



Office of Hon Steven Joyce

Minister for Economic Development
Minister for Regulatory Reform
Minister of Science and Innovation
Minister for Tertiary Education, Skills and Employment

Minister Responsible for Novopay
Associate Minister of Finance

20 OCT 2015

Mr Berger

fyi-request-3063-53c1d7e1@requests.fyi.org.nz

Dear Mr Berger

OFFICIAL INFORMATION ACT (THE ACT) REQUEST

I refer to your correspondence of 19 August 2015 in which you requested the following information under the Act:

- *“The new Education Cooperation Agreement (ECA) between Viet Nam and New Zealand that was signed on 5 August 2015 in Ha Noi, as detailed in this article: <http://www.nzembassy.com/viet-nam/news/new-zealand-minister-of-tertiary-education-and-minister-of-economic-development-hon-st>.”*
- *Any contextual documents relating to the negotiation, signing or eventual implementation of the agreement.”*

My office sought clarification on the scope your request on 25 August 2015, and since you did not respond, we have excluded logistical documents and correspondence not directly related to the ECA from the scope of your request as advised in that letter.

Education is a key component of our relationship with Viet Nam dating back to the Colombo Plan when Vietnamese students came to New Zealand in the 1960s. We signed our first ECA in 2004, which was subsequently updated in 2008 and 2012. This framework has allowed closer ties between New Zealand and Vietnamese education institutions, allowing for the development of joint programmes. In 2014, 2,022 Vietnamese students studied in New Zealand.

As requested, please see the enclosed material in response to your request. A summary is provided in Annex 1. Information related to your requested has been withheld partially or in its entirety under the following sections of the Act:

- To protect the privacy of natural persons, including that of deceased natural persons – section.9(2)(a)
- information would likely prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand – section.6(a)
- to enable a Minister of the Crown or any department or organisation holding the information to carry out, without prejudice or disadvantage, commercial activities – section.9(2)(j)

- information would likely prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by the Government of any other country or any agency of such a Government – section.6(b)(i)

Some of the documents you requested included information that covered multiple matters relating to New Zealand's international relationship with Viet Nam. In accordance with section 16(1)(e), I am providing a summary of the content that falls within the scope of your request is provided in Annex two.

Under Section 28 (3) of the Official Information Act you have the right to request the Ombudsman to investigate and review the withholding of this information.

The Ombudsman
Office of the Ombudsman
P O Box 10-152
WELLINGTON

Yours sincerely,



Steven Joyce
Minister for Tertiary Education, Skills and Employment

Annex One: list of attached documents

The following documents are attached to this letter. Please note that the date in the title of each email communications document refers to the date of the most recent email included in that document.

- Email communications 8 January 2015
- Email communications 15 January 2015
- Email communications 20 February 2015
- NZQA response on updated ECA 26 February 2015
- Email communications 27 July 2015
- Email communications 28 July 2015
- Email communications 28 July 2015 (2)
- Email communications 30 July 2015
- Email communications 30 July 2015 (2)
- Email communications 31 July 2015
- Notice of termination of 2012 ECA 13 August 2015
- Email communications 14 August 2015
- Email communications 19 August 2015
- Background brief – New Zealand-Viet Nam education relationship
- Education Cooperation Agreement between the Ministry of Education New Zealand and the Ministry of Education and Training of the Socialist Republic of Viet Nam (English version)
- Education Cooperation Agreement between the Ministry of Education New Zealand and the Ministry of Education and Training of the Socialist Republic of Viet Nam (Vietnamese version).

Annex Two: Summary of documents within scope of your request but not attached

- A document identified as within the scope of your request discussed the outcomes of a meeting between ENZ and the Vietnamese Ministry of Education and Training in March 2015. The two agencies discussed New Zealand's desire to update the 2012 ECA. New Zealand education agencies wished to make the agreement more flexible. Viet Nam agreed that this was suitable. Governments discussed likely dates for an updated ECA to be ready.
- A document identified as within the scope of your request captured discussion between New Zealand government agencies in March 2015. The New Zealand government agencies discussed the possible content of an updated ECA and how the terms of the ECA would best reflect the flexibility both Governments had agreed on.
- This document, and another that was identified as within the scope of your request, captured discussion between New Zealand government agencies about the Joint statement on enhancing the Comprehensive Partnership between the Socialist Republic of Viet Nam and New Zealand, which was signed by Prime Minister Key and Prime Minister Nguyen Tan Dung on 19 March 2015 during Prime Minister Nguyen Tan Dung's visit to New Zealand. Discussions captured within both of those documents related to the treatment of education within the statement, and within the wider framework of New Zealand's education relationship with Viet Nam. The full statement can be found here:
<http://beehive.govt.nz/release/joint-statement-enhancing-comprehensive-partnership-between-socialist-republic-viet-nam-and->
- In August 2015, an MoE staff member attended a meeting to discuss the strategic education engagement plan and the technical assistance offered in relation to teacher education. The recipient of the email was advised they may also receive a request to discuss these.

From:
Sent: Thursday, 8 January 2015 10:39 a.m.
To:
Subject: RE: renewing ECAs in 2015

Great thank you!

From:
Sent: Thursday, 8 January 2015 9:18 AM
To:
Subject: RE: renewing ECAs in 2015

I'll work on them this week with the aim of sending drafts round to ENZ, NZQA and UNZ for comment next week.

| Senior Advisor | International Engagement

From:
Sent: Thursday, 8 January 2015 9:17 a.m.
To:
Subject: RE: renewing ECAs in 2015

Hi there and Happy New Year!

Withheld under section 6 (a) of the Official Information Act.

Cheers

From:
Sent: Wednesday, 7 January 2015 5:05 PM
To:
Subject: RE: renewing ECAs in 2015

Hi

For *Withheld under section 9 (2)(j) of the Official Information Act* and Viet Nam, I think we should add this to the JWG agenda. The Minister may be in the country when these take place so could be a good opportunity.

Withheld under section 6 (a) of the Official Information Act.

Cheers

From:
Sent: Wednesday, 7 January 2015 12:27 p.m.

To:

Subject: RE: renewing ECAs in 2015

Hi again,

I can't remember if we had talked about this or not...brain still on holiday. ☺

ECAs for *withheld under section 9(2)(j)* and Viet Nam are all due this year.

MOE are keen to get these reworded to better reflect our current way of working. What's your view of including a signing as part of the JWGs this year?

