



## Education Report: Draft Cabinet paper on regulations for the promotion and provision of healthy drinks in schools and reporting on student performance

<b>To:</b>	Hon Chris Hipkins, Minister of Education Hon Jan Tinetti, Associate Minister of Education		
<b>Date:</b>	11 July 2022	<b>Priority:</b>	Medium
<b>Security Level:</b>	In Confidence	<b>METIS No:</b>	1288683
<b>Drafter:</b>	Kim Gibbs	<b>DDI:</b>	4631172
<b>Key contact and number:</b>	Ben O'Meara	<b>DDI:</b>	463 8704
<b>Messaging seen by Communications team:</b>	N/A	<b>Round robin:</b>	No

### Purpose of report

- This paper provides you with analysis of submissions from public consultation on proposed changes to the promotion and provision of healthy drinks in schools. It also provides you with further advice on regulations to replicate the current NAG 2c requirements on school boards for reporting to students and their parents about students' individual progress and achievement.
- It seeks your agreement to begin departmental consultation on the attached draft Cabinet paper, that covers both of these issues.

### Summary

1. In February 2022, Cabinet agreed to a discussion document for public consultation on three options for the promotion and provision of healthy drinks in schools [CBC-22-SUB-0009 refers]. Public consultation took place from 7 April to 2 June 2022. The majority of submitters supported transferring NAG 5(b) into regulations and wanted the Government to go further, with an additional duty on all schools (the consultation proposed only primary schools) to provide only healthy drinks.
2. Following analysis, we have included two new options to consider. These were:
  - Option 2a - replace the existing NAG 5(b) with a duty in Regulations for all schools to promote healthy food and nutrition, and place an additional duty on primary schools to provide only healthy drinks from 1 January 2023, and secondary schools from 1 January 2024
  - Option 4 – replace the existing NAG 5(b) with Regulations and a duty for all schools to only provide healthy drink and food

3. On balance, we are still recommending the preferred option from public consultation (Option 1) – replacing the existing NAG 5(b) with a duty in Regulations for all schools to promote healthy food and nutrition and placing an additional duty on primary schools to provide only healthy drinks to students from 1 January 2023. Option 1 ensures there is a minimum standard for drinks provided in primary schools and supports improvements in the health and wellbeing of those children.
4. While there was strong support from submitters to include secondary schools in the proposed duty, there was limited feedback from secondary school boards, principals, and teachers on the barriers they might face to implementing a potential duty in future. We recommend that further work is undertaken in 2023 to gather more evidence about the impact of the loss of revenue that secondary schools may face and the plans for phasing out contracts with providers for unhealthy drinks, with the intent to implement the same duty in secondary schools in 2024 or 2025.
5. We are also recommending a number of clarifications to the proposal including:
  - a. clarifying that the proposed duty includes primary, intermediate, contributing, area and some composite schools;
  - b. clarifying that the proposed duty includes contracted services to provide drinks on behalf of the school board;
  - c. a minor change to the definition of healthy drinks that was proposed in the discussion document to make it clear that plain water should also be uncarbonated due to the high acidity of carbonated water;
  - d. an updated list of the range of circumstances where it would not be reasonable for the duty to apply.
6. Given feedback received from public consultation, there is also an opportunity to investigate the potential for a joint work programme with the Ministry of Health that takes a broader look at the provision of healthy food and nutrition in schools and kura. The work programme would not include early learning as substantial work has been completed in recent years to update the health and safety criteria, including support and guidance for promoting healthy eating in early childhood services.
7. In addition, Minister Tinetti requested further advice about the expiry of current NAG 2(c) requirements for reporting to parents about student progress and achievement [METIS 1286237 refers]. When the NAG 2(c) expires with the repeal of its empowering section on 1 January 2023, new regulations will be required to provide the specificity in student reporting previously contained in the NAGs.
8. Without regulations to add specificity to the broad requirements of section 165 of the Education and Training Act 2020 (monitoring of and reporting on student performance), there is a risk that some schools and kura may decrease the timing, form and/or content of their reporting to parents when NAG 2(c) expires. Given the wider curriculum and assessment changes underway, we recommend creating regulations which replicate the current NAG 2(c) requirements. Specifying reporting requirements in regulations will maintain the current minimum expectations on school boards for reporting student progress and achievement. This will continue to support parents' engagement in their children's learning.

