



28 May 2020

John Luke
fyi-request-12635-7de081ca@requests.fyi.org.nz

Dear John

Thank you for your email of 16 April 2020 to the Ministry of Education requesting the following information:

“...I would like to know how many Ministerial Advisory Groups you currently have, and their current member's name and bio, how much fees they been paid and what is their current term expired. How you previously call for nomination for these groups, e.g. has that been advertised on jobs.govt.nz or any other platform, term of references of these groups.”

Your request has been considered under the Official Information Act 1982 (the Act).

Answers to your questions have been provided in the table attached as **Appendix One**. The Terms of Reference for the NCEA Review Professional Advisory Group referenced in the table are attached as **Appendix Two**.

Some information has been withheld under section 9(2)(f)(iv) of the Act to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.

As required under section 9(1) of the Act, I have had regard to the public interest considerations favouring the release of the information withheld. I do not consider the public interest considerations favouring the release of this information are sufficient to outweigh the need to withhold it as this time.

We have interpreted “Ministerial Advisory Group” (MAG) as a group appointed by the Minister of Education or Associate Minister(s) of Education to provide them advice on defined issues. You can find more information about this type of group on the State Service Commission’s website:

<https://ssc.govt.nz/assets/SSC-Site-Assets/MOG/MOG-Supp-guidance-note-ministerial-advisory-committees.pdf>

Any fees paid to members of the MAGs are set in accordance with the Cabinet Fees Framework. One of the provisions in the Framework relates to the appointment of public sector employees and the grounds for retention of fees or their ordinary salary. The Cabinet Fees Framework is publically available on the State Services Commission Website: <https://ssc.govt.nz/our-work/fees/>

Fees paid to individual members will take account of their specific circumstances and eligibility, as well as factors including: the number of meetings attended, hours provided and their public sector employee status.

Please note, the Ministry now proactively publishes OIA responses on our website. As such, we may publish this response on our website after five working days. Your name and contact details will be removed.

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 read 'EM Fabling', with a long horizontal flourish underneath.

Emily Fabling
Deputy Secretary
Strategy, Planning and Governance



1226057: Appendix One – Answers to questions

Current Ministerial Advisory Groups	Current member's names and bios	Fees paid (as at 16 April 2020)	What is their current term	Nomination for these groups, e.g. has that been advertised on jobs.govt.nz or any other platform	Terms of Reference (ToR)
NCEA Review Professional Advisory Group (PAG) –	<p>The NCEA Review PAG members' information is publically available at:</p> <p>https://conversation.education.govt.nz/conversations/ncea-review/background/advisory-groups/pag/</p>	<p>In line with the Cabinet Fees Framework the NCEA Review PAG is classified as a Group 4, Level 2 body.</p> <p>The daily rate for the Chair is \$680 and \$480 for members.</p> <p>The Chair was appointed 01 September 2018 and as at 16 April 2020 has been paid \$27,050.</p> <p>All other members met the public sector employee conditions set out in the Cabinet Fees Framework and received their salary rather than the membership fee. As such no fees have been paid to the members.</p>	<p>The original term ran from 1 September 2018 until 31 August 2019.</p> <p>This was extended for a further year commencing on 01 October 2019, finishing on 30 September 2020. The Terms of Reference (ToR) has been updated and is attached as Appendix Two.</p>	<p>The Ministry sought nominations for the group from peak bodies including the New Zealand Post Primary Teachers' Association (PPTA), the New Zealand Secondary Principals' Council (SPC), the Secondary Principals' Association of New Zealand (SPANZ), Te Runanga Nui o Ngā kura kaupapa Māori o Aotearoa (TRN) and Ngā Kura ā-Iwi o Aotearoa (NKAI).</p>	<p>Refer to Appendix Two</p>
Te Taumata Aronui	<p>Te Taumata Aronui members' information is publically available at:</p> <p>https://www.beehive.govt.nz/release/maori-voice-help-shape-tertiary-education</p>	<p>In line with the Cabinet Fees Framework Te Taumata Aronui is classified as a Group 4, Level 2 body.</p> <p>The daily rate for the Chair is \$885 and \$560 for members. Fees are placed at the higher end of the range set out in the Framework to reflect the complexity and breadth of scope of this group.</p> <p>As at 16 April 2020 no invoices for fees had been processed and no payments have been made.</p>	<p>For those members who have been appointed on the basis of their experience in Māori community and iwi development experience, their terms will expire at the end of 2022. For those members who have been appointed on the basis of their experience in industry, their terms will expire at the end of 2021.</p>	<p>A direct call for nominations was made by the Ministry of Education to key iwi and Māori social and economic development organisations. Information about this process is publically available at:</p> <p>https://www.beehive.govt.nz/release/m%C4%81ori-community-and-employer-perspectives-tertiary-education-%E2%80%93-call-nominations</p>	<p>Te Taumata Aronui's ToR are being finalised and have yet to be provided to the Minister for approval. I am therefore withholding the ToR in full under section 9(2)(f)(iv) of the Act, to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.</p> <p>Once the ToR has been approved it will be publically available on the Ministry's website.</p>

