

Office of Hon Chris Hipkins

MP for Rimutaka

Minister of Education

Minister of State Services

Leader of the House

Minister Responsible for Ministerial Services



Ref: OIA00042

Mike Allen
fyi-request-7247-c141d5d9@requests.fyi.org.nz

10 FEB 2018

Dear Mike,

Thank you for your emails of 12 February 2018, requesting the following information:

- *Can you please release to me the advice you have received, and from whom, upon which you relied, to formulate your decision to close Charter Schools.*

I have considered your request under the Official Information Act 1982 (the Act).

I have introduced a Bill to remove the charter school model and to repeal the parts of the Education Act that enable charter schools. While the current charter school model may be removed from the education system no final decisions have been made about individual schools, and the Ministry of Education is currently engaging with all charter school sponsors on a case by case basis, to discuss future schooling options with them.

I have received 12 documents containing advice on repealing the legislation that enables charter schools. A list of these documents, together with my decisions on their release, is attached as **Appendix A**.

Thank you again for your email. You have the right to ask an Ombudsman to review this decision. You can do this by writing to info@ombudsman.parliament.nz or Office of the Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'CH', written over a white background.

Hon Chris Hipkins
Minister of Education

	Date	Description	Decision on release
1	30 October 2017	Minister of Education Meeting Annotated Agenda	Released in part. Some information is withheld under sections 9(2)(j) and 9(2)(f)(iv) of the Act.
2	23 November 2017	Education Report - Charter Schools Legal Matters	Withheld in full. Information is withheld under section 9(2)(j) of the Act.
3	29 November 2017	Education Report: Update on the removal of the partnership school kura hourua model	Withheld in full under section 18(d) of the Act, as the Ministry will be proactively releasing this document shortly.
4	6 December 2017	Education Report: Administration Arrangements and Variations Required to Partnership School Contracts for 2018	Withheld in full under section 18(d) of the Act, as the Ministry will be proactively releasing this document shortly.
5	7 December 2017	Briefing Note: Alternative schooling options and legislative options for partnership schools kura hourua	Withheld in full under section 18(d) of the Act, as the Ministry will be proactively releasing this document shortly.
6	14 December 2017	Education Report: Contingency funding in respect of partnership schools kura hourua	Withheld in full under section 18(d) of the Act, as the Ministry will be proactively releasing this document shortly.
7	December 2017	Cabinet Paper: Policy Proposals for updating the Education Act 1989 and Charter Schools: Process for Removing the Model and Options for Existing Schools	Documents can be found on the Ministry's website at the following link: www.education.govt.nz/ministry-of-education/information-releases/education-amendment-bill-2018-information-release/ .
8	13 December 2017	Education report: Education Portfolio Bids for the 2018 Legislation Programme	Contact information is withheld under section 9(2)(a). Other redactions are under sections 9(2)(j), 9(2)(f)(iv), 9(2)(g)(i). Out of scope information removed.
9	21 November 2017	Briefing Note	Withheld in full under section 9(2)(j) of the Act. Title also withheld.
10	14 December 2017	Education Report	Withheld in full under section 9(2)(f)(iv) of the Act. Title also withheld.
11	January 2018	Cabinet Paper: Charter Schools: Process for Removing the Model and Options for Existing Schools	Withheld in full under section 18(d) of the Act. Document can be found on the Ministry's website at the following link: www.education.govt.nz/ministry-of-education/information-releases/education-amendment-bill-2018-information-release/
12	January 2018	Cabinet Paper: Education Amendment Bill: Approval for Introduction	Withheld in full under section 18(d) of the Act. Document can be found on the Ministry's website at the following link: www.education.govt.nz/ministry-of-education/information-releases/education-amendment-bill-2018-information-release/





MINISTRY OF EDUCATION
TE TĀHUHU O TE MĀTAURANGA

AGENDA

Minister of Education Meeting
Monday 30 October 10:45-11:45am

Agenda

1. Meet and greet
2. Minister discussion on Manifesto Priorities
3. Decisions needed this week
4. Decisions needed by 17 November
5. Decisions needed by Christmas
6. Other issues for discussion
7. Further briefings

