

Cabinet Paper material

Proactive release

Minister & portfolio Hon Erica Stanford Minister of Education
Name of package Education and Training (System Reform) Amendment Bill: Approval for Introduction
Date considered 17 November 2025
Date of release 22 December 2025

These documents have been proactively released:

Education and Training System Reform Amendment Bill: Approval for Introduction

Date considered: 17 November 2025
Author: Office of the Minister of Education

Cabinet Legislation Committee Minute LEG-25-MIN-0224

Date considered: 13 November 2025
Author: Committee Secretary

Cabinet Minute CAB-25-MIN-0412

Date considered: 17 November 2025
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

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 for Education

Cabinet Legislation Committee

Education and Training (System Reform) Amendment Bill: Approval for Introduction

Proposal

1 This paper seeks approval for the introduction of the Education and Training (System Reform) Amendment Bill (the Bill).

Policy

2 The Bill contains proposals to amend the Education and Training Act 2020 (the Act) to clarify roles and responsibilities across key agencies and improve regulatory settings in priority areas in workforce, curriculum, and attendance. The proposals include amendments to:

- 2.1 change school attendance exemptions;
- 2.2 strengthen school curriculum settings;
- 2.3 require a response from the Ministry of Education (the Ministry) when the Education Review Office (ERO) notifies the Ministry and the Minister of Education (the Minister) of a school of ‘serious concern’;
- 2.4 make improvements to the charter school model;
- 2.5 enable the New Zealand Qualifications Authority (NZQA) to recognise and record micro-credentials;
- 2.6 improve teaching workforce regulation and the administration of the Teaching Council of Aotearoa New Zealand’s (the Teaching Council);
- 2.7 establish the New Zealand School Property Agency (NZSPA);
- 2.8 enable the Minister to mandate schools to participate in education system monitoring studies; and
- 2.9 transfer functions for private schools and hostels from the Ministry to ERO.

3 The Bill is required to make legislative changes to the Act. The Bill should be enacted by mid-2026 to provide enough time before the end of 2026 for a new school property model and NZSPA to be established, prepare for the transfer of functions from the Ministry to ERO, and to realise the benefits from the changes for the teaching workforce, attendance and charter schools.

4 There is one outstanding matter which will need to be resolved after the Bill is introduced. In June 2025 Cabinet approved the transfer of responsibility for performing regulatory functions for early childhood education services from the Ministry to ERO, along with the creation of a new statutory role of Director of Regulation to perform these functions [CAB-25-MIN-0123 and CAB-25-MIN-0208]. This cannot be fully reflected in the Bill until after it is introduced as it relies on the content of the Education and Training (Early Childhood Education Reform) Amendment Bill being passed.

Changing school attendance exemptions

5 In August 2025 Cabinet agreed to amend the power of principals to exempt students from attending school [CAB-25-MIN-0288].

6 The Bill gives effect to Cabinet's decisions by:

- 6.1 repealing the exemption from attendance due to a student's walking distance to school or some other reason;
- 6.2 enabling a principal of a State school to exempt a student from attending the school only in accordance with rules made by the Secretary for Education (the Secretary); and
- 6.3 allowing the Secretary to make rules that specify the requirements that must be met for a principal to exempt a student from attendance.

Strengthening school curriculum settings

7 In June 2025 Cabinet agreed to: [CAB-25-MIN-0208]

- 7.1 require the Secretary to carry out regular rolling reviews of curriculum areas;
- 7.2 provide for one type of curriculum statement;
- 7.3 give the Minister the ability to set different curriculum expectations for different types of school and/or kura; and
- 7.4 replace the requirement for boards to consult on the health curriculum with a requirement for boards to regularly inform their school community about it.

8 The Bill gives effect to Cabinet's decisions by:

- 8.1 requiring the Secretary to plan and carry out rolling curriculum area reviews on a regular basis; providing for one type of curriculum statement; and allowing curriculum expectations to be set for different groups of schools and/or kura; and
- 8.2 replacing the requirement for school boards to consult the school community about to the school's health curriculum, with a requirement to regularly inform the school community on this curriculum, its delivery, and parent's rights.

