

## Cabinet Paper material

### Proactive release

Minister & portfolio Hon Chris Hipkins, Minister of Education  
Name of package Education and Training Bill: Third Tranche of Policy Approvals  
Date considered 25 September 2019  
Date of release 2 December 2019

#### These documents have been proactively released:

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

Date considered: 25 September 2019

Author: Ministry of Education

**Impact Summary: Student loans and allowances**

Date considered: 25 September 2019

Author: Ministry of Education

**Impact Summary: Power for the Minister to instruct the Secretary to appoint a Commissioner if a board of trustees election is declared invalid**

Date considered: 25 September 2019

Author: Ministry of Education

**Cabinet Social Wellbeing Committee Minute – SWC-19-MIN-0132**

Date considered: 25 September 2019

Author: Cabinet Office

**Cabinet Minute – CAB-19-MIN-0503**

Date considered: 30 September 2019

Author: Cabinet Office

#### 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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In Confidence

Office of the Minister of Education

Chair, Cabinet Social Wellbeing Committee

## **Education and Training Bill – third tranche of policy approvals**

### **Proposal**

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

### **Executive Summary**

- 2 This is the third tranche of policy approvals for the Education and Training Bill (the Bill).
- 3 The Bill (scheduled for introduction later this year) will in conjunction with the Vocational Education Reform Bill, repeal and replace the Education Act 1989, the Education Act 1964 and the Industry Training and Apprenticeships Act 1992, with a new Education and Training Act.
- 4 These proposals make changes to several aspects of the Education Act 1989.
- 5 Changes proposed in relation to the student loans and allowances provisions will enable more efficient and effective use of client information and align the limitation period for laying charges for information-related offences with those applying to other offences.
- 6 Several proposals will improve the workability of the provisions regulating boards of trustees' elections and two proposals are aimed at improving the workability of provisions regarding the occupational regulation of teachers.
- 7 There are also some minor, technical changes to update and clarify the legislation that supports online and distance education.

### **Background**

- 8 This is the third tranche of policy approvals for the Education and Training Bill (the Bill). The Social Wellbeing Cabinet Committee approved the first and second tranches of policy proposals on 3 April 2019 and 28 August 2019 respectively [SWC-19-MIN-0029 and SWC-19-MIN-0107].
- 9 The Bill will, in conjunction with the Vocational Education Reform 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.

## Comment

### ***Student loans and allowances***

- 10 The Ministry of Social Development (MSD) administers part 25 of the 1989 Act, which provides for the administration of student loans and allowances. Changes are proposed in relation to the limitation period for laying charges in relation to non-compliance with information requests, and holding and using information.

#### *Limitation period for laying charges*

- 11 Sections 226B and 236 of the 1989 Act enable the prosecution of institutions and private training establishments for failing to provide information, or providing false or misleading information, in response to information requests. The Act does not specify a time period for laying charges when seeking to prosecute these offences. This means that the Criminal Procedure Act 2011 (CPR Act) applies. The penalties for these offences makes them category 1 offences under the CPR Act, which provides for charges to be laid within six months of the date that the offence was committed.
- 12 This requirement is problematic because these investigations are complex and take some time to complete. The current limitation period for laying charges is therefore incompatible with the likely timeframe required to file a prosecution
- 13 The current limitation period is inconsistent with the limitation period for prosecuting other student loans and allowances offences under section 307AA of the 1989 Act. It is also inconsistent with the limitation period for prosecuting offences under the Social Security Act 2018 (also administered by MSD). In each of these cases, charges may be laid up to 12 months after MSD becomes aware of the offending.
- 14 I see no reason to treat the prosecution of these offences differently and want to ensure that the law allows a reasonable time for these offences to be detected, investigated and prosecuted to enable effective enforcement. I propose that the timeframe for laying charges in relation to offences under sections 226B and 236 of the 1989 Act is amended to up to 12 months after MSD becomes aware of the offending.

#### *Holding and using information*

- 15 Section 307A of the 1989 Act allows MSD to:
- 15.1 hold client information held for the purposes of the administration of social security benefits, student allowances and student loans on the same system or systems;
  - 15.2 hold social security benefit, student allowance and student loan client information about the same person on the same file;
  - 15.3 use that client information interchangeably for the purposes of assessing entitlement to any of the three types of support, and the recovery of debt.
- 16 Section 307A in conjunction with other provisions in Part 25 also enables the above information to be used for prosecuting offences and imposing penalties.