Attendees

Minister of Education

Iona Holsted Secretary for Education

Andrea Schöllmann, Deputy Secretary Education System Policy

Claire Douglas, Deputy Secretary Graduate Achievement,
Vocations and Careers

Ellen MacGregor-Reid, Deputy Secretary Early Learning and
Student Achievement

Katrina Casey, Deputy Secretary Sector Enablement and
Support

Apyll Parata, Deputy Secretary Parent Information and
Community Intelligence

Kim Shannon, Deputy Secretary Education Infrastructure
Services

Craig Jones, Deputy Secretary Evidence, Data and Knowledge

Emily Fabling, Deputy Secretary Strategy Planning and
Governance

Zoe Griffiths, Deputy Secretary Business Enablement and
Support

Wayne Ngata, Raukura / Chief Advisor Te Ao Māori

Sean Teddy, Deputy Secretary Office of the Secretary for
Education

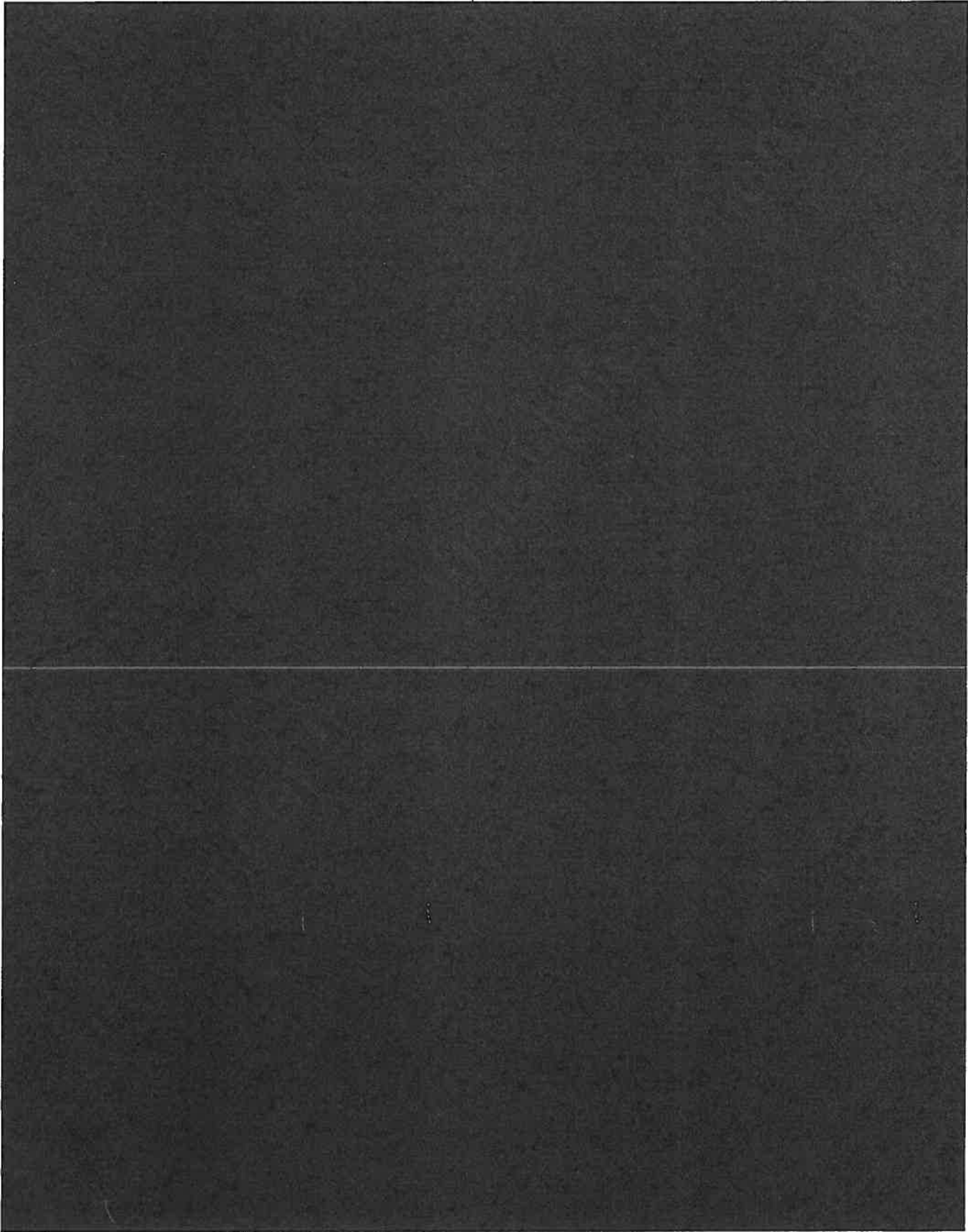
1. Purpose

METIS 1088661

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This agenda provides a proposed structure for an initial discussion with you.

Out of scope



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AGENDA

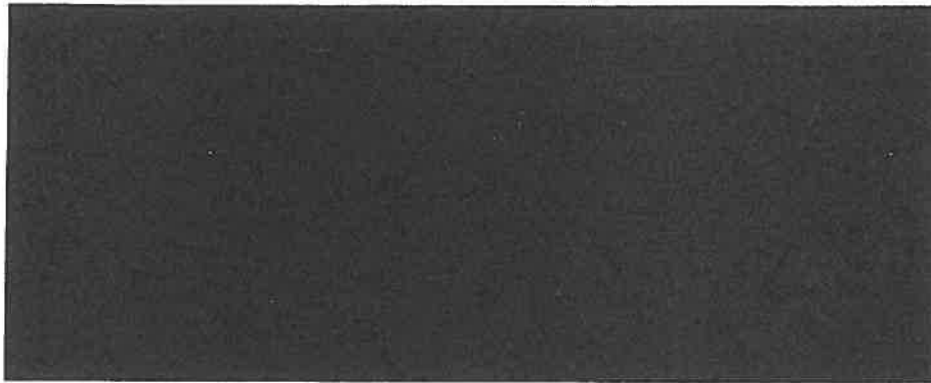
Minister of Education Meeting
Monday 30 October 10:45-11:45am

role (Katrina Casey)

For discussion:

Noted actions

- 6. Charter schools (Ellen MacGregor-Reid)



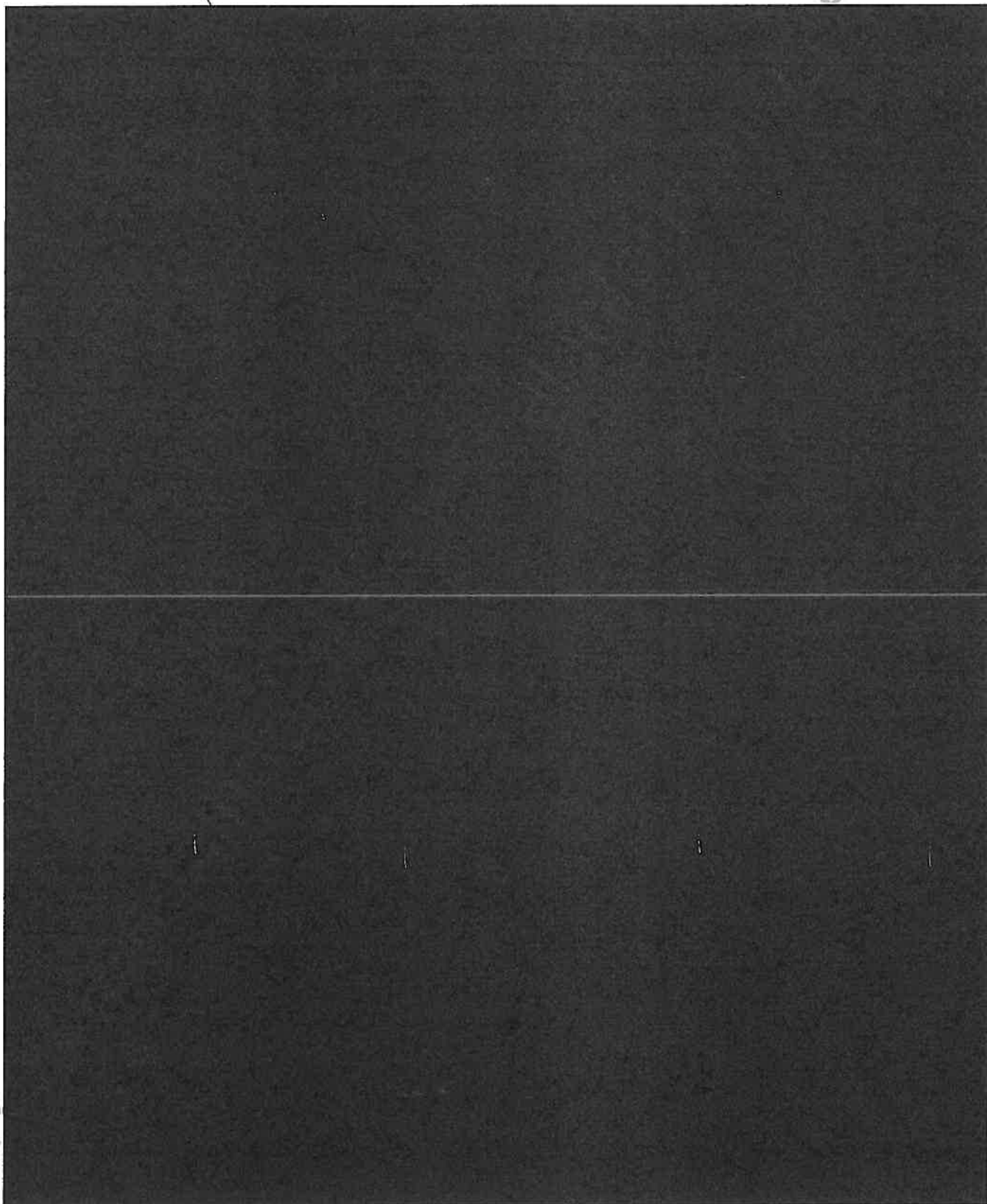
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AGENDA