Cheers,

| Senior Advisor | International Engagement
117 Lambton Quay, Wellington

Ministry of Education | Te Tāhuhu o te Mātauranga
www.minedu.govt.nz

We get the job done *Ka oti i a mātou ngā mahi*

We are respectful, we listen, we learn *He rōpū manaaki, he rōpū whakarongo, he rōpū ako mātou*

We back ourselves and others to win *Ka manawanui ki a mātou me ētahi ake kia wikitoria*

We work together for maximum impact *Ka mahi ngātahi mo te tuinga nui tonu*

Great Results are our bottom line *Ko ngā huanga tino pai a mātou whāinga mutunga*

WARNING

The information contained in this email message is intended for the addressee only and may contain privileged information. If you are not the intended recipient of this message or have received this message in error, you must not peruse, use, distribute or copy this message or any of its contents.

Also note, the views expressed in this message may not necessarily reflect those of the Education New Zealand. If you have received this message in error, please email or telephone the sender immediately.

From:
 Sent: Thursday, 15 January 2015 12:45 p.m.
 To:
 Cc:
 Subject: FW: draft ECAs with *Withheld under section 9(2)(j) of the Official Information Act*, Viet Nam and *Withheld under section 9(2)(j) of the Official Information Act*

Hi folks

As some of you may remember, last year MOE and other agencies agreed to start aligning the various education agreements that we have with our key markets, and to also lift them up to a more broad level.

Attached are the drafts from MOE for our comment.

From memory most if not all agreements are ready for either an automatic renewal or refresh this year. *Withheld under section 6 (a) of the Official Information Act*. I am sure we had some wording for our partners when we presented these updates – Johnny and I will follow up next week on that.

Grateful if you can look at your country specific agreement and I am happy to feed back any responses to MOE. They are running these past MFAT and MOE legal so all OK there. Due with MOE by 26 Jan *Withheld under section 6 (a) of the Official Information Act*.

Vietnam *Withheld under section 9(2)(j) of the Official Information Act* Johnny (have not included offshore staff due to their lower level government engagement)
Withheld under section 9(2)(j) of the Official Information Act

Bev for comment over all agreements.
 Peter for general comments if any.

Cheers
 Francesca

From:
Sent: Monday, 12 January 2015 2:02 PM
To:
Cc:
Subject: RE: draft ECAs with *Withheld under section 9(2)(j) of the Official Information Act*, Viet Nam and *Withheld under section 9(2)(j) of the Official Information Act*

Hello Everyone,

Withheld under section 6 (a) of the Official Information Act.

All of these ECAs reflect the agreed language and format that NZQA, UNZ, ENZ and MOE agreed last year, and has been approved by legal teams at MOE and MFAT.

An added incentive to update the ECAs this year is MFAT's intent for all bilateral arrangements to be published on the online database, New Zealand Treaties Online, sometime this year, making the

content of ECAs publicly available. So it is in our best interests to be able to publish an ECA with current text as opposed to out-dated historical text.

Cheers,
Angela

| Senior Advisor | International Engagement
117 Lambton Quay, Wellington

Ministry of Education | Te Tāhuhu o te Mātauranga
www.minedu.govt.nz

We get the job done *Ka oti i a mātou ngā mahi*

We are respectful, we listen, we learn *He rōpū manaaki, he rōpū whakarongo, he rōpū ako mātou*

We back ourselves and others to win *Ka manawanui ki a mātou me ētahi ake kia wiktoria*

We work together for maximum impact *Ka mahi ngātahi mo te tuinga nui tonu*

Great Results are our bottom line *Ko ngā huanga tino pai a mātou whāinga mutunga*

RELEASED UNDER THE OFFICIAL INFORMATION ACT

From:
 Sent: Friday, 20 February 2015 1:51 p.m.
 To:
 Subject: RE: Draft ECA with Viet Nam
 Attachments: MoU - NZ-Viet Nam.pdf; Draft ECA Viet Nam and NZ 2015.docx

Hello Everyone,

Viet Nam’s Prime Minister will visit New Zealand next month. Since the current ECA with Viet Nam is due for renewal this year, this visit may present an opportunity for us to formally renew the ECA reflecting the agreed interagency wording.

I have attached the current arrangement. And I have also attached a draft of an updated ECA for your comments.

will be in Viet Nam in the next couple of weeks. He will discuss the possibility of a signing with Viet Nam at that time, and if possible, present a draft copy to them.

Could I please ask that any comments or concerns you have about the draft ECA are emailed to me by noon 27 February?

Cheers,

| Senior Advisor | International Engagement
 117 Lambton Quay, Wellington

Ministry of Education | Te Tāhuhu o te Mātauranga
www.minedu.govt.nz



We get the job done *Ka oti i a mātou ngā mahi*
We are respectful, we listen, we learn *He rōpū manaaki, he rōpū whakarongo, he rōpū ako mātou*
We back ourselves and others to win *Ka manawanui ki a mātou me ētahi ake kia wikitoria*
We work together for maximum impact *Ka mahi ngātahi mo te tuinga nui tonu*

Great Results are our bottom line *Ko ngā huanga tino pai a mātou whāinga mutunga*

RELEASED UNDER THE OFFICIAL INFORMATION ACT



NEW ZEALAND QUALIFICATIONS AUTHORITY
MANA TOHU MATAURANGA O AOTEAROA

26 February 2015

[REDACTED]
[REDACTED]

Dear [REDACTED]

Updated Education Cooperation Arrangement with Viet Nam

Thank you for your email of 20 February 2015 requesting the New Zealand Qualifications Authority (NZQA) comment on the updated Education Cooperation Arrangement (ECA) proposed for Viet Nam.

We note the updated ECA has incorporated changes suggested in our response of 16 January 2015 on the draft ECAs with Viet Nam, [REDACTED]

withheld under section 9(2)(j)
NZQA has no further suggested changes to the ECA.

Please continue to liaise with [REDACTED] Senior Policy Analyst, International by email at [REDACTED] or on Tel [REDACTED]

Yours sincerely

A handwritten signature in black ink, appearing to read 'K. Poutasi', written in a cursive style.

Karen Poutasi (Dr)
Chief Executive

From:
Sent: Monday, 27 July 2015 11:45 a.m.
To:
Subject: RE: Education Cooperation Arrangement edited
Attachments: EDUCATION COOPERATION ARRANGEMENT draft received 27 July 2015.docx

Hi

So sorry for the delay in getting this to you. There are just a couple of minor changes if it is not too late.