- 17 When the current provisions were enacted, it was established that client information held by MSD should be able to be held in one place and used for the different client assessments and related activities that are undertaken by MSD.
- 18 There is now a gap in the legislation in relation to social housing client information. Section 307A does not include social housing client information held by MSD because the responsibility for social housing assessments was transferred to MSD after these provisions were enacted. This means that the original intention of providing authority to store and use client information together cannot be realised. This has resulted in inefficiencies for MSD and inconvenience for clients, from whom MSD has to seek information for one purpose that it already holds for another purpose.
- 19 To address this problem, I propose that information held by MSD for the purposes of the administration of social housing, social security benefits and student loans and allowances, can be held on the same system or systems, and all four types of information about the same person can be held on the same file and can be used interchangeably by MSD, for the purposes of assessing entitlement to any of the four types of support, recovering debt, prosecuting offences and imposing penalties.
- 20 Under the Housing Restructuring and Tenancy Matters Act 1992, MSD can already use social housing information to perform its functions under the Social Security Act and vice versa. This proposal will close the gap that currently exists in relation to using social housing information for the administration of student loans and allowances, and vice versa. Officials from the Ministry of Education and MSD have consulted the Office of the Privacy Commissioner (OPC) on these proposals. OPC is comfortable with the proposals.

### ***Teacher appraisals***

- 21 As part of the collective bargaining between the Government, PPTA and NZEI, an Accord was developed by the Secretary for Education, the NZEI, and the PPTA. As part of the Accord, the parties, along with New Zealand School Trustees Association and the Teaching Council, agreed to remove the requirement for appraisal of teachers. This was in recognition that compliance-driven appraisal used as an accountability instrument does not demonstrably lift teacher quality, and has instead contributed to a low trust, high workload environment. While the Accord has not yet been signed, teachers have an expectation that performance appraisal will be removed as part of the settlement of the Primary Teachers', Secondary Teachers', and Area School Teachers' collective agreements.
- 22 Section 382(i) of the 1989 Act provides that a function of the Teaching Council is to:  
  
*ensure that appraisals made by professional leaders for the issue and renewal of practising certificates achieve a reasonable and consistent standard, by auditing and moderating the appraisals made for at least 10% of the practising certificates issued or renewed in each year.*
- 23 As appraisals for the purpose of teacher certification will no longer be required, the audit for appraisals will be redundant. I therefore propose that this requirement is removed from the legislation.
- 24 However, some process will still be required because professional leaders and principals will still need to make a judgment and endorse that their teachers meet the Standards of the teaching profession, for teachers' practicing certificates to be renewed. Section 377 of the 1989 Act requires that the Teaching Council ensure "*safe and high quality leadership,*

*teaching, and learning for children and young people in .. [all settings and sectors] .. through raising the status of the profession”.*

- 25 Being able to make that judgement will require a process to be designed that enhances practice, demonstrates professional trust, and gives assurance that teaching standards are being met across all education sectors and medium. Conversations about what this process might look like are underway between the Teaching Council, the profession and the peak bodies.