Minister of Education Meeting
Monday 30 October 10:45-11:45am

Out of scope



Act 1982

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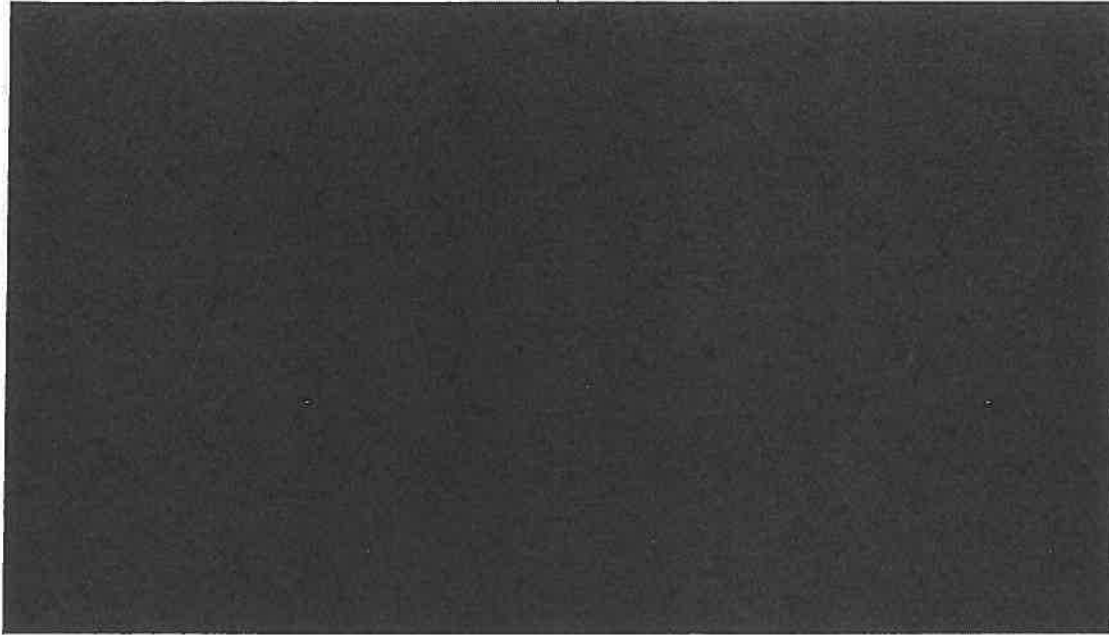


MINISTRY OF EDUCATION
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AGENDA

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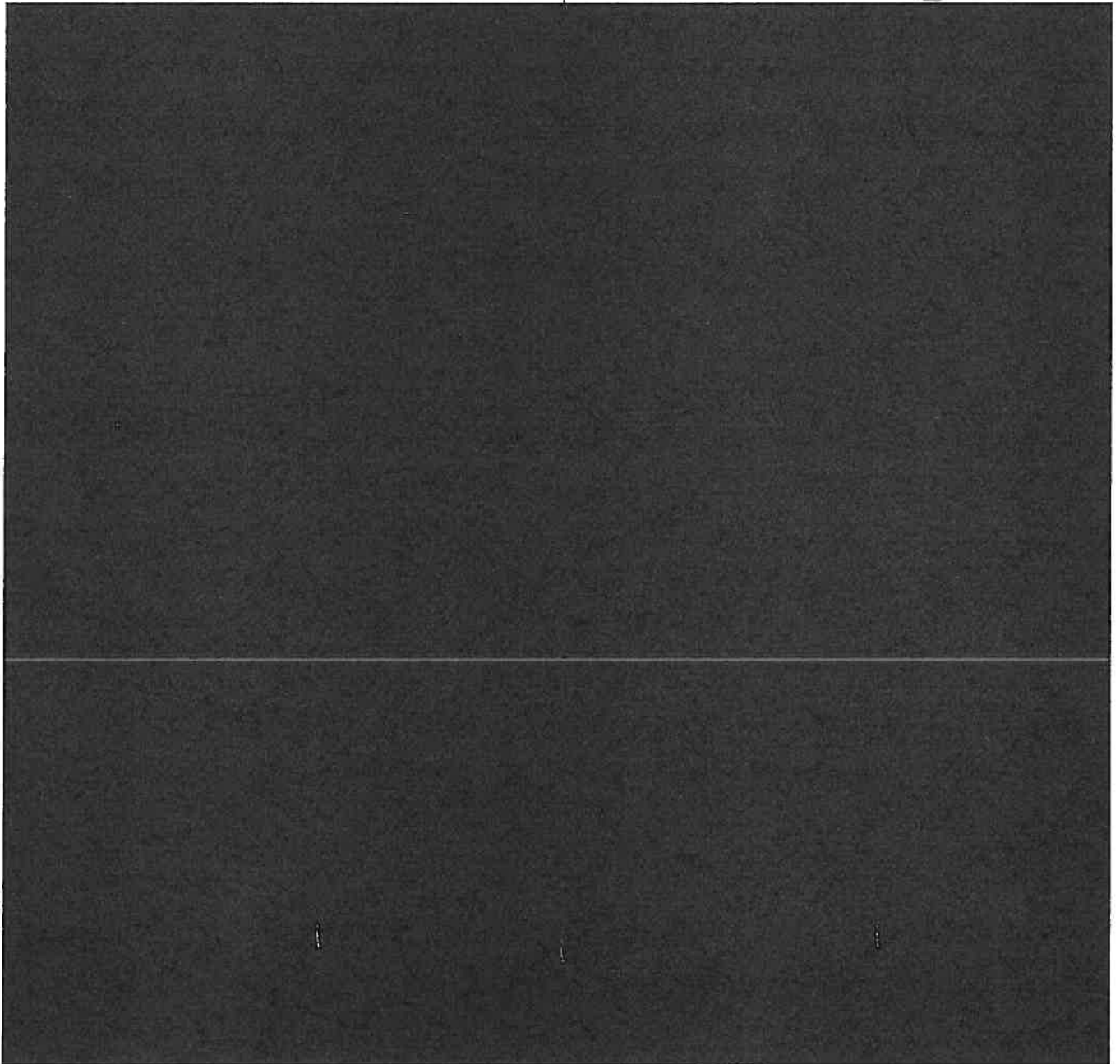


