

Cabinet Paper material

Proactive release

Minister & portfolio Hon Chris Hipkins, Minister of Education
Name of package Education and Training Bill: SecondTranche of Policy Approvals
Date considered 3 April 2019
Date of release 2 December 2019

These documents have been proactively released:

Cabinet Paper: Education and Training Bill – second tranche of policy approvals

Date considered: 3 April 2019
Author: Ministry of Education

Social Wellbeing Committee Minute – SWC-19 MIN-0029

Date considered: 3 April 2019
Author: Cabinet Office

Cabinet Minute – CAB-19-MIN-0139

Date considered: 8 April 2019
Author: Cabinet Office

Regulatory Impact Statement: Strengthening the right to education by confirming the right to attendance

Date considered: 3 April 2019
Author: Ministry of Education

Regulatory Impact Statement: Prohibiting the awarding of NCEA offshore

Date considered: 3 April 2019
Author: Ministry of Education

Material redacted

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.

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

In Confidence

Office of the Minister of Education

Chair, Cabinet Social Wellbeing Committee

Education and Training Bill –second tranche of policy approvals

Proposal

- 1 This paper seeks the second tranche of policy approvals for the Education and Training Bill (the Bill) and approval to issue related drafting instructions.

Executive Summary

- 2 On 3 April 2019, the Cabinet Social Wellbeing Committee (SWC) approved the first tranche of policy proposals for the Bill [SWC-19-MIN-0029 and CAB 19 MIN-0139].
- 3 On 1 May 2019, SWC agreed to the release of the second tranche of proposals for public consultation [SWC-19-MIN-0041 and CAB-19-MIN 0203]. That consultation has informed the development of the following proposals for which I am seeking Cabinet approval:
 - 3.1 Transferring the Education Act 1964 provisions regarding the establishment and disestablishment of special schools into the Bill, with minor updates to remove the redundant terms “special class” and “special clinic”;
 - 3.2 Renaming of “special schools” to “specialist schools”;
 - 3.3 Strengthening the provisions that give children and young people rights to education;
 - 3.4 Prohibiting, except in limited circumstances, the offshore awarding of the National Certificate of Educational Achievement (NCEA) and making it an offence carrying a maximum fine of \$10,000 for an institution to breach the prohibition.
- 4 These proposals will be implemented through the Bill, which I am seeking to introduce later this year.

Background

- 5 On 3 April 2019, SWC approved the first tranche of policy and invited me to issue related drafting instructions for the Bill (SWC-19-MIN-0029 and CAB-MIN-0139).
- 6 The Bill will, in conjunction with the Vocational Education and Learning Bill, repeal and replace the Education Act 1989 (the 1989 Act), the Education Act 1964 (the 1964 Act) and the Industry Training and Apprenticeships Act 1992, with a new Education and Training Act.
- 7 On 1 May 2019, SWC agreed to public consultation on the following proposals :
 - 7.1 transferring provisions regarding special schools and renaming “special schools”

7.2 strengthening the right to education

7.3 prohibiting the awarding of NCEA offshore.

8 Consultation ran from 14 May to 14 June 2019 (almost five weeks). 73 submissions were received.

Comment

Special schools

- 9 The Ministry of Education received 18 submissions on proposals related to special schools. The proposals were firstly, to transfer the provisions relating to the establishment and disestablishment of special schools from the 1964 Act to the Bill, and secondly to change the name from “special school” to “specialist school”.
- 10 The term “special school” is used in the 1989 and 1964 Acts to refer to the residential and day schools that support students with high needs, and to the regional health schools that provide teachers for children who are unwell. As part of streamlining and updating the legislation, I am proposing to transfer the special schools establishment and disestablishment provisions from the 1964 Act to the new legislation. I am also proposing to remove references to the terms “special class” and “special clinic” as these are now redundant.
- 11 These proposed amendments are purely technical and are aimed at repealing and replacing the 1964 Act. They will not affect the existing obligations and decision-making criteria that apply in relation to the establishment and disestablishment of special schools. There was no opposition to these changes during consultation. I recommend we proceed with the transfer of these provisions.
- 12 There were mixed views on the proposal to change the term “special school” to “specialist school” in the legislation. This proposal was aimed at more closely aligning the name of these schools with their broadening role of providing learning support, such as the Specialist Teacher Outreach Service. The service provides itinerant specialist teachers who work across local schools with students who are receiving Ongoing Resourcing Scheme support and their teachers.
- 13 Seven submitters on this proposal supported changing the name to “specialist schools”. Eight submitters, including representatives of the disability community, agreed that the name should be changed but they did not approve of the name “specialist school” and six of these submitters recommended that targeted consultation be undertaken with special schools, their communities and disabled people before deciding on a new name. Five submitters also expressed concern about the cost to affected schools of rebranding (a cost estimated by some to be \$20,000 per school).
- 14 I remain of the view that the name “specialist schools” more accurately reflects the role of these schools and the important part they play in our education system, so I am proposing to proceed with this name change. The name specialist schools better reflects the wider role that these schools now have in supporting inclusive education within our schooling system. It also reflects the shift in focus from the school itself to the specialist nature of the services provided to support students with disabilities and additional learning support needs. Individual schools will not need to rebrand because the amendments to the legislation won’t formally rename each school.