Cheers,



| Senior Advisor | International Engagement

From:
Sent: Tuesday, 21 July 2015 5:36 p.m.
To:
Subject: FW: Education Cooperation Arrangement edited

Hi there – you are back? How was the trip?! Too fast right.....

The VN advise below they are happy with the ECA's – from what I can read the only change is when the ECA will be signed *Withheld under section 6(a) of the Official Information Act*.

Note had a discussion with [redacted] and she is OK that the ECA is signed by the Ministers – *Withheld under section 6(a) of the Official Information Act*.

Hear from you soon.

Cheers

Withheld under section 6 (b) (i) of the Official Information Act.

RELEASED UNDER THE OFFICIAL INFORMATION ACT

From:
 Sent: Tuesday, 28 July 2015 10:39 a.m.
 To:
 Subject: RE: NZ Vietnam ECA
 Attachments: ECA English 27-7-2015 Final MOE and MFAT comments included CLEAN VERSION.docx; Vietnamese translation of ECA 2015 8 June.pdf

Hi,

Attached is the clean version. The attached Vietnamese version was translated based on the original text sent earlier in the year. It will only require some minor changes, rather than getting the revised ECA translated in whole once again. Someone from Post on Hanoi should be able to do this.

A couple of points should they come back again with further changes:

1. *Withheld under section 6 (a) of the Official Information Act.*
2. *Withheld under section 6 (a) of the Official Information Act.* This is a standard condition in all arrangements now.
3. MFAT Legal have stated that if this ECA replaces the previous one, it must be stated. So I have reinserted that line in the text.
4. If getting a Vietnamese translation completed before signing is not possible, we will need to change the last line to read "Signed in duplicate in Hanoi on 5th August in the English and Vietnamese languages with equal validity. In the event of any divergence of interpretation between the texts, the English text will prevail." And the translation attached should suffice as the contents really are the same.

Cheers,

| Senior Advisor | International Engagement
 117 Lambton Quay, Wellington

education.govt.nz | [Follow us on Twitter: @EducationGovtNZ](https://twitter.com/EducationGovtNZ)

We get the job done *Ka oti i a mātou ngā mahi*
We are respectful, we listen, we learn *He rōpū manaaki, he rōpū whakarongo, he rōpū ako mātou*
We back ourselves and others to win *Ka manawanui ki a mātou, me ētahi ake kia wikitoria*
We work together for maximum impact *Ka mahi ngātahi mō te tuinga nui tonu*

Great results are our bottom line *Ko ngā huanga tino pai ā mātou whāinga mutunga*



From:

Sent: Tuesday, 28 July 2015 4:52 p.m.

To:

Subject: FW: Education Cooperation Arrangement

Apologies for the multiple copies but we are running out of time to get the ECA agreed to, translations done, and all copies onto the signing paper in time for Peter Bull to bring the copies to VN (needed by Friday).

FYI we had been given the indication that the ECA update was OK (separate email) but then this week received additional comments, this time from VN foreign affairs.

ACTIONS

1. *Withheld under section 6 (a) of the Official Information Act.*
2. Translation of Vietnamese version – do you have a word doc of the translation so that amendments can be made? , once the English version is confirmed, we'll need some edits to the Vietnamese version – can the Embassy assist with this? VN has asked for tracked changes.
3. – how long do you need to get the copies printed on to signing paper?

Cheers

Withheld under section 6 (b) (i) of the Official Information Act.

RELEASED UNDER THE OFFICIAL INFORMATION ACT

From:
Sent: Thursday, 30 July 2015 10:35 a.m.
To:
Subject: RE: ECA English 30-7-2015 FINAL
Attachments: ECA English MOE comments 30 July.docx

Hi there,

Just a couple of changes. According to we cannot say "disputes" so I have changed it to differences. I did find an arrangement signed by Min Joyce, so have changed the title to match that one. We will have to amend the Vietnamese Minister's title to match.

Cheers,

| Senior Advisor | International Engagement

From:
Sent: Thursday, 30 July 2015 10:24 a.m.
To:
Subject: ECA English 30-7-2015 FINAL

WARNING

The information contained in this email message is intended for the addressee only and may contain privileged information. If you are not the intended recipient of this message or have received this message in error, you must not peruse, use, distribute or copy this message or any of its contents.

Also note, the views expressed in this message may not necessarily reflect those of the Education New Zealand. If you have received this message in error, please email or telephone the sender immediately.

RELEASED UNDER THE OFFICIAL INFORMATION ACT

From:
Sent: Tuesday, 28 July 2015 11:12 a.m.
To:
Cc:
Subject: RE: URGENT request to review an ECA

Hi

Thanks for your help.

Withheld under section 6 (a) of the Official Information Act.

, following on from earlier emails, what's the process for getting both versions onto signature paper and how long will that take. I need to get the OK again from the Vietnamese and then back to you for printing, in time for to take the documents with him to Viet Nam (by this Friday).

Cheers

Lead - International Market Manager South-South East Asia



NEW ZEALAND
EDUCATION

ThinkNew

Level 5 Lambton House, 160 Lambton Quay
PO Box 12041, Wellington 6144, New Zealand

Student Web: www.studyinnewzealand.com | Industry Web: www.enz.govt.nz

Sign up to [The Brand Lab](#) | Sign up [to our e-news](#)



40TH
ANNIVERSARY

From:
Sent: Tuesday, 28 July 2015 10:05 a.m.
To:
Subject: RE: URGENT request to review an ECA

[UNCLASSIFIED]

Hi All

Please find **attached** the arrangement with my comments and amendments marked-up alongside

In the future, it would be good to get warning over when an arrangement is coming through as final comments on language and preparing for signing may take some time.