MINISTRY OF EDUCATION
TE TĀHUHU O TE MĀTAURANGA

AGENDA

Minister of Education Meeting
Monday 30 October 10:45-11:45am

Out of scope

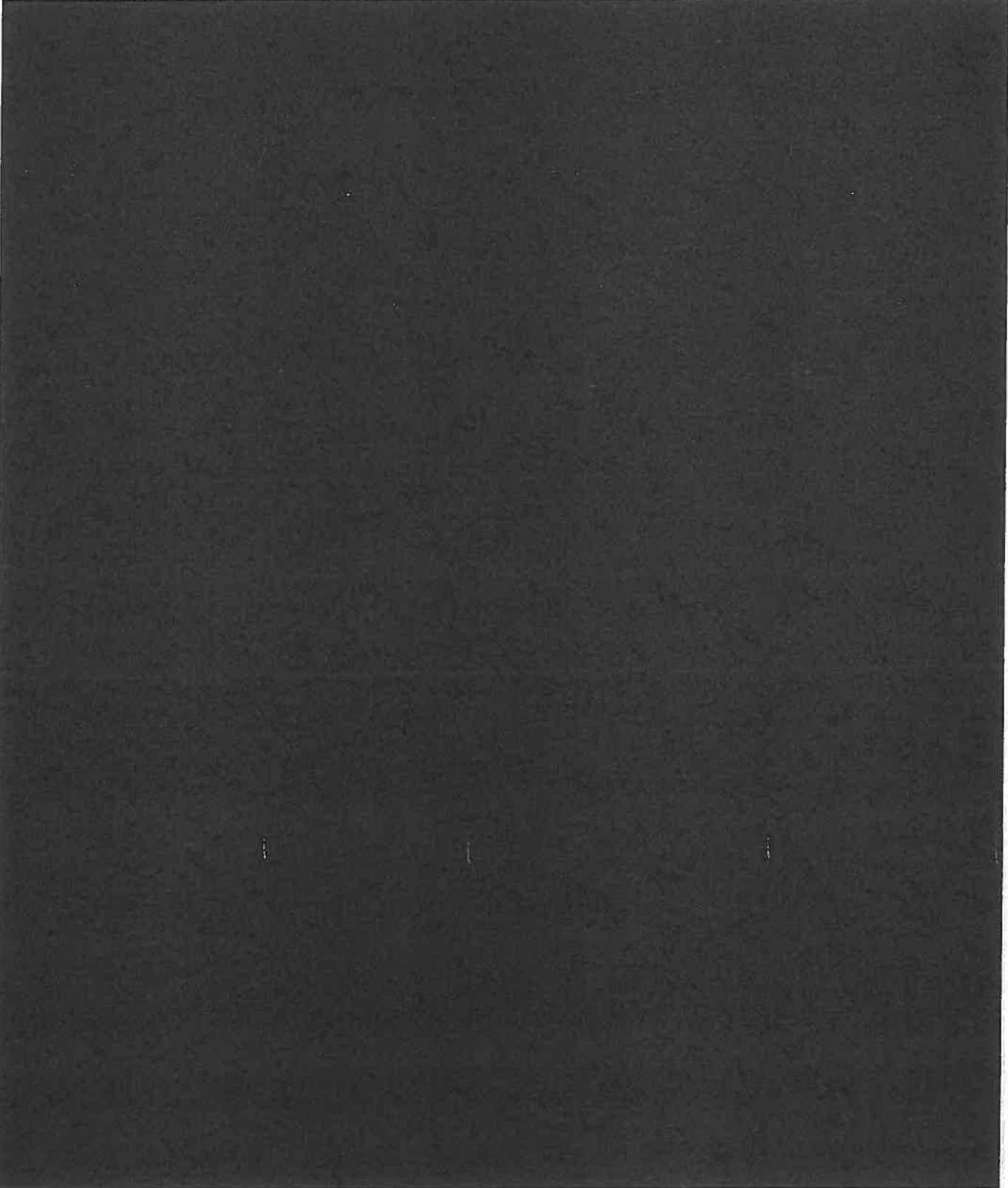


Released

AGENDA

Minister of Education Meeting
Monday 30 October 10:45-11:45am

Out of scope



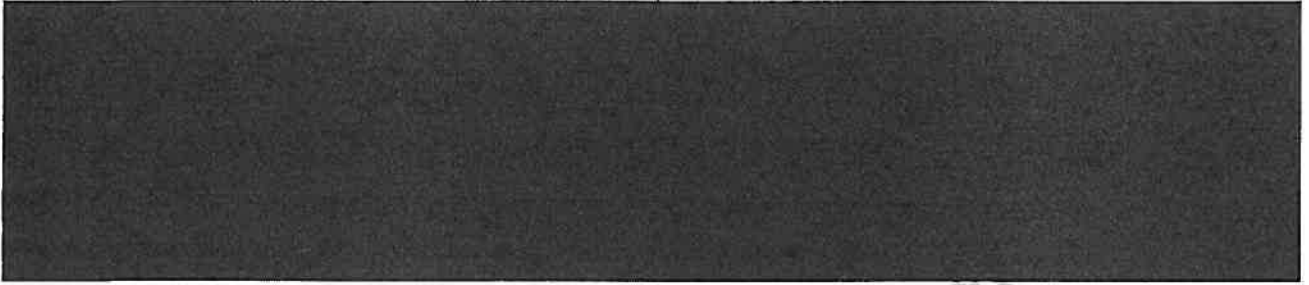


MINISTRY OF EDUCATION
TE TĀHUHU O TE MĀTAURANGA

AGENDA

Minister of Education Meeting
Monday 30 October 10:45-11:45am

Out of scope



Released under the Official Information Act 1982



Agenda

1. Repeal of legislation allowing for Charter Schools
2. Options to address your policy goals
3. Negotiations with sponsors
4. Other resource issues associated with closure
5. Other Charter School matters to be progressed by Christmas 2017
6. Timing
7. Next Steps

Key areas for engagement and direction

1. This paper highlights the key areas we have identified in respect of Charter Schools where we will need to engage with you, either for decisions in the first 100 days or to test direction and timing.
2. We have prioritised those areas which appear to require substantive change in policy or operational settings.
3. A variety of operational matters may also require your consideration over the next 100+ days and we will brief you further on those.

Repeal of legislation allowing for Charter Schools

4. This could be achieved through an early Education Amendment Act in concert with, or followed by, transition or possible closure arrangements for each school. The existing contracts will remain in force even without the enabling legislation and it would be possible to let existing schools continue until their contracts expire or other options are put in place.
5. There is scope within existing legislation that could provide the opportunity for some or all Charter Schools to continue to provide education as designated character schools, integrated schools or possibly as a unit or satellite within an existing state school.
6. There is a Charter School Authorisation Board, which is appointed by the Minister to provide advice on the approval of new schools and monitor the performance of existing schools.

Options to address your policy goals

7. Termination of current Charter School contracts requires six months' notice to be given, with termination only able to take place on the last day of the final term of the school year after the expiry of the notice. At the earliest, this could be by the end of the 2018 school year.

8. There are the following possible approaches:

7.1. Convert Charter Schools into State Schools.

s 9(2)(j) OIA

[Redacted] A range of issues would need to be addressed, for example, the extent to which Charter Schools use unregistered teachers or teachers without a current practising certificate, the impact on the wider network of schools and property issues (continue with current property leasing arrangements or explore other options).

7.2. Amalgamate Charter Schools into existing State Schools. There is scope, with the agreement of the Board of a State School, to include a current Charter Schools as a satellite or unit under the governance umbrella of a state school (for example as a bi-lingual unit or service academy of an existing school). A similar range of issues would apply as for conversion into State Schools.

7.3. Terminate some or all of the contracts relying on the Minister's convenience clause in the contracts. This would generate compensation costs for committed costs of up to \$1m per school (total of \$16M for 16 schools), but is likely to be lower, as not all schools would have committed costs of \$1m. The earliest that schools could be terminated for convenience would be the end of the 2018 school year (after six months' written notice).

7.4. Terminate contracts where sponsors are materially non-performing. There are no current Charter Schools with contract interventions in place, [Redacted] Termination for non-performance would need to be managed carefully so that the risk of legal challenge was mitigated. [Redacted]

s 9(2)(j) OIA

s 9(2)(j) OIA

7.5. Not renewing contracts as they expire. Four current Charter Schools have 2019 as their last year of operation. A further four expire in 2020, two in 2022, two in 2023 and four in 2024.

7.6. A combination of the above options – for example, exploring termination of contracts where sponsors are materially non-performing, negotiating with schools that may wish to convert into State Schools, and either not renewing contracts when they expire or putting in place termination for convenience for schools that do not wish to transition to, or do not qualify for new arrangements.

Negotiation with sponsors

9. A key early consideration is whether to terminate the contracts for the two schools which are due to open at the start of term one of 2018, and the further four schools, which are due to open at the start of term one in 2019.

10. These schools have signed legal contracts and in some cases have already been provided funding for their establishment costs, [Redacted] In the case of Round Four schools they will have already started seeking student enrolments for the 2018 school year.

s 9(2)(j) OIA

11. The options of Termination for Convenience and transition costs apply to these schools. Due to the notice requirements, the earliest that schools could be terminated for convenience would be the end of term 4 2018. Negotiation would therefore be required if the Crown wished to attempt to negotiate an earlier closing.