Strengthening the right to education

- 15 The proposal here was to strengthen the right to education by clarifying that there is a right to attend school and sign-posting how the legislation gives effect to other aspects of the right to education. The Ministry received 69 submissions on this proposal.

Views of parents, disability community and those representing their interests

- 16 Thirty seven submitters were parents, members of the disability community, or those representing their interests. Thirty one of these submitters support the intention of the proposal to explicitly include the right to attendance in legislation. Two submitters opposed this proposal and two did not express an opinion.
- 17 However, the majority of these submitters consider that the proposal does not go far enough. What we heard strongly and clearly from these stakeholders was that being allowed to sit in a classroom for the same number of hours as other students is not enough. Each student should be supported to learn effectively.
- 18 In general, these stakeholders consider that there need to be legislative frameworks to uphold and enforce the right to education and provide redress where the right is breached. Many of them consider that these frameworks and mechanisms should include a legislated code of rights for all students and a code of practice for professionals working alongside students with special needs. They also recommend the establishment of an independent education dispute resolution service to address all education-related complaints between students/whanau and schools.
- 19 Stakeholders including the Disability Rights Commissioner, the Children's Commissioner and IHC recommend that the legislation is amended to give an explicit commitment to New Zealand's international obligations to inclusive education, particularly those under the United Nations Convention on the Rights of the Child (UNCROC) and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).
- 20 A key message from parents, and those representing the interests of parents, students and the disability community, was that the Ministry of Education could do more under the current legislation to help students realise their right to education. This includes enforcing the right to education and providing adequate resourcing and support to enable students to attend school fulltime.

Views of schools, staff and those representing their interests

- 21 Thirty two submissions were from schools and their staff, and peak bodies and organisations that represent their interests. Twenty three of these submitters supported the right to attend but consider that schools do not have sufficient resources to meet the obligation and that the proposal should not be implemented unless and until it is properly resourced. Seven of these submitters opposed the proposal, but often the key basis for this opposition was inadequate support provided to schools to enable full time attendance. Two of these submitters did not express an opinion.
- 22 The main resourcing concerns are that the proposal will require significant additional funding, more specialist staff (teacher aides and learning support advisers), and more training for classroom teachers.

- 23 Schools and their peak bodies were also strongly concerned about the impact of students with behavioural problems on teachers and other students. Many of these submitters commented on the need to balance the right of those students to attend school with the right of others to learn and the need to keep everyone safe. There is a perception that the Ministry does not understand the reality for teachers of having to manage students with extreme behavioural issues.
- 24 Schools and their peak bodies also commented on the need for the Ministry to assume its share of the responsibility for enabling students to realise their right to attendance and wanted to avoid schools being unfairly targeted by any changes resulting from this proposal.

Responding to the submissions received

- 25 Overall there are three key areas of concern raised by submitters. Firstly, submitters wanted the right to education, including attendance, clarified in the legislation by reference to the UN conventions to which we are a signatory. Secondly, submitters wanted to understand how this right to attendance could be enforced by the Ministry. Thirdly, submitters were concerned that resourcing and support is required to ensure schools can provide for all students to attend fulltime.

