

## Cabinet Paper material Proactive release

Minister & portfolio Hon Chris Hipkins, Minister of Education  
Name of package The Education and Training Amendment Bill (No 2): Approval for Introduction  
Date considered 29 November 2021  
Date of release 28 January 2022

### These documents have been proactively released:

**Cabinet paper: The Education and Training Amendment Bill (No 2):  
Approval for Introduction**

Date considered: 29 November 2021  
Author: Minister of Education

**Cabinet Minute: CAB-21-MIN-0505**

Date considered: 29 November 2021  
Author: Cabinet office

**Cabinet Minute: LEG-21-MIN-0196**

Date considered: 25 November 2021  
Author: Cabinet office

**1264141 Education Report: Education and Training Amendment Bill (No 2)  
- draft Approval for Introduction Cabinet paper**

8 November 2021  
Ministry of Education

### Material redacted

Some deletions have been made from the documents in line with withholding grounds under the Official Information Act 1982. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

The applicable withholding grounds under the Act are as follows:

Section 9(2)(f)(iv) to protect the confidentiality of advice tendered by Ministers of the Crown and officials

Some deletions have been made from the documents as the information withheld does not fall within scope of the Minister's portfolio responsibilities, and is not relevant to the proactive release of this material.

You can read the Official Information Act 1982 here:

<http://legislation.govt.nz/act/public/1982/0156/latest/DLM64785.html>

In Confidence

Office of the Minister of Education  
Chair, Cabinet Legislation Committee

## **The Education and Training Amendment Bill (No 2): Approval for Introduction**

### **Proposal**

- 1 I propose that the Education and Training Amendment Bill (No 2) (the Bill) be approved for introduction into the House of Representatives.

### **Executive summary**

- 2 The Bill is proposed for the 2021 Legislation Programme, <sup>9(2)(f)(iv)</sup> [redacted]. The Bill amends the Education and Training Act 2020 (the Act) [SWC-21-MIN-0118, CAB-21-MIN-0314, CBC-21-MIN-0065, CAB-21-MIN-0286 refers]:
  - 2.1 so the Police vetting provisions in the Education and Training Act are more aligned with the safety checking requirements in the Children's Act 2014;
  - 2.2 to strengthen Teaching Council (Council) disciplinary processes;
  - 2.3 to provide greater flexibility for Government to regulate compulsory student services fees (CSSFs) charged by tertiary education providers;
  - 2.4 to enable National Student Numbers (NSNs) to be used when there is funding for work-based training;
  - 2.5 to enable the New Zealand Qualifications Authority (NZQA) to exercise discretion about whether to cancel the registration of a Private Training Establishment (PTE) in relation to immigration breaches;
  - 2.6 to simplify qualifications and other credentials;
  - 2.7 to amend the Education Review Office's (ERO) mandate to enable it to review professional learning and development (PLD);
  - 2.8 to ensure that learner wellbeing and safety arrangements for international and tertiary students and the disputes resolution scheme for tertiary students are fit for purpose; and
  - 2.9 to make a number of minor and technical amendments.
- 3 I am also seeking agreement to new proposals to:
  - 3.1 introduce a new type of casual vacancy on school boards that relates to board members who are removed for breaching a code of conduct; and
  - 3.2 amend section 636(2)(h) of the Act so that regulations can provide for *Gazette* notices to specify the qualifications that must be held by persons controlling, or working as educators within, an early learning service.

- 4 In accordance with the authority provided by Cabinet to make decisions on issues of detail without further reference to Cabinet [SWC-21-MIN-0118, CAB-21-MIN-0314 refers], I have decided to make additional minor and technical amendments to:
- 4.1 correct the description of section 17(2)(a) in section 9(2)(b). Section 9(2) sets out provisions in the Act related to Te Tiriti o Waitangi in the context of the regulation of the education system;
  - 4.2 reflect that Ko Tāku Reo has changed its name to Ko Taku Reo – Deaf Education New Zealand; and
  - 4.3 authorise NSNs to be assigned to students studying for NCEA in overseas jurisdictions with which New Zealand has entered into an arrangement for the teaching and assessment of NCEA, and authorise schools in those jurisdictions to be specified users of NSNs.
- 5 I have also made a number of other decisions relating to specific proposals included in the Bill in accordance with Cabinet's authorisation. These decisions are noted in the discussion relating to the specific proposals below.

