Briefing Note: Proactive release of Fees-Free advice in 2018

To: Hon Chris Hipkins, Minister of Education  
Hon Tracey Martin, Associate Minister of Education

Date: 13 November 2018
Security Level: In Confidence

Priority: Medium
METIS No: 1158180

Drafter: Jon Rolfe
Key Contact: John MacCormick
Messaging seen by Communications team: No

DDI: 9(2)(a)
Round Robin: No

Purpose of Report
This paper accompanies briefings, reports and advice on the Fees-Free policy scheduled for public release in November.

Note that this Briefing will be proactively released.

Summary

- You agreed to release a series of briefings, reports and advice after Cabinet had considered options for 2019 changes to the Fees-Free policy. Cabinet also noted your intention to make the Cabinet paper on 2019 changes publicly available through the Ministry of Education’s website.

- We also intend to release the letter of delegation to fund Fees-Free tertiary education and four further papers on Fees-Free that have not yet been released. These four papers include additional information on the uptake of Fees-Free tertiary education, costing and forecast modelling for Fees-Free.

- The Tertiary Education Commission (TEC) published the changes to eligibility for Fees-Free in 2019 on its website on 25 October, and has communicated changes to Tertiary Education Organisations (TEOs).

- We will coordinate with the TEC and your office to time the proactive release. The papers listed in Annex 1 will be published on the Ministry of Education’s website at the same time as the TEC’s publication of papers on its website [AM/18/00703 refers].

Andy Jackson
Group Manager, Tertiary Education
Graduate Achievement, Vocations & Careers
13/11/2018
Background

1. We propose to release the 14 attached briefings, reports and advice with proposed redactions (see Annex 1). These include:

Papers you agreed to release after Cabinet decisions...

a. You agreed to release nine of these documents, dated from February to August this year, after Cabinet had considered changes to the Fees-Free policy for 2019. Cabinet agreed to these changes on 20 August [CAB-18-MIN-0401 refers]. Cabinet also noted your intention to make the Cabinet paper and minute on the 2019 changes publicly available through the Ministry of Education’s website, after announcements had been made.

b. s 9(2)(f)(iv)

...the delegation to fund Fees-Free...

c. In September, you agreed to proactively release the Education Report with the delegation to fund Fees-Free tertiary education and relevant funding determinations after the TEC had published these on its website [METIS 1148455 refers]. As the TEC is in the process of communicating funding changes to TEOs, we propose to only release the letter of delegation to fund Fees-Free tertiary education at this time. The cover report and attached funding determinations will be published separately in the next proactive release pack.

... and other advice on Fees-Free

d. To ensure information of significant public interest is made available, we have also included:

i. three papers dated from February to May this year. These three papers have not yet been released and did not include proactive release clauses. The papers provided additional information requested by your office on costing Fees-Free and forecast modelling [METIS 1108973, 1112691 and 1128047 refers].

ii. The briefing note Commentary on August fees-free enrolment data from 10 October 2018, which provides some additional context on the uptake of Fees-Free tertiary education as at August 2018.

2. This approach for proactive release of decision-making documents of important policies is consistent with the Ministry’s commitment to the regular proactive release of documents that are of public interest.

Recent Official Information Act request

3. On 10 September, you received a request from s 9(2)(a) for any reports or advice received regarding the Fees-Free policy since February [METIS 1150642]. We recommended withholding the 13 documents identified for this proactive release under section 18(d) of the Act as the information is soon to be made publically available. The TEC also recommended withholding three of their papers on the same grounds.
4. The Ombudsman guidelines state that you can refuse a request on the basis that the information will soon be publicly available (section 18(d) of the Act). This section of the Act also assumes an element of certainty about when the particular information will be made publicly available. Should any of the documents withheld not be proactively released, we would need to re-assess the request from s 9(2)(a).

