



**Briefing Note: Cabinet paper: Education and Training
Amendment Bill (No 2) – Supplementary Order
Paper: Approval for Release**

To:	Hon Chris Hipkins, Minister of Education		
Date:	24 November 2021	Priority:	High
Security Level:	In Confidence	METIS No:	1277570
Drafter:	Siobhan Murray	DDI:	9(2)(a)
Key Contact:	John Brooker	DDI:	
Messaging seen by Communications team:	No	Round Robin:	No

Purpose of Report

This paper seeks your feedback on the attached draft Cabinet paper about early childhood network management and invites you to consult with your Ministerial colleagues. We will provide you with a final Cabinet paper by 1 December 2021 to be lodged on 2 December for Cabinet Legislation Committee on 9 December.

Recommended Actions

The Ministry of Education recommends you:

- provide** feedback on the draft Cabinet paper by Tuesday 30 November 2021 after you have consulted your Ministerial colleagues
- agree** this Education Report is proactively released in December, once changes to the network management provisions in the Act are included in the Education and Training Amendment Bill (No. 2), with any information that may need to be withheld done so in line with the provisions of the Official information Act 1982.

Release / Not release


John Brooker
Group Manager
Te Puna Kaupapahere

Hon Chris Hipkins
Minister of Education

24/11/2021

__/_/____

Background

1. On Monday 22 November 2021 Cabinet agreed to final changes to the Education and Training Act 2020 to implement early childhood network management following recent public consultation [SWC-21-MIN-0179 refers]. We are now finalising the Legislation Committee Cabinet paper to give effect to these policy decisions.

Cabinet Legislation Committee

2. The attached Cabinet paper seeks approval to release the attached Supplementary Order Paper (SOP) to amend the Education and Training Amendment Bill (No 2) to give effect to the policy decisions.
3. We will provide you with a revised final Cabinet paper by 1 December 2021 following combined consultation with agencies and your Ministerial colleagues. Final papers must be lodged on 2 December for consideration at Cabinet Legislation Committee on 9 December 2021.
4. We have provided you with a draft SOP to indicate the proposed changes. There may be further updates to this SOP before the Cabinet paper is finalised to ensure it best reflects the policy decisions.

Policy amendment

5. Our original policy advice sought approval to make it clear that the assessment by the Minister is a high-level assessment of relevant factors. In drafting the SOP, it has become clear that the high-level assessment we sought is more appropriately applied to some factors that the Minister of Education must take into account when making an approval decision (i.e. the relevant attributes of the area to be served), rather than the decision itself. For example, the high level assessment should apply to the needs of the community and children assessment as these are evaluative in nature. Conversely the high level assessment is not applicable to the assessment about whether an applicant is fit and proper. We have proposed that the Cabinet paper amend the original policy decision to give effect to this.

Next Steps

6. The timeline for this Cabinet paper does not have room for slippage as it is driven by finalising Act changes before the implementation date of network management on 1 August 2022.
7. Due to the strict timeline we are consulting with agencies in parallel to you reviewing this paper and consulting with your Ministerial colleagues.
8. We propose to send you a revised Cabinet paper on 1 December for lodgement on 2 December 2021.

Date	Activity
24 November	Draft Cabinet paper and SOP to Minister for consultation
25–30 November	Agency & Ministerial consultation
1 December	Cabinet paper to Minister to approve for lodging
2 December	Paper lodged
9 December	LEG
13 December	Cabinet

Date	Activity
Week of 13 December	SOP referred to Select committee to be considered with Education and Training Amendment Bill (No 2)

Annexes

Annex 1: (Draft) Cabinet Paper 1: Education and Training Amendment Bill (No 2) –
Supplementary Order Paper: Approval for Release

Proactively Released