



PPTA TE WEHENGARUA ANNUAL CONFERENCE 2024

CONSTITUTIONAL CHANGE – MEMBERSHIP CLAUSES

THIS PAPER COVERS CHANGES TO THE CONSTITUTION TO ENABLE PPTA MEMBERSHIP
BY TEACHERS EMPLOYED IN CHARTER SCHOOLS



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RECOMMENDATIONS

1 That the report be received.

2 That the following amendments to the NZPTTA constitution be approved:

a) That a new definition be added:

“School” shall mean “a school other than a school registered under section 214 of the Education and Training Act 2020.”

b) That the definition of ‘tutor’ be changed from:

“Tutor” shall mean “a person employed as a tutor or teacher of evening or continuing education classes offered by the governing body of any State secondary school or integrated school or composite school.”

To:

“Tutor” shall mean “a person employed as a tutor or teacher of evening or continuing education classes offered by the governing body of any secondary school or integrated school or composite school.”

c) That Clause 5 (a) and (b) be changed from:

5. (i) The following persons shall be eligible for full membership:

(a) All teachers in the state sector (including part-time or relieving teachers and including members who are on leave without pay from their teaching positions for periods of up to two (2) years who were full members immediately prior to the commencement of such leave) who are employed in:

(i) any state or integrated secondary school; or

(ii) any state or integrated form 1-7 or Area School; or

(iii) any state educational institution including any composite school offering education at form 1 level or above where the person teaches at that level or above.

(b) All persons engaged in instruction in evening, Out of Hours Music and Art, or continuing education classes or courses offered by the controlling authorities of State and integrated secondary schools, year 7 to 15 schools, area schools, composite schools and primary schools and including all persons employed as coordinators of programmes, assistant coordinators of programmes or liaison assistants for programmes and who do not already qualify for full membership in terms of rule 5(i)(a)

To:

5. (i) The following persons shall be eligible for full membership:

(a) All teachers (including part-time or relieving teachers and including members who are on leave without pay from their teaching positions for periods of up to two (2) years who were full members immediately prior to the commencement of such leave) who are employed in:

(i) any secondary school; or

(ii) any Year 7 to 15 or Area School; or

(iii) any educational institution including any composite school offering education at Year 7 or above where the person teaches at that level or above.

(b) All persons engaged in instruction in evening, Out of Hours Music and Art, or continuing education classes or courses offered by the controlling authorities of secondary schools, year 7 to 15 schools, area schools, composite schools and primary schools and including all persons employed as coordinators of programmes, assistant coordinators of programmes or liaison assistants for programmes and who do not already qualify for full membership in terms of rule 5(i)(a).

d) That 5(i) of Schedule 4 (Code of Ethics) be changed from:

5(i) to engage in any form of comparative advertising or to make any public comment which is derogatory of any other state school.

To:

5(i) to engage in any form of comparative advertising or to make any public comment which is derogatory of any other school.

1. BACKGROUND

- 1.1 Our constitution does not currently allow membership of teachers who work in charter schools.
- 1.2 In the previous iteration of charter schools all were small new schools.
- 1.3 PPTA elected not to engage with teachers in those schools and to place a ban on members supporting those teachers with advice, resources, or cooperative engagements. That is the current state of our policy.

2. WHY CHANGE IS PROPOSED

- 2.1 The critical difference between 2013 and 2024 is that if a state or integrated school converts to a charter school there would be members taken unwillingly out of PPTA coverage.
- 2.2 There is funding for up to 35 existing state and integrated schools to be converted into charter schools. That may include some of the previous charter schools that were reabsorbed into the state system under the previous government. The others could be existing primary, composite or secondary schools. The current coalition intends to expand the number of charter schools over time.
- 2.3 Under the powers given to the minister to force state schools into the charter conversion process even members in schools which do not wish to be charters may lose membership and collective agreement protection. This would put their terms and conditions at risk, replacing the collective agreements in those schools with individually negotiated agreements. Employers will be able to “negotiate” alternative terms and conditions with members once charter schools are established. Negotiation is likely to be very one-sided if the teachers do not have union support.
- 2.4 While the primary objective of the Association is to stop charter school development in New Zealand and return any that are established back into state schools, Executive believe that the Association should be able to continue to cover members if a state or integrated school is converted. This will allow our field officers to continue to represent those members in the workplace and for the potential to negotiate site agreements on their behalf until the schools can be returned to the state system and the members can return to coverage by the national collective agreement.
- 2.5 Inclusion of charter school members would be consistent with the three objects of the Association:
 - (a) To advance the cause of education generally and of all phases of secondary and technical education in particular.
 - (b) To uphold and maintain the just claims of its members individually and collectively.
 - (c) To affirm and advance Te Tiriti O Waitangi (The Treaty of Waitangi) as embodied in the First Schedule of these rules.