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Ministerial Youth Advisory Group (YAG)	The YAG members' information is publically available at: http://education.govt.nz/school/student-support/youth-advisory-group/	In line with the Cabinet Fees Framework the YAG is classified as a Group 4, Level 5 body. The current daily rate is \$200, meetings are held over two days, four times a year. As at 16 April 2020 current members have been paid a total of \$12,000. Note the current members were appointed to the group at different times and so their time in role will vary.	Terms expire at the end of each calendar year. The current term is 1 year. However, a member's term can be extended at the discretion of the Minister.	A public call for registrations of interest are posted on the Ministry of Education and the Minister of Education's social media account, and through the Ministry's School Bulletin.	The YAG Terms of Reference are available at: http://education.govt.nz/school/student-support/youth-advisory-group/terms-of-reference/

Appendix Two

Terms of Reference for the Professional Advisory Group

Review of NCEA Professional Advisory Group - Terms of Reference

The Role and Purpose of the Professional Advisory Group

The Minister of Education is reappointing the NCEA Review Professional Advisory Group (PAG) to advise the Ministry and Minister of Education in relation to the NCEA review, especially around implementing the changes. They are a group of current and former secondary principals and teachers, providing sector expertise to the NCEA Review. Members are serving in their capacity as individuals with sector knowledge and expertise, not as representatives or any group or body.

The PAG's role in the review is subject to the NCEA Review Terms of Reference which sets the scope of the review and the timeline and milestones.

The PAG will provide advice and guidance to the Ministry of Education on the implementation of the NCEA review. The PAG will fulfil two functions:

- A source of advice for the Minister of Education;
- A critical friend and advisor to the Ministry of Education.

Functions of the PAG

Advisors to the Minister of Education

A function of the PAG is to advise the Ministry and Minister of Education on the NCEA review implementation.

The PAG will provide independent advice to the Minister relating to the review of NCEA, at the Minister's request. This may include:

- Advice on the implementation of the NCEA change package
- Comments on advice provided to the Minister by the Ministry of Education or other agencies on NCEA in regards to implementing the changes.

Advice of the actual NCEA change package is not included in the scope of this work, as this was completed in early 2019.

The Minister of Education may engage directly with the PAG and the Chair may also engage directly with the Minister; but typically, the PAG's advice will be provided through the Ministry of Education as intermediary at the Minister of Education's request.

Advisors to the Ministry of Education

As part of their role advising the Minister of Education, the Minister has asked that the PAG to provide support and advice to the Ministry of Education to deliver the implementation of NCEA review.

The Ministry of Education, through the Deputy Secretary, Early Learning and Student Achievement, may ask the PAG to provide support and advice by:

- Reviewing the Ministry's Implementation Plan for NCEA, and provide advice on whether it will meet the needs of our schooling sector;
- Test the Ministry's thinking around design and implementation;
- Act as a critical friend to the Ministry.