### ***Teaching experience and the renewal of practising certificates for teachers***

- 26 Currently, the legislation does not enable the Council to renew a teacher's practising certificate if the applicant cannot demonstrate any satisfactory teaching experience in the five years prior to the application. This affects a small group of registered teachers who wish to renew their practising certificate but cannot demonstrate recent teaching experience because they have, for example, been raising a family or travelling overseas. It is appropriate that this group of teachers undergo a process as part of their practising certificate renewal to ensure their knowledge and practice is up to date.
- 27 I propose to amend the legislation to enable the Council to have the flexibility of renewing a practising certificate where the applicant either has satisfactory teaching experience in the five years prior to the application (as is currently provided for under section 361(6) of the Education Act 1989) or has agreed to a refresh process to ensure their knowledge and practice is up to date. This may take the form of a “return to teaching plan” including mentoring support and supervision by a fully certificated teacher in the school in which they intend to work, or an initial teacher education refresh where they have not taught for a considerable length of time. The requirements for the refresh process will be set in rules made by the Teaching Council. The other requirements for renewing a practising certificate under section 361(6) of the 1989 Act will still apply.
- 28 I intend also to take this opportunity to correct an error in relation to the definition of satisfactory recent teaching experience in section 348 of the 1989 Act. The policy intent of the current legislation is that overseas teaching experience can constitute satisfactory recent teaching experience when approving a teacher's application for a renewed practising certificate, if in the Teaching Council's opinion, the overseas teaching position (or each position if there was more than one) was equivalent to a teaching position in an educational institution in New Zealand approved by the Teaching Council for the purposes of Part 31 of the 1989 Act.
- 29 The problem is that a comma in subclause (b) of the definition makes this intent unclear, as it could be read as requiring any teaching position being considered for satisfactory recent teaching experience to have been held in New Zealand. I therefore propose to clarify the definition by removing the comma in subclause (b) of the definition of satisfactory recent teaching experience in section 348 of the 1989 Act.

### ***Precluding students from attending school for health reasons***

- 30 Section 19 of the 1989 Act allows a State school principal to preclude a student from attending school for health reasons. Under section 19(1)(a), the principal can preclude a student from attending school if the principal believes, on reasonable grounds, that the student is “not clean enough” to keep attending the school. I propose to remove this provision. It is not appropriate for schools in the twenty-first century to still be able to use this provision and I am not aware of any schools doing so.

- 31 This change will not affect the operation of section 19(1)(b) of the 1989 Act, which allows a principal of a State school to preclude a student from attending school if the principal has reasonable grounds to believe that the student may have a communicable disease within the meaning of the Health Act 1956.

### ***Online learning***

- 32 I am proposing a minor change in relation to online learning which is aimed at updating the legislation.
- 33 The 1989 Act refers to “correspondence schools” which are used to support those who cannot conveniently attend a State school. However, the teaching and learning practices of our correspondence school, Te Aho o Te Kura Pounamu (Te Kura) have changed as digital technologies have developed and evolved. While some elements of correspondence education may be used, Te Kura also uses a range of learning tools such as online classrooms, videos, and study groups. I propose to amend this wording by replacing the term “correspondence school” with the term “distance school” and to define the latter to reflect the use of digital technologies to deliver education.
- 34 Another minor change will be made in relation to section 158 of the 1989 Act – Provision by one board of tuition for students enrolled at a school administered by another. There is some confusion that this means dual tuition cannot be provided online. This is because section 158 covers both genuine dual tuition arrangements and the use of facilities provided for or constructed for the use of students enrolled at multiple schools. I am proposing to create a new section covering multi-use facilities which will address any potential confusion from the current drafting.
- 35 Our communications will make it clear that “tuition,” including dual tuition, can be delivered in-person or online. The student must still attend their enrolling school while receiving tuition delivered online.

### ***School Board of Trustees elections***

- 36 The current legislative framework for school board of trustees elections is outdated and needs revising. The Education (School Trustee Elections) Regulations 2000 were enacted almost 19 years ago and have not been amended since. The regulations are prescriptive and outdated. There are references to paper-based processes and forms of communication that are not as relevant to 21st century schooling.
- 37 The Ministry has started a review of these regulations in consultation with the sector and relevant stakeholders. While that work is underway, I propose to amend several provisions in the 1989 Act to improve the electoral process.
- 38 Section 101D (5) of the 1989 Act enables the Minister to declare an election invalid. Subsection (c) provides that in the case of an election that has been invalidated the Minister must reinstate the previous board (i.e. the board that had been voted out at the election declared invalid) until a new election is held and a new board takes office. It is sometimes impractical to reinstate the previous board, which could have been out of office for almost two months. It is also problematic for school communities that have had issues with the previous board or some of its members.
- 39 I propose to address these problems by giving the Minister the option to direct the Secretary for Education to appoint a commissioner under section 78N to replace the board on an

interim basis in situations where reinstating the previous board is not appropriate. This is the same type of approach that applies now under section 78N(3) of the 1989 Act which enables the Secretary to dissolve a board and appoint a commissioner where there have been other election irregularities.