9. The attached draft Cabinet paper seeks final policy approvals for two sets of regulations that will cover:
- a. the promotion of healthy food and nutrition and provision of healthy drinks (regulations made under section 638 of the Education and Training Act);
  - b. detail of reporting of individual student progress and achievement to students and their parents (regulations made under section 639 of the Education and Training Act).
10. If you agree to the proposals in this paper and the attached draft Cabinet paper, departmental consultation will begin on 11 July. The paper is due to be considered at the Social Wellbeing Committee on 10 August.

## Recommended Actions

---

The Ministry of Education recommends that you:

### *Healthy food and drinks*

- a. **note** that we recently completed public consultation on proposals for changes to the promotion and provision of healthy drinks in schools, and have developed two new options to consider as a result:
- i. Option 2a - replace the existing NAG 5(b) with a duty in Regulations for all schools to promote healthy food and nutrition, and place an additional duty on primary schools to provide only healthy drinks from 1 January 2023, and for secondary schools to provide only healthy drinks from 1 January 2024
  - ii. Option 4 – replace the existing NAG 5(b) with Regulations and a duty for all schools to provide only healthy drink and food
- Noted**  
Minister of Education
- b. **note** that overall, we recommend proceeding with the preferred option from public consultation, Option 1 – replacing the existing NAG5(b) with a duty in Regulations for all schools to promote healthy food and nutrition, and place an additional duty on all primary schools to provide only healthy drinks to students from 1 January 2023
- Noted**  
Minister of Education
- c. **agree** that the definition of healthy drinks is updated from what was proposed public consultation to specify:
- i. Plain, unflavoured, uncarbonated water;
  - ii. Reduced- or low-fat milk; and
  - iii. Unflavoured plant-based milk (ie soy, rice, almond, oat) with added calcium

**Agree / Disagree**  
Minister of Education

d. **agree** to the following circumstances where the duty will not apply:

- i. medical reasons – any drinks provided as part of any medically required diet or event; or
- ii. part of the school curriculum – any drinks consumed as part of the curriculum such as using fruit grown at school to make a drink in a cooking class; or
- iii. infrequent events or celebrations – i.e., any school event to mark a religious or cultural occasion, and infrequent events like galas, fairs and discos

**Agree / Disagree**

Minister of Education

e. **agree** that the Ministry of Education investigate the potential for a joint work programme with the Ministry of Health on the provision of healthy food and nutrition in early learning, schools and kura and report back to you and the Minister of Health in the first half of 2023

**Agree / Disagree**

Minister of Education

#### *Reporting on student performance*

f. **note** that the current NAG 2(c) will expire on 1 January 2023 with the repeal of its empowering provision

**Noted**

Minister of Education

**Noted**

Associate Minister of Education

g. **agree** to replicate the current requirements of NAG 2(c) in new regulations under the Education and Training Act to maintain current minimum expectations on school boards to report to students and their parents about individual student progress and achievement, to continue to support parents' engagement in their children's learning

**Agree / Disagree**

Minister of Education

**Agree / Disagree**

Associate Minister of Education

#### *Cabinet paper*

h. **note** that the attached draft Cabinet paper seeks approval for new Regulations that:

- i. replace the existing NAG 5(b) with a duty in Regulations and place an additional duty on primary schools regarding healthy drinks from 1 January 2023
- ii. replicate the current NAG 2(c) requirements on school boards for reporting to students and their parents about their individual progress and achievement

**Noted**

Minister of Education

i. **agree** to commence departmental consultation on the attached draft Cabinet paper

**Agree / Disagree**

Minister of Education

## Proactive Release Recommendation

---

- j. **agree** that this Education Report will be proactively released once final Cabinet decisions have been made.