Thanks,

Treaty Officer
Legal Division
New Zealand Ministry of Foreign Affairs & Trade | Manatū Aorere

From:
Sent: Tuesday, 28 July 2015 9:51 a.m.
To:
Cc:
Subject: RE: URGENT request to review an ECA
Importance: High

Hi ,

Attached is a draft ECA between NZ and Viet Nam. Minister Joyce is intending to sign this in Hanoi 5 August. *Withheld under section 6 (a) of the Official Information Act.*

Thank you!!!

| Senior Advisor | International Engagement
117 Lambton Quay, Wellington

education.govt.nz | [Follow us on Twitter: @EducationGovtNZ](https://twitter.com/EducationGovtNZ)

We get the job done *Ka oti i a mātou ngā mahi*
We are respectful, we listen, we learn *He rōpū manaaki, he rōpū whakarongo, he rōpū ako mātou*
We back ourselves and others to win *Kā mahawanui ki a mātou, me ētahi ake kia wikitoria*
We work together for maximum impact *Ka mahi ngātahi mō te tuinga nui tonu*

Great results are our bottom line *Ko ngā huanga tino pai ā mātou whāinga mutunga*



"The information contained in this email message is intended only for the addressee and is not necessarily the official view or communication of the Ministry. It may be legally privileged. If you are not the intended recipient you must not use, disclose, copy or distribute this message or the information in it as this may be unlawful. If you have received this message in error, please email or telephone the sender immediately."

From:
Sent: Thursday, 30 July 2015 8:41 a.m.
To:
Subject: RE: ECA - high risk for Minister's visit

Excellent news! And good to know that we can terminate an arrangement on our own.

| Senior Advisor | International Engagement

From:
Sent: Wednesday, 29 July 2015 11:08 p.m.
To:
Subject: FW: ECA - high risk for Minister's visit

Hi there – see below. I met with Emily tonight for some interviews so was able to show her the email and discuss. She is happy for us to proceed and said that you'd also briefed her. So a resolution! Hadn't realised we could terminate the 2012 ECA unilaterally which is good. I'll make sure to get you the (real) final docs. Can only hope that VN comes back and agrees. Keep you posted and thanks for your help with this.

Talk v soon

From:]
Sent: Wednesday, 29 July 2015 4:58 p.m.
To:
Cc:
Subject: RE: ECA - high risk for Minister's visit

[SEEMAIL] [IN CONFIDENCE]

Ok, just a quick email to confirm what I propose as a course of action on this, following discussions with both of you, :

Withheld under section 9(2)(j) of the Official Information Act.

Withheld under section 6 (a) of the Official Information Act.

Any thoughts on this?

, I will leave you to discuss with MOE, as per our conversation.

If people are happy, can we leave ENZ to progress this with MOET and send through to us the final English version and we will update the Vietnamese version for you?

From:
Sent: Wednesday, 29 July 2015 7:02 a.m.
To:

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Subject: ECA - high risk for Minister's visit

Importance: High

Hi – I just had a chat with [redacted] to confirm comments below.

Withheld under section 6 (a) of the Official Information Act.

At this point there are no other options though have left [redacted] copied to address any other feedback or thoughts as they comes through.

We have until Thursday COB to have both the English and Vietnamese versions complete with signatories' names and titles.

Look forward to hearing from you.

Cheers

From:

Sent: Wednesday, 29 July 2015 10:27 a.m.

To:

Subject: RE: Education Cooperation Arrangement

Hi Everyone,

[redacted], thank you for your comments. However, it is problematic in having two concurrent Arrangements. The 2012 Arrangement states

- This Arrangement supersedes the *Cooperation Arrangement in Education and Training between the Government of New Zealand and the Government of the Socialist Republic of Viet Nam*, signed in Auckland 28 February 2008.

MOE proposes the following wording for item 12 in the new ECA:

- The Arrangement supersedes the *Cooperation Arrangement in Education and Training between the Government of New Zealand and the Government of the Socialist Republic of Viet Nam*, signed in Wellington in 2012.

Cheers,

| Senior Advisor | International Engagement

From:

Sent: Wednesday, 29 July 2015 10:14 a.m.

To:

Cc:

Subject: RE: Education Cooperation Arrangement

[UNCLASSIFIED]

Good morning all

I agree with [redacted] approach below and think the best route forward is to either:

Withheld under section 6 (a) of the Official Information Act.

In terms of printing, I can format, print and bind the arrangements on Friday, but will be out of office from 2pm, so will need the final confirmed text and the confirmed translation (including with both signatories' names and titles inserted into both versions) before 12pm.

Thanks,

Treaty Officer
Legal Division
New Zealand Ministry of Foreign Affairs & Trade | Manatū Aorere

From:
Sent: Wednesday, 29 July 2015 9:52 a.m.
To:
Cc:
Subject: RE: Education Cooperation Arrangement

[UNCLASSIFIED]

[redacted], will need to do the printing, so is best placed to advise (and determine her flexibility), but my working assumption is that we could do this in fairly short time on Friday.

Cheers,

Foreign Policy Officer
South and South East Asia Division
New Zealand Ministry of Foreign Affairs & Trade | Manatū Aorere

www.nzunsc.govt.nz

From:
Sent: Tuesday, 28 July 2015 10:48 p.m.
To:
Subject: RE: Education Cooperation Arrangement

[UNCLASSIFIED]

Happy to help with the translation but a word document would be really helpful.

Withheld under section 6 (a) of the Official Information Act.

From:
Sent: Tuesday, 28 July 2015 4:52 p.m.
To:
Subject: FW: Education Cooperation Arrangement

Apologies for the multiple copies but we are running out of time to get the ECA agreed to, translations done, and all copies onto the signing paper in time for Peter Bull to bring the copies to VN (needed by Friday).

FYI we had been given the indication that the ECA update was OK (separate email) but then this week received additional comments, this time from VN foreign affairs.

ACTIONS

1. *Withheld under section 6 (a) of the Official Information Act.*
2. Translation of Vietnamese version – do you have a word doc of the translation so that amendments can be made? , once the English version is confirmed, we'll need some edits to the Vietnamese version – can the Embassy assist with this? VN has asked for tracked changes.
3. – how long do you need to get the copies printed on to signing paper?

Cheers

Withheld under section 6 (b) (i) of the Official Information Act.

RELEASED UNDER THE OFFICIAL INFORMATION ACT

From:
Sent: Thursday, 30 July 2015 10:35 a.m.
To:
Subject: RE: ECA English 30-7-2015 FINAL
Attachments: ECA English MOE comments 30 July.docx

Hi there,

Just a couple of changes. According to we cannot say "disputes" so I have changed it to differences. I did find an arrangement signed by Min Joyce, so have changed the title to match that one. We will have to amend the Vietnamese Minister's title to match.