- 40 Section 105 of the 1989 Act sets out the procedure for filling casual vacancies of elected trustees. Under subsection (5) of that section, if the board resolves to fill the vacancy by selection, it must advertise the vacancy and that the board proposes to fill it by selection, in a local newspaper.
- 41 Limiting the mode of community notice to a local newspaper is an outdated practice that is neither inclusive nor reflective of modern communication preferences. I propose to amend the legislation to require boards of trustees to give public notice of casual board of vacancies through means including, but not limited to, publishing a notice in a newspaper or newspapers local to the area in which the board is located.
- 42 Section 118(1)(b) of the Act empowers the Governor-General to make regulations prescribing the manner in which returning officers are to be appointed for the purpose of the election of trustees. I propose to remove this regulation making power as it is overly prescriptive. Section 118(1)(a) of the Act enables the Governor-General to make regulations prescribing the manner in which the elections are to be held. This regulation making power is broad enough to make regulations detailing how returning officers are appointed. This change will help to streamline the legislation.

### ***School Board of Trustees Legal Regime***

- 43 Since its passage in 1989, the Education Act has become an increasingly confused combination of substantive law and matters of detail that would be more appropriately located in regulations. This has contributed significantly to both the size of the Act at over 700 pages and its complexity.
- 44 The Education and Training Bill provides an opportunity to revisit the legal regime for school boards which would benefit from being refocused and streamlined. Given that any substantive policy changes will be made in a new sub-Part of the Bill covering school boards, I propose that the detailed provisions in the current Education Act 1989 relating to the operation of school boards be removed from the Bill and become regulations on the enactment of the Education and Training Bill.
- 45 I will also consider whether there are other existing Education Act 1989 provisions that might be suitable for moving into regulations, and come back to this Committee with any proposals.

### **Consultation**

- 46 The Treasury, Ministry of Social Development, Office of Disability Issues, Ministry for Women, Te Puni Kōkiri, Ministry for Pacific Peoples, Oranga Tamariki—Ministry for Children, Ministry of Justice, Ministry of Business, Innovation and Employment, Ministry of Foreign Affairs and Trade, New Zealand Police, 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

- 47 There are no financial implications resulting from these proposals.

## Human Rights

- 48 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

- 49 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 introduce the Bill later this year.

## Regulatory Impact Analysis

- 50 A Ministry of Education Quality Assurance Panel has reviewed the following Regulatory Impact Analyses (RIAs): *Creating a pathway for teachers without recent teaching experience to return to teaching*; *Power for the Minister to appoint a Commissioner if a board of trustees election is declared invalid*; and *Student Loans and allowances*. Each RIA is dated 16 September 2019. The Panel considers that each RIA **meets** the Quality Assurance criteria. The Panel considers the RIAs are concise and relate to the scale of the problems described. Each describes the problem clearly, makes a clear case for the proposed change, and has involved sufficient stakeholder consultation leading into the legislative process.
- 51 The Treasury's Regulatory Quality Team has determined that some of the proposals in this paper do not require a Regulatory Impact Assessment on the following grounds:
- 51.1 The proposal to move some details of boards of trustees operations into regulations: is likely to have no impacts on schools, individuals and other stakeholders because the policy and effect of the provisions will not be altered;
- 51.2 Removal of the provision that allows principals to preclude students from attending school on the ground of "uncleanliness" is repealing or removing redundant legislative provisions;
- 51.3 The correction to the definition of *satisfactory recent teaching experience* (i.e. removal of a comma): is suitable for inclusion in a Revision Bill (as provided for in the Legislation Act 2012);
- 51.4 Changes to the legislative framework for the Board of Trustees (i.e. removing the outdated reference to "newspapers" and removing the Governor-General's power to make regulations prescribing the manner in which returning officers are to be appointed): are repealing or removing redundant legislative provisions;
- 51.5 Removal of s282(1)(i) of the Education Act (1989), which establishes the Teaching Council's function to audit and moderate performance appraisals for teachers: is repealing or removing redundant legislative provisions.