**Agree / Disagree**  
Minister of Education

Ben O'Meara  
**Group Manager**  
**Te Puna Kaupapahere – Policy**

11/07/2022



Hon Chris Hipkins  
**Minister of Education**

14/ 7/ 2022

Hon Jan Tinetti  
**Associate Minister of Education**

\_\_/\_\_/\_\_

### Background

1. Public consultation took place from 7 April to 2 June 2022. The consultation proposed three options and sought the public's views through 10 open-ended questions. The options proposed were:
  - **Option 1:** replace the existing NAG 5(b) with a duty in Regulations for all schools to promote healthy food and nutrition, and a duty on all schools with students in years 1-8 to provide only healthy drinks<sup>1</sup> to year 1-8 students (preferred option).
  - **Option 2:** replace the existing NAG 5(b) with a duty in Regulations and place an additional duty on all schools (primary and secondary) to provide only healthy drinks.
  - **Option 3:** replace the existing NAG 5(b) with a duty in Regulations to promote healthy food and nutrition with no additional duties on school boards regarding the provision of healthy drinks.
2. Cabinet agreed to Option 1 as the preferred option. The consultation also sought views on the potential barriers secondary schools might face in implementing this type of duty.

### Key themes that were identified in the submissions

3. Overall, we received 322 submissions. 262 of these were responses to an online questionnaire, while 60 were written submissions. The main themes were:
  - a. **Submitters were overwhelmingly supportive of the proposed new duty**, but a majority (86% of those who specified a preferred option) supported Option 2 – for the duty to apply in primary and secondary schools. This is because many submitters considered that the rationale for the provision of only healthy drinks applied to secondary schools just as much as primary schools.
  - b. **Submitters generally agreed with the proposed definition of healthy drinks**, although some sought further clarification or restrictions (i.e., plain water should mean uncarbonated), while others wanted other drinks to be included in the definition (i.e., the inclusion of full fat milk).
  - c. **Submitters proposed a new option to include the provision of healthy food as well as drink**, and a range of submitters raised broader questions around the provision of healthy food and drink outside of school. Some submitters asked why the proposed new duty did not cover early childhood services, as embedding positive healthy eating and drinking habits is critical in a child's early development.
  - d. There was limited feedback from secondary school boards, principals and teachers on the barriers they might face to implementing a potential duty in future. Of the issues raised, the main challenge identified was the **phasing out of contracts with drink suppliers and loss of revenue for schools**.

---

<sup>1</sup> Healthy drinks (consistent with the Ministry of Health's existing guidance on healthy drinking in schools, and the guidelines for the Ka Ora Ka Ako Healthy School Lunches programme) are defined as plain, unflavoured water, reduced or low-fat milk, and unsweetened reduced or low-fat plant-based milks (ie soy, rice, almond, oat) with added calcium and vitamin B12.

- e. **The majority of submitters were supportive of the list of circumstances where it would be reasonable for the duty to not apply.**<sup>2</sup> A number of submitters suggested other circumstances such as infrequent celebrations or events like galas, fairs and discos. There was limited support for schools to take a principles-driven approach to deciding when the circumstances should not apply on a case-by-case basis.
- f. Submitters felt that there should be a lead-in period to allow for primary schools to adjust to the regulation, alongside education guidance on the benefits of healthy drinks to generate awareness amongst students, teachers, and schools.
- g. Peak bodies for teachers, principals and boards had varied responses to the consultation:
- The **New Zealand Principals' Federation** supported Option 2 and recommended that the proposed new duty be extended to include secondary schools, who should terminate all canteen contracts for the supply of sugary drinks.
  - The **New Zealand Educational Institute Te Riu Roa** submission was mixed. They stated they were supportive of healthy drinks being provided to all tamariki but only supported Option 3 (duty to promote only). They questioned why the duty does not apply to early childhood services and raised concerns around advertising and availability of shops that sell unhealthy food and drink near schools.
  - The **Post Primary Teachers' Association** supported Option 3, bolstered by an educative whole-school approach for promoting healthy drinks. However, their main argument against Options 1 and 2 was the difficulty of monitoring the consumption of unhealthy drinks brought in from outside school, which is out of scope of the proposed duty.
  - While the **NZ School Trustees Association** did not submit during public consultation, they provided feedback to the Ministry supporting Option 2 and asked whether schools are exempt from the Water Services Act 2021. We have investigated this issue and have confirmed that schools are not covered by the Water Services Act.
4. A more detailed summary of consultation feedback is included as an appendix to the Cabinet paper. We recommend releasing this appendix and all submissions after Cabinet decisions are made. We have received an Official Information Act request from Health Coalition for all submissions. We refused this request on the basis that the material will soon be publicly available.