Priority for negotiation/options

s 9(2)(j) OIA

Priority order	Number of schools	Convert/integrate to state school	Amalgamate with existing state school	
Round 4 schools	2	Yes	Yes	
Round 5 schools	4	Yes	Yes	
Round 1-3 schools	10	Yes	Yes	

7982

Operational implications associated with closure

s 9(2)(j) OIA



13. Operational payments of [redacted] would need to be made in 2018 before termination takes effect.

s 9(2)(j) OIA

Other Charter School matters to be progressed before Christmas 2017

- 14. A decision on whether the Round Five sponsor Te Whare Wananga O MUMA Limited has met five conditions required to be met with a deadline of 31 October 2017. If you are satisfied that they have met the conditions then the contract becomes unconditional.
- 15. Recommendations for release of 1% of Charter School funding for 2016, currently withheld subject to performance.
- 16. Proposals for new performance standards for Round One schools, replacing ones that expire in 2017.
- 17. Decisions on whether current National Standards related performance standards will continue to apply.
- 18. Briefing on next steps to recover assets following the closure of the Whangaruru Charter School.
- 19. Decisions on appointments to all the positions on the Charter School Authorisation Board, all of which expire on 1 March 2018. Under the current legislation you must appoint at least five and up to nine Board members. Decisions on appointments would need to be made early in the New Year. You could extend some or all of the current Board members, with revised terms of reference. Alternatively, you could appoint a new Board with terms of reference that focus on the 2018 work programme.

Timing

s 9(2)(j) OIA



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(Details of current Charter Schools in table appended below.)

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Annex 1: Current Charter Schools

#	Sponsor Name	School Name	School Location	Type & year level	Focus	Current roll (9 Aug 17)	Max roll	Contract duration (term)					
								Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6
1	He Puna Marama Charitable Trust	Te Kura Hourua O Whangarei Terenga Paraoa	Whangarei	Secondary 7-13	Kaupapa Māori	210	300	2014	2015	2016	2017	2018	2019
2	Villa Education Trust	South Auckland Middle School	Wattle Downs, South Auckland	Restricted composite 7-10	Christian Values	177	180	2014	2015	2016	2017	2018	2019
3	Advance Training Group	Vanguard Military School	Albany, Rosedale, Auckland	Senior Secondary 11-13	Military ethos and methodology	159	192	2014	2015	2016	2017	2018	2019
4	Rise Up Trust	The Rise UP Academy	Mangere East, South Auckland	Contributing Primary 1-6	Māori and Pasifika, Christian values	107	200	2014	2015	2016	2017	2018	2019
5	He Puna Marama Charitable Trust	Te Kāpehu Whetū (Teina)	Whangarei	Contributing Primary 1-6	Kaupapa Māori	106	150	2015	2016	2017	2018	2019	2020
6	Villa Education Trust	Middle School West Auckland	West Auckland	Restricted Composite 7-10	Christian Values	194	240	2015	2016	2017	2018	2019	2020
7	Manakau Urban Māori Authority	Te Kura Māori o Waatea	Māngere, South Auckland	Full Primary 1-8	Kaupapa Māori	85	200	2015	2016	2017	2018	2019	2020
8	The Pacific Peoples Advancement Trust	Pacific Advance Senior School	Otahuhu, South Auckland	Senior secondary 11-13	Pasifika	79	250	2015	2016	2017	2018	2019	2020
9	Kia Ata Mai Educational Trust	Te Kōpuku High	Avalon, Hamilton	Senior secondary 11-13	Support Māori students, technology focus, project based learning	107	300	2017	2018	2019	2020	2021	2022

1982

#	Sponsor Name	School Name	School Location	Type & year level	Focus	Current roll (9 Aug 17)	Max roll	Contract duration (term)						
								Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	
10	Trustees of the Te Aratika Charitable Trust	Te Aratika Academy	Whakatu, Hawkes Bay	Senior secondary 11-13	Māori/Pasifika focus	34	200	2017	2018	2019	2020	2021	2022	2023
11	Te Rangihakahaka Company Limited	Te Rangihakahaka Centre for Science and Technology	Rotorua	Composite 1-10	Māori potential approach	Not open	200	2018	2019	2020	2021	2022	2023	2024
12	Blue Light Ventures	Blue Light Senior Boys High School	Wairakei, Taupo	Senior Secondary 11-13	Māori/Pasifika boys	Not open	90	2018	2019	2020	2021	2022	2023	2024
13	City Senior School Limited	City Senior School	TBC Central Auckland	Senior secondary 11-13	STEM focus	Not open	300	2019	2020	2021	2022	2023	2024	2025
14	Te Runanga o Tūranganui a Kiwa	Tūranga Tangata Rite	Gisborne	Junior secondary 9-11	Primary focus on Māori students, by iwi for iwi focus	Not open	55	2019	2020	2021	2022	2023	2024	2025
15	Vanguard Military School Christchurch Ltd	Vanguard Military School Christchurch	TBC Christchurch	Senior secondary 11-13	Military ethos and methodology	Not open	210	2019	2020	2021	2022	2023	2024	2025
16	Te Whare Wananga O MUJMA Limited	Waatea High	TBC Manurewa, South Auckland	Secondary 9-13	Focus on priority learners with a Māori for Māori approach	Not open	145	2019	2020	2021	2022	2023	2024	2025

Information Act 1982

Education Report: Education Portfolio Bids for the 2018 Legislation Programme

To:	Minister Hipkins		
Date:	13 December 2017	Priority:	Medium
Security Level:	In Confidence	METIS No:	1089817
Drafter:	Rachel Voller	DDI:	4637049
Key contact and number:	Dr Andrea Schöllmann [REDACTED]	Round robin:	No
Messaging seen by Communications team:	N/A s 9(2)(a) OIA		

Purpose of report

The purpose of this paper is to:

- **seek** your approval to items for inclusion in the education portfolio bids for the 2018 Legislation Programme.
- **seek** your approval to the attached draft Cabinet paper which seeks approval to issue drafting instructions for an Education Amendment Bill 2018.

Summary

1. Bids for places on the 2018 Legislation programme are required to be submitted by your office to the Legislation Coordinator by 26 January 2018.
2. In discussions with your office, we have identified five bills for inclusion in the programme, and we have prepared draft legislation bids (attached) for your consideration. We are seeking your feedback on these bids by 15 January 2018.
3. The five bids are for:
 - a. The Education Amendment Bill 2018 (a general amendment bill, [REDACTED] s 9(2)(g)(i) OIA
 - b. The Education (Teachers Council of Aotearoa) Amendment Bill (the member's bill which is to be adopted by the Government, [REDACTED] s 9(2)(g)(i) OIA

- c. The Education (Tertiary Education and Other Matters) Amendment Bill (currently before the Education and Workforce Committee, [redacted])

s 9(2)(g)(i) OIA

- d. An omnibus bill [redacted]

s 9(2)(f)(iv) OIA

- e. [redacted]

4. For inclusion in the general amendment bill, we are proposing two changes in tertiary education. We propose an offence provision for false fees-free education student declarations. We also seek approval to amend the Education Act 1989 to ensure that at least one member of tertiary education institution councils is a staff member employed at the institution, and at least one member of the council is a student. We are seeking to increase the size of an Institute of Technology and Polytechnic council up to a maximum of ten members to accommodate this change.
5. Also for inclusion in the general amendment bill, we are proposing changes to the planning and reporting regime for schools to ensure a smooth implementation and greater flexibility for managing contingencies. Currently a fixed four year term is specified for each school's strategic plan. In response to sector concern expressed about the potential conflict with the school board election cycle, we recommend the term is changed to three years, with the Secretary to have the power to determine a lesser term as appropriate.
6. A Cabinet paper seeking policy approvals for this Bill is attached at Annex One for you to lodge with Cabinet Office, if you agree. This paper can be considered at CBC on Wednesday 20 December 2017. The paper seeks authorisation to issue drafting instructions.

7.

s 9(2)(f)(iv) OIA

8.