Cheers,

| Senior Advisor | International Engagement

From:
Sent: Thursday, 30 July 2015 10:24 a.m.
To:
Subject: ECA English 30-7-2015 FINAL

WARNING

The information contained in this email message is intended for the addressee only and may contain privileged information. If you are not the intended recipient of this message or have received this message in error, you must not peruse, use, distribute or copy this message or any of its contents.

Also note, the views expressed in this message may not necessarily reflect those of the Education New Zealand. If you have received this message in error, please email or telephone the sender immediately.

RELEASED UNDER THE OFFICIAL INFORMATION ACT

From:
 Sent: Friday, 31 July 2015 2:57 p.m.
 To:
 Subject: FW: Attached final ECA for translation
 Attachments: Education Cooperation Arrangement 2015 Vietnamese.docx;
 Education Cooperation Arrangement 2015 English.docx; NZ Vietnam
 Cooperation Arrangement 2012.pdf

Final ECAs attached, to be signed at the Ed Forum – FYI only (more interest to Z).

Withheld under section 6 (a) of the Official Information Act.

From:
Sent: Thursday, 30 July 2015 6:45 p.m.
To:
Cc:
Subject: RE: Attached final ECA for translation

[UNCLASSIFIED]

Final versions attached.

, can you please provide with a few extra sheets of goat skin paper in case we
 have to reprint at the last minute?

Thanks

From:
Sent: Thursday, 30 July 2015 10:45 a.m.
To:
Cc:
Subject: RE: Attached final ECA for translation

Thanks very much – grateful if you copy everyone here when you send the docs back so that
 can arrange printing tomorrow of one Vietnamese and one English. is going to then
 deliver them to ENZ before 2pm so can carry them over.

Cheers

From:
Sent: Thursday, 30 July 2015 2:29 p.m.
To:
Cc:
Subject: RE: Attached final ECA for translation

[UNCLASSIFIED]

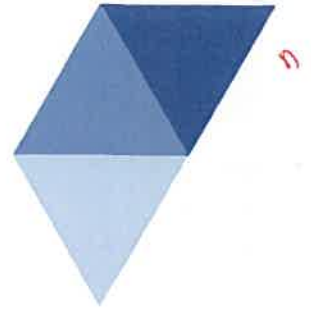
No problem. We will ensure the attached two versions of the Arrangement are consistent and then
 send through to MOET (and ENZ).

I believe the normal approach would be for our side to print the version we were intending to sign (in English and Vietnamese) and for MOET to print the version it was going to sign (in Vietnamese and English). This way, the final versions bound and prepared for signing by each side will each include one English and one Vietnamese version. This is important because the text states that both language versions are equally authentic. I propose we follow this approach here too.

Kind regards

Withheld under section 6 (b) (i) of the Official Information Act.

RELEASED UNDER THE OFFICIAL INFORMATION ACT



17 August 2015

National Office 45–47 Pipitea Street
Thorndon
PO Box 1666
Wellington

Phone: +64 (0)4 463 8000
www.education.govt.nz

Director General Nguyen Xuan Vang
International Cooperation Department
Ministry of Education and Training
35 Dai Co Viet Street
Hai Ba Trung District, Hanoi
Viet Nam

2012 Cooperation Arrangement in Education and Training--Termination

Dear Director General Nguyen,

Warm greetings from New Zealand's Ministry of Education.

I am writing to follow up on the recent visit from New Zealand's Tertiary Education, Skills and Employment Minister Steven Joyce to Viet Nam. As you know, Viet Nam and New Zealand have experienced a warm and long-standing education relationship, formally recognised by the signing of the first Education Cooperation Arrangement in 2004.

In recognition of the importance of maintaining the momentum of education engagement between our two countries, a new ECA was signed in Hanoi on 5 August at the second New Zealand-Viet Nam Education Forum. Our new ECA marks a shift away from prescribed collaboration towards a more flexible and broader range of activity. It will help to strengthen New Zealand education providers' links with Vietnamese partners and underpin the development of more partnerships in areas such as teaching qualifications.

Now that the new ECA has been signed, we need to formally terminate the previous ECA in order to avoid any conflict between the two education arrangements. The previous ECA was signed in 2012 by New Zealand's former Secretary for Education, Lesley Longstone and Viet Nam's Deputy Minister of Education and Training, Tran Quang Quy. In order to facilitate the termination of the 2012 ECA, could you please kindly advise to whom the official letter of termination should be addressed?

On behalf of the New Zealand Ministry of Education, we look forward to working together with you and your colleagues in Viet Nam's Ministry of Education and Training toward the mutual goal of providing a high quality education for all our students.

Withheld under section 9(2)(a) of the Official Information Act.
Director International

Withheld under section 9(2)(a) of the Official Information Act.

From:
Sent: Friday, 14 August 2015 5:32 p.m.
To:
Cc:
Subject: FORMAL MESSAGE: VISIT TO VIET NAM BY HON STEVEN JOYCE, 5-7 AUGUST 2015

Handling instructions

NZTE:
ENZ:

Summary

Minister Joyce's visit to Viet Nam during 5-7 August 2015 focused on strengthening our education links, which are foundational for our broader bilateral relationship. *Withheld under section 6 (a) of the Official Information Act.*

The key thing from New Zealand's perspective will be to shape this engagement in a way that brings mutual benefits; including encouraging institutional engagement, increasing student numbers from Viet Nam, and seeking to pilot a G2G partnership in the education sector which can deliver NZ policy expertise through a model that also offers benefits to New Zealand. *Withheld under section 6 (a) of the Official Information Act.*

The other key focus of Minister Joyce's visit was to lift the profile of New Zealand, and New Zealand education, and to showcase our commitment to our relationship with Viet Nam as we celebrate 40 years of friendship and diplomatic relations during 2015.

Withheld under section 6 (a) of the Official Information Act.

Report

Hon Steven Joyce, Minister for Tertiary Education, Skills & Employment, and Minister of Economic Development paid his second visit to Viet Nam in 18 months during 5-7 August. Accompanied by _____, the Minister visited both Ha Noi (5 August) and HCMC (6-7 August). While the education portfolio was the primary focus for engagement, the Minister also advocated at senior levels for the establishment of G2G commercial partnerships as a means of scaling up our bilateral relationship in key areas of interest. As the second NZ Minister to visit Viet Nam in 2015, the Minister also highlighted the importance New Zealand attached to its 40 years of friendship and diplomatic relations with Viet Nam, being celebrated in 2015. Minister participated as Guest of Honour in one of the Embassy's key 40th anniversary activities for 2015, a high quality NZ-Viet Nam fashion collaboration and show hosted by the Ambassador in HCMC on 6 August.