#### **Our preferred option is for the proposed new duty to apply to primary schools**

5. While the discussion document for this consultation originally proposed three options, we have developed two additional options following submissions analysis:
- **Option 2a:** replace the existing NAG 5(b) with Regulations and place an additional duty to only provide healthy drinks on primary schools from 1 January 2023, and on secondary schools from 1 January 2024.

---

<sup>2</sup> These circumstances include any school event to mark any religious or cultural occasion (for example communion, pōwhiri), for any drinks consumed as part of the curriculum (for example, using fruit grown at school to make a drink out of in a cooking class), for any drinks provided as part of any medically prescribed dietary requirements, in any school in an area where a boil water notice is currently in effect.

- **Option 4:** replace NAG 5(b) with Regulations and a duty for all schools to only provide healthy food and drinks.
6. We have assessed the options against the following four criteria:
    - a. meets policy objectives as proposed in the discussion document: all students continue to receive positive education on healthy food and nutrition; schools model healthy drink consumption behaviours for children at a young age; and the Regulations are reasonable and fit for purpose in all schools;
    - b. meets Te Tiriti o Waitangi obligations, particularly equity and active protection;
    - c. feasibility of implementation; and
    - d. cost.
  7. An analysis of these options against the criteria is provided in Annex Two.
  8. We considered the viability of implementing option 2a – because the benefits of healthy drink policies are the same for secondary schools. A year's delay in implementation, may give the time needed for secondary schools to plan for the transition. However, because far fewer secondary schools have a water-only or similar policy already in place and there was limited feedback from these schools on the barriers they might face in implementing a potential duty, the impacts of Option 2a remains unclear. Under Option 2a, more information is required to better assess the feasibility and potential cost.
  9. On balance, we recommend Option 1 because it ensures there is a minimum standard for drinks provided in primary schools and supports improvements in the health and wellbeing of those children.
  10. We recommend that further work is undertaken in 2023 to gather more evidence about the nature of the loss of revenue that secondary schools may face and the plans for phasing out contracts with providers of unhealthy drinks, with the intention to implement the same duty in secondary schools in 2024 or 2025. As part of this, we will also identify any further work that might be required to support secondary schools in the transition.
  11. In the discussion document, 'Primary schools' included full primary schools, contributing primary schools, area and composite schools and intermediate schools. These schools offer education primarily to students from years 1 to 8.
  12. Approximately 300 area and composite schools comprise both primary and secondary school-aged children.<sup>3</sup> However, the majority of these schools contain mainly primary school children with a smaller number containing mainly secondary school-aged children. It is not practical for schools to implement a different duty for different year levels – for example, children in Years 7 and 8 not being able to purchase drinks from a vending machine while children in Years 9-13 could. Therefore, we are proposing to include all composite schools with year 1-6 students within the requirement to provide only healthy drinks from 1 January 2023.
  13. Submitters highlighted the separation between school boards and contracted services. To clarify this, we propose that the definition of school boards to provide only healthy drinks includes any contracted service.

---

<sup>3</sup> Education Counts, Data from 1 June 2022.



