the Council, diminishing rangatiratanga, as it reduces kaiako ability to have influence on the Council. Conducting consultation with Māori on these changes, alongside changes being made to standard setting for the profession and teacher training would help to ensure that proposed changes will enable different approaches that support success and equity of outcomes as Māori define them.

## Next Steps

47. We are now seeking your decisions based on the proposals we have outlined in this paper. Once we have your agreement to the options in this paper, we will draft these as policy decisions to take to Cabinet as part of ERB [redacted].
48. If you agree to consult the Chair in confidence, we will either support you in this or undertake this on your behalf, depending on your preference.
49. If Cabinet approves this proposal and authorises drafting, we will then work with the Parliamentary Counsel Office (PCO) to draft these changes, alongside the occupational regulation reform as part of ERB [redacted].

## Annexes

The following are annexed to this paper:

Annex 1: Table comparing professions with similar scope to the proposed scope of the Teaching Council

## Recommended Actions

The Ministry of Education recommends you:

- a. **note** the process for Council appointments is currently underway to take effect from 1 July 2025 for a three-year term, and this needs to continue regardless of decisions taken to make subsequent legislative changes to the Council's membership.

**Noted / please discuss**

- b. **note** you have previously indicated your desire to shift to a majority ministerially appointed Council, which we have assumed means retaining the minority as elected members.

**Noted / please discuss**

- c. **agree** to set a size of the Council as:

**EITHER**

- i. a total size of 7 members.

**Agree / Disagree**

**OR**

- ii. a range of between 7 and 9 members (recommended)

**Agree / Disagree**

- d. **agree** to retain a minimum of three sector electives under either size Council but to remove mandatory leadership representative positions for primary, secondary and ECE sectors.

**Agree / Disagree**

- e. **note** that we have considered options to increase government's oversight of the Council, as outlined in this brief, but do not recommend most of these as they won't deliver strong benefits over and above what you will achieve through the other significant changes being proposed to Council functions and governance, and they come with high stakeholder risk.

**Noted / please discuss**

- f. **agree** to include a requirement that the Teaching Council must consult with the Minister when proposing to raise fees and levies, and that the Council must have regard to the Ministers views.

**Agree / Disagree**

*Technical changes to improve efficiency and consistency*

- g. **agree** to enable the staggering of term end dates for ministerially appointed Council members by enabling appointment for three years or any shorter period.

**Agree / Disagree**

- h. **agree** to remove Section 476(3) of the Education and Training Act that outlines at least one of the appointed members must be appointed after the Minister consults, as the Minister thinks fit, representatives of parent and community interest groups in relation to schools and early childhood services.

Agree / Disagree

i. agree to remove the New Zealand Gazette as the specific means of notifying Council vacancies to broaden the reach of the potential candidate pool.

Agree / Disagree

j. agree to shift the requirement for the Minister to replace a ministerially appointed member that leaves office more than 6 months before the expiry of the term to an optional choice for the Minister.

Agree / Disagree

k. note that you could also make the requirement for the Council to hold an election for a replacement, if an elected member leaves office more than six months before the expiry of their term, an optional choice for the Council, but we recommend this option is tested with the Council Chair.

Noted / please discuss

*Name and purpose statement of the Teaching Council*

l. agree to retain the name the Teaching Council of Aotearoa New Zealand

Agree / Disagree

m. agree to amend the purpose of the Teaching Council by removing the last sentence "by raising the status of the profession".

*(not a function we require from them, not that we don't want this achieved, Consultation)*

Agree / Disagree

n. agree to test these proposals in confidence with the Council Chair prior to finalisation of policy decisions for the June ERB Cabinet paper, either through the Ministry or yourself, including the optional six month election requirement, as noted above.

Ministry / Myself / Disagree

**Proactive Release:**

o. agree that the Ministry of Education release this paper once Cabinet decisions have been made with any information needing to be withheld done so in line with the provisions of the Official Information Act 1982.

