

Submission to the Education and Workforce Committee:

Education and Training Amendment Bill (No 2)

Submitted by the New Zealand Council of Trade Unions Te Kauae Kaimahi

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This submission is made on behalf of the 32 unions affiliated to the New Zealand Council of Trade Unions Te Kauae Kaimahi (CTU). With over 340,000 union members, the CTU is one of the largest democratic organisations in New Zealand.

The CTU acknowledges Te Tiriti o Waitangi as the founding document of Aotearoa New Zealand and formally acknowledges this through Te Rūnanga o Ngā Kaimahi Māori o Aotearoa (Te Rūnanga), the Māori arm of Te Kauae Kaimahi (CTU), which represents approximately 60,000 Māori workers.

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1. Introduction

- 1.1. This submission is made on behalf of the unions affiliated to the New Zealand Council of Trade Unions Te Kauae Kaimahi (NZCTU). With over 340,000 members, the NZCTU is one of the largest democratic organisations in New Zealand.
- 1.2. This submission comments on the following elements of the Bill:
 - There is a no mandate for the scale of the changes set out in the Bill.
 - The proposed change to the structure of school board objectives is unnecessary and may be damaging.
 - The extension of the strike notification to 7 days is unjustified and breaches teachers' industrial rights.
 - Changes to freedom of expression are unnecessary and risk political interference in university independence.
- 1.3. The NZCTU endorses the submissions made by its affiliated unions.

2. Lack of mandate for changes

- 2.1. Given the far-reaching impacts that the proposed changes in this Bill would have on the country's education system, as well as on the workforce who teach and support learners, there needs to be a strong evidential base for change and significant consultation with all stakeholders.
- 2.2. This Bill fails on both metrics: there is a distinct lack of available evidence provided to support these changes, and the consultation has been inadequate.
- 2.3. The Regulatory Impact Statement on Refocusing Schools on the Government's Priorities sets out that there was an unsatisfactory level of engagement. For example, it states that, due to constrained timeframes, there was "inadequate time for comprehensive consultation with Māori, iwi and hapū".
- 2.4. Inadequate engagement increases the risk that the passing of this Bill will have unintended consequences.
- 2.5. The Ministry of Education has indicated that the changes this Bill would make have not come from the sector, communities, or whānau. The nexus of the change to s 127 comes from the National-ACT coalition agreement; like many changes enacted by this government, it is based on ideology, not evidence. Our view is that this Bill is, to a large

extent, another example of the tail wagging the dog – the government’s agenda is being set by a junior coalition partner.

3. Changes to the objectives of school boards

- 3.1. The objectives of school boards set out in s 127 of the Act all have an equally important role in making sure schools are places that are physically, mentally, and culturally safe, give effect to rights-based legislation, protect students from all forms of discrimination at school, and give effect to Te Tiriti o Waitangi.
- 3.2. These are all important aspects of schooling that support students in getting an education. The idea that kura and schools should focus above all on the paramount objective of educational achievement fails to understand the importance of these other objectives in enabling educational achievement in the first place.

4. Changes to strike notifications unjustified

- 4.1. The Bill proposes to amend s 589 (Strikes in schools to be notified) of the Act, replacing “3 days” with “not less than 7 days”.
- 4.2. Section 589 of the Act states that, for a strike notice to be valid, notice must be put “3 days” before the commencement of the strike. We note that there are some practical difficulties presented by the statutory wording, as identified by our education affiliates.
- 4.3. Although we support the clarity provided by the addition of the words “not less than” into s 589 of the Act, the proposed extension of the notice period is unjustified. This extension of notice periods is a restriction on teachers’ fundamental right to engage in industrial action, and government has not provided a valid reason why this extension is necessary.
- 4.4. Education unions derive no strategic advantage from surprising school boards with strike action. In fact, the support of boards, parents, and the wider community is keenly sought during times when teachers go on strike. Teachers and their representatives in unions have a strong incentive to preserve good relations with school boards by ensuring that any disruption caused by strikes do not negatively impact students.
- 4.5. The NZCTU urges the Committee to abandon this Bill’s proposal to extend the strike notice period for teachers. We recommend that the wording of s 589 be amended so that unions may give “no less than 3 days” notice of any proposed strike action. This addresses the concern regarding lack of clarity and retains the ordinary industrial rights of teachers.

5. Freedom of expression is already protected

- 5.1. No sufficient reason has been provided for the proposed change. The case for change is based on anecdote and, again, the ideology of the minority coalition partner ACT.
- 5.2. The addition of requirements added in clause 12 of the Bill pertaining to freedom of expression are unnecessary. Protections to freedom of expression (and limits to that freedom) are already enshrined in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.
- 5.3. Additionally, as the Tertiary Education Union notes in its submission, most New Zealand universities already have, or are developing, freedom of expression policies.
- 5.4. The Ministry of Education has advised against this aspect of the Bill, noting there is a lack of clear evidence that there is a problem with freedom of expression in the university sector.
- 5.5. Legislating in this way sets a concerning precedent. Academic norms of freedom of expression should be upheld through the institutional independence of universities and established legal protections, rather than opening the door for government to define, limit, and shape the parameters of freedom of expression through political processes.

For further information about this submission, please contact:

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