



Briefing Note: Draft Cabinet paper on proposed fee exception for Tertiary Education Commission Deputy Chair

To:	Hon Jan Tinetti, Minister of Education		
Date:	16 August 2023	Priority:	High
Security Level:	In Confidence	METIS No:	1316287
Drafter:	Craig Press	DDI:	s9(2)(a)
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Messaging seen by Communications team:	Yes / No	Round Robin:	Yes / No

Purpose of Report

This briefing asks you to submit the attached paper on a proposed fees exception (Annex 1) for consideration by the Cabinet and Appointments Committee (APH) on 30 August 2023.

Summary

1. You have previously agreed to propose a fee exception for the Deputy Chair of the Tertiary Education Commission subject to consultation with the Minister for the Public Service, Hon Andrew Little [ER 1313097 and JT5051 refer].
2. Minister Little has responded to your proposal suggesting a lower fee, a shorter term, and a review at the end of 18 months. The attached draft Cabinet paper is based on these suggestions.
3. If you agree to submit the attached paper, you will be able to ask APH to approve the proposal noting Minister Little's support. In our view it is unlikely that APH would agree to any proposal that is not supported by Minister Little in his role as Minister for the Public Service.
4. s9(2)(g)(i) The incumbent, Dr Wayne Ngata MNZM, is managing an expanded range of duties and heavy work load without this being reflected in his fee.
5. We ask that you submit the attached paper by the deadline for APH on 30 August 2023. We will work with your office on any alternative approach that you specify.

Recommended actions

- a. **agree** to submit the attached draft Cabinet paper for consideration by the Cabinet Appointments and Honours Committee at its meeting on 30 August 2023

Agree / Disagree

- b. **note** that if you do not agree to this proposal, we will work with your office on an alternative approach

Note

- c. **agree** that this briefing is not published until you have made a decision whether to submit the attached paper, and if you proceed, that the matter has been considered by Cabinet

Agree / Disagree

Fiona O'Leary

Fiona O'Leary
Director Monitoring and Appointments
Te Pou Kaupapahere

16/08/2023

Hon Jan Tinetti

Hon Jan Tinetti
Minister of Education

16/08/2023

Background

1. You have previously agreed to propose a fee exception for the Deputy Chair of the Tertiary Education Commission subject to consultation with the Minister for the Public Service, Hon Andrew Little [ER 1313097 refers]. On 2 August 2023 you wrote to Minister Little outlining your proposal [JT5051 refers].
2. On 16 August 2023 Minister Little responded. He will support the proposal if it includes a lower fee (\$36,750 rather than \$44,100 per annum), an 18-month rather than a 24-month duration, and a review at the end of 18 months.
3. The review would consider workloads and whether there is an ongoing case for a fee exception. It would also consider if the categorisation of the Board under the Cabinet Fees Framework sufficiently reflects the increasing complexity of the Board's governance role.

Key Risks and Benefits

4. 9(2)(g)(i) [redacted] The incumbent, Dr Wayne Ngata MNZM, is managing an expanded range of duties and heavy workload without this being reflected in his fee, and is a critical member of the Board.
5. It is important to try to secure agreement to a fees exception because of the length of time that Dr Ngata has been managing an expanded range of duties and a heavy workload, and to take up the opportunity of submitting a proposal supported by Minister Little. It may be difficult to gain APH agreement for the original proposal, or any alternative that is not supported by Minister Little in his role as Minister for the Public service.
6. The modest increase in fee is a fairer fee that better reflects the extent of work being undertaken by Dr Ngata. The commitment to a review by mid-2024 would also provide an opportunity to take a look at workloads around the increasing complexity of the Board's governance work, and to consider re-categorising the Board under the Cabinet Fees Framework. 9(2)(g)(i) [redacted]
9(2)(g)(i) [redacted]

Next Steps

7. We ask that you agree to submit the attached draft Cabinet paper, based on Minister Little's amendments, for consideration by APH on 30 August 2023. This allows for expedited Ministerial consultation. In our view Ministerial consultation is best practice but not essential for a fees exception paper. If you do not agree to submit the attached paper, we will work with your Office on an alternative approach.

Annex

The following paper is attached to this briefing:

- Annex 1: Fee exception for the Deputy Chair of the Tertiary Education Commission | Te Amorangi Mātauranga Matua.

Annex 1: Draft paper for the Cabinet Appointments and Honours Committee
for a fee exception for the Deputy Chair of the Tertiary Education Commission

Proactively Released