Clarifying the right to attendance in the legislation

- 26 I propose to amend the provisions in the 1989 Act to clarify that the right to education includes the right to attend the school in which a student is enrolled, fulltime. This is in addition to the current explicit right to free enrolment and free education at a State school.
- 27 I propose amending the legislation so it is clear that all students have the right to attend, including those with learning support needs. I believe that these amendments will strengthen the right to education in our domestic legislation. In making this change, I am aiming to take us closer to complying with our UNCROC and UNCRPD obligations.
- 28 Some parents were concerned that the proposal could disadvantage those students with disabilities or additional learning needs whose families consider that their needs are best met by attending for fewer hours. In general, students are required under section 25 of the 1989 Act to attend school for at least four hours every day that the school is open for instruction for four or more hours. In general I consider it preferable to support schools, students and their families to enable all students to attend fulltime. However, I want to be clear that this proposal is not intended to prevent those students from having the flexibility of reduced attendance hours on a temporary basis as part of a plan that will support them to transition to fulltime attendance.
- 29 To ensure this is clear in the legislation, I am proposing an additional amendment to enable a student's parents, the principal and the Secretary for Education to agree to vary hours as part of a transition attendance plan where the particular special needs of the student require this. An arrangement is already in place for five year old students as a part of transitioning to school. I propose this transition plan be limited to a maximum of six months duration (and not be renewable), and must be requested by the parents only. The transition plan must be considered by all parties involved to be in the child's best interests. Evidence will be required of the child's particular needs (from a doctor or psychologist).
- 30 I also propose to amend the 1989 Act to make it clearer how the legislation gives effect to all aspects of the right to education.

- 31 Components of this right set out in the UNCROC and UNCRPD treaties, include a right to access an inclusive, quality education on an equal basis with others and where required, to receive effective, individualised support to participate in education. Some of these key concepts are already explicitly included in the Education Act 1989. For example, the right to an inclusive education is referenced by virtue of the obligation on boards in Clause 5 of Schedule 6 of the 1989 Act to “ensure that the school [...] is inclusive of and caters for students with differing needs”.
- 32 Section 8 of the 1989 Act provides that “people who have special education needs (whether because of disability or otherwise) have the same rights to enrol and receive education at State schools as people who do not”. With the amendment to the 1989 Act to explicitly state the right to attendance for all students, it will be clear that those with additional needs have the right to attend school full time.
- 33 The Bill will restructure the legislation to locate these rights and related obligations together, so that it is clear that schools are required to provide inclusive education to their students.
- 34 The proposed legislative change will, in conjunction with the Learning Support Action Plan and other learning support initiatives, enable us to deliver on most aspects of our international obligations. I will consider how best to provide for other components of the right to education, such as ensuring students with additional needs receive individualised support to participate in education, as a part of future work to implement the Learning Support Action Plan and the Tomorrow’s Schools Review. This will enable us to consider what resources schools would need to ensure that all students can access all aspects of their right to education.
- 35 Clarifying the right to attendance will benefit some of the most disadvantaged children and young people in New Zealand. Limited attendance is an issue for the children and young people that Oranga Tamariki – Ministry for Children work with. The Ministry of Education has met with Oranga Tamariki to discuss the proposals. Oranga Tamariki supports the proposals.
- 36 The Ministry of Education also consulted Te Puni Kokiri. Te Puni Kokiri considers it important that a whānau centred approach is applied to the implementation of this proposal and to all the tranches of policy proposals for the Bill to ensure that new legislation meets the needs of whānau Māori, hapū, iwi and communities.

Enforcing the right to education

- 37 I agree that a right to education is of limited value if it is not complied with and cannot be enforced. However Part 7A of the Education Act 1989 already provides the Secretary for Education with a significant range of interventions and powers. The interventions framework was significantly amended in 2017 to provide for new intervention options and make existing intervention powers more comprehensive. These amendments were intended to provide schools with quicker and more tailored support from the Ministry. The framework provides for a graduated set of interventions in schools, starting with a requirement to provide information, the use of case conferences, and requiring the school to engage specialist help. The Ministry will make use of its statutory interventions as these can be effective in assisting schools to meet their obligations and helping parents to ensure that their children can realise the right to attend.

Supporting students and schools

- 38 I acknowledge the concerns from stakeholders about resourcing in relation to students with disabilities and additional learning support needs. I am confident that some of the resourcing issues will be addressed through the implementation of the Ministry's Learning Support Action Plan, the Review of the Ongoing Resource Scheme and the implementation of the Ministry's Learning Support Budget 2019 initiatives.
- 39 While I understand that resourcing is a real issue for some schools, this is not the only reason why some schools may disincentivise or discourage particular students from attending. Where behavioural and attitudinal change can improve the learning experiences and outcomes for students with additional needs within current resourcing, I expect the Ministry to work with schools to make this happen.