Recommended Actions

The Ministry of Education recommends you:

- a. **note** that Cabinet Office has called for bids from Ministers for places on the 2018 Legislation Programme, with the bids to be submitted to the Legislation Coordinator by 10am on Friday, 26 January 2018

Noted

- b. **agree** to include, alongside the removal of provisions relating to partnership schools, transitional arrangements for existing partnership schools

Agree/Disagree

- c. **agree** to provide, for those partnership schools that want to close and re-open as a designated character school, provisions to enable these schools to have an alternative constitution from the date of opening

Agree/ Disagree

s 9(2)(f)(iv) OIA

d.

- e. **agree** to propose to Cabinet that the Education Act 1989 be amended to the effect that tertiary education institution's councils must ensure that at least one member of council is a staff member employed at the institution, and at least one member of council is a student enrolled at the institution

Agree/ Disagree

- f. **agree** to increase the size of an Institute of Technology and Polytechnic council up to a maximum of ten members (from the current eight members)

Agree/ Disagree

- g. **agree** to include transitional arrangements including a six-month transition period for institutions to amend their constitutions

Agree/ Disagree

- h. **agree** to propose to Cabinet that the Education Act 1989 be amended to include a new offence provision for making a false representation, without reasonable excuse, in relation to an application to be considered eligible for fees free tertiary education

Agree/ Disagree

- i. **agree** that the requirement that boards develop a strategic plan once every four years should be changed, with boards to develop a strategic plan at least once every three years, or, if the Secretary determines, at more frequent intervals

Agree/ Disagree

- j. **agree** that a bid for a place on the 2018 Legislation Programme should be made for the Education Amendment Bill 2018.

Agree / Disagree

- k. **agree** that a bid for a place on the 2018 Legislation Programme should be made for the Education (Tertiary Education and Other Matters) Amendment Bill

Agree / Disagree

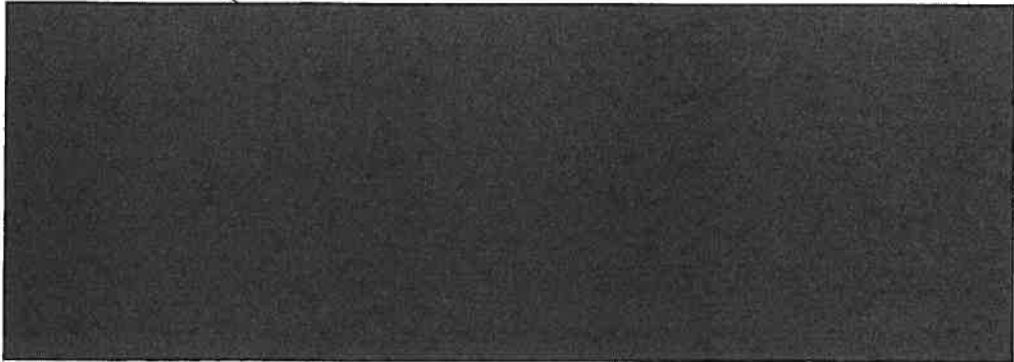
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s 9(2)(f)(iv) OIA

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n.



o.

p.

q. **provide feedback** on the draft bids by Wednesday 17 January 2018

Agree / Disagree

r. **agree** to submit the attached Cabinet paper to Cabinet Office by 10am Thursday 14 December 2017, for consideration at Cabinet Business Committee on Wednesday 22 December 2017.

As amended

Agree / Disagree

Dr Andrea Schöllmann
Deputy Secretary
Education System Policy

1/1

Hon Chris Hipkins
Minister of Education

15/14/17

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Background

Bids for Places on the 2018 Legislation Programme

s 9(2)(g)(i) OIA

1. Cabinet Office has called for bids from Ministers for places on the 2018 Legislation Programme. A covering letter [REDACTED] from the Minister's portfolio, two hard copies of each bid, and an electronic version of each bid must be provided to the Legislation Coordinator by 10am on Friday, 26 January 2018.
2. In discussions with your office, five bills have been identified for inclusion on the 2018 Legislation Programme. In preparing the following advice and draft bids for each bill, we have consulted both the Cabinet Office and the Parliamentary Counsel Office (PCO).

Education Amendment Bill 2018

3. We have prepared a draft bid for a general amendment bill to be introduced into the House of Representatives on 29 January 2018. This will enable the bill to be set down on the Order Paper for First Reading on 1 February 2018. We have proposed a [REDACTED] [REDACTED] for the bill, and suggest that the bill be [REDACTED] of the bids from your portfolio.

s 9(2)(g)(i) OIA

s 9(2)(g)(i) OIA

4. For the bill to be drafted in time for introduction in January, the necessary policy approvals and authorisation to issue drafting instructions must be obtained from Cabinet Business Committee (with power to act) on 22 December. A Cabinet paper is attached for your consideration. If you approve, we recommend you submit this paper to Cabinet Office by 10am Thursday 14 December 2017. To assist with a fast drafting turnaround, the legislative proposals will need to be straightforward to draft and review for legal accuracy. As discussed with your office, the following proposals have been included in the draft bid for the bill:
 - a. The removal of references to National Standards in the Education Act 1989.
 - b. The repeal of Part 12A, "Partnership schools kura hourua", and associated provisions (as discussed in the briefing to you on "Alternative schooling options and legislative options for partnership schools").
 - c. Provision for staff and student representatives on the councils of tertiary education institutions.
 - d. A new offence provision for false fees-free education statutory declarations.
 - e. Changes to the new strategic planning and reporting framework for State and State Integrated schools.
 - f. Miscellaneous amendments.

Restoring guaranteed staff and student representation on tertiary education institution (TEIs) Councils

5. The Education Amendment Act 2015 made changes to university and wānanga council requirements. Changes were made to institute of technology and polytechnic (ITP) council arrangements in the Education (Polytechnics) Amendment Act 2009. In both cases, the changes included removing guaranteed places on councils for staff and students.
6. In response to advice on implementing the Education (Update) Amendment Act 2017, you requested advice on legislative change in 2018 to restore guaranteed staff and

student representation on tertiary education institution (TEI) councils. The purpose is to re-affirm the important role of staff and students in institutional decision making.

7. Further detail on this proposal is attached at Annex Three.

Fees-free education statutory declarations

8. We recommend that, instead of making a statutory declaration, that students make an ordinary declaration to the effect that they have not previously accessed tertiary education above a certain level in New Zealand or overseas. An ordinary declaration does not require a witness and making a false declaration of this sort is not an offence of itself. We also recommend introducing a new offence provision under the Education Act 1989, with a lower burden of proof and a lower penalty should wrongdoing be established. This would make it easier to punish false declarations and not depend on the Police bringing a prosecution.
9. We propose introducing a penalty for the offence. If a student could not show that they had a reasonable excuse for providing false information on their declaration, then they could be subject to a penalty. The penalty could be up to \$10,000, which is in line with the burden of evidence required to establish wrongdoing. This would also be high enough to act as deterrent. A penalty would be in addition to our current ability to cost recover fees, which could be up to \$12,000 per year. We are seeking Crown Law advice on this.
10. We recommend you agree to propose to Cabinet that the Education Act 1989 be amended to include a new offence provision making a false representation, without reasonable excuse, in relation to an application to be considered eligible for fees-free tertiary education.
11. Further detail on this proposal is attached at Annex Two.

Strategic Planning and Reporting

12. The Education (Update) Amendment Act 2017 creates a new strategic planning and reporting regime for State and State integrated schools, to come into effect from 1 January 2019. The draft bid sets out further changes to the regime to ensure a smooth implementation and greater flexibility for managing contingencies as they arise over the medium to long term.
13. Under the Act, a fixed four year term is specified for each school's strategic plan. The education sector, including representative bodies such as NZSTA and NZPPTA, has expressed concern about the potential conflict with the three yearly school board election cycle. In addition, a fixed term does not allow the Secretary to vary the term, if required. We recommend that the term is changed to three years, with the Secretary to have the power to determine a lesser term as appropriate.