Withheld under section 6 (a) of the Official Information Act.

Withheld under section 9 (2) (j) of the Official Information Act.

Second NZ-Viet Nam Education Forum

Minister Joyce and Minister Luan co-hosted the second ever NZ-Viet Nam Education Forum. The first was held in 2008, and the Embassy assessed that it was timely to host a second such event, which brought together key stakeholders in the education relationship in a public forum, with media

present. The Forum was well attended (80 plus people) and attracted considerable media attention, providing a platform for Ministers, NZ and Vietnamese institutions and alumni to highlight different facets of the education relationship. Three NZ universities were represented – Waikato (), AUT () and VUW () – while ENZ () shared MC duties with his Vietnamese counterpart,

Withheld under section 6 (a) of the Official Information Act.

ENDS

"The information contained in this email message is intended only for the addressee and is not necessarily the official view or communication of the Ministry. It may be legally privileged. If you are not the intended recipient you must not use, disclose, copy or distribute this message or the information in it as this may be unlawful. If you have received this message in error, please email or telephone the sender immediately."

RELEASED UNDER THE OFFICIAL INFORMATION ACT

From: MANNING, Haike (HAN)
Sent: Wednesday, 19 August 2015 3:41 p.m.
To: 'Peter Bull'
Cc: 'Ziena Jalil'; 'Francesca Hilbron'
Subject: RE: Viet Nam: strategic engagement plan

Hi all,

Withheld under section 6(a) of the Official Information Act I sketched out a rough timeline for moving ahead with the strategic engagement plan on education. A key step is to engage with MOET – but we need to have our own ducks and strategy lined up first.

It's just a first rough sketch, so suggestions welcome!

Cheers
Haike

By Tues 8 Sep – first discussion with ENZ, MinEdu, Post, G2G on components/NZ vision for engagement plan [all]

By Fri 11 Sep – initial discussion with MOET on the engagement plan, plus draft agenda for JEC [Post, with ENZ/Min Edu guidance]

Week of 14-18 Sept – discussion with key NZ institutions on their potential contribution to the plan [ENZ]

Wed 16 Sep – *Withheld under section 9(2)(j) of the Official Information Act*

Fri 2 Oct – draft strategic engagement plan discussed at JEC [ENZ]

Withheld under section 6(a) of the Official Information Act

From: MANNING, Haike (HAN)
Sent: Wednesday, 19 August 2015 1:45 p.m.
To: Peter Bull
Cc: Ziena Jalil;
Subject: Viet Nam: strategic engagement plan

Thanks Peter, that's very helpful guidance. I'll have a chat at this end and revert with further thoughts. Cheers, Haike

From: Peter Bull
Sent: Wednesday, 19 August 2015 12:03 p.m.
To: MANNING, Haike (HAN)
Cc: Ziena Jalil; Francesca Hilbron
Subject: RE: Resignation letter Dinh Duong

Those are the right questions!

Withheld under section 6(a) of the Official Information Act.

RELEASED UNDER THE OFFICIAL INFORMATION ACT

I think we should be planning for a 3 year strategic engagement plan, *Withheld under section 6(a) of the Official Information Act.*

Cheers, Peter

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Education Cooperation Arrangement

between

The Ministry of Education of New Zealand

and

**The Ministry of Education and Training of the Socialist
Republic of Viet Nam**



Objectives

1. The Ministry of Education of New Zealand and the Ministry of Education and Training of the Socialist Republic of Viet Nam, hereafter referred to as the 'Participants', will endeavour to strengthen, promote and develop education cooperation and collaboration on the basis of reciprocity and mutual benefit.

Areas of Cooperation

2. This Arrangement is intended to establish cooperation between the Participants to facilitate and encourage the exchange of information (not including personal information) on their respective education systems in early childhood education, primary and secondary education, technical and vocational education and training, higher education, national qualifications frameworks and systems, and English language training.
3. In the performance of activities under this Arrangement, the Participants will respect the autonomy of schools, and tertiary and higher education institutions in their jurisdictions.

Designated Bodies and Contact

4. The Participants note that Education New Zealand, a crown entity established under Part 21 of the Education Act 1989, and which came into being 1 September 2011, has the primary coordination role for New Zealand in the implementation of this Arrangement. In effecting its undertakings under the auspices of this Arrangement, the Ministry of Education of New Zealand will work closely with Education New Zealand.

5. Each Participant will designate a contact point or points, and provide details of such contact points to the other Participant, to facilitate communications and coordinate responses between the Participants on matters covered by this Arrangement.
6. The Participants shall notify each other promptly of any amendments to the details of their contact points.

Settlement of Differences

7. Any differences that may arise between the Participants from the interpretation or implementation of this Arrangement will be resolved amicably through consultations and negotiations between the Participants.

Financial Arrangements

8. Activities of cooperation and collaboration to be carried out under this Arrangement will be subject to the availability of funds and resources of both Participants. Each Participant will endeavour to seek sufficient resources for the performance of such activities.
9. Each Participant will bear its own costs and expenses in relation to the implementation of this Arrangement.

Confidentiality and Intellectual Property

10. Where a Participant provides information to the other Participant in the implementation of this Arrangement and designates the information as confidential, the other Participant will maintain the confidentiality of the information. Such information will be used only for the purposes specified, and will not be disclosed without the written permission of the Participant providing the information, except to the extent that it may be required to be disclosed by law.

11. Where a Participant provides information containing proprietary intellectual property to the other Participant in the implementation of this Arrangement, such intellectual property will be protected in accordance with the respective laws under international agreements on intellectual property, to which both the Socialist Republic of Viet Nam and New Zealand are signatories. Before providing such information, the Participants may discuss and conclude any specific additional arrangements regarding the treatment of such information.

Entry into Effect, Duration and Termination

12. This Arrangement will come into effect on signature and will remain in effect for five years from the date of signature.

13. This Arrangement may be modified or extended by the mutual written determination of the Participants and may be terminated by either Participant giving six months' written notice to the other Participant.


Signed in duplicate in Hanoi, Viet Nam on 5 August 2015, in the English and Vietnamese languages with equal validity.