Prohibiting the offshore awarding of NCEA in most circumstances

- 40 I propose to prohibit the offshore awarding of NCEA except in the following circumstances:
- 40.1 to allow for the continued awarding of NCEA to domestic students through correspondence school enrolment gateways;
 - 40.2 to allow for NCEA qualifications to continue to be awarded in countries, such as the Cook Islands and Niue, where the Government has enabled this through government-to-government agreements.
- 41 It is intended that this proposal will allow tertiary education providers (TEPs) to continue to provide unit standards offshore that lead to qualifications other than NCEA, and which can also contribute to NCEA, where this provision is not aimed at NCEA.
- 42 NCEA was never developed to be an international qualification. Its mix of internal and external assessment linked with teaching and learning of the National Curriculum, was developed for New Zealand students or those living in New Zealand. Most NCEA qualifications are comprised of achievement standards. The assessment of these requires understanding of the National Curriculum and competence in delivering the learning outcomes which are assessed by the achievement standards. This cannot be guaranteed in an offshore setting. The widespread awarding of NCEA offshore would also present logistical difficulties for the New Zealand Qualifications Authority (NZQA) in moderating and quality assuring the assessment of standards.
- 43 This would create significant risks to the international reputation and credibility of the NCEA qualifications. While NZQA would seek to manage these risks, this could impact both on New Zealand students with NCEA wishing to study at tertiary level in other countries, and on the desirability of New Zealand as a destination for international secondary students.
- 44 The proposed prohibition addresses a legislative inconsistency which prevents State schools, apart from correspondence schools, from providing NCEA to students offshore¹ while allowing private schools and TEPs to do this. Creating a level playing field by allowing State schools to offer NCEA offshore would only exacerbate the problems identified above.
- 45 Eight submitters commented on the proposal to prohibit the awarding of NCEA offshore. Six submitters were in favour of the proposal. One submitter was opposed and one

¹Te Aho o Te Kura Pounamu (Te Kura) is currently the only correspondence school.

submitter did not express a view. Only one submitter commented on what an appropriate sanction for non-compliance would be.

- 46 I am proposing that it would be an offence to breach the prohibition punishable by a maximum fine of \$10,000 for an institution. The proposed penalty is consistent with existing penalties for offences under the 1989 Act that target similar types of wrongdoing. Compliance with the prohibition will be enforced by NZQA. The new offence and penalty provisions will be designed to complement NZQA's existing compliance monitoring and enforcement powers to ensure a flexible and proportionate response to non-compliance.
- 47 One of the purposes of this consultation was to check whether there are any private schools or TEPs currently providing NCEA offshore (NZQA had previously advised that it was not aware of any such cases). Despite writing to all TEPs and communicating with private schools and their peak bodies, I am advised by the Ministry of Education that it has received no information indicating that any private schools or TEPs are currently providing NCEA offshore. Accordingly, I do not propose to provide in the Bill for transition arrangements for any students based offshore and currently studying towards an NCEA qualification through private schools or TEPs.

Consultation

- 48 The Treasury, Ministry of Social Development, Office for Disability Issues, Ministry for Women, Te Puni Kōiri, Ministry for Pacific Peoples, Oranga Tamariki-Ministry for Children, Ministry of Justice, Ministry of Business, Innovation and Employment, Ministry of Foreign Affairs and Trade, Education Review Office, Tertiary Education Commission and New Zealand Qualifications Authority were consulted on this paper. The State Services Commission and the Department of the Prime Minister and Cabinet were informed.

Financial Implications

- 49 There are no financial implications in relation to the special schools' and prohibiting awarding NCEA offshore proposals.
- 50 The proposal to clarify the right to attendance should not create additional costs for schools because its purpose is to confirm an existing right rather than create a new one i.e. schools should already be enabling all their students to attend fulltime. However, the reality is that some schools are not currently doing this. For those schools, there may be compliance costs triggered by the Ministry's commitment to using its statutory interventions under the 1989 Act where appropriate.
- 51 In many cases, these costs will be offset by the Budget 2019 funding for learning support initiatives. Work is currently underway to ensure that funding is directed to where it is most needed. Adjustments may need to be made to funding allocation mechanisms and these issues will be addressed through the implementation of the Learning Support Action Plan, the Review of the Ongoing Resource Scheme and the implementation of the Budget 2019 learning support initiatives.