Education (Teachers Council of Aotearoa) Amendment Bill

14. The Education (Teachers Council of Aotearoa) Amendment Bill is a member's bill which is to be adopted by the Government. Cabinet Office has advised that, in anticipation of the bill's change in status, a bid for a place on the 2018 Legislation Programme should be made. We have prepared a draft bid, in which we have proposed a [REDACTED] for the bill. We will complete the required timeline for the bill's passage, after further discussions with your office in January.

s 9(2)(g)(i) OIA

15. For the covering letter, we suggest that the bid for this bill should be [redacted] of the bids from your portfolio. This is based on the timing of the bill's First Reading, which is anticipated to take place as soon as possible in the 2018 Parliamentary year, after Cabinet has agreed to the bill being adopted by the Government.

Education (Tertiary Education and Other Matters) Amendment Bill

16. Bids must be made for all bills, including those that have been referred to a select committee for consideration. The Education (Tertiary Education and Other Matters) Amendment Bill is before the Education and Workforce Committee and is to be reported back to the House of Representatives by Thursday 29 March 2018. The Bill should receive Royal assent around 12 April 2018.

s 9(2)(g)(i) OIA

17. We have proposed in the draft bid for the bill that it should have [redacted] on the 2018 Legislation Programme. We also suggest that the bid for this bill should be [redacted] from your portfolio.

"Education Amendment Bill (No 2)"

s 9(2)(f)(iv) OIA

18. We have prepared a draft bid for an omnibus Education Amendment Bill (No 2)¹ to be introduced into the House of Representatives on [redacted] to enable the Bill to be set down on the Order Paper for [redacted]. We have proposed in the draft bid that [redacted] in the [redacted] should be sought for the bill. We also suggest that the bid for this bill should be [redacted] of the bids from your portfolio.

s 9(2)(g)(i) OIA

s 9(2)(g)(i) OIA

s 9(2)(g)(i) OIA

19. The omnibus bill will make amendments to the Education Act 1989, the Education (Update) Amendment Act 2017, [redacted]

s 9(2)(f)(iv) OIA

20. Separate advice is being provided on the details of the legislative proposals relating to the [redacted] and cohort entry. Any changes you might like to make can be progressed through the Education Amendment Bill (No 2).

s 9(2)(f)(iv) OIA

Risks

Assessment for compliance with Standing Orders

21. After introduction, the Speaker assesses each omnibus bill for compliance with the Standing Orders. In this case, the relevant requirement is for the bill to deal with an interrelated topic that can be regarded as implementing a single broad policy. If, in the Speaker's opinion, the bill does not comply with the Standing Orders, the Speaker can order that the bill is discharged or offer the member in charge of the bill the opportunity to excise provisions.
22. Post the bid process, we will seek advice from the Office of the Clerk on a possible overarching theme for the Education Amendment Bill (No 2). This would aim to capture the majority, if not all, of the legislative proposals set out in the bid. However, this does not guarantee that the Bill will proceed unchanged to First Reading.

¹ The Bill's title will be amended to reflect its omnibus status, as part of the drafting process.

Timing

23.

s 9(2)(f)(iv) OIA



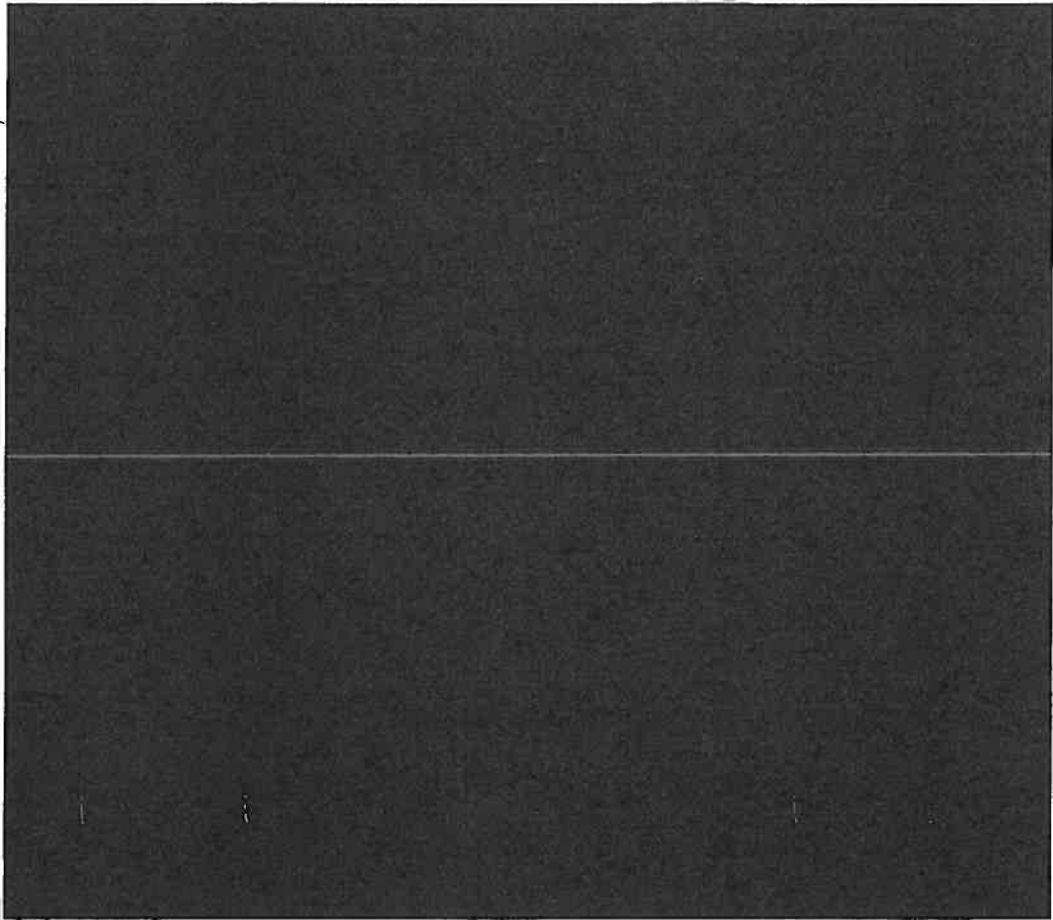
Proposed content of Bill

24. The legislative proposals identified for the Education Amendment Bill (No 2) are primarily concerned with revising regulatory regimes, including those administered through educational entities. These are:

Education Act 1989

a. Changes to cohort entry arrangements to ensure that only children five years of age and over can start school in a cohort.