The PAG will work to support the Ministry to understand the perspectives of members of the teaching profession, and will test the Ministry's implementation advice. This will not compromise the PAG's right to provide the Minister with independent advice on NCEA and / or the Ministry's recommendations.

Membership

The members of the PAG will be appointed by the Minister of Education. The initial term of appointment was for one year from 1 September 2018 until 31 August 2019. The PAG will be reappointed and their new term will commence on 01 October 2019 for one year. The Group will comprise up to ten paid members who are current and past secondary teachers and principals – one of whom will chair the PAG.

Chair

The Chair will lead meetings of the PAG, unless otherwise directed by the Office of the Minister of Education, or otherwise agreed.

The Chair may also engage directly with the Minister of Education on behalf of the PAG.

Confirmation

Members of the PAG (including the Chair) are approved by the Appointment and Honours Committee. Members of the PAG affirm that they have provided all relevant and / or requested information relevant to the approval process, and that all information disclosed is true and accurate to the best of the knowledge of the PAG members.

Fees

Fees for members of the Group have been assessed in accordance with the Cabinet Fees Framework, according to Cabinet Office Circular (19)1. The Group has been classified as a Group 4, Level 2 body.

Based on this, the chair of the PAG will receive a per diem of **\$680**. Members of the PAG will receive a per diem of **\$480**.

In addition, members will be reimbursed for actual and reasonable travel, meal and accommodation costs.

In line with the Fees Framework, members of the PAG who are currently employed by a Board of Trustees, or by any government agency, organisation, or body, or any local authority as defined under section 5(1) of the Local Government Act 2005, must not receive both their ordinary pay and their fees for acting on the PAG if they discharge PAG duties during usual working hours. Where this applies, in the case of current teachers, the member will receive their ordinary salary only, and in

addition, funding for teacher release will be paid to their school. In the case of current principals, the member will receive their ordinary salary only.

Secretariat

Secretariat services for the PAG will be provided by the Ministry of Education.

Media

The PAG, and PAG members acting in that capacity, will not make media statements without the prior agreement of the Chair or the Minister of Education.

If the PAG are asked to provide comment on any issue relating to education by a third party (i.e., other than the Minister of Education or Ministry of Education), that PAG member will forward the question or request to the Chair, the Office of the Minister of Education, and to the Ministry of Education through the NCEA review mailbox (ncea.review@education.govt.nz).

Meetings

Meetings of the PAG will ordinarily be held in Wellington. The PAG will meet up to two further times in 2019, with further discussion about meetings in 2020 following the provision of the implementation advice to the Minister. PAG members are expected to attend PAG meetings wherever reasonably possible. The PAG will meet when requested by the Minister of Education, in consultation between the Chair and the Ministry of Education, or at the discretion of the Chair.

The PAG will aim to achieve a consensus on the issues it considers, but is not required to do so.

The Ministry of Education will support the Chair to prepare meeting agendas where appropriate. The agenda and papers for meetings of the PAG will be circulated to PAG members six working days in advance of each meeting, and draft minutes will be circulated to PAG members no later than five working days after each meeting.

The Ministry has a budget to operate the PAG, including travel costs. The PAG and its members will not have an independent budget.

Contestability of advice

The PAG and the Ministry of Education will provide advice to the Minister of Education on the NCEA review in good faith and with regards to the interests of the other. Where appropriate, the PAG and Ministry of Education will provide the other with copies of relevant advice provided to the Minister.

Conflicts of interest

As part of the Appointment and Honours Committee appointment process, the members of the PAG have disclosed conflicts of interest relating to the PAG and the NCEA review.

Members of the PAG who have a specific, real conflict of interest in relation to an issue or item will recuse themselves from consideration of those issues or items.

If members of the PAG develop new, relevant conflicts of interest, whether real, potential or perceived, in the course of the NCEA review, they will inform the Ministry of Education as soon as is reasonably practicable.

Confidentiality

The work of the PAG is confidential, unless otherwise agreed by either the Minister of Education or Ministry of Education as appropriate. Members of the PAG will maintain this confidence, and will not disclose information about the operations of the PAG to any person without the above agreement.

Released under the Official Information Act 1982