## **Policy**

### ***Changes for Police vetting of non-teaching and unregistered employees in schools and licensed early childhood services***

- 6 The Bill amends the Education and Training Act so that non-teaching and unregistered employees must be Police vetted before they begin work. This removes the two-week period, after an employee begins work, that employers have to apply for a vet for these employees.
- 7 Requiring non-teaching and unregistered employees to be Police vetted before they begin work will provide greater alignment with the Children's Act and ensure children are safe while engaging in education. Under the Children's Act, children's workers must be the subject of a comprehensive safety check before beginning work, which includes a Police vet. The two-week period in the Education and Training Act is therefore confusing, inconsistent between the two Acts, and difficult to administer.

### ***Strengthening Teaching Council disciplinary processes for teachers***

- 8 The Bill makes a number of changes to streamline the Council's disciplinary regime. It:
- 8.1 raises the threshold for the mandatory referral of Complaints Assessment Committee (CAC) cases to the Disciplinary Tribunal (DT);
  - 8.2 enables the CAC to resolve cases that meet the definition of serious misconduct in the Act, and to hear cases on the papers;
  - 8.3 removes the requirement for the CAC to reach agreement between the parties, and establishes a review process by the DT; and
  - 8.4 removes the power for the CAC to suspend practising certificates or authorities to teach.

- 9 The Bill also makes a number of other minor changes:
- 9.1 making it explicit that the Council has a function of prosecuting breaches of registration, certification and limited authority to teach requirements;
  - 9.2 clarifying that the Council may exercise its discretion when considering whether employment as a professional leader outside of a registered school or licensed early learning centre contributes towards satisfactory recent teaching experience;
  - 9.3 clarifying that the Council's purpose is to regulate teaching in early learning services and schools in all languages of instruction and not English and Māori-medium settings only; and
  - 9.4 a minor technical amendment to the Council's purpose statement to remove the reference to "senior secondary" schools. Senior secondary is not a type of school recognised in the Act.

***Increasing flexibility for the Government to set requirements on CSSFs charged by tertiary providers***

- 10 The Bill enables CSSFs<sup>1</sup> to be regulated via conditions on funding mechanisms, which is consistent with the regulation of other fees. This creates a framework to better respond to learners' needs, system changes and feedback from the tertiary sector.
- 11 Enabling CSSFs to be regulated via conditions means that any limits or requirements on CSSFs will be subject to the consultation process set out in section 420 of the Act. In accordance with my authority to make decisions on issues of detail without further reference to Cabinet, I have decided, for consistency, that any requirements on any other types of fees charged to domestic tertiary students or employers (such as tuition fees) will also be subject to section 420 of the Act. Currently it is unclear if these consultation requirements only apply to limits on dollar amounts.
- 12 I have also decided to amend section 256(2) of the Act so that it applies to fees charged to employers. This clarifies that the council of a tertiary education institution must ensure fees charged to domestic students or employers comply with any limit or requirement specified in a condition of funding. This is consistent with the Minister of Education's other condition-setting powers in the Act.

***Using National Student Numbers for work-based learning***

- 13 The Bill amends Schedule 24 of the Act to extend the scope of NSNs so that NSNs can be used to ensure employers and students receive appropriate resourcing and support for work-based training. Currently, NSNs cannot be used by government agencies for work-based training initiatives when funding is not administered through an education provider.

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<sup>1</sup> Most tertiary providers charge CSSFs to support a range of services, such as health, sports and recreation services.