## Gender Implications

52 There are no gender implications in relation to these proposals.

## Disability Perspective

53 No disability issues have been identified in relation to any of the proposals.

## Proactive Release

54 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

55 I intend to announce all these proposals after Cabinet approves the introduction of the Education and Training Bill.

## Recommendations

56 The Minister of Education recommends that the Committee:

### *Student loans and allowances*

1 **agree** that:

1.1 client information held by MSD for the purposes of the administration of social housing, social security benefits and student loans and allowances, can be:

1.1.1 held on the same system or systems

1.1.2 held on the same file; and

1.1.3 used interchangeably by MSD for the purposes of assessing entitlement, recovering debt, prosecuting offences and imposing penalties

1.2 the period for laying charges for offences under sections 226B and 236 of the 1989 Act is amended to up to 12 months after the date that MSD becomes aware of the offending

### *Teacher appraisals*

2 **agree** to remove the requirement for the Teaching Council to audit and monitor appraisals of teachers

### *Renewing teachers' practising certificates*

3 **agree** to enable the Teaching Council to renew a practising certificate where the applicant either has recent teaching experience and professional learning and development (as is currently provided for under section 361(6) of the Education Act 1989) or has agreed to a refresh process to ensure their knowledge and practice is up to date

- 4 **agree** that the refresh process may take the form of a “return to teaching plan” that includes mentoring support and supervision by a fully certified teacher in the school in which the applicant intends to work, or, for applicants who have not taught for a considerable length of time, an initial teacher education refresh
- 5 **agree** that the requirements for the refresh process will be set in rules made by the Teaching Council
- 6 **note** that the other requirements for renewing a practising certificate under section 361(b) of the 1989 Education Act will still apply
- 7 **agree** to remove the comma in subclause (b) of the definition of *satisfactory recent teaching experience* in section 348 of the Education Act 1989 to clarify that the definition includes overseas teaching experience

*Precluding students from attending school for health reasons*

- 8 **agree** to remove section 19(1)(a) from the Education Act 1989 so that a State school principal can no longer preclude a student from attending school because the principal has reasonable grounds to believe that the student is “not clean enough” to keep attending school
- 9 **note** that this change will not affect the operation of section 19(1)(b) of the Education Act 1989, which allows a principal of a State school to preclude a student from attending school if the principal has reasonable grounds to believe that the student may have a communicable disease within the meaning of the Health Act 1956

*Online learning*

- 10 **agree** to amend the Education Act 1989, by:
  - 10.1 replacing the term “correspondence school” with the term “distance school
  - 10.2 defining “distance school” to reflect the use of digital technologies to deliver education
  - 10.3 clarifying that dual tuition can be offered online

*Board of trustees elections*

- 11 **agree** to amend the Education Act 1989 so that in the event of a board of trustees election being declared invalid, the Minister of Education can either:
  - 11.1 declare that the previous board remains in office until the new board takes office (the status quo); or
  - 11.2 direct the Secretary for Education to appoint a commissioner to replace the previous board until the new board takes office
- 12 **agree** to amend section 105(5) of the Education Act 1989 to require boards of trustees to give public notice of casual board of trustees vacancies through means including, but not limited to, publishing a notice in newspapers local to the area in which the board is located

- 13 **agree** to remove section 118(1)(b) of the Education Act 1989 which provides for regulations to be made prescribing the manner in which returning officers are to be appointed for the purpose of the election of boards of trustees
- 14 **note** that the regulation making power in section 118(1)(a) of the Education Act 1989 enables regulations to be made for the above purpose

*Legal regime for school boards of trustees*

- 15 **agree** that the new Schedule relating to the operation of school boards become regulations on the enactment of the Education and Training Bill

*Legislative drafting*

- 16 **invite** the Minister of Education to issue drafting instructions to give effect to the policy decisions in these recommendations
- 17 **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
- 18 **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: Third Tranche of Policy Approvals

Portfolio                      Education

On 25 September 2019, the Cabinet Social Wellbeing Committee:

#### Student loans and allowances

1            **agreed** that:

- 1.1        client information held by the Ministry of Social Development (MSD) for the purposes of the administration of social housing, social security benefits and student loans and allowances, can be:
  - 1.1.1        held on the same system or systems;
  - 1.1.2        held on the same file;
  - 1.1.3        used interchangeably by MSD for the purposes of assessing entitlement, recovering debt, prosecuting offences, and imposing penalties;
- 1.2        the period for laying charges for offences under sections 226B and 236 of the Education Act 1989 (the Act) is amended to up to 12 months after the date that MSD becomes aware of the offending;