## **We are proposing a minor change to the proposed definition of healthy drinks**

14. The proposed definition of healthy drinks in the discussion document was:
  - a. plain, unflavoured water;
  - b. reduced or low-fat milk, and;
  - c. unsweetened reduced or low-fat plant-based milks (i.e., soy, rice, almond, oat) with added calcium and vitamin B12.
15. As a result of feedback, we are proposing a minor change to this definition to clarify that plain water should be uncarbonated. Carbonated water has a pH value of around 4.5 to 5.5 pH making it acidic and damaging to tooth enamel. This definition is consistent with the Ministry of Health's existing guidance on healthy drinking in schools.
16. A common theme from the consultation was that full-fat milk instead of reduced-fat milk should be included in our definition of healthy drinks, because reduced-fat milk contains more sugar. While this is true, these are intrinsic sugars that do not lead to tooth decay<sup>4</sup>. Therefore, we are not proposing to include full-fat milks in the definition, which is consistent with Ministry of Health advice.
17. We also propose removing "reduced or low fat" and "added vitamin B12" from the description of plant-based milk, based on advice from the Ministry of Health. They have recently reviewed the sugar content and vitamin fortification levels of non-dairy alternatives, and are in the process of amending their guidelines to remove "no added sugar" and "fortified with vitamin B12" when describing non-dairy milk alternatives.

## **We are proposing a number of circumstances where the duty would not apply**

18. The discussion document identified a range of circumstances where it might be appropriate for the duty to not apply.
19. Some of these circumstances may take place during or outside of regular school opening hours. We want to ensure students are drinking healthy drinks as part of their everyday habits, but also make sure the new duty is reasonable and accounts for the realities of school life.
20. These include circumstances such as:
  - a. **Medical reasons** – any drinks provided as part of any medically required diet or event; or
  - b. **Part of the school curriculum** – any drinks consumed as part of the curriculum such as using fruit grown at school to make a drink out of in a cooking class; or
  - c. **Infrequent events or celebrations** – any school event to mark a religious or cultural occasion and infrequent events like galas, fairs and discos.
21. Following submissions, we have included "infrequent celebrations or events like galas, fairs and discos." This change is intended to recognise that infrequent events or celebrations are part of school life and the focus of the new proposed duty is that schools provide only healthy drinks in most circumstances. It is expected that schools should ensure they are providing healthy drink options even in these situations and this will be included in guidance that follows the proposed regulation.

---

<sup>4</sup> Edgar W, M: Extrinsic and Intrinsic Sugars: A Review of Recent UK Recommendations on Diet and Caries. Caries Res 1993;27 (suppl 1):64-67.

22. The discussion document included situations where a boil-notice was in effect. However, we agreed with submitters that such a scenario should not be a reason to substitute water for unhealthy alternatives. Therefore, we have removed it from the range of circumstances we had previously considered. The discussion document also identified religious occasions where communion might be provided. We have since clarified that for state-integrated schools, it is the church that provides communion rather than the school board. Therefore, we have removed it from the example.

### **The consultation raised further questions around other options and the broader healthy food and drink environment for schools and early childhood services**

23. A large number of submitters called for broader healthy food and drink environments in schools and early childhood education (ECE) services. This included suggestions for a multi-agency approach to combine/replace healthy drink regulations with changes to marketing, GST, and healthy food subsidies.
24. Submissions from a number of Māori organisations highlighted that the options presented in public consultation risk perpetuating breaches of Te Tiriti o Waitangi, by allowing schools to feed tamariki Māori foods that contribute to poor health outcomes and limit the ability of students to achieve mauri ora and pae ora.
25. ECE services operate under a licensing or certification framework and must meet the health and safety practices standards set out in regulations. Licensing criteria details how services are assessed as meeting those standards, and include provisions around food and nutrition, food hygiene and drinking water.<sup>5</sup>
26. Proposed changes to the promotion of healthy food and provision of healthy drinks in schools is one intervention alongside a broader range of interventions Government has to promote healthy eating and drinking. While the proposed regulation will only cover the schools' provision of drinks, it will set a minimum standard that will be supported by other Government initiatives, such as Ka Ora, Ka Ako Healthy School Lunches and Healthy Active Learning. Under section 217 of the Education and Training Act, school boards also have a responsibility to give effect to Te Tiriti o Waitangi, which may include additional school policies that promote Māori education (and health) outcomes.
27. However, we know that healthy food and drink are good for a child's general health, dental hygiene, and behaviour. A school's promotion of healthy food and nutrition is undermined when the school also provides unhealthy food and drink. While a healthy drinks regulation in schools goes some way to supporting a shift in behaviour, there are other potential opportunities that could be explored around the provision of healthy food within schools and kura.
28. If you agree, officials could investigate a potential joint work programme with the Ministry of Health focused on supporting better healthy food and nutrition outcomes for children in schools and kura. We do not recommend including early learning as substantial work was completed in recent years to update the health and safety criteria, including guidelines for promoting healthy eating in early childhood services. The new guidelines came into force in 2021.

