

Cabinet Paper material

Proactive release

Minister & portfolio Hon Erica Stanford Minister of Education
Name of package Approval to Introduce the Education and Training Amendment Bill (No 2)
Date considered 7 April 2025
Date of release 3 July 2025

These documents have been proactively released:

Approval to Introduce the Education and Training Amendment Bill (No 2)

Date considered: 7 April 2025

Author: Office of the Minister of Education

Cabinet Legislation Committee Minute LEG-25-MIN-0043

Date considered: 3 April 2025

Author: Committee Secretary

Cabinet Minute CAB-25-MIN-0106

Date considered: 7 April

Author: Secretary for the Cabinet

Material redacted

Some deletions have been made from the documents in line with withholding grounds under the Official Information Act 1982. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

The applicable withholding grounds under the Act are as follows:

Section 9(2)(f)(iv) to protect the confidentiality of advice tendered by Ministers of the Crown and officials

Section 9(2)(h) to maintain legal professional privilege

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.

You can read the Official Information Act 1982 here:

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

In Confidence

Office of the Minister of Education

Cabinet Legislation Committee

Approval to Introduce the Education and Training Amendment Bill (No 2)

Proposal

- 1 This paper seeks approval for the introduction of the Education and Training Amendment Bill (No 2) (The Bill). The Bill will be a key element in the Government's efforts to achieve its student achievement and attendance objectives, developing a workforce of the future and establishing a knowledge-rich curriculum.

Policy

- 2 The Bill includes a range of policy proposals that progress the Government's priorities including work towards its student achievement and attendance targets, developing a workforce of the future, establishing a knowledge-rich curriculum and meeting coalition agreements. Other changes in the Bill contribute to the efficient and effective operation of the education regulatory system. The Bill accurately reflects Cabinet's decisions and makes the following changes to the Education and Training Act 2020 (the Act):

Amending school board objectives and removing the power to issue a statement of national education and learning priorities

- 3 On 9 December 2024, Cabinet approved amending the Act to [CAB-24-MIN-0493.01]:
 - 3.1 make educational achievement the only primary objective for school boards, with the other objectives in section 127 of the Act expressed as essential supporting objectives that school boards must fulfil to achieve the primary objective;
 - 3.2 add in a new essential supporting objective for school boards to take all reasonable steps to ensure the attendance of the students enrolled in their school (as per the requirement in section 36(2)) of the Act;
 - 3.3 add in a new essential supporting objective for school boards to ensure that schools use good quality assessment and aromatawai information to monitor and evaluate students' progress and achievement, including from any assessment and aromatawai specified in a foundation curriculum policy statement;
 - 3.4 shift the requirement that schools are achieving equitable outcomes for Māori students to the substantive part of the objective relating to Te Tiriti o Waitangi;
 - 3.5 replace the term 'local curriculum' with 'teaching and learning programmes' in section 127(1)(d)(i) and section 9(1)(d)(i) of the Act;
 - 3.6 remove the statement of National Education and Learning Priorities (NELPs) provisions and related references from the Act and any education regulations; and

- 3.7 agree to make necessary consequential amendments to the Act and any education regulations (including the Education (School Planning and Reporting) Regulations 2023 and the Education (Early Childhood Services) Regulations 2008 and licencing criteria).
- 4 As part of its consideration of this proposal, Cabinet directed officials to explore the implications of strengthening the reference in paragraph 3.1 from a ‘primary’ objective to a ‘paramount’ objective. I have exercised the authority granted by Cabinet to make decisions of detail and have decided the highest priority objective (i.e., educational achievement) can be described as “paramount”. The Bill defines “paramount” as the highest priority objective while the other school board objectives will remain as essential and supporting objectives.
- 5 During drafting, it became apparent that moving the reference to “achieving equitable outcomes for Māori students” into the substantive part of the Te Tiriti o Waitangi section risked it being overlooked. Using my delegated authority, authorised by Cabinet [CAB-24-MIN-0493.01], I have moved this content to sit at the top of the list of how schools give effect to Te Tiriti o Waitangi (see clause 8 of the Bill). This change better reflects the original policy intent, which was to give equitable outcomes greater visibility in this subsection of the Act and reduce the risk of it being missed.
- 6 On 17 March 2025, Cabinet approved the removal of section 5(4) of the Act on the education and learning objectives for early childhood, primary, and secondary education [CAB-25-MIN-0065]. This decision results in the entirety of section 5 of the Act being repealed because there would no longer be a requirement to comply with or have regard to the education and learning objectives. Removing these would also simplify and streamline the Act.