3. CONSTITUTIONAL CHANGE

3.1 To give effect to this the following changes to the constitution are proposed:

Clause	Current wording	Proposed wording
Definitions	<p>“Tutor” shall mean “a person employed as a tutor or teacher of evening or continuing education classes offered by the governing body of any State secondary school or integrated school or composite school.”</p>	<p>New definition “School” shall mean “a school other than a school registered under section 214 of the Education and Training Act 2020.”</p> <p>Changed definition “Tutor” shall mean “a person employed as a tutor or teacher of evening or continuing education classes offered by the governing body of any secondary school or integrated school or composite school.”</p>
Clause 5 (membership)	<p>5. (i) The following persons shall be eligible for full membership:</p> <p>(a) All teachers in the state sector (including part-time or relieving teachers and including members who are on leave without pay from their teaching positions for periods of up to two (2) years who were full members immediately prior to the commencement of such leave) who are employed in:</p> <p>(i) any state or integrated secondary school; or</p> <p>(ii) any state or integrated form 1-7¹ or Area School; or</p> <p>(iii) any state educational institution including any composite school offering education at form 1 level or above where the person teaches at that level or above.</p> <p>(b) All persons engaged in instruction in evening, Out of Hours Music and Art, or continuing education classes or courses offered by the controlling authorities of State and integrated secondary schools, year 7 to 15 schools, area schools, composite schools and primary schools and including all persons employed as coordinators of programmes, assistant coordinators of programmes or liaison assistants for programmes and who do not already qualify for full membership in terms of rule 5(i)(a)</p>	<p>5. (i) The following persons shall be eligible for full membership:</p> <p>(a) All teachers (including part-time or relieving teachers and including members who are on leave without pay from their teaching positions for periods of up to two (2) years who were full members immediately prior to the commencement of such leave) who are employed in:</p> <p>(i) any secondary school; or</p> <p>(ii) any Year 7 to 15 school or Area School; or</p> <p>(iii) any educational institution including any composite school offering education at year 7 or above where the person teaches at that level or above.</p> <p>(b) All persons engaged in instruction in evening, Out of Hours Music and Art, or continuing education classes or courses offered by the controlling authorities of secondary schools, year 7 to 15 schools, area schools, composite schools and primary schools and including all persons employed as coordinators of programmes, assistant coordinators of programmes or liaison assistants for programmes and who do not already qualify for full membership in terms of rule 5(i)(a)</p>

¹ The proposed wording includes a technical update to the terminology describing the schools from form level to year level.

FOURTH SCHEDULE CODE OF ETHICS Unethical Conduct	5(i) to engage in any form of comparative advertising or to make any public comment which is derogatory of any other state school	5(i) to engage in any form of comparative advertising or to make any public comment which is derogatory of any other school
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- 3.2 The effect of these changes would be to allow membership for teachers in state, integrated and charter schools but not for teachers in private schools.
- 3.3 Membership would be available to the same groups of members that we currently have. The wording will not need to be changed back when charter schools are abolished as it has the effect of defining membership as open to all secondary teachers other than those in the existing private schools system; charter schools would simply be removed from that group of schools.
- 3.4 By approving the amendments Annual Conference would be simultaneously extinguishing the previous Annual Conference decision not to cover teachers in charter schools.

4 NEW CHARTER SCHOOLS

- 4.1 The proposed constitutional changes would also allow membership of teachers in new charter schools.
- 4.2 PPTA, and potential members in charter schools, would be in a far stronger position to pursue the objects of the association if membership were extended across all charters rather than just some. It would also reduce the risk of Red Unions² finding a foothold in our education sector through non-unionised charters.
- 4.3 Whether we would actively seek to organise membership in a particular new charter school would depend on such factors as the density of the potential membership, the presence of other unions (such as the Independent Schools Education Association, the private schools teachers’ union, and NZEI) and the activism and commitment of the teachers.

² Australian-based ‘Red Unions’ are seeking to establish a foothold in New Zealand. A nurses association (NPANZ) and a teachers association (TPANZ) were established in NZ in 2023. TPANZ has not yet sought to collectively bargain on behalf of members despite their website including this as a benefit of joining. Whilst stating unspecified concerns with “legacy” unions including (inaccurately) party political agendas, these red unions appear to be targeting frustrated and potentially vulnerable employees and single emotive issues to create division. They are neither ‘red’ nor ‘union’ and their main impact is to undermine real union representation.