**ON BEHALF OF THE MINISTRY
OF
EDUCATION OF NEW ZEALAND**



**Steven Joyce
Minister for Tertiary Education,
Skills
And Employment**

**ON BEHALF OF THE MINISTRY
OF EDUCATION AND TRAINING
OF THE SOCIALIST REPUBLIC
OF VIET NAM**



**Pham Vu Luan
Minister of Education and
Training**



THỎA THUẬN HỢP TÁC GIÁO DỤC
GIỮA
BỘ GIÁO DỤC NƯỚC CỘNG HÒA XÃ HỘI CHỦ NGHĨA
VIỆT NAM
VÀ
BỘ GIÁO DỤC NIU DI-LÂN

Mục tiêu

1. Bộ Giáo dục và Đào tạo nước Cộng hòa xã hội chủ nghĩa Việt Nam và Bộ Giáo dục Niu Di-lân, sau đây được gọi chung là “các Bên” sẽ nỗ lực tăng cường, thúc đẩy và phát triển hợp tác và cộng tác về giáo dục trên cơ sở có đi có lại và cùng có lợi.

Các lĩnh vực hợp tác

2. Thỏa thuận này nhằm thiết lập mối quan hệ hợp tác giữa các Bên để tạo điều kiện và khuyến khích việc trao đổi thông tin (không bao gồm thông tin cá nhân) về hệ thống giáo dục của mỗi Bên liên quan đến giáo dục mầm non, giáo dục tiểu học và trung học, giáo dục dạy nghề và kỹ thuật, giáo dục đại học, các hệ thống và khung trình độ quốc gia và đào tạo tiếng Anh.

3. Trong quá trình thực hiện các hoạt động theo Thỏa thuận này, các Bên sẽ tôn trọng quyền tự chủ của các trường, các cơ sở giáo dục cao đẳng và đại học thuộc phạm vi quyền hạn của họ.

Đầu mối liên hệ chỉ định

4. Các Bên ghi nhận rằng Cơ quan Giáo dục Niu Di Lân (Education New Zealand), một cơ quan hành pháp được thành lập ngày 01/9/2011 theo qui định tại Phần 21 Luật Giáo dục năm 1989 của Niu Di Lân, là cơ quan giữ vai trò điều phối chính của Niu Di-lân trong quá trình thực hiện Thỏa thuận này. Để thực hiện việc bảo trợ của mình theo Thỏa thuận này, Bộ Giáo dục Niu Di-lân sẽ phối hợp chặt chẽ với Cơ quan Giáo dục Niu Di Lân.

5. Mỗi bên sẽ chỉ định một hoặc nhiều đầu mối liên hệ và cung cấp thông tin chi tiết về các đầu mối liên hệ đó cho Bên kia nhằm tạo điều kiện

thuận lợi cho việc trao đổi thông tin và điều phối việc trả lời giữa các Bên về các vấn đề thuộc phạm vi của Thỏa thuận này.

6. Các Bên sẽ thông báo cho nhau kịp thời khi có bất kỳ thay đổi nào về các đầu mối liên hệ.

Giải quyết tranh chấp

7. Mọi bất đồng phát sinh giữa các Bên liên quan đến cách hiểu hoặc thực hiện Thỏa thuận này sẽ được các Bên giải quyết một cách hữu nghị thông qua tham vấn hoặc thương lượng.

Thỏa thuận về tài chính

8. Các hoạt động hợp tác và cộng tác được thực hiện theo Thỏa thuận này sẽ phụ thuộc vào khả năng tài chính và nguồn lực của hai Bên. Mỗi bên sẽ nỗ lực tìm kiếm đủ nguồn lực để triển khai thực hiện các hoạt động.

9. Mỗi Bên sẽ tự chịu trách nhiệm về các chi phí của mình liên quan đến việc thực hiện Thỏa thuận này.

Bảo mật và sở hữu trí tuệ

10. Trường hợp Bên cung cấp thông tin cho Bên kia trong quá trình thực hiện Thỏa thuận này và quy định là thông tin bí mật thì Bên kia sẽ có trách nhiệm bảo mật các thông tin được cung cấp. Các thông tin này sẽ chỉ được sử dụng cho các mục đích cụ thể và sẽ không được tiết lộ nếu không có văn bản cho phép của Bên cung cấp thông tin, trừ trường hợp cấp thiết theo yêu cầu của luật pháp.

11. Trường hợp thông tin được cung cấp từ Bên này cho Bên kia có liên quan đến quyền sở hữu trí tuệ trong quá trình thực hiện Thỏa thuận này thì quyền sở hữu trí tuệ đó sẽ được bảo vệ theo pháp luật tương ứng của các điều ước quốc tế về sở hữu trí tuệ mà Nước Cộng hòa xã hội chủ nghĩa Việt

Nam và Niu Di Lân đều là thành viên. Trước khi cung cấp những thông tin như vậy, các Bên có thể thảo luận và ký kết mọi thỏa thuận bổ sung cụ thể liên quan đến việc xử lý các thông tin đó.

Hiệu lực, Thời hạn và Chấm dứt Thỏa thuận

12. Thỏa thuận này sẽ có hiệu lực kể từ ngày ký và sẽ có giá trị trong năm năm kể từ ngày ký.

13. Thỏa thuận này có thể được điều chỉnh hoặc gia hạn khi có văn bản chính thức đồng ý của cả Hai bên và có thể được chấm dứt khi một trong hai Bên thông báo bằng văn bản cho Bên kia biết trước sáu tháng.

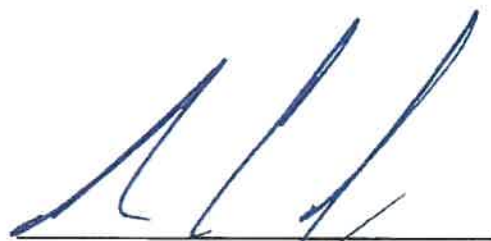
THỎA THUẬN NÀY ĐƯỢC KÝ TẠI HÀ NỘI, VIỆT NAM NGÀY 05 THÁNG 8 NĂM 2015 THÀNH HAI BẢN BẰNG TIẾNG VIỆT VÀ TIẾNG ANH CÓ GIÁ TRỊ NGANG NHAU.