Human Rights

- 52 All of the proposals appear to be consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993. A final determination as to the consistency of these proposals with the New Zealand Bill of Rights Act will only be possible when the Bill has been drafted.

Legislative Implications

- 53 I intend to progress these proposals through the Education and Training Bill, which holds a **s 9(2)(f)(iv)** in the 2019 Legislation Programme. I intend to seek further Cabinet policy approvals in September and to introduce the Bill later this year.

Regulatory Impact Analysis

- 54 The Regulatory Quality Team at the Treasury has determined that the regulatory decisions sought in this Cabinet paper relating to the establishment and disestablishment of special schools and the name of special schools are exempt from the requirement to provide a Regulatory Impact Assessment. These are technical amendments, which will have no or minor impacts on businesses, individuals or not for profit entities.
- 55 The Ministry of Education's Quality Assurance Panel reviewed the Regulatory Impact Analysis (RIA) *Prohibiting the awarding of NCEA offshore* produced by the Ministry of Education and dated 14 August 2019. The Panel considers that it **meets** the Quality Assurance criteria. The Panel considers that the RIA is concise and that relates to the scale of the problem. The problem is clearly defined and there is a strong case for making the change.
- 56 The Ministry of Education's Quality Assurance Panel reviewed the RIA *Strengthening the right to education by strengthening the right to attendance* produced by the Ministry of Education and dated 14 August 2019. The Panel considers that it **partially meets** the Quality Assurance criteria. The Panel considers that while the RIA clearly defines the problem and makes the case for change, the difficulty with estimating the scale of the current problem means that the impact on children, their parents, and the sector is not able to be estimated and so the RIA only partially meets the criteria. As such, the Panel notes that the future monitoring and potential review is critical for determining whether the implementation approach is fit for purpose.

Gender Implications

- 57 There are no gender implications in relation to these proposals.

Disability Perspective

- 58 No disability issues have been identified in relation to the proposal to prohibit the awarding of NCEA offshore.
- 59 In relation to the proposals regarding special schools and strengthening the right to education, the Ministry met with the Disabled Persons Organisations Coalition and received submissions from the following organisations representing the views of disabled people: The Disability Rights Commissioner, IHC New Zealand, CCS Disability Action, Disabled Persons Assembly NZ, VIPS Equity in Education, Hear for Families Auditory Processing Disorder NZ, Inclusive Education Action Group, People First NZ, Education For All.
- 60 The implications of the special schools' proposals for disabled children and young people are set out in paragraphs 9-11. The views of their parents and disability community representatives are set out in paragraphs 12-14.

- 61 The implications for disabled children and young people of the proposal to strengthen the right to education are set out in paragraphs 26-36. The views of their parents and disability community representatives are set out in paragraphs 16-20.

Proactive Release

- 62 I intend to proactively release this Cabinet paper subject to redaction as appropriate under the Official Information Act 1982. Redactions will likely include references to the Education and Training Bill's priority in the 2019 Legislation Programme.

Publicity

- 63 I intend to announce these proposals together with those from tranches 1 and 3 after Cabinet approves the introduction of the Education and Training Bill.

Recommendations

- 64 The Minister of Education recommends that the Committee:

- 1 **note** that on 1 May 2019, the Cabinet Social Wellbeing Committee agreed to the release of the following consultation documents for public consultation:

- 1.1 transfer of provisions regarding special schools and renaming of "special schools"

- 1.2 strengthening the right to education

- 1.3 prohibiting awarding NCEA offshore

[SWC-19-MIN-0041]

Special schools

- 2 **agree** to transfer the Education Act 1964 provisions regarding the establishment and disestablishment of special schools into the Bill, with minor updates to remove the redundant terms "special class" and "special clinic"

- 3 **agree** to change the name "special school" to "specialist school"

Strengthening the right to education

- 4 **agree** to amend the Education Act 1989 to clarify that the right to education includes the right for enrolled students to attend the school in which they are enrolled for all the hours that the school is open for instruction