Requiring school boards to have Attendance Management Plans

- 7 On 23 September 2024 Cabinet approved amending the Act to [CAB-24-MIN-0358]:
- 7.1 require school boards to have an Attendance Management Plan that sets out processes and strategies for identifying and responding to student absence with the aim of returning the student to regular attendance;
- 7.2 require school boards to have regard to operational guidelines on school attendance management issued by the Secretary for Education when developing their Attendance Management Plans;
- 7.3 require school boards to ensure certain procedural requirements are followed for Attendance Management Plans; and
- 7.4 empower the making of regulations that create more detailed requirements for school boards regarding Attendance Management Plans.
- 8 This proposal supports the Government’s target for student attendance of 80 percent of students being present at school for more than 90 percent of the term by 2030.

Requiring universities to have a statement on freedom of expression

- 9 On 16 December 2024, Cabinet approved amending the Act to impose a duty on university councils to protect and promote academic freedom and freedom of speech, and to require universities to [CAB-24-MIN-0499]:
- 9.1 develop and adopt a statement of freedom of speech with clear expectations as to the content specified;
 - 9.2 publicly report on freedom of speech and academic freedom through their annual reports; and
 - 9.3 maintain complaints procedures for academic freedom and freedom of speech and report on the number and nature of these complaints.
- 10 This proposal aligns with the National-ACT Coalition agreement to “amend the Education and Training Act 2020 such that tertiary education providers receiving taxpayer funding must commit to a free speech policy”.
- 11 Minister Reti has exercised his powers authorised by Cabinet [CAB-24-MIN-0499] so that the Bill uses ‘freedom of expression’ instead of ‘freedom of speech’ to ensure the Bill aligns with other legislation. This decision is consistent with the policy intent which extends beyond verbal expression and sign language.

The Wānanga minor omission proposal

- 12 On 29 October 2024 Cabinet approved amending section 398A of the Act to fix a minor technical omission in the outline clause for Part 4A Wānanga where the heading for Subpart 4 of “Conversion to category B wānanga” was not included as part of the overview section [CAB-24-MIN-0412].

Strengthening Government’s role in Initial Teacher Education

- 13 On 2 December 2024, Cabinet approved amending the Act to [CAB-24-MIN-0471] create:
- 13.1 a legislated advisory role for the Secretary for Education to require the Council to have regard to the Secretary’s advice when it:
 - 13.1.1 reviews and proposes any changes to standards for qualifications that lead to teacher registration; and
 - 13.1.2 conducts, in conjunction with quality assurance agencies, approvals of teacher education programmes;
 - 14 a requirement for the Teaching Council to consult with the Minister of Education before the Council makes changes to the standards of ongoing practice and criteria for the issuing of practising certificates; and
 - 15 a requirement for the Teaching Council’s annual report to include information on how it had regard to any relevant Statements of Government Policy.
 - 16 The proposal aligns with the Government priorities for improved teacher training and developing the workforce for the future, including leadership development pathways.