### **Reporting on student performance**

---

29. Current requirements for reporting to parents are specified in the NAG 2(c). When all the NAGs expire on 1 January 2023, with the repeal of their empowering provision, reporting

---

<sup>5</sup> Education (Early Childhood Services) Regulations 2008 prescribe minimum standards that each licensed service must meet, this includes Health and Safety practices criterion 19 which focuses on food and nutrition.

requirements in section 165 of the Act (with an associated regulation making power) come into force.

30. Section 165 (3) states that the board must ensure that information about a student's performance is given to a parent of the student in a timely manner and in a form that is readily understandable. We propose to add more specification by replicating the current requirements of NAG 2(c) in new regulations under section 639 of the Act. The regulations would require school boards, with the principal and teaching staff, to:

“on the basis of good quality assessment information<sup>6</sup> report to students and their parents on progress and achievement of individual students:

- a. in plain language, in writing, and at least twice a year; and
  - b. across The National Curriculum, as expressed in The New Zealand Curriculum 2007 or Te Marautanga o Aotearoa, including in mathematics and literacy, and/or te reo matatini and pāngarau”.
31. Section 165 reporting requirements were initially passed as part of the Education (Update) Amendment Act 2017 but have a commencement date of 1 January 2023. They were intended to ensure that there were minimum requirements for student reporting set in legislation, with an option to add greater specificity through regulations.
32. Without new regulations to replicate current NAG requirements, there is a risk that some schools and kura may decrease the timing, form and / or content of their reporting to parents and that parents' expectations are not met.
33. Regulations will maintain the current minimum expectations on school boards around reporting to support parents' engagement in their children's learning. These can be made under the regulation making power in section 639 of the Education and Training Act, which allows for regulations to be made relating to monitoring and reporting on the performance of a school's students under section 165.
34. We considered whether there were opportunities to improve the current NAG 2(c) requirements. This is because we heard through the Education Conversation | Kōrero Mātauranga that parents:
- a. want to know how their children are doing in a broader sense alongside information about progress in literacy and numeracy; and
  - b. are interested in their children's wellbeing at school and do not always feel they have the information they need about how their children are doing.
35. However, given the substantial curriculum and assessment changes that are being worked through with the education community, we recommend considering the need for improvements once that work is further progressed. This also provides certainty and minimises change for schools in the uncertain pandemic environment.

## Next steps

---

36. We seek your agreement to begin departmental consultation on the draft Cabinet paper in the week of 11 July. We will provide you with a copy of the Regulatory Impact

---

<sup>6</sup> Good quality assessment information draws on a range of evidence to evaluate the progress and achievement of students and build a comprehensive picture of student learning across the curriculum.

Assessment in time for Ministerial Consultation. The following table sets out the proposed timeline for seeking agreement to these proposals.