- 14 The amendment in the Bill broadens the use of the NSN to include funding to support work-based training that is not administered through a provider. It will support agencies to efficiently administer and monitor resourcing, as well as better seek recovery of the funding if necessary.

#### ***Changes to PTE registration cancellation***

- 15 The Bill amends section 350 of the Act to provide NZQA with discretion to cancel a PTE's registration when it has been convicted of allowing a person to undertake a course of study when they are not entitled to do so under the Immigration Act 2009, rather than automatic deregistration as currently required by the Act.
- 16 Deregistration may be disproportionate to the circumstances of the offence, and impacts on other learners and the international education sector. As a result, Immigration New Zealand has declined to take prosecutions against PTEs where, because deregistration would automatically follow, there is a likelihood that these would result in a discharge without conviction.
- 17 This amendment is also consistent with best regulatory practice. This means that the offending parties would not be automatically penalised twice for the same conviction. The Immigration Act already provides for a fine of up to \$50,000 if the provider has knowingly allowed a student to study unlawfully.

#### ***Simplifying qualifications and other credentials***

- 18 The Bill amends the Act to better provide for qualifications, skill standards, and other credentials for secondary and tertiary learners, by streamlining the way they are designed and used. It ensures that industry, through Workforce Development Councils (WDCs), has appropriate authority to set vocational standards and qualifications.
- 19 Under the Bill, qualifications can be achieved through programmes (the current situation) or a 'national curriculum' (working title) developed by a WDC. The definition of skills standards is broadened to include learning outcomes, so that WDCs have more flexibility to reflect industry skills. The Bill renames training schemes as micro-credentials, which can be developed by WDCs and others. Providers can seek accreditation to deliver micro-credentials.
- 20 NZQA can publish information to inform the public (and students) of quality assurance issues with providers.

#### ***Enabling ERO to review PLD***

- 21 The Bill amends ERO's mandate to enable it to review PLD accessed by schools, kura, and early learning services. High quality PLD is an important lever to improve teaching and leadership practice, and learners' experience and outcomes. However, we do not have good information about the quality and impact of PLD, and there is no centrally organised way of reviewing PLD and providers.

- 22 Enabling ERO to review PLD accessed by schools, kura and early learning services, including PLD providers, will improve our understanding about the quality and impact of PLD in individual places of learning and at a system level.

### ***Learner wellbeing and safety***

- 23 The Bill amends the Act to better support international and tertiary learner wellbeing and safety, and to ensure that provisions for codes and the dispute resolution scheme for tertiary students are fit for purpose.
- 24 The Bill provides for responsive codes and ensures the code administrator has appropriate functions and powers. The Bill gives the code administrator the ability to gather information and enter and inspect premises, including a provider's marae, church, or mosque. The Bill has appropriate safeguards to ensure that the code administrator does not go beyond its mandate, which take into account the academic freedom and institutional autonomy of tertiary education institutions.
- 25 The Bill broadens the scope of the dispute resolution scheme so that the operator can consider breaches of the code alongside financial and contractual complaints. It also enables the Minister of Education to gazette expectations about enrolment forms.
- 26 The Bill also better provides for a scheme operator's appointment and operation, and enables providers to undertake good character checks on staff delivering learner accommodation.
- 27 In accordance with the authorisation from Cabinet to make detailed decisions without further reference to Cabinet, I have decided to amend the Act to:
- 27.1 clarify that a disputes resolution scheme (DRS) operator must apply principles of fairness and reasonableness and have regard to the law, and in the case of an adjudication, to determine a dispute on its merits without being constrained by strict legal requirements or precedents. This is consistent with the intention that the DRS should be pragmatic and cost-effective, and aligned with the principles of alternative dispute resolution;
  - 27.2 better provide for the code administrator to issue performance improvement notices, including, when they apply, the amount of notice that must be given, the need for providers to comply with the notices, and any sanctions for non-compliance; and
  - 27.3 use the terminology of 'modifying an adjudication outcome' rather than 'appeals' as set out in the Cabinet decision. This ensures consistency with other provisions in the Act.