Strengthening the Teaching Council's disciplinary and competence processes

- 17 On 29 October 2024, Cabinet approved amendments to strengthen the Teaching Council's disciplinary and competence processes so that they remain efficient and fit for purpose. Amendments agreed by Cabinet were to [CAB-24-MIN-0412]:
- 17.1 align the powers of the Complaints Assessment Committee and the Competence Authority with that of the Disciplinary Tribunal so that conditions are imposed on practising certificates and limited authorities to teach for a specified period;
 - 17.2 enable the Teaching Council to annotate the public registers of registered teachers and teachers with limited authority to teach (LAT) for additional reasons;
 - 17.3 amend the power of the Competence Authority to cancel a teacher's registration, practising certificate, or LAT so that the Authority can order the cancellation directly, rather than via the Council;
 - 17.4 allow the Complaints Assessment Committee and the Disciplinary Tribunal to be able to impose conditions on subsequent limited authorities to teach;
 - 17.5 modify the circumstances that restrict a teacher from seeking voluntary deregistration once the Council is aware of a report, complaint or other information;
 - 17.6 clarify the scope of the prosecution function of the Council relating to failures to make a mandatory report; and
 - 17.7 allow the Complaints Assessment Committee to refer matters back to the Teaching Council as an additional form of resolving complaints.

Making the power to set fees for international students optional rather than mandatory

- 18 On 29 October 2024, Cabinet approved amending section 523 of the Act to make the power in the Act for the Minister to set fees for reimbursing the Crown for expenditure relating to international students enrolled at State schools discretionary, rather than mandatory [CAB-24-MIN-0412].

Extending the notification period for school strikes

- 19 On 29 October 2024, Cabinet approved amending section 589 of the Act so unions must give no less than seven calendar days' notice before a proposed strike [CAB-24-MIN-0412]. This proposal is broadly related to the Government's proposal to lift school attendance by providing school leaders, parents, caregivers, students and whānau with more time to prepare alternative arrangements before a school strike.

Making the principal eligibility criteria requirement optional rather than mandatory

- 20 On 29 October 2024, Cabinet agreed to amend section 617 of the Act, replacing the mandatory obligation to issue principal eligibility criteria with a discretionary function. This change allows the Minister to issue principal eligibility but does not require it. [CAB-24-MIN-0412]. It is intended to align and support my wider leadership work programme currently underway.

Enabling National Student Numbers to be used for research initiatives

- 21 On 29 October 2024, Cabinet approved amending section 24 of the Act to enable National Student Numbers (NSNs) to be assigned to researchers and used and collected for the purpose of the Performance-Based Research Fund (PBRF) or similar research initiatives [CAB-24-MIN-0412]. Cabinet also agreed to include a provision in the Act to validate previous collation and use of NSNs for the purpose of the PBRF to enable ongoing use of NSN data. This will ensure that the Government complies with legislation that promotes and protects individual privacy and that previous use of NSNs for this purpose has been lawful.

Continuation of minor and technical drafting

- 22 This Bill will continue to undergo checks prior to receiving final Cabinet approval for introduction. Note that minor changes may be needed to settle drafting on technical matters to incorporate feedback from the Parliamentary Counsel Office quality assurance processes.

Impact analysis

- 23 Regulatory Impact Statements (RISs) have been completed for the following proposals:
- 23.1 The School Board objectives proposal;
 - 23.2 The Attendance Management Plan proposal;
 - 23.3 The Freedom of Expression proposal;
 - 23.4 The Initial Teacher Education proposal;
 - 23.5 The School Strike Notification proposal; and
 - 23.6 The Performance Based Research Fund proposal.
- 24 All RISs, with the exception of the School Board objectives proposal, have been published and are available online for view on the Ministry of Education and Ministry for Regulations websites. The publication of the RIS on the School Board objectives proposal has been delayed until the Bill is introduced. This is to ensure that the public does not make incorrect assumptions about the final design of the proposal (i.e. the paramount/primary issue and section 5(4) of the Act).
- 25 The Ministry of Education's Quality Assurance Panel consider that all proposals, with the exception of the freedom of expression proposal, meet its Quality Assurance Criteria. On the freedom of expression proposal, the Ministry, with representation from the Ministry of Justice (MoJ), consider that the RIS partially meets the quality assurance criteria due to the time constraints imposed on consultation and analysis. However, the panel acknowledges that the analysis has sought to mitigate these constraints with limited targeted consultation and reference to pre-existing evidence.
- 26 The Ministry for Regulations Impact Analysis team have determined that all other proposals are exempt from the requirement to provide a RIS on the grounds that they have no or only minor impacts on businesses, individuals and not-for-profit entities.