s 9(2)(f)(iv) OIA

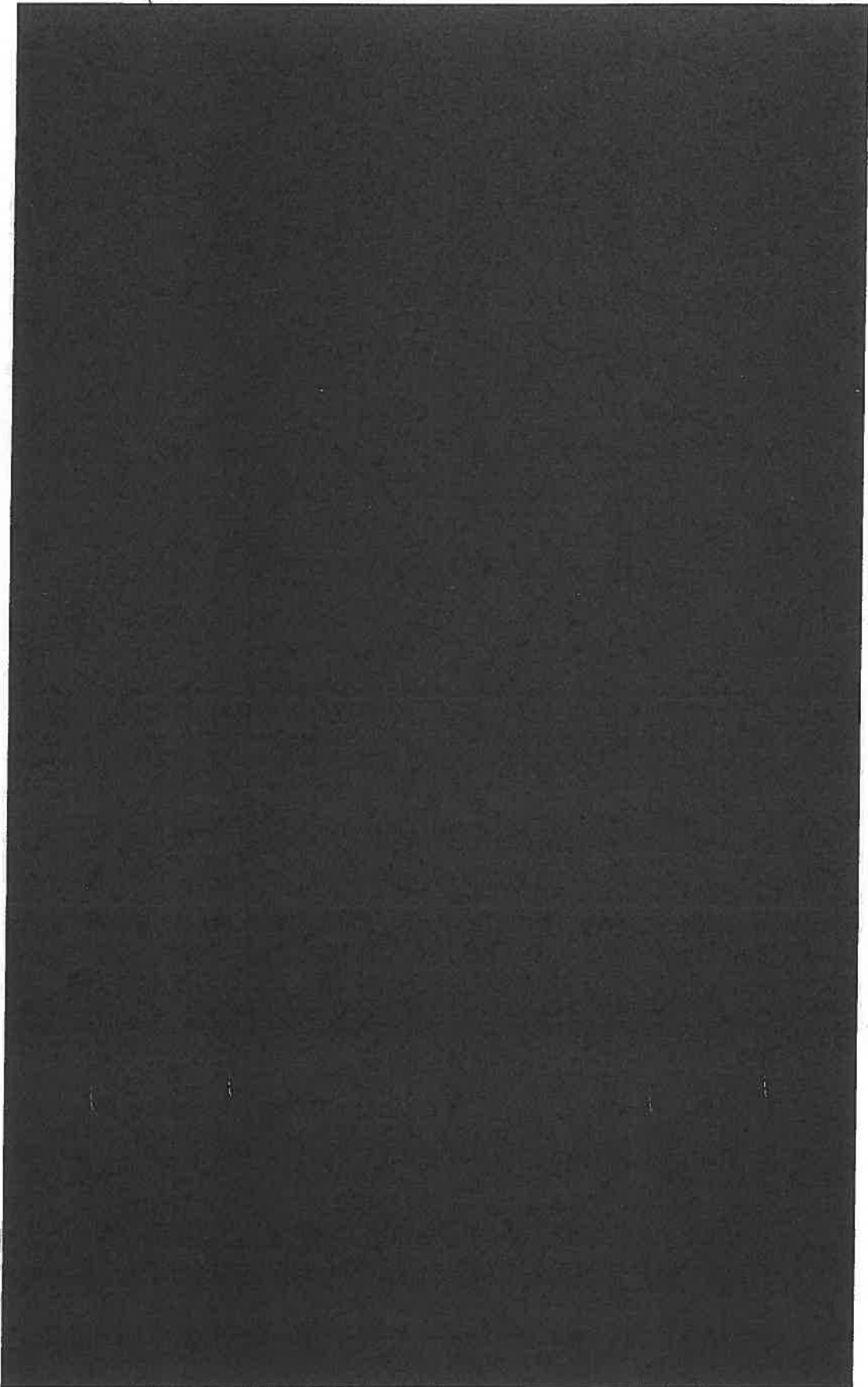


25. Detailed advice on the legislative proposals will be provided to you as work progresses over the first half of the year.

Released

matrimonial 1982

s 9(2)(f)(iv) OIA

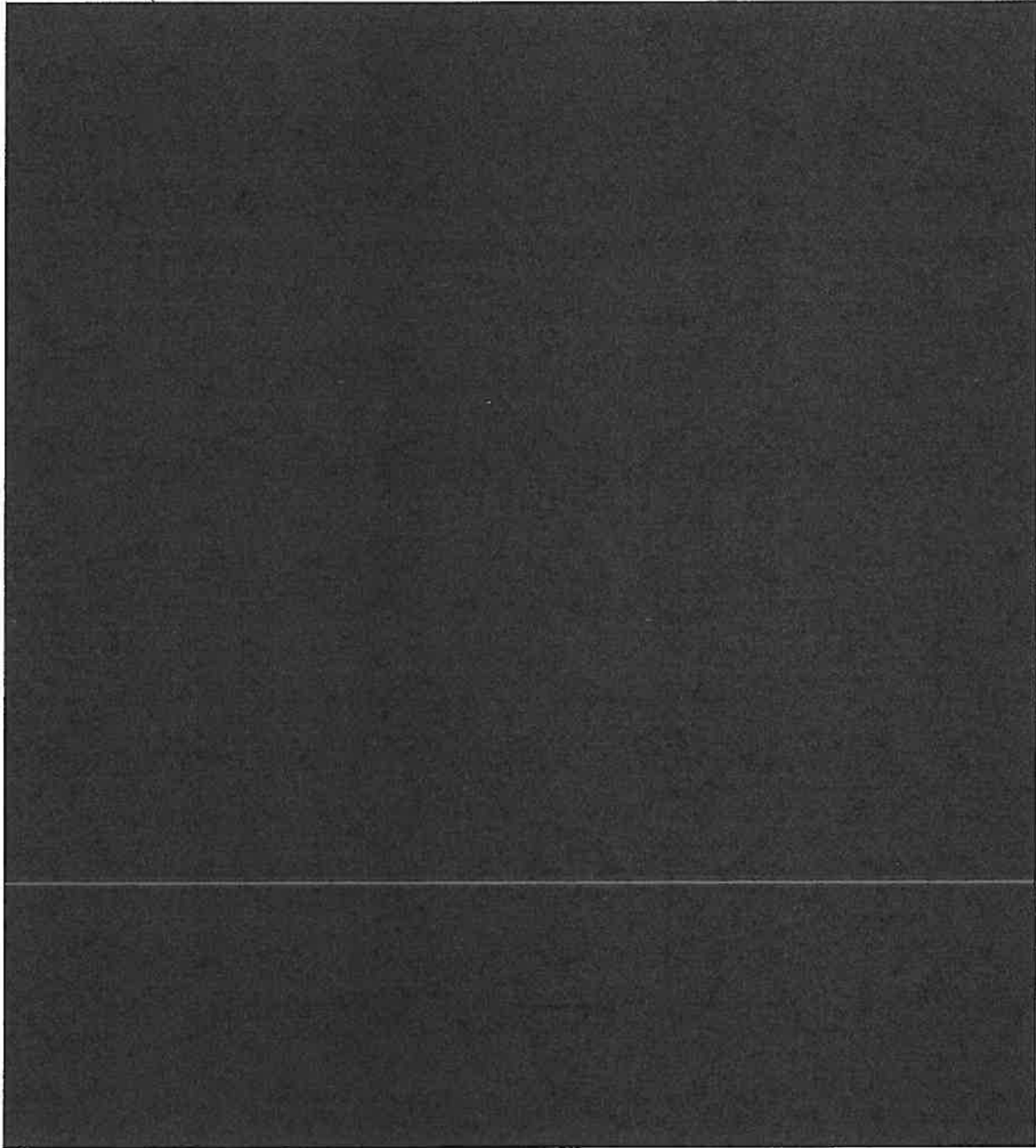


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Releas

s 9(2)(f)(iv) OIA

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Annexes

Annex 1: Cabinet paper: Policy proposals for updating the Education Act 1989

Annex 2:



Annex 3:

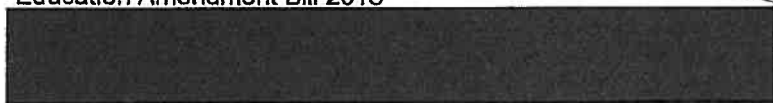
Annex 4:

Annex 5: Education Amendment Bill 2018

Annex 6:

Annex 7:

Annex 8:



Out of scope

Released under the Official Information Act

Annex 1: Cabinet Paper: "Policy Proposals for updating the Education Act 1989"
(attached separately)

Released under the Official Information Act 1982