### ***Specifying free kindergartens***

- 28 The Bill inserts a new schedule to specify the free kindergarten associations currently recognised by the Minister for collective bargaining purposes (with a consequential amendment to the Public Service Act 2020).

### ***Changes to planning and reporting***

- 29 The Bill amends the Act so that the Secretary for Education will not be required to review schools' strategic plans to determine whether they meet the requirements of the Act and regulations. The Secretary will still be able to require changes where there are concerns about a plan's quality.

### ***New decisions***

#### *Casual vacancies for school board members*

- 30 I am proposing an amendment relating to the removal of board members. Under section 169(2) of the Act the Minister may remove a member for significant or persistent breaches of the code of conduct for board members, once one has been issued under the Act.
- 31 Schedule 23 of the Act specifies the circumstances that lead to a casual vacancy on a board, such as the death or resignation of a member, as well as requirements for filling casual vacancies.
- 32 Removing a member under section 169(2) of the Act was inadvertently not specified as a circumstance that creates a casual vacancy when the Act was passed. This means that the Act does not explicitly authorise boards to replace an elected member removed under section 169(2).
- 33 I propose that removing a member under section 169(2) creates a casual vacancy as set out in Schedule 23. This will explicitly authorise boards to fill a vacancy that arises when a board member is removed, and to do so using the process required for casual vacancies. This will ensure that boards can maintain a full complement of members.

#### *Amending section 636 of the Act*

- 34 I propose to amend the regulation-making power in section 636(2)(h) of the Act so that regulations can explicitly provide for the making of *Gazette* notices to regulate the early learning qualifications that must be held by a number or proportion of persons controlling, or working as educators within, an early childhood service. This would reflect the original position in the now-repealed Education Act 1989 before it was amended by the Education Amendment Act 2006.
- 35 In regulation 3 of the Education (Early Childhood Services) Regulations 2008, the definition of a recognised qualification includes a mechanism by which qualifications can be recognised by the Secretary in a *Gazette* notice. *Gazette* notices that recognise qualifications for early childhood services are issued from time to time. If the regulation-making power in section 636(2)(h) is amended to allow *Gazette* notices to be issued to regulate required qualifications, then there will be explicit authority for *Gazette* notices to be issued under the 2008 Regulations.

#### *Minor and technical decisions*

- 36 Cabinet has given me the authority to make decisions on issues of detail without further reference to Cabinet, subject to the decisions being consistent

with the existing policy decisions. In accordance with this authority, I have decided to make minor and technical amendments to:

- 36.1 section 9(2)(b) of the Act so that it correctly describes section 17(2)(a) of the Act (as a provision that is related to Te Tiriti o Waitangi in the context of the regulation of the education system);
- 36.2 reflect that Ko Tāku Reo has changed its name to Ko Taku Reo – Deaf Education New Zealand; and
- 36.3 explicitly authorise NSNs to be assigned to students studying in overseas jurisdictions with which New Zealand has entered into an arrangement for the teaching and assessment of NCEA (e.g. the Cook Islands and Niue), and to authorise schools in those jurisdictions to be specified users of NSNs. The existing provisions in the Act relating to NSNs are already used for these purposes, but amendments for clarification are desirable.

## **Impact analysis**

### *Regulatory Impact Statement*

37 Treasury's Regulatory Impact Analysis team determined that the following proposals are exempt from the requirement to provide a Regulatory Impact Statement (RIS) on the grounds that they have no or only minor impacts on businesses, individuals, and not-for-profit entities:

- 37.1 enforcing certification and limited authority to teach requirements;
- 37.2 satisfactory recent teaching experience of teachers working outside of a registered school or licensed early learning centre;
- 37.3 clarification of the Council's purpose statement;
- 37.4 the definition of "free kindergarten association";
- 37.5 amending the regulation-making power in section 636; and
- 37.6 casual vacancies for board members.