Requiring the Ministry and Minister to respond to ERO's notification of schools of 'serious concern'

- 9 In August 2025 Cabinet agreed to amend the Act to require the Chief Review Officer (CRO) to notify the Minister and the Ministry about schools of serious concern and for the Ministry to report back on actions intended, required or taken [CAB-25-MIN-0288].
- 10 The Bill gives effect to Cabinet's decisions by:
 - 10.1 requiring the CRO to notify the Secretary and the Minister in writing within two working days of ERO forming a view that a school may be of 'serious concern';
 - 10.2 requiring the CRO to subsequently provide a report to the Secretary and the Minister within 28 working days of receipt of the CRO notification to either confirm that the school is of 'serious concern' and what statutory intervention is recommended, or that the school is not of 'serious concern';
 - 10.3 requiring the Secretary to report to both the Minister and the CRO on what action it has taken, intends to take, or recommends the Minister take and why, within 30 working days of receipt of the CRO's report; and
 - 10.4 providing that the Secretary and Minister may rely on the CRO's judgement when determining whether intervention thresholds are met.

Improving the charter school model

- 11 In June 2025 Cabinet agreed to: [CAB-25-MIN-0223]
 - 11.1 amend the Act to enable a sponsor to operate multiple charter schools under one contract (a multi-school contract) with some specifications and requirements; and
 - 11.2 require the Minister to establish a new State school if the sponsor of a converted charter school voluntarily terminates their contract unless specific criteria apply.
- 12 The Bill gives effect to Cabinet's decision by:
 - 12.1 allowing sponsors to hold a multi-school contract and providing for:
 - 12.1.1 additional detail needed for the notification of a new charter school that is part of a multi-school contract;
 - 12.1.2 organisational flexibilities that differ from sponsors holding contracts for a single school; and
 - 12.1.3 performance management requirements for multi-school contracts and additional interventions for multi-school contracts.
 - 12.2 providing a pathway for converted charter schools to be replaced by a new State school by:

- 12.2.1 requiring the Authorisation Board to attempt to find a replacement sponsor if the sponsor of a converted school gives notice of termination of the contract or notice that it will not be renewing the contract;
- 12.2.2 compelling the Minister to establish a replacement State school if the Authorisation Board is unable to find a replacement sponsor but allowing the Minister to decline to establish a replacement State school; and
- 12.2.3 providing transitional provisions relating to the employment of staff in the closing charter school in the new State school.

Enabling NZQA to recognise and record micro-credentials

- 13 In August 2025 Cabinet agreed to reporting on micro-credentials to be included in the reporting requirements to NZQA [CAB-25-MIN-0283].
- 14 The Bill gives effect to Cabinet's decision by including micro-credentials in the reporting requirements for educational providers to NZQA, to ensure students have a complete and up-to-date Record of Achievement.

Improving teaching workforce regulation and administration of the Teaching Council

- 15 In June 2025 Cabinet agreed to shift the Teaching Council's functions regarding the criteria for teacher registration and standards for qualifications that lead to teacher registration, and other requirements related to these functions, from the Teaching Council to the Secretary. Cabinet also agreed to make other changes to improve the administration, and role of the Teaching Council [CAB-25-MIN-0208]. Since then, I have made decisions under delegation from Cabinet for transitional arrangements for membership changes to the Teaching Council.
- 16 The Bill gives effect to Cabinet's decisions by:
 - 16.1 shifting the responsibility for establishing and maintaining teacher registration criteria, qualification standards, teaching standards, practising certificate criteria, and the code of conduct from the Teaching Council to the Secretary;
 - 16.2 expanding the Teaching Council's current role in approving teacher education programmes;
 - 16.3 reducing the size of the Council from 13 members to a minimum of 7 and maximum of 9 members, and a total of 3 elected;
 - 16.4 making other changes to ensure role clarity and effectiveness for the Teaching Council, including making minor changes to the term of office for Council members; removing the focus on 'raising the status of the profession' from the Council's purpose statement; removing the Council's professional enhancement functions and optional leadership functions; and requiring the Council to have regard to the Minister's feedback on proposed changes to fees and levies; and

16.5 providing transitional provisions for the transfer of some of the Teaching Council functions to the Secretary and the changes to the membership of the Teaching Council.

Establishing the NZSPA

17 In June 2025 Cabinet agreed to establish a new model for managing the school property portfolio by establishing the NZSPA as a new Crown agent to manage school property and undertake building, maintenance and administration of the school property portfolio [CAB-25-MIN-0219].

18 Under delegation, the Minister for Infrastructure and I made decisions on intervention powers for NZSPA to address non-compliance, transitional and commencement provisions needed for NZSPA, and repeal of the Public Service (Chief Executive for School Property) Order [CAB-25-MIN-0219].

