

# Hon Chris Hipkins

MP for Remutaka

Minister for COVID-19 Response

Minister of Education

Minister for the Public Service

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CH6366

Dear Liam

I am writing to inform you that Cabinet has agreed that I proceed with an urgent bill to amend the Teaching Council of Aotearoa New Zealand's fee setting powers in response to the High Court's ruling in the recent judicial review.

I will be seeking to pass this Bill as soon as is practicable to provide legal certainty to the Council and to teachers in relation to the status of fees currently and previously collected by the Council and its predecessors. Until the legislation is amended, not only can the Council not set a new fee, or fees, to cover all its functions but it also cannot be sure that the validity of the previous (and now current) fee cannot be challenged.

The Education and Training (Teaching Council Fees) Amendment Bill will clarify that the Council has the power to fix fees for all its legislated functions. This will make the Council's fee-setting power consistent with other self-funding professional regulatory bodies.

The Bill also supports the financial sustainability of the Council by:

- allowing the Council to retain fees received from 1 February 2021, and to use them as part-payment towards the previous (now current) fees
- validating any decisions the Council, or its predecessor organisations took prior to 2020 in setting fees
- enabling the Council to charge a fee, and require payment, in instalments, and
- allowing the Council to recover debts for unpaid fees.

I consider these changes are the minimum required to enable the Council to maintain financial sustainability and perform its functions, which together ensure the quality of teaching and safety of children, and give certainty to teachers.

The Ministry of Education will notify you before the Bill is introduced, and I envisage a relatively short select committee process given the time constraints I have outlined above. I welcome your input to the select committee consideration of the Bill.

Yours sincerely

**Chris Hipkins**  
Minister of Education