- 5 **agree** to amend the Education Act 1989 to enable a student's parents, the principal and the Secretary for Education to agree to vary hours as part of a non-renewable transition attendance plan of no more than six months duration where the particular special needs of the student require this, is supported by evidence from a doctor or psychologist, where it has been requested by the parents, and where all parties are satisfied that it is in the student's best interests

Prohibit the awarding of NCEA offshore

- 6 **agree** to prohibit the awarding of NCEA offshore subject to exceptions to:
 - 6.1 allow for the continued awarding of NCEA to domestic students through correspondence school enrolment gateways (currently limited to Te Aho o Te Kura Pounamu)
 - 6.2 allow for NCEA qualifications to continue to be awarded in countries, such as the Cook Islands and Niue, where the Government has enabled this through cross-government agreements
- 7 **agree** that breaching the prohibition will be an offence carrying a penalty of a maximum fine of \$10,000 for an institution
- 8 **note** that the Minister of Education will be seeking further Cabinet policy approvals for the content of the Bill in September with a view to introducing the Bill later this year
- 9 **invite** the Minister of Education to issue drafting instructions to give effect to the policy decisions in these recommendations
- 10 **authorise** the Minister of Education to make decisions on any issues of detail that may arise during the drafting process without further reference to Cabinet, subject to the decisions being consistent with the policy decisions in this paper
- 11 **note** that the recommendations with drafting implications are subject to Parliamentary Counsel's discretion as to how best to express these in legislation.

Authorised for lodgement

Hon Chris Hipkins

Minister of Education



Cabinet Social Wellbeing Committee

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.

Education and Training Bill: Second Tranche of Policy Approvals

Portfolio Education

On 28 August 2019, the Cabinet Social Wellbeing Committee (SWC):

- 1 **noted** that on 1 May 2019, SWC agreed to the release of the following consultation documents for public consultation:

- 1.1 transfer of provisions regarding special schools and renaming of “special schools”;
- 1.2 strengthening the right to education;
- 1.3 prohibiting awarding NCEA offshore;

[SWC-19-MIN-0041]

Special schools

- 2 **agreed** to transfer the Education Act 1964 provisions regarding the establishment and disestablishment of special schools into the Bill, with minor updates to remove the redundant terms “special class” and “special clinic”;
- 3 **agreed** to change the name “special school” to “specialist school”;

Strengthening the right to education

- 4 **agreed** to amend the Education Act 1989 to clarify that the right to education includes the right for enrolled students to attend the school in which they are enrolled for all the hours that the school is open for instruction;
- 5 **agreed** to amend the Education Act 1989 to enable a student’s parents, the principal and the Secretary for Education to agree to vary hours as part of a non-renewable transition attendance plan of no more than six months duration where: the particular special needs of the student require this, it is supported by evidence from a doctor or psychologist, it has been requested by the parents, and all parties are satisfied that it is in the student’s best interests;

Prohibit the awarding of NCEA offshore

- 6 **agreed** to prohibit the awarding of NCEA offshore subject to exceptions to:
- 6.1 allow for the continued awarding of NCEA to domestic students through correspondence school enrolment gateways (currently limited to Te Aho o Te Kura Pounamu);
 - 6.2 allow for NCEA qualifications to continue to be awarded in countries, such as the Cook Islands and Niue, where the government has enabled this through cross-government agreements;
- 7 **agreed** that breaching the prohibition referred to in paragraph six will be an offence carrying a penalty of a maximum fine of \$10,000 for an institution;
- 8 **noted** that the Minister of Education will be seeking further Cabinet policy approvals for the content of the Bill in September 2019 with a view to introducing the Bill later in the year;
- 9 **invited** the Minister of Education to issue drafting instructions to give effect to these policy decisions;
- 10 **authorised** the Minister of Education to make decisions on any issues of detail that may arise during the drafting process without further reference to Cabinet, subject to the decisions being consistent with the policy decisions in the paper under SWC-19-SUB-0107;
- 11 **noted** that the recommendations with drafting implications are subject to Parliamentary Counsel's discretion as to how best to express these in legislation.

Gerrard Carter
Committee Secretary

Present:

Rt Hon Jacinda Ardern
Hon Grant Robertson
Hon Dr Megan Woods
Hon Andrew Little
Hon Carmel Sepuloni (Chair)
Hon David Parker
Hon Jenny Salesa
Hon Damien O'Connor
Hon Willie Jackson
Hon Aupito William Sio
Hon Poto Williams
Jan Logie, MP

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Minister of Education

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