**Table 1: Proposed timeline for regulatory changes**

Milestone	Timeline
Departmental consultation	Week of 11 July
Ministerial Consultation	22 July – 31 July
Provide final Cabinet paper to Ministers office	2 August
Lodge Cabinet paper	4 August
Social Wellbeing Committee	10 August
Cabinet confirmation	15 August
Parliamentary Council Office drafting	16 August – 16 September (5 weeks)
Legislation Committee consideration	10 November
Cabinet and Executive Council consideration	November
Regulations Gazetted	17 November
Changes come into force <ul style="list-style-type: none"> <li>Regulations for primary schools</li> <li>Regulations for student reporting</li> </ul>	1 January 2023

## Annexes

Annex 1: Draft Cabinet paper on the promotion and provision of healthy drinks and student reporting regulations (*attached separately*)

Annex 2: Options analysis and criteria assessment

## Annex 2 – Options analysis and criteria assessment

0 = Does not meet the criteria at all	1 = Meets the criteria to a limited extent	2 = Achieves the criteria	3 = Exceeds the criteria
---------------------------------------	--	---------------------------	--------------------------

Criteria	Option 1 NAG 5(b) + add duty on primary schools to provide only healthy drinks	Option 2 NAG 5(b) + add duty on all schools to provide only healthy drinks	Option 2a NAG 5(b)+ add duty on all schools to provide only healthy drinks, with a one-year delayed implementation for secondary schools	Option 3 Modified Status Quo (existing NAG5(b) with no additional duty)	Option 4 NAG 5(b) + add duty on all schools to provide only healthy food and drinks
Meets policy objectives <sup>7</sup>	Meets policy objectives by contributing to improvements in health & wellbeing of primary school students by restricting the provision of unhealthy drinks across these schools. <b>2</b>	Ensures all schools provide only healthy drinks. Given fewer secondary schools have water-only policies, this option would lead to a greater shift from the status quo. <b>3</b>	Same as Option two. <b>3</b>	No change to the current duty. <b>0</b>	The provision of only healthy food better aligns with students receiving a positive education on healthy nutrition, however, this option is also less reasonable from an implementation perspective. <b>3</b>
Meets Te Titiri o Waitangi obligations, particularly as it relates to equity and active protection	Protects Māori primary school children from unhealthy drinks while at school and contributes to equity in health and wellbeing outcomes – which supports education outcomes in the classroom. However, this option does not address the health and	As more Māori children are included in this option and it will lead to a greater shift, this option allows Government to better meet its duty to protect Māori and ensure more equitable health and wellbeing outcomes. <b>2.5</b>	Same as Option two. <b>2.5</b>	No change to the current duty. <b>0</b>	This option best meets Te Tiriti o Waitangi obligations by protecting and promoting the health and wellbeing of Māori children as it relates to both food and drink. <b>3</b>

<sup>7</sup> The three policy objectives are: all students continue to receive positive education on healthy food and nutrition, schools model healthy drink consumption behaviours for children at a young age, the Regulations are reasonable and fit for purpose in all schools.

	wellbeing of older children. <b>2</b>				
<b>Feasibility of implementation</b>	Relatively simple to implement given most schools have already adopted a water-only policy and few primary schools have canteens. There may be difficulties for some rural primary schools due to lack of infrastructure and intermediate schools who have canteens and other food vending options. <b>3</b>	Would be relatively simple for most primary schools to implement, but there are difficulties and challenges in intermediate and secondary schools, such as the cost of revenue from drink's sales. <b>1</b>	Similar to Option two, but difficulties and challenges in secondary schools could be mitigated by the one-year delay. <b>1.5</b>	No change to the current duty. <b>0</b>	Difficult to implement as it would require additional policy work on agreed food standards, which would require a longer lead-in time. This would need to be a joint Ministry of Education/Ministry of Health work programme. <b>0</b>
<b>Cost implications are minimal</b>	Minimal costs as two-thirds of primary schools already have similar policies. <b>2.5</b>	Unclear what the loss of revenue and phasing out of contracts may mean for secondary schools. <b>1</b>	Same as Option two <b>1</b>	No change to the current duty. <b>0</b>	Additional Government funding would be required to support schools to be able to provide only healthy food. <b>0</b>
<b>Overall assessment</b>	<b>9.5</b>	<b>7.5</b>	<b>8</b>	<b>0</b>	<b>6</b>