38 RIAs have not been prepared for the two new minor and technical decisions that I have made in accordance with the authority provided by Cabinet.

39 RIAs were completed for all other proposals, and can be found here: <https://www.education.govt.nz/our-work/legislation/#current>.

### *Climate Implications of Policy Assessment*

40 The Climate Implications of Policy Assessment team has been consulted and confirms that the CIPA requirements do not apply to these proposals as there is no direct emissions impact.

## **Compliance**

41 The Bill complies with the following:

- 41.1 the principles of the Treaty of Waitangi;

- 41.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
  - 41.3 the principles and guidelines set out in the Privacy Act 2020;
  - 41.4 relevant international standards and obligations; and
  - 41.5 the Legislation Guidelines.
- 42 A disclosure statement has been prepared for the Bill.

### **Consultation**

- 43 The following agencies were consulted: Treasury, Public Service Commission, Te Puni Kōkiri, Ministries for Pacific Peoples, Women, Ministries of Business, Innovation and Employment, Justice, Youth Development, Social Development, Departments of Internal Affairs and Inland Revenue, Office of Disability Issues, Oranga Tamariki, New Zealand Qualifications Authority, Education Review Office, Tertiary Education Commission, NZ Police, Teaching Council of Aotearoa New Zealand, Office of the Privacy Commissioner, Education New Zealand and the Department of Prime Minister and Cabinet.

### **Binding on the Crown**

- 44 The Bill will bind the Crown. On 11 August 2021 the Cabinet Social Wellbeing Committee considered the Cabinet paper seeking policy approvals for the Bill, which included a statement confirming that the Bill will be binding on the Crown [SWC-21-MIN-0118 and CAB-21-MIN-0314 refers].

### **Creating new agencies or amending law relating to existing agencies.**

- 45 The Bill amends provisions relating to the Teaching Council's disciplinary processes and makes other minor technical amendments, and amends ERO's mandate in relation to reviewing PLD.

### **Allocation of decision-making powers**

- 46 Not applicable.

### **Associated regulations**

- 47 The Bill clarifies the regulation making powers relating to learner wellbeing and safety.

### **Other instruments**

- 48 The Bill provides for NZQA to make rules about a national curriculum.

### **Definition of Minister/department**

- 49 Not applicable.

## Commencement of legislation

- 50 The Bill will come into force on the day after the date of Royal assent, with the exception of the provisions relating to the Teaching Council's disciplinary processes, which will come into force on the day that is 12 months after the date of Royal assent.

## Parliamentary stages

- 51 The Bill should be introduced into Parliament by early December 2021, and be enacted as soon as possible after it is reported back to the House.
- 52 The Bill should be referred to the Education and Workforce Committee for consideration.

## Proactive Release

- 53 I intend to proactively release this Cabinet paper once the Bill has been introduced, subject to redaction as appropriate under the Official Information Act 1982.

## Recommendations

- 54 The Minister of Education recommends that the Committee:

- 1 **note** that the Education and Training Amendment Bill (No 2) has been included in the 2021 Legislation Programme <sup>9(2)(f)(iv)</sup>  
[REDACTED]
- 2 **note** that the Bill makes the following amendments to the Education and Training Act 2020:
  - 2.1 amends the Police vetting provisions in the Education and Training Act so that they are more aligned with safety checking requirements of the Children's Act 2014;
  - 2.2 strengthens the Teaching Council disciplinary processes for teachers;
  - 2.3 provides greater flexibility for Government to regulate Compulsory Student Services Fees charged by tertiary education providers;
  - 2.4 enables agencies to use National Student Numbers when there is funding to support work-based training that is not administered through a provider;
  - 2.5 enables the New Zealand Qualifications Authority to exercise discretion about whether to cancel the registration of a Private Training Establishment in relation to immigration breaches;
  - 2.6 simplifies qualifications and other credentials;