Agree / Disagree

*Paul Aitken*

Paul Aitken

Senior Policy Manager  
Te Pou Kaupapahere

07/05/2025

*Erica Stanford*

Hon Erica Stanford

Minister of Education

*RS/28*

## Annex 1: Table comparing professions with similar scope to the proposed scope of the Teaching Council

Note that this information is drawn from desk-based research.

Features	Social Workers Registration Board	Licenced Building Practitioners Board	Electrical Workers Registration Board	The New Zealand Registered Architects Board	Plumbers, Gasfitters and Drainlayers Board
Type	Established as <b>Crown Agent</b> under Schedule 1 of the Crown Entities Act 2004.	Established as a <b>statutory body</b> constituted under Part 4 of the Building Act 2004	Established as a <b>board</b> under Section 148 the Electricity Act 1992	Established as a <b>body corporate</b> under the Registered Architects Act 2005	Established as a <b>body corporate</b> under Section 133 of the Plumbers, Gasfitters and Drainlayers Act 2006.
Appointment	Members are appointed by Minister.	A member must be appointed by the Minister. <sup>8</sup>  The Minister may accept nominations for membership of the Board.	Members are appointed by the Minister. <sup>9</sup>	Members are appointed by the Minister. <sup>10</sup>	Members are appointed by the Minister. <sup>11</sup>
Composition	Legislation outlines the board consists of:	Legislation outlines the board consists of:	Legislation outlines the board consists of:	Legislation outlines the board consists of:	Legislation outlines the board consists of:

<sup>8</sup> Section 344 of the Building Act 2004

<sup>9</sup> Section 150 of the Electricity Act 1992

<sup>10</sup> Section 52 of the Registered Architects Act 2005

<sup>11</sup> Section 134 of the Plumbers, Gasfitters, and Drainlayers Act 2006.

Features	Social Workers Registration Board	Licenced Building Practitioners Board	Electrical Workers Registration Board	The New Zealand Registered Architects Board	Plumbers, Gasfitters and Drainlayers Board
	<ul style="list-style-type: none"> <li>4 social workers</li> <li>3 other people<sup>12</sup></li> </ul>	<p>at least 6 members, but not more than 8 members.<sup>13</sup></p> <p>Members appointed if in the Minister's opinion the person is qualified for appointment in having regard to functions, duties and powers of the Board, and because of that person's knowledge, experience or expertise.</p> <p>One member of the Board must be a barrister or solicitor of at least 5 years' standing.<sup>14</sup></p>	<ul style="list-style-type: none"> <li>4 persons who hold current practising licences; and</li> <li>3 other persons, of whom at least 1 must be a person whom the Minister considers has appropriate electrical industry qualifications or experience.<sup>15</sup></li> </ul>	<ul style="list-style-type: none"> <li>at least 6, but no more than 8, members.<sup>16</sup></li> </ul>	<ul style="list-style-type: none"> <li>2 members each from plumbing, gas fitting and drain laying, and;</li> <li>4 other members of whom: <ul style="list-style-type: none"> <li>1 may be a registered person,</li> <li>1 must be a person whom the Minister considers has appropriate experience in relevant tertiary or vocational education, and</li> <li>2 whom the Minister considers can represent consumer interests.</li> </ul> </li> </ul>
Current size	6 members	8 members	6 members	6 members	10 members

<sup>12</sup> Section 106 of the Social Workers Registration Act 2003

<sup>13</sup> Section 344 of Building Act 2004

<sup>14</sup> Section 345(3) of the Building Act 2004

<sup>15</sup> Section 150 of the Electricity Act 1992

<sup>16</sup> Section 52 of the Registered Architects Act 2005

Features	Social Workers Registration Board	Licenced Building Practitioners Board	Electrical Workers Registration Board	The New Zealand Registered Architects Board	Plumbers, Gasfitters and Drainlayers Board
<b>Registration and certification</b>	Yes	Appears to be the role of the Registrar <sup>17</sup>	Yes	Yes	Yes
<b>Competence and Conduct? (including complaints)</b>	Yes  Also refers serious misconduct to the Social Workers complaints and disciplinary tribunal (independent statutory entity)	Yes	Yes	Yes	Yes

<sup>17</sup> Section 288 of the Building Act 2004