**THAY MẶT BỘ GIÁO DỤC VÀ
ĐÀO TẠO CHXHCN VIỆT NAM**



Phạm Vũ Luận
Bộ trưởng
Bộ Giáo dục và Đào tạo

**THAY MẶT BỘ GIÁO DỤC
NIU DI-LÂN**



Steven Joyce
Bộ trưởng
**Giáo dục Đại học, Kỹ năng và Ngành
nghề**



BACKGROUND BRIEF: NEW ZEALAND-VIET NAM EDUCATION RELATIONSHIP

Key points

- New Zealand has a long standing bilateral education relationship with Viet Nam. The relationship is underpinned by an Education Cooperation Arrangement (ECA) first signed in 2004 and a Joint Education Commission (JEC).
- In March 2015 during Prime Minister Nguyễn Tấn Dũng's visit to New Zealand the development of a strategic engagement plan on education was proposed. If this idea progresses during your visit, the focus needs to remain on frameworks and outcomes which have value to New Zealand.
- Historically the bilateral education relationship has been influenced by aid-based education activities. New Zealand wants to shift towards mutually supported activities with economic, social and cultural benefits.
- Reflecting the growth of the Vietnamese middle class, the number of Vietnamese studying in New Zealand almost doubled between 2008 and 2012, from 1,158 to 2,425. Since then numbers have been in decline with 2,022 Vietnamese students studying in New Zealand in 2014.
- There are opportunities to build on New Zealand's successful institutional partnerships to increase the delivery of programmes in Viet Nam, and to encourage more high quality, high value Vietnamese students to choose New Zealand as an education destination.
- Short-term training programmes for Vietnamese officials have been a cornerstone of the relationship and New Zealand universities continue to host these cohorts.
- *Withheld under section 6(a) of the Official Information Act.*

Background information

In-market presence

1. Education New Zealand (ENZ) supports the New Zealand international education industry in-market. *Withheld under section 6(a) of the Official Information Act.*
2. Since appointing the Market Development Manager, ENZ has delivered a range of promotional activities including education agent seminars with Immigration New Zealand (INZ) to target high quality agents, New Zealand education fairs, and alumni and partner networking events. ENZ also ran digital campaigns and competitions to raise New Zealand's profile as a high-quality education destination. ENZ regularly hosts New Zealand education providers in Viet Nam to build local relationships. ENZ has also hosted Vietnamese journalists in New Zealand as part of a comprehensive public relations and media campaign.
3. ENZ is committed to both the Viet Nam and ASEAN 40 celebrations which mark 40 years of diplomatic relations. ENZ delivered the Alumni Voices project, capturing the stories of 40 alumni including Vietnamese alumni. To support the celebrations, ENZ is also participating in a NZ Inc Education and Cultural Roadshow and an alumni event planned for later in 2015.

Student mobility

4. Viet Nam is New Zealand's second largest ASEAN source country for students behind Thailand. Almost half of the Vietnamese students coming to New Zealand are enrolled at universities, making Viet Nam a high value market.
5. Since 2012 Vietnamese student enrolments in New Zealand have declined with 2,022 students enrolled in 2014. This has continued in 2015 with student visa data showing total student visas year-to-date (January to June 2015) down 9 percent (82 visas) compared to the same period in 2014. This has been caused by an 11 percent decrease (87) in returning student visas being slightly offset by a 2 percent increase (5) in first time student visas.
6. *Withheld under section 6(a) of the Official Information Act.*
7. *Withheld under section 6(a) of the Official Information Act.*
8. *Withheld under section 6(a) of the Official Information Act.*
9. *Withheld under section 6(a) of the Official Information Act.*
10. *Withheld under section 6(a) of the Official Information Act.*
11. *Withheld under section 6(a) of the Official Information Act.*

Government relationships

12. *Withheld under section 6(a) of the Official Information Act.*
13. New Zealand and Viet Nam have a long history of education links dating back to Colombo Plan students who came to New Zealand in the 1960s. In the 1990s, New Zealand restarted the New Zealand-funded 1977 English Language Training for Officials (ELTO) Programme under the New Zealand Aid Programme. New Zealand makes approximately 20 ELTO and 5 senior ELTO positions available each year. The New Zealand Aid Programme also offers up to 30 post-graduate scholarships to Vietnamese students each year (150 scholarships over the five years to 2016).
14. The ECA will be renewed during your visit after being referenced at the meeting between yourself and Prime Minister Dŭng in March 2015. You will sign the ECA with the Vietnamese Minister of Education and Training Mr Pham Vu Luan. *Withheld under section 6(a) of the Official Information Act.*
15. *Withheld under section 9 (2)(j) of the Official Information Act.*
16. *Withheld under section 6 (a) of the Official Information Act.*
17. *Withheld under section 9 (2)(j) of the Official Information Act.*

New Zealand G2G Know How

18. *Withheld under section 9 (2)(d) of the Official Information Act.*
19. *Withheld under section 9 (2)(d) of the Official Information Act.*
20. *Withheld under section 9 (2)(d) of the Official Information Act.*

21. *Withheld under section 6 (b)(ii) of the Official Information Act.*

Education in Vietnam

22. MOET is responsible for education in Viet Nam from non-compulsory pre-school, compulsory primary and secondary through to non-compulsory higher education. MOLISA is responsible for vocational education.

23. *Withheld under section 6(a) of the Official Information Act.*

24. In 2012 Viet Nam participated for the first time in the Programme for International Student Assessment (PISA) survey. This triennial survey ranks the performance of 15 year olds in maths, science and reading to evaluate education systems. Viet Nam ranked 17th in maths and 8th in science compared to New Zealand's rankings of 22th and 18th, out of 65 countries. For reading New Zealand ranked 13th while Viet Nam ranked 19th. A number of factors have been suggested to explain this success including years of focused investment in school enrolments and a high degree of classroom discipline.

25. The Vietnamese Government funds the Program 165 scholarship programme sending Vietnamese officials to study in English speaking countries, including New Zealand. The Vietnamese Government and Communist Party also operate local scholarship programmes to fund individual students, groups of officials or Communist Party cadres to undertake short term and long-term study in New Zealand.

Opportunities for New Zealand

26. Approximately 60 percent of Viet Nam's population of nearly 90 million people is under the age of 30. This and its rising middle class mean Viet Nam has great potential as a market for international students. New Zealand is well placed to assist with Viet Nam's own goal of improving education standards to ensure students can contribute to the economic and social modernisation of the country.

27. *Withheld under section 6 (a) of the Official Information Act.*

*Education New Zealand
July 2015*

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982