19 The Bill gives effect to Cabinet's and Ministerial decisions by:

19.1 defining key terms such as education property, regulated entity, relevant person and school property portfolio;

19.2 providing for the establishment and membership of the Board of NZSPA;

19.3 specifying NZSPA's functions;

19.4 providing NZSPA with powers to support its functions;

19.5 allowing for the delegation of Board of NZSPA's powers or functions, as well as the delegation of Minister's functions, duties or powers to NZSPA;

19.6 enabling the Minister to issue a Government Policy Statement to set overall direction and priorities for the school property portfolio or the network of State or charter schools;

19.7 providing for the transition of relevant functions, powers, and duties from the Ministry to the NZSPA; and

19.8 revoking the Public Service (Chief Executive for School Property) Order 2024.

20 Detailed design of the new model is underway. This work could result in further changes to the Bill after it is introduced.

Mandating schools to participate in education system monitoring studies

21 In August 2025 Cabinet agreed to enable the Minister of Education to notify system monitoring studies that registered schools must participate in [CAB-25-MIN-0283].

22 The Bill gives effect to Cabinet's decisions by:

22.1 enabling the Minister to notify, in the Gazette, system monitoring studies¹ that registered schools must participate in and when;

¹ Such as the Programme for International Student Assessment and Trends in International Mathematics and Science Study.

- 22.2 requiring State schools, charter schools and private schools to participate in these studies with some exceptions; and
- 22.3 allowing the Minister to grant an exemption.

Transferring functions for private schools and hostels from the Ministry to ERO

- 23 In June 2025 Cabinet agreed to transfer responsibility for licensing, registration, and compliance functions for private schools and school hostels from the Secretary to the Director of Regulation (DOR) in ERO [CAB-25-MIN-0208].

- 24 The Bill gives effect to Cabinet's decisions by:

- 24.1 establishing a new statutory role of DOR in ERO and transferring the following functions from the Secretary to the DOR:
 - 24.1.1 the regulatory functions for private schools, including registration, compliance, and prosecutions; and
 - 24.1.2 the regulatory functions for school hostels, including licensing, compliance, enforcement, and appeals.

- 25 Further to these changes, the Bill:

- 25.1 shifts the power of the Minister to authorise a suitably qualified person to inspect hostels to the DOR;
- 25.2 allows the DOR to designate a suitably qualified person as a regulatory officer for performing functions in relation to private schools, which includes the powers of entry and inspection;
- 25.3 allows the DOR to delegate any of their functions, duties, or powers; and
- 25.4 provides transitional provisions relating to the transfer of private school and hostel functions from the Secretary and the Minister to ERO.

Impact analysis

- 26 Regulatory impact statements (RISs) have been completed for the following proposals:
 - 26.1 changing school attendance exemptions;
 - 26.2 improving teaching workforce regulation and the administration of the Teaching Council;
 - 26.3 improving health curriculum information for parents;
 - 26.4 making improvements to the charter school model; and
 - 26.5 mandating schools to participate in education system monitoring studies.
- 27 All RISs have been published and are available online for view on the Ministry of Education and Ministry for Regulation websites.
- 28 The Ministry of Education's Quality Assurance Panel considered the RISs for the charter school, system monitoring studies, the health curriculum, and the workforce regulation

proposal only partially meet the Quality Assurance Criteria due to a lack of consultation to inform the policy development process caused by time constraints.

- 29 The Panel considered the RIS for the school attendance proposal failed to meet the Quality Assurance Criteria as there was limited evidence available to support robust analysis of the impacts, cost and benefits of the proposed options, and lack of consultation on the proposals imposed by the limited timeframe.
- 30 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 economic, social or environmental impacts.

Compliance

- 31 I consider the Bill complies with:
 - 31.1 the principles of the Treaty of Waitangi;
 - 31.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
 - 31.3 the disclosure statement requirements (see the agency disclosure statement attached to this paper);
 - 31.4 the principles and guidelines set out in the Privacy Act 2020 (see below);
 - 31.5 relevant international standards and obligations; and
 - 31.6 the [Legislation Guidelines](#) (2021 edition).

Privacy Act principles:

- 32 Four of the proposals in this Bill may have a more than minor privacy impact. These are the proposals that transfer staff, functions and information from the Ministry to another entity (to ERO for the proposals for hostels and private schools, and to the NZSPA for the school property portfolio) and the proposal to mandate schools to participate in education system monitoring studies. Officials have consulted with the Office of the Privacy Commissioner on these proposals.

