

Education Report: Presenting secondary legislation to the House of Representatives for Tokelau Learners

To:	Hon Jan Tinetti, Minister of Education		
Date:	27 March 2023	Priority:	Medium
Security Level:	In Confidence	METIS No:	1307426
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Messaging seen by Communications team:	No	Round Robin:	No

Purpose of Report

The purpose of this report is to advise you that the Secretary for Education has approved a change to the Education (Domestic Students) Notice and the Te Aho o Te Kura Pounamu (Te Kura) Enrolment and Dual Tuition Policy and seeks your agreement to table the Education (Domestic Students) Notice in the House of Representatives.

Recommended Actions

The Ministry of Education recommends you:

- note** an amendment to the Education (Domestic Students) Notice and Addendum to the Te Aho o Te Kura Pounamu Enrolment and Dual Tuition Policy have been approved by the Secretary for Education and published in the Gazette.
- agree** to table the Education (Domestic Students) Notice in the House of Representatives.
- agree** that this briefing is proactively released once it has been considered by you, with any redactions in line with the provisions of the Official Information Act 1982.

☒ Agree ☐ Disagree

☒ Agree ☐ Disagree



Freddy Ernst
Senior Policy Manager
Te Pou Kaupapahere



Hon Jan Tinetti
Minister of Education

27/03/2023

09/04/2023

Background

1. Tokelau is transitioning their learning model from University of South Pacific (USP) to National Certificate of Educational Achievement (NCEA). While Tokelau obtains consent to assess NCEA, students will be studying NCEA with Te Kura to obtain NCEA qualifications. This transition is supported by the Ministry of Education. It is expected to take at least two years for Tokelau to obtain consent to assess NCEA.
2. This was creating an issue that affected a small group of approximately 15 international students living in Tokelau who could not access Te Kura because they did not meet the Te Kura enrolment criteria. These learners could study with Te Kura as international students, but they were unable to receive an NCEA qualification until Tokelau obtains consent to assess NCEA. While the number of learners is small, the potential impact for these learners is not.
3. These students are largely dependents of workers in Tokelau on work permits, who perform essential services such as in education and healthcare, who may have been deterred from moving to Tokelau if their dependents could not access NCEA qualifications alongside their peers. 9(2)(g)(i)
[REDACTED]
[REDACTED]
[REDACTED]
4. Making the amendments ensures that international students in Tokelau meet the requirements to study with Te Kura and can access the same education opportunities as their peers. This option benefits the affected families and learners in Tokelau. It incentivises people to take up roles to support Tokelauan infrastructure and services. On a longer-term basis, it facilitates a positive relationship between New Zealand and Tokelau.
5. When Tokelau does obtain consent to assess NCEA, all students (including international students) will be able to be assessed through NCEA and Te Kura will only be used when needed, like any other dual tuition arrangement.

Amendment to Gazette Notices

6. Changes to the Education (Domestic Students) Notice and the Te Kura Enrolment and Dual Tuition Policy can be made by the Secretary for Education under delegated authority from the Minister. The below changes were approved by the Secretary for Education and Gazetted in February 2023.
7. Section 10 of the Education and Training Act 2020 (the Act) defines a domestic student. The definition includes, “a person of a class or description of persons required by the Minister, by notice in the Gazette, to be treated as if they are not international students.”
8. The Education (Domestic Students) Notice has been amended by Gazette (Appendix 1) to apply domestic student status to international students that are:
 - Tokelau residents who are dependent children of Tokelauan or New Zealand citizens.
 - Tokelau residents who are dependent children of persons in Tokelau who hold a valid special permit approved by an authorised Administrator of the Tokelau Immigration Regulations 1991.
9. Pursuant to section 68(1) of the Act, the Minister may, by notice, fix criteria for enrolment in early childhood, primary, and secondary education at a distance school. The Te Kura

Enrolment Policy has been amended to enable these learners to be eligible for enrolment at Te Kura through the Realm Country gateway (Appendix 2). The definition of a realm country school will include the following:

- Realm country citizens who are enrolled in state schools in the Cook Islands, Niue and Tokelau, and non-Tokelauan citizens enrolled in state schools in Tokelau who meet the definition of domestic student in section 10 of the Education and Training Act.
10. The financial cost of making the changes is around \$5,000 per student. As the number of students is not significant and is not expected to increase significantly, the Ministry would not need to seek additional funding.
11. The Ministry of Education worked with and consulted New Zealand Qualifications Authority, Ministry of Foreign Affairs and Trade, and Te Kura who were supportive of these changes. Tokelau was highly supportive of these changes.

Next Steps

12. Section 114 of the Legislation Act 2019 requires secondary legislation to be presented to the House of Representatives (the House). The Sessional Order dated 19 October 2021 specifies that presentation must be no later than the sixteenth sitting day of the House after the day on which it was made. Once agreed the Education (Domestic Students) Notice must be presented to the House of Representatives.
13. We will work with your office to present the paper.

Appendices

- Appendix 1: The published Education (Domestic Students) Notice 2023 <https://gazette.govt.nz/notice/id/2023-go633?stageDraft>
- Appendix 2: The published Addendum to the Te Aho o Te Kura Pounamu (Te Kura) Enrolment and Dual Tuition Policy <https://gazette.govt.nz/notice/id/2023-go533?stageDraft>