Timing for proactive release

5. The TEC published the 2019 changes to eligibility for Fees-Free on 25 October and has communicated changes to contracts with TEOs on Fees-Free payments.

6. We intend to publish all 14 documents listed in Annex 1 on the Ministry of Education's website. We will also coordinate with the TEC to time the proactive release of advice alongside the publication of the related TEC papers [AM/18/00703 refers].

7. We will work with your office so that the proactive release of advice in this paper is timed to accompany any potential press release on the Fees-Free policy.

Consultation

8. The TEC have been consulted on the release of this information.

Proactive Release

9. We recommend that this Briefing be proactively released alongside publication of the papers in Annex 1. Any information which may need to be withheld will be done so in line with the provisions of the Official Information Act 1982.

Agree / Disagree

Annexes

Annex 1: Proposed material suggested for release

[Note by the author]

16/11/18 [Signature]
Annex 1: Proposed material suggested for release

Please note officials have proposed redacting staff contact details under Section 9(2)(a) of the Act, where appropriate. All other proposed redactions are in the table below.

Table One: full list of documents and recommended redactions.

<table>
<thead>
<tr>
<th>#</th>
<th>Date</th>
<th>Metis</th>
<th>Document type and title</th>
<th>Proposed redactions (Page number / notes)</th>
</tr>
</thead>
</table>
| 1  | 13 February| 1106249 | Briefing Note: Fees-Free Policy – Developing the Work Programme                         | Redact:  
  - Paragraphs 6-8 — s 9(2)(f)(iv)  
| 2  | 23 February| 1108973 | Briefing Note: Breakdown of the costings for the $50 increase to student support and fees-free tertiary education | No redactions                                                                                           |
| 3  | 12 March   | 1112691 | Briefing Note: Response to media questions on fees-free forecasts and fee payments       | No redactions                                                                                           |
| 4  | 9 May      | 1120897 | Briefing Note: Work Programme for Fees-Free Tertiary Education                         | Redact:  
  - Paragraphs 16-18 — s 9(2)(f)(iv)  
| 5  | 21 May     | 1122008 | Education Report: Potential Changes to Fees-Free Policy for 2019                       | No redactions                                                                                           |
| 6  | 23 May     | 1128047 | Briefing Note: Modelling fees-free eligibility – further analysis                      | No redactions                                                                                           |
| 7  | 6 July     | 1135149 | Education Report: Proposed changes to Fees-Free Policy for 2019                        | Redact:  
  - Paragraph in the summary and section in paragraph 59 — s 9(2)(f)(iv)  
<p>| 8  | 16 July    | 1138927 | Briefing Note: A law change is not required to protect Fees-Free payments to Private Training Establishments | No redactions                                                                                           |
| 9  | 26 July    | 1141596 | Briefing Note: Draft Cabinet paper Fees-Free Tertiary Education and Training: improvements for 2019 | No redactions                                                                                           |</p>
<table>
<thead>
<tr>
<th>Date</th>
<th>Document Number</th>
<th>Description</th>
<th>Redactions</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 August</td>
<td>1145029</td>
<td>Briefing Note: Cabinet paper on improvements to Fees-Free Tertiary Education and Training for 2019</td>
<td>No redactions</td>
</tr>
<tr>
<td>10 August</td>
<td>1145029</td>
<td>Cabinet paper on improvements to Fees-Free Tertiary Education and Training for 2019</td>
<td>Paragraphs 61-64 and recommendations 17-19 decisions have not been s 9(2)(f)(iv)</td>
</tr>
<tr>
<td>13 September</td>
<td>1148455</td>
<td>Letter of delegation to fund Fees-Free tertiary education</td>
<td>No redactions</td>
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<tr>
<td>10 October</td>
<td>1158144</td>
<td>Briefing Note: Commentary on August fees-free enrolment data</td>
<td>Section in the summary and paragraph 28 s 9(2)(f)(iv) 2019 – 9(2)(f)(iv).</td>
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</tbody>
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