Compliance

27 I consider the Bill complies with:

- 27.1 the principles of the Treaty of Waitangi (see Annex 1 which sets out compliance requirements in more detail below);
- 27.2 advice from the Treaty Provisions Officials Group on any Treaty of Waitangi provisions (not applicable);
- 27.3 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993 (see Annex 1 below);
- 27.4 the disclosure statement requirements (see the agency disclosure statement attached to this paper);
- 27.5 the principles and guidelines set out in the Privacy Act 2020 (see Annex 1 below);
- 27.6 relevant international standards and obligations (see Annex 1 below); and
- 27.7 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.

Consultation

28 The following consultation has been taken on the Bill:

Agency consultation

29 The following agencies were consulted on this paper: the Treasury, Parliamentary Counsel Office, the Department of Internal Affairs, the Ministry for Regulation, the Ministry for the Environment, the Ministry for Pacific Peoples, the Ministry for Women, The Ministry of business, Innovation, and Employment, the Ministry of Health, the Ministry of Justice, the Ministry of Social Development, Oranga Tamariki, the Te Kawa Mataaho Public Service Commission, Statistics New Zealand, Te Puni Kōkiri, Te Arawhiti, the Ministry of Disabled People, the Ministry for Ethnic Communities, the Ministry for Youth Development, the Tertiary Education Commission, New Zealand Qualifications Authority, the Teaching Council, the Education Review Office, and the Office of the Privacy Commissioner. The Department of the Prime Minister and Cabinet were informed about the paper.

Public consultation

- 30 The School Board Objectives proposal – Cabinet approved public consultation on this proposal, which was conducted from 2 September – 14 October 2024 [CAB-24-MIN-0314]. 1381 submissions were received from a range of stakeholders including education organisations, Māori representative groups, advocacy groups and wider members of the public.
- 31 The School Strike Notification proposal – Cabinet approved public consultation on this proposal, which was conducted from 1 August – 6 September 2024 [CAB-24-MIN-0248]. 124 respondents participated in the public submission survey including responses from school leaders, parents, caregivers, whānau, unions and students.

- 32 The Performance Based Research Fund proposal – Cabinet approved public consultation on this proposal, which was conducted from 1 – 29 August 2024 [CAB-24-MIN-0267]. 24 submissions were received through the public submission survey from individuals to stakeholder organisations.

Targeted consultation

- 33 *Initial Teacher Education (ITE) proposal* – targeted consultation was initially completed on a proposal to ‘lift and shift’ Initial Teacher Education (ITE) standard setting and approval functions from the Teaching Council to the Secretary for Education. Following advice and consultation feedback, Cabinet agreed to an alternative set of proposals, a ‘transparency and accountability’ package, which is being progressed through the Bill. These proposals were not consulted on.
- 34 *Strengthening the Teaching Council’s disciplinary and competence processes* – targeted consultation was undertaken by the Teaching Council on these proposals with key stakeholders, including the Post Primary Teacher’s Association, the New Zealand Educational Institute, the New Zealand Principal’s Federation, the Secondary Principal’s Association of New Zealand, Te Rūnanga Nui o Ngā Kura Kaupapa Māori and Te Akatea.
- 35 *Freedom of expression proposal* – Targeted consultation was undertaken with range of Government agencies including the Ministry of Justice, the Human Rights Commission and other groups including university vice-chancellors, Universities New Zealand and the Free Speech Union, and has informed the development of this proposal.

Binding on the Crown

- 36 As the Act is binding on the Crown, the Bill will be binding on the Crown.

Creating new agencies or amending law relating to existing agencies.

- 37 Not applicable.