Consultation

- 33 The following agencies were consulted on this paper: the Treasury, the Ministry for Regulation, Land Information New Zealand, the Ministry of Business, Innovation, and Employment, the Ministry of Justice, the Ministry of Social Development, Oranga Tamariki, the Te Kawa Mataaho Public Service Commission, Te Puni Kōkiri, Te Tari Whakatau, the Tertiary Education Commission, New Zealand Qualifications Authority, Ombudsman New Zealand, the Education Review Office, the Ministry of Youth Development, Ministry for Pacific Peoples, and the Office of the Privacy Commissioner. The Department of the Prime Minister and Cabinet were informed about the paper.
- 34 The Ministerial Advisory Group for School Property also reviewed and provided feedback on the Bill.
- 35 The following proposals were informed by targeted engagement:

- 35.1 establishing the NZSPA²;
- 35.2 strengthening school curriculum settings; and
- 35.3 improving teaching workforce regulation and the administration of the Teaching Council.

36 The Ministry of Education worked with the Education Review Office (ERO) on:

- 36.1 requiring a response from the Ministry when ERO notifies the Ministry and Minister of a school of serious concern; and
- 36.2 transferring functions for private schools and hostels from the Ministry to ERO.

37 NZQA consulted with the public on the proposal to enable the NZQA to recognise and record micro-credentials. The Ministry of Education did not consult on the other proposals in this Bill.

Binding on the Crown

38 The Bill will be binding on the Crown.

Creating new agencies or amending law relating to existing agencies.

39 The Bill establishes a new Crown agent, the NZSPA. The Ombudsmen Act 1975 and the Official Information Act 1982 will apply to the NZSPA. The Ministry consulted with the Treasury, Te Kawa Mataaho | the Public Service Commission and Ombudsman New Zealand on this proposal.

Allocation of decision-making powers

40 Not applicable.

Associated regulations

41 Not applicable.

Other instruments

42 The Bill replaces section 46 of the Act with a new section that enables the Secretary to make rules about student attendance exemptions. The rules will specify requirements that must be met for a principal to exempt a student from attendance under section 45 of the Act. Rules are appropriate as the types of requirements could change and flexibility is required. These rules will be secondary legislation.

43 For the school hostels proposal, the Bill replaces “authority” with “Director of Regulation” in the Education (Hostels) Regulation 2005 as the Ministry’s functions for school hostels will be moved to ERO with the Director of Regulation being responsible for them.

44 For the NZSPA proposal, the Bill transfers some existing powers in the Act to set terms and conditions by notice in relation to education property from the Secretary to the

² This proposal is based on the recommendations from the Ministerial Inquiry into School Property.

NZPSA. These powers are in sections 161, 162, 163 and 560 with the notices being deemed secondary legislation under the Act.³

Definition of Minister/department

45 The Bill defines “Director of Regulation” or “Director” as the person appointed under new section 621A by the Chief Executive of the Education Review Office.

Commencement of legislation

46 The Bill will come into force on 15 June 2026 excluding the provisions on:

- 46.1 establishing the NZSPA which does not come into force until 1 August 2026; and
- 46.2 school attendance exemptions which do not come into force until 1 January 2027.

Parliamentary stages

47 The Bill should be introduced into the House of Representatives following Cabinet’s approval of this paper and should be enacted by July 2026.

48 The Bill should be referred to the Education and Workforce Committee.

Proactive Release

49 I intend to proactively release this Cabinet paper once the Bill has been introduced subject to redactions as appropriate under the Official Information Act 1982.

Recommendations

I recommend that the Cabinet Legislation Committee:

50 9(2)(f)(iv)

51 **note** that the Education and Training (System Reform) Amendment Bill gives effect to Cabinet decisions to amend the Education and Training Act 2020 by:

- 51.1 changing school attendance exemptions;
- 51.2 strengthening school curriculum settings;
- 51.3 requiring a response from the Ministry when Education Review Office notifies the Ministry of Education and Minister of Education of a school of ‘serious concern’;
- 51.4 making improvements to the charter school model;
- 51.5 enabling the New Zealand Qualifications Authority to recognise and record micro-credentials;

³ Section 161 is on terms and conditions applying to occupancy of State school property and buildings; section 162 is on leases and licences granted to boards; section 163 is on other agreements to occupy school land or buildings; section 560 is on ECE centres situated on land owned by or leased by the Crown.