#### Teacher appraisals

2            **agreed** to remove the requirement for the Teaching Council to audit and monitor appraisals of teachers;

#### Renewing teachers' practising certificates

- 3            **agreed** to enable the Teaching Council to renew a practising certificate where the applicant either has recent teaching experience and professional learning and development (as is currently provided for under section 361(6) of the Act) or has agreed to a refresh process to ensure their knowledge and practice is up to date;
- 4            **agreed** that the refresh process may take the form of a "return to teaching plan" that includes mentoring support and supervision by a fully certified teacher in the school in which the applicant intends to work, or, for applicants who have not taught for a considerable length of time, an initial teacher education refresh;

- 5 **agreed** that the requirements for the refresh process will be set in rules made by the Teaching Council;
- 6 **noted** that the other requirements for renewing a practising certificate under section 361(b) of the Act will still apply;
- 7 **agreed** to remove the comma in subclause (b) of the definition of *satisfactory recent teaching experience* in section 348 of the Education Act 1989 to clarify that the definition includes overseas teaching experience;

### Precluding students from attending school for health reasons

- 8 **agreed** to remove section 19(1)(a) from the Act so that a State school principal can no longer preclude a student from attending school because the principal has reasonable grounds to believe that the student is “not clean enough” to keep attending school;
- 9 **noted** that this change will not affect the operation of section 19(1)(b) of the Act, which allows a principal of a State school to preclude a student from attending school if the principal has reasonable grounds to believe that the student may have a communicable disease within the meaning of the Health Act 1956;

### Online learning

- 10 **agreed** to amend the Act, by:
- 10.1 replacing the term “correspondence school” with the term “distance school”;
  - 10.2 defining “distance school” to reflect the use of digital technologies to deliver education;
  - 10.3 clarifying that dual tuition can be offered online;

### Board of trustees elections

- 11 **agreed** to amend the Act so that in the event of a board of trustees election being declared invalid, the Minister of Education can either:
- 11.1 declare that the previous board remains in office until the new board takes office (the status quo); or
  - 11.2 direct the Secretary for Education to appoint a commissioner to replace the previous board until the new board takes office;
- 12 **agreed** to amend section 105(5) of the Act to require boards of trustees to give public notice of casual board of trustees vacancies through means including, but not limited to, publishing a notice in newspapers local to the area in which the board is located;
- 13 **agreed** to remove section 118(1)(b) of the Act, which provides for regulations to be made prescribing the manner in which returning officers are to be appointed for the purpose of the election of boards of trustees;
- 14 **noted** that the regulation making power in section 118(1)(a) of the Act enables regulations to be made for the above purpose;

**Legal regime for school boards of trustees**

- 15 **agreed** that the new Schedule relating to the operation of school boards become regulations on the enactment of the Education and Training Bill;

**Legislative drafting**

- 16 **noted** that the Education and Training Bill holds a s 9(2)(f)(iv) [REDACTED]  
s 9(2)(f)(iv) [REDACTED]
- 17 **invited** the Minister of Education to issue drafting instructions to give effect to the policy decisions in the submission under SWC-19-SUB-0132;
- 18 **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 submission under SWC-19-SUB-0132;
- 19 **noted** that the recommendations with drafting implications are subject to Parliamentary Counsel's discretion as to how best to express these in legislation.

Jenny Vickers  
Committee Secretary

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**Present:**

Rt Hon Winston Peters  
Hon Kelvin Davis  
Hon Grant Robertson  
Hon Dr Megan Woods  
Hon Chris Hipkins  
Hon Andrew Little  
Hon Carmel Sepuloni (Chair)  
Hon Dr David Clark  
Hon Nanaia Mahuta  
Hon Stuart Nash  
Hon Jenny Salesa  
Hon Kris Faafoi  
Hon Tracey Martin  
Hon Peeni Henare  
Hon Willie Jackson  
Hon Julie Anne Genter

**Officials present from:**

Office of the Prime Minister  
Department of the Prime Minister and Cabinet  
Office of the Chair of SWC  
Officials Committee for SWC

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