Allocation of decision-making powers

- 38 Not applicable.

Associated regulations

- 39 The Bill broadens the regulation making power in the Act to:
- 39.1 enable the making of regulations that provide for the more detailed content and procedural requirements of schools’ Attendance Management Plan [CAB-24-MIN-0358]. Regulations will be developed alongside the Bill and are intended to be implemented by November 2025 to enable the Regulations to be in place at the start of Term 1 2026.
- 39.2 enable the making of regulations that provide for the detailed matters relating to freedom of expression and academic freedom to be included in the annual report of university councils [CAB-24-MIN-0499]. This provision is intended to only be used if needed to standardise universities’ reporting sufficiently to enable benchmarking and comparison of performance over time.
- 40 The Bill will also make consequential amendments to regulations, including:

- 40.1 the Education (Early Childhood Services) Regulations 2008, to revoke the requirement for licenced early childhood education service providers to have regard to any statement of National Education and Learning Priorities; and
- 40.2 the Education (School Planning and Reporting) Regulations 2023, to revoke provisions requiring a board's strategic plan to include information relating to the link between the board's strategic goals and the statement of National Education and Learning Priorities.

Other instruments

- 41 The Bill enables the Governor general to make regulations by Order in Council to:
 - 41.1 provide for the more detailed content and procedural requirements of schools' Attendance Management Plan; and
 - 41.2 prescribe matters related to freedom of expression and academic freedom to be included in a university council's annual report to ensure, if necessary, that universities' performance can be effectively monitored and compared.

Definition of Minister/department

- 42 Not applicable.

Commencement of legislation

- 43 Most of the provisions in the Bill will come into force on the day after Royal assent. However, the Attendance Management Plan and the freedom of expression proposals will come into force at different allocated times as detailed below.
- 44 The Associate Minister of Education, under delegated authority from Cabinet [CAB-24-MIN-0358], has agreed that school boards must have Attendance Management Plans in place before the start of Term 1 2026 to enable schools to begin their school year with their new Attendance Management Plans. The Ministry will ensure that schools are provided with the necessary guidance and support to ensure that they are compliant with the requirements of the new plan.
- 45 Similarly, the Minister for Tertiary Education and Skills exercised their delegated authority from Cabinet [CAB-24-MIN-0499] to agree that the provision requiring universities to develop and adopt a statement setting out the university's approach to freedom of speech comes into effect six months after enactment. This delay is intended to enable universities time to develop and adopt their freedom of speech statements.

Parliamentary stages

- 46 The Bill should be introduced into the House of Representatives following Cabinet's approval of this paper 9(2)(f)(iv) .
- 47 The Bill should be referred to the Education and Workforce Committee.

Proactive Release

- 48 I intend to proactively release this Cabinet paper subject to redactions as appropriate under the Official Information Act 1982.

Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 **note** that the Education and Training Amendment Bill (No 2) has been submitted to the 2025 Legislation Programme 9(2)(f)(iv) [REDACTED];
- 2 **note** that the Bill gives effect to Cabinet decisions to amend the Education and Training Act 2020 by:
 - 2.1 amending school board objectives in section 127 and remove the statement of National Education and Learning Priorities provisions and related references from the Act and any education regulations [CAB-24-MIN-0493.01];
 - 2.2 removing section 5(4) of the Act on the education and learning objectives for early childhood, primary, and secondary education [CAB-25-MIN-0065];
 - 2.3 requiring school boards to have Attendance Management Plans and empower the making of regulations regarding the Attendance Management Plans [CAB-24-MIN-0358];
 - 2.4 imposing a duty on university councils to protect and promote academic freedom and freedom of speech, requiring universities to develop and adopt a statement of freedom of speech and meet specified public reporting requirements [CAB-24-MIN-0499];
 - 2.5 fixing a minor technical omission in the outline clause for Part 4A of the Act on Wānanga [CAB-24-MIN-0412];
 - 2.6 strengthening provisions in the Act related to Government's role in Initial Teacher Education [CAB-24-MIN-0471];
 - 2.7 strengthening provisions in the Act related to the Teaching Council's disciplinary and competence processes [CAB-24-MIN-0412];
 - 2.8 extending the notification period for school strikes in section 589 of the Act from 3 days to no less than 7 days [CAB-24-MIN-0412];
 - 2.9 making the power in section 523 of the Act to set fees for international students optional rather than mandatory [CAB-24-MIN-0412];
 - 2.10 amending the requirement in section 617 of the Act for the Minister of Education to issue principal eligibility criteria optional rather than mandatory [CAB-24-MIN-0412]; and
 - 2.11 enabling National Student Numbers to be assigned, used and collected for the purpose of the Performance-Based Research Fund, and validate the previous collation and use of National Student Numbers for the purpose of the Performance-Based Research Fund [CAB-24-MIN-0412].