- 51.6 improving teaching workforce regulation and the administration of the Teaching Council;
- 51.7 establishing the New Zealand School Property Agency;
- 51.8 enabling the Minister to mandate schools to participate in education system monitoring studies; and
- 51.9 transferring functions for, private schools and hostels from the Ministry of Education to the Education Review Office;

52 **note** the Minister of Education and Minister for Infrastructure have made decisions under delegation on intervention powers for New Zealand School Property Agency to address non-compliance, transitional and commencement provisions needed for New Zealand School Property Agency, and repealing the Public Service (Chief Executive for School Property) Order;

53 **note** that Cabinet has approved the transfer of responsibility for performing regulatory functions for early childhood education services from the Ministry of Education to the Education Review Office, but this cannot be reflected in the Bill until it is introduced as it relies on the Education and Training (Early Childhood Reform) Amendment Bill being passed;

54 **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;

55 **approve** the Education and Training (System Reform) Amendment Bill for introduction, subject to the final approval of the government caucus and sufficient support in the House of Representatives;

56 **agree** that the Bill be introduced on 17 November 2025;

57 **agree** that the Government propose that the Bill be:

- 57.1 referred to the Education and Workforce committee for consideration; and
- 57.2 enacted by July 2026, subject to parliamentary processes and the Government's legislative priorities.

Authorised for lodgement

Hon Erica Stanford

Minister for Education



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 System Reform Amendment Bill: Approval for Introduction

Portfolio Education

On 13 November 2025, the Cabinet Legislation Committee:

1 9(2)(f)(iv)

[REDACTED]

2 **noted** that the Bill gives effect to Cabinet decisions to amend the Education and Training Act 2020 by:

- 2.1 changing school attendance exemptions;
- 2.2 strengthening school curriculum settings;
- 2.3 requiring a response from the Ministry when Education Review Office notifies the Ministry of Education and Minister of Education of a school of 'serious concern';
- 2.4 making improvements to the charter school model;
- 2.5 enabling the New Zealand Qualifications Authority to recognise and record micro-credentials;
- 2.6 improving teaching workforce regulation and the administration of the Teaching Council;
- 2.7 establishing the New Zealand School Property Agency;
- 2.8 enabling the Minister to mandate schools to participate in education system monitoring studies;
- 2.9 transferring functions for, private schools and hostels from the Ministry of Education to the Education Review Office;

3 **noted** that the Minister of Education and Minister for Infrastructure have made decisions under delegation on intervention powers for New Zealand School Property Agency to address non-compliance, transitional and commencement provisions needed for New Zealand School Property Agency, and repealing the Public Service (Chief Executive for School Property) Order 2024;

4 **noted** that Cabinet has approved the transfer of responsibility for performing regulatory functions for early childhood education services from the Ministry of Education to the Education Review Office [SOU-25-MIN-0078], but this cannot be reflected in the Bill until it is introduced as it relies on the Education and Training (Early Childhood Reform) Amendment Bill being passed;

5 **authorised** the Parliamentary Counsel Office (PCO) to continue to make minor changes to the Bill up until its introduction, to settle technical matters in line with Cabinet's previous policy decisions and incorporate feedback from PCO quality and assurance processes;

6 **approved** the Education and Training (System Reform) Amendment Bill [PCO 27190/6.0] for introduction;

7 **agreed** that the Bill be introduced by 17 November 2025;

8 **agreed** that the Government propose that the Bill be:

 8.1 referred to the Education and Workforce committee for consideration;

 8.2 enacted by July 2026, subject to parliamentary processes and the Government's legislative priorities.

Tom Kelly
Committee Secretary

Present:

Hon David Seymour (Chair)
Hon Erica Stanford
Hon Shane Jones
Hon Tama Potaka
Hon Simon Watts
Hon James Meager
Jamie Arbuckle MP

Officials present from:

Officials Committee for LEG
Office of the Leader of the House
Office of the Minister of Education



Cabinet

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.

Report of the Cabinet Legislation Committee: Period Ended 14 November 2025

On 17 November 2025, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 14 November 2025:

Out of scope

[REDACTED]

LEG-25-MIN-0224

Education and Training System Reform Amendment Bill: Approval for Introduction
Portfolio: Education

CONFIRMED

Out of scope

[REDACTED]

[REDACTED]

Out of scope



Rachel Hayward
Secretary of the Cabinet