- 2.7 enables the Education Review Office to review Professional Learning and Development accessed by schools, kura, and early learning providers;
- 2.8 ensures that learner wellbeing and safety arrangements for international and tertiary students and the disputes resolution scheme for tertiary students are fit for purpose; and
- 2.9 inserts a definition of “free kindergarten association”; and
- 2.10 removes the requirement for the Secretary to review and confirm all schools’ strategic plans;
- 3 **agree** to the following new proposals:
- 3.1 clause 12(1) of Schedule 23 of the Act is amended so that a board member removed under section 169(2) of the Act creates a casual vacancy; and
- 3.2 the regulation-making power in section 636(2)(h) of the Act is amended so that regulations can explicitly provide for the making of *Gazette* notices to regulate the early learning qualifications that must be held by a number or proportion of persons controlling, or working as educators within, an early childhood service;
- 4 **note** that in accordance with the authority provided by Cabinet to make minor and technical amendments without further reference to Cabinet, I have decided to make amendments to:
- 4.1 correct the description of section 17(2)(a) in section 9(2)(b). Section 9(2) sets out provisions in the Act related to Te Tiriti o Waitangi in the context of the regulation of the education system;
- 4.2 update Schedule 2 to the Act, which names special institutions, to reflect that Ko Tāku Reo has changed its name to Ko Taku Reo – Deaf Education New Zealand;
- 4.3 explicitly authorise National Student Numbers to be issued to students studying in overseas jurisdictions with which New Zealand has entered into an arrangement for the teaching and assessment of NCEA, and to authorise schools in those jurisdictions to be specified users of National Student Numbers;
- 4.4 clarify that any limits or requirements on any type of fee charged to domestic tertiary students or employers are subject to the consultation process specified under section 420 of the Act;
- 4.5 amend section 256(2) of the Act relating to tertiary education institution fees so that it also applies to fees charged to employers, consistent with my condition-setting powers under section 419 of the Act;

- 4.6 clarify that a disputes resolution scheme operator is required to apply principles of fairness and reasonableness in resolving disputes relating to tertiary students and to have regard to the law, and in the case of an adjudication, to determine a dispute on its merits without being constrained by strict legal requirements or precedents;
- 4.7 better provide for the code administrator to issue performance improvement notices, including, when they apply, the amount of notice that must be given, the need for providers and signatory providers to comply with the notices, and any sanctions for non-compliance with the notices;
- 4.8 use the terminology of 'modifying an adjudication outcome' rather than 'appeals' as set out in the Cabinet decision. This ensures consistency with other provisions in the Act;
- 5 **approve** the Education and Training Amendment Bill (No 2) for introduction, subject to the final approval of the Government caucus and sufficient support in the House of Representatives;
- 6 **agree** that the Bill be introduced in the week of 6 December 2021;
- 7 **agree** that the Government propose that the Bill be:
- 7.1 referred to the Education and Workforce Committee for consideration;
- 7.2 enacted as soon as possible after it is reported back to the House of Representatives.

Authorised for lodgement  
Hon Chris Hipkins  
Minister of Education



# Cabinet

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### Report of the Cabinet Legislation Committee: Period Ended 26 November 2021

On 29 November 2021, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 26 November 2021:

Out of scope

LEG-21-MIN-0196

**Education and Training Amendment Bill (No 2):  
Approval for Introduction**

CONFIRMED

Portfolio: Education

Out of scope

Out of scope

Proactively Released

Out of scope



Michael Webster  
Secretary of the Cabinet

Proactively Released



# Cabinet Legislation Committee

## Minute of Decision

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### Education and Training Amendment Bill (No 2): Approval for Introduction

**Portfolio**                      **Education**

On 25 November 2021, the Cabinet Legislation Committee:

- 1        **noted** that the Education and Training Amendment Bill (No 2) <sup>9(2)(f)(iv)</sup> [REDACTED]
- 2        **noted** that the Bill makes the following amendments to the Education and Training Act 2020 (the Act):
  - 2.1        amends the Police vetting provisions in the Education and Training Act so that they are more aligned with safety checking requirements of the Children’s Act 2014;
  - 2.2        strengthens the Teaching Council disciplinary processes for teachers;
  - 2.3        provides greater flexibility for Government to regulate Compulsory Student Services Fees charged by tertiary education providers;
  - 2.4        enables agencies to use National Student Numbers when there is funding to support work-based training that is not administered through a provider;
  - 2.5        enables the New Zealand Qualifications Authority to exercise discretion about whether to cancel the registration of a Private Training Establishment in relation to immigration breaches;
  - 2.6        simplifies qualifications and other credentials;
  - 2.7        enables the Education Review Office to review Professional Learning and Development accessed by schools, kura, and early learning providers;
  - 2.8        ensures that learner wellbeing and safety arrangements for international and tertiary students and the disputes resolution scheme for tertiary students are fit for purpose; and
  - 2.9        inserts a definition of “free kindergarten association”;
  - 2.10        removes the requirement for the Secretary to review and confirm all schools’ strategic plans;

- 3 **agreed** to the following new proposals:
- 3.1 clause 12(1) of Schedule 23 of the Act is amended so that a board member removed under section 169(2) of the Act creates a casual vacancy;
  - 3.2 the regulation-making power in section 636(2)(h) of the Act is amended so that regulations can explicitly provide for the making of Gazette notices to regulate the early learning qualifications that must be held by a number or proportion of persons controlling, or working as educators within, an early childhood service;
- 4 **noted** that the Minister of Education has approved amendments to:
- 4.1 correct the description of section 17(2)(a) in section 9(2)(b). Section 9(2) sets out provisions in the Act related to Te Tiriti o Waitangi in the context of the regulation of the education system;
  - 4.2 update Schedule 2 to the Act, which names special institutions, to reflect that Ko Tāku Reo has changed its name to Ko Taku Reo – Deaf Education New Zealand;
  - 4.3 explicitly authorise National Student Numbers to be issued to students studying in overseas jurisdictions with which New Zealand has entered into an arrangement for the teaching and assessment of NCEA, and to authorise schools in those jurisdictions to be specified users of National Student Numbers;
  - 4.4 clarify that any limits or requirements on any type of fee charged to domestic tertiary students or employers are subject to the consultation process specified under section 420 of the Act;
  - 4.5 amend section 256(2) of the Act relating to tertiary education institution fees so that it also applies to fees charged to employers, consistent with my condition-setting powers under section 419 of the Act;
  - 4.6 clarify that a disputes resolution scheme operator is required to apply principles of fairness and reasonableness in resolving disputes relating to tertiary students and to have regard to the law, and in the case of an adjudication, to determine a dispute on its merits without being constrained by strict legal requirements or precedents;
  - 4.7 better provide for the code administrator to issue performance improvement notices, including, when they apply, the amount of notice that must be given, the need for providers and signatory providers to comply with the notices, and any sanctions for non-compliance with the notices;
  - 4.8 use the terminology of ‘modifying an adjudication outcome’ rather than ‘appeals’ as set out in the Cabinet decision. This ensures consistency with other provisions in the Act;
- 5 **approved** for introduction the Education and Training Amendment Bill (No 2) [PCO 23519/4.0], subject to the final approval of the government caucus and sufficient support in the House of Representatives;
- 6 **agreed** that the Bill be introduced in the week of 6 December 2021;

7 **agreed** that the government propose that the Bill be:

7.1 referred to the Education and Workforce Committee for consideration;

7.2 enacted as soon as possible after it is reported back to the House of Representatives.

Rebecca Davies  
Committee Secretary

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**Present:**

Hon Chris Hipkins (Chair)  
Hon David Parker  
Hon Poto Williams  
Hon Kris Faafoi  
Hon Jan Tinetti  
Hon Kiri Allan  
Hon Dr David Clark  
Keiran McNulty, MP (Senior Government Whip)

**Officials present from:**

Office of the Prime Minister  
Officials Committee for LEG