IN CONFIDENCE

- 3 **note** that following Cabinet's direction for further exploration regarding the school board objectives [CAB-24-MIN-0493.01], I have exercised my delegated authority so that the highest priority objective (educational achievement) is described as 'paramount,' while the other school board objectives remain as essential supporting objectives in the Bill;
- 4 **note** that I have exercised my delegated authority, as authorised by Cabinet [CAB-24-MIN-0493.01] to move subclause 127(1)(d)(iii) on achieving equitable outcomes for Māori students from the substantive part of the Tiriti o Waitangi section into new subclause s127(2)(e)(i) (as reflected in clause 8 of the Bill). This better reflects the policy intent to give it greater visibility and reduces the risk of the provision being overlooked.
- 5 **note** that the Minister for Universities has agreed to exercise his delegated authority to amend the phrase 'freedom of speech' to 'freedom of expression' for consistency across the New Zealand statute book [CAB-24-MIN-0499]¹
- 6 **note** that under the authority approved by Cabinet to make decisions on any issues of detail that may arise during the drafting process, Ministers have made decisions on the commencement dates for freedom of expression and Attendance Management Plan proposals to enable for better implementation of these policies (paragraphs 44 & 45 refers).
- 7 **agree** that Parliamentary Counsel Office can continue to make minor changes to the Bill to settle technical matters in line with Cabinet's previous policy decisions and incorporate feedback from PCO quality and assurance processes up until the Bill is provided to Cabinet for approval for introduction.
- 8 **approve** the Education and Training Amendment Bill (No 2) for introduction, subject to the final approval of the Government caucus and sufficient support in the House of Representatives;
- 9 **agree** that the Bill be introduced as soon as possible;
- 10 **agree** that the Government propose that the Bill be:
- 10.1 referred to the Education and Workforce committee for consideration; and
- 10.2 9(2)(f) [REDACTED]
(iv) [REDACTED].

Authorised for lodgement

Hon Erica Stanford

Minister for Education

¹ The freedom of expression proposal falls within the delegation of the Minister for Universities.

IN CONFIDENCE

Annex 1: Further details on compliance requirements

Compliance with the principles of the Treaty of Waitangi

- 1 The Crown is expected to act consistently with Te Tiriti and its principles, including in the design, delivery and monitoring of the education system. One of the purposes of the Act, as outlined in section 4(d), is “to establish and regulate an education system that honours Te Tiriti o Waitangi and supports Māori-Crown relationships”. Any decision makers that are affected by the 10 proposals in this paper are expected to act in compliance with section 4(d).
- 2 This Bill progresses key proposals that support this Government’s commitment to closing the equity gap. Making achievement the paramount objective and attendance an essential supporting objective for school boards reinforces this Government’s focus on lifting achievement and improving outcomes for all learners. Requiring schools to have an attendance management plan is also expected to increase the consistency of a schools’ response to absence and support more equitable outcomes.

