



## Briefing Note: Public consultation on Regulations for healthy eating and drinks – Talking points for Cabinet Business Committee

<b>To:</b>	Hon Chris Hipkins, Minister of Education		
<b>Date:</b>	18 February 2022	<b>Priority:</b>	Medium
<b>Security Level:</b>	In Confidence	<b>METIS No:</b>	1281834
<b>Drafter:</b>	Dan Martin	<b>DDI:</b>	463 1941
<b>Key Contact:</b>	9(2)(a) [REDACTED]	<b>DDI:</b>	463 8704
<b>Messaging seen by Communications team:</b>	No	<b>Round Robin:</b>	No

### Purpose of paper

This paper provides talking points (Annex 1) for your discussion of the paper *Public consultation on proposed changes to the promotion and provision of healthy drinks in schools* at Cabinet Business Committee on Monday 21 February 2022.

### Summary

- The Cabinet paper seeks approval for public consultation on three options relating to the promotion of healthy food and nutrition, and the provision of healthy drinks.
- The options are:
  - Option 1:** replace the existing National Administration Guideline (NAG) 5b with a duty in Regulations for all schools and kura to promote healthy food and nutrition, and a duty on all schools with students in years 1-8 to only supply healthy drinks to year 1-8 students (**preferred option**).
  - Option 2:** replace the existing NAG 5b with a duty in Regulations and place an additional duty on all schools (primary and secondary) to only provide healthy drinks.
  - Option 3:** replace the existing NAG 5b with a duty in Regulations to promote healthy food and nutrition with no additional duties on school boards regarding the provision of healthy drinks.

## Proactive Release

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**Agree** that this briefing will be proactively released after Cabinet decisions have been made.

**Agree /** Disagree

9(2)(a)



**Group Manager**  
**Te Puna Kaupapahere - Policy**  
18/02/2022

A handwritten signature in blue ink, likely of Hon Chris Hipkins.

Hon Chris Hipkins  
**Minister of Education**

21 / 2 / 2022

## Annexes

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Annex 1: Talking points

## Annex 1: Talking points for Cabinet paper *Public consultation on Regulations for healthy eating and drinks* for CBC 21 Feb

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1. I am seeking agreement to publicly consult on options to replace National Administration Guideline (NAG) 5b, which requires schools to “promote healthy food and nutrition,” with Regulations.
2. The Regulations would impose a duty on school boards to promote healthy food and nutrition, and would also impose an additional duty on schools and kura with students in years 1-8 to only supply healthy drinks to year 1-8 students.
3. I am proposing two other options for public consultation:
  - a. **Option 2:** replace the existing NAG 5b with a duty in Regulations, and impose an additional duty on all schools (primary and secondary) to only provide healthy drinks.
  - b. **Option 3:** replace the existing NAG 5b with a duty in Regulations to promote healthy food and nutrition, with no additional duties on school boards regarding the provision of healthy drinks.

### *The case for change*

4. The National Administration Guidelines, including the requirement for boards to promote healthy food and nutrition, will cease on 1 January 2023. Schools have been subject to this requirement since 2009, which is why I’m proposing to transfer the requirement into new Regulations.
5. The introduction of new Regulations gives us an opportunity to do more for children’s wellbeing. Research has shown that dental decay is now the most common disease reported among children in New Zealand, and rates of obesity among children increased significantly between September 2020 and August 2021.
6. Sugar sweetened beverages contribute over a quarter of the total sugar intake of children. This is why I am proposing to consult on an additional duty on school boards to only provide healthy drinks. The definition of healthy drinks includes water, milk, and non-dairy milk alternatives, and is consistent with existing guidance from the Ministry of Health.

### *Secondary schools are not included at this stage*

7. Primary schools have made good progress in implementing healthy drinking policies themselves, with a majority reporting that they had a water-only or healthy drinking policy in 2016. This new duty will bring all schools teaching years 1-8 up to a minimum standard of healthy drinks provided by the school.
8. Healthy drinking policies would also be beneficial to children in secondary schools. However, far fewer of these schools already have a healthy drinking policy, and I want to understand more about the potential barriers to implementing one before placing the same requirement on secondary schools. Once I better understand this, I intend to extend this duty to all State schools.

### *A duty to only provide healthy drinks in primary schools is a measured approach*

9. Water and milk are the healthiest drinks a person can consume, and are what we want children to be consuming most of the time. However, this type of duty won’t be reasonable in some situations, such as where a boil water notice is in effect or during a religious or cultural event. I want to consult on the specific circumstances where the new duty should not apply. This won’t stop schools from going further than the new duty by introducing a policy that bans all unhealthy drinks in all circumstances, after consulting with their community.