9(2)(h)

- 3 9(2)(h)

Compliance with the New Zealand Bill of Rights Act 1990

- 4 The proposed amendments to school boards’ objectives do not alter school boards’ obligations to comply with the Bill of Rights Act 1990 and the Human Rights Act 1993.
- 5 The Ministry of Justice and the Human Rights Commission raised concerns that the proposed freedom of expression policy may suggest that freedom of expression holds primacy over other human rights, which would be inconsistent with human rights law and practice. The Ministry of Justice noted that limiting universities’ ability to restrict speech only when it violates the law may not align with the New Zealand Bill of Rights Act, and that the inability to weigh freedom of expression against other rights and obligations risks unintended consequences. The Ministry of Justice highlighted that any protection of freedom of expression should be consistent with the Bill of Rights Act, including the test for justified limits set out in Section 5.
- 6 These concerns were considered by Minister Simmonds during the development of this proposal. However, the intent of this policy is to strengthen protections for freedom of expression in university settings. Universities’ statutory role as ‘critic and conscience of society’ and the academic freedom that they uphold are both understood to depend fundamentally on freedom of expression – including the ability to express ideas and opinions without fear of censorship. In this context, the proposed changes are considered necessary to ensure a robust defence of freedom of expression within university settings.

- 7 The Ministry of Justice will assess the Bill for consistency with the New Zealand Bill of Rights Act 1990 and provide advice to the Attorney-General prior to introduction.

Compliance with the principles and guidelines of the Privacy Act 2020

- 8 The Teaching Council conducted a privacy impact assessment on proposed amendments allowing it to annotate the public Register or List in additional circumstances. A key privacy risk is the proposal to include annotations when a teacher or a holder of a Limited Authority to Teach (LAT) agrees with the Teaching Council that they will not teach due to serious misconduct allegations until the agreement is ended. To mitigate privacy risks, the Teaching Council proposes to ensure: agreements are only sought when there are allegations of serious misconduct and the Register or List is annotated by agreement with the teacher or LAT holder; there is no separate list of those who have agreed not to teach so the name or registration of the teacher must be known in order to find the annotation; and no information about the allegation or conduct will be listed on the public Register or List.

Compliance with international agreements

- 9 As part of the development of the Freedom of expression proposal, consideration was given to whether the proposal conflicts with the right to education under the International Covenant on Economic, Social and Cultural Rights, whereby higher education is to be equally accessible to all on the basis of capacity. I do not consider that the amendments in the Bill related to freedom of expression impinge on this right. Similarly, strengthening protections for freedom of expression in university settings does not directly impact on higher education being equally accessible to all on the basis of merit, in line with Article 26 of the Universal Declaration of Human Rights.
- 10 The School Strike Notification proposal amends the Act to extend the notice period unions must provide to no less than 7 calendar days, mitigating the potential impact strikes may have on students, parents, caregivers, whānau and schools. The International Labour Organisation (ILO) would expect consultation with the affected parties under the International Declaration on Social Justice for a Fair Globalisation 2008. I instructed the Ministry to consult affected parties on this matter and I consider that this proposal is consistent with the ILO's standards as it continues to ensure a regulated right to strike.



Cabinet Legislation 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 Amendment Bill (No 2): Approval for Introduction

Portfolio **Education**

On 3 April 2025, the Cabinet Legislation Committee:

- 1 **noted** that the Education and Training Amendment Bill (No 2) (the Bill) 9(2)(f)(iv) [REDACTED]
- 2 **noted** that the Bill gives effect to Cabinet decisions to amend the Education and Training Act 2020 (the Act) by:
 - 2.1 amending school board objectives in section 127 and removing the statement of National Education and Learning Priorities provisions and related references from the Act and any education regulations [CAB-24-MIN-0493.01];
 - 2.2 removing section 5(4) of the Act on the education and learning objectives for early childhood, primary, and secondary education [SOU-25-MIN-0019];
 - 2.3 requiring school boards to have Attendance Management Plans and empower the making of regulations regarding the Attendance Management Plans [SOU-24-MIN-0111];
 - 2.4 imposing a duty on university councils to protect and promote academic freedom and freedom of speech, requiring universities to develop and adopt a statement of freedom of speech and meet specified public reporting requirements [SOU-24-MIN-0167];
 - 2.5 fixing a minor technical omission in the outline clause for Part 4A of the Act on Wānanga [SOU-24-MIN-0131];
 - 2.6 strengthening provisions in the Act related to Government's role in Initial Teacher Education [CBC-24-MIN-0120];
 - 2.7 strengthening provisions in the Act related to the Teaching Council's disciplinary and competence processes [SOU-24-MIN-0131];
 - 2.8 extending the notification period for school strikes in section 589 of the Act from 3 days to no less than 7 days [SOU-24-MIN-0131];
 - 2.9 making the power in section 523 of the Act to set fees for international students optional rather than mandatory [SOU-24-MIN-0131];

- 2.10 amending section 617 of the Act to replace the mandatory obligation for the Minister of Education (the Minister) to issue principal eligibility criteria with an optional discretionary function [SOU-24-MIN-0131];
- 2.11 enabling National Student Numbers to be assigned, used and collected for the purpose of the Performance-Based Research Fund, and validate the previous collation and use of National Student Numbers for the purpose of the Performance-Based Research Fund [SOU-24-MIN-0131];
- 3 **noted** that following Cabinet's direction for further exploration regarding the school board objectives [CAB-24-MIN-0493.01], the Minister has exercised her delegated authority so that the highest priority objective (educational achievement) is described as 'paramount,' while the other school board objectives remain as essential supporting objectives in the Bill;
- 4 **noted** that the Minister has also exercised her delegated authority to move subsection 127(1)(d)(iii) on achieving equitable outcomes for Māori students from the substantive part of the Tiriti o Waitangi section into new subsection s127(2)(e)(i) (as reflected in clause 8 of the Bill), to better reflect the policy intent;
- 5 **noted** that the Minister for Universities has agreed to exercise his delegated authority to amend the phrase 'freedom of speech' to 'freedom of expression' for consistency across the New Zealand statute book [SOU-24-MIN-0167];
- 6 **noted** that under the authority approved by Cabinet to make decisions on any issues of detail that may arise during the drafting process, Ministers have made decisions on the commencement dates for freedom of expression and Attendance Management Plan proposals to enable for better implementation of these policies (as outlined in paragraphs 44 and 45 of the paper under LEG-25-SUB-0043);
- 7 **agreed** that Parliamentary Counsel Office can continue to make minor changes to the Bill to settle technical matters in line with Cabinet's previous policy decisions and incorporate feedback from PCO quality and assurance processes up until the Bill is provided to Cabinet for approval for introduction;
- 8 **approved** the Education and Training Amendment Bill (No 2) [PCO 26179/14.0] for introduction;
- 9 **agreed** that the Bill be introduced as soon as possible;
- 10 **agreed** that the Government propose that the Bill be:
- 10.1 referred to the Education and Workforce committee for consideration;
- 10.2 9(2)(f)(iv) [REDACTED]

Tom Kelly
Committee Secretary

Attendance: (See over)

Present:

Hon Simeon Brown (Chair)
Hon Erica Stanford
Hon Paul Goldsmith
Hon Brooke van Velden
Hon Judith Collins KC
Hon Tama Potaka
Hon Casey Costello
Hon Nicole McKee
Hon Simon Watts
Hon Chris Penk
Stuart Smith, MP
Jamie Arbuckle, MP
Todd Stephenson, MP

Officials present from:

Officials Committee for LEG
Minister of Education's Office

Proactively Released



Cabinet

Minute of Decision

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Report of the Cabinet Legislation Committee: Period Ended 4 April 2025

On 7 April 2025, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 4 April 2025:

	Out of scope	
LEG-25-MIN-0043	Education and Training Amendment Bill (No 2): Approval for Introduction Portfolio: Education	CONFIRMED
	Out of scope	

Rachel Hayward
Secretary of the Cabinet