

Cabinet Paper material

Proactive release

Minister & portfolio	Hon Chris Hipkins, Minister of Education
Name of package	Education and Training Amendment Bill (No 2): Approval of Supplementary Order Paper
Date considered	23 May 2022
Date of release	25 October 2022

These documents have been proactively released:

Cabinet Minute: CAB-22-MIN-0184

Date considered: 23 May 2022

Author: Cabinet Office

Cabinet Minute: LEG-22-MIN-0072

Date considered: 19 May 2022

Author: Cabinet Office

Cabinet Paper: Education and Training Amendment Bill (No 2) – Approval of Supplementary Order Paper relating to an exclusion from network management for Māori immersion services and extension of network management approval period

Date considered: 23 May 2022

Author: Minister of Education

Some deletions have been made from the documents as the information withheld does not fall within scope of the Minister's portfolio responsibilities, and is not relevant to the proactive release of this material.

You can read the Official Information Act 1982 here:

<http://legislation.govt.nz/act/public/1982/0156/latest/DLM64785.html>



Cabinet

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Report of the Cabinet Legislation Committee: Period Ended 20 May 2022

On 23 May 2022, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 20 May 2022:

Out of scope

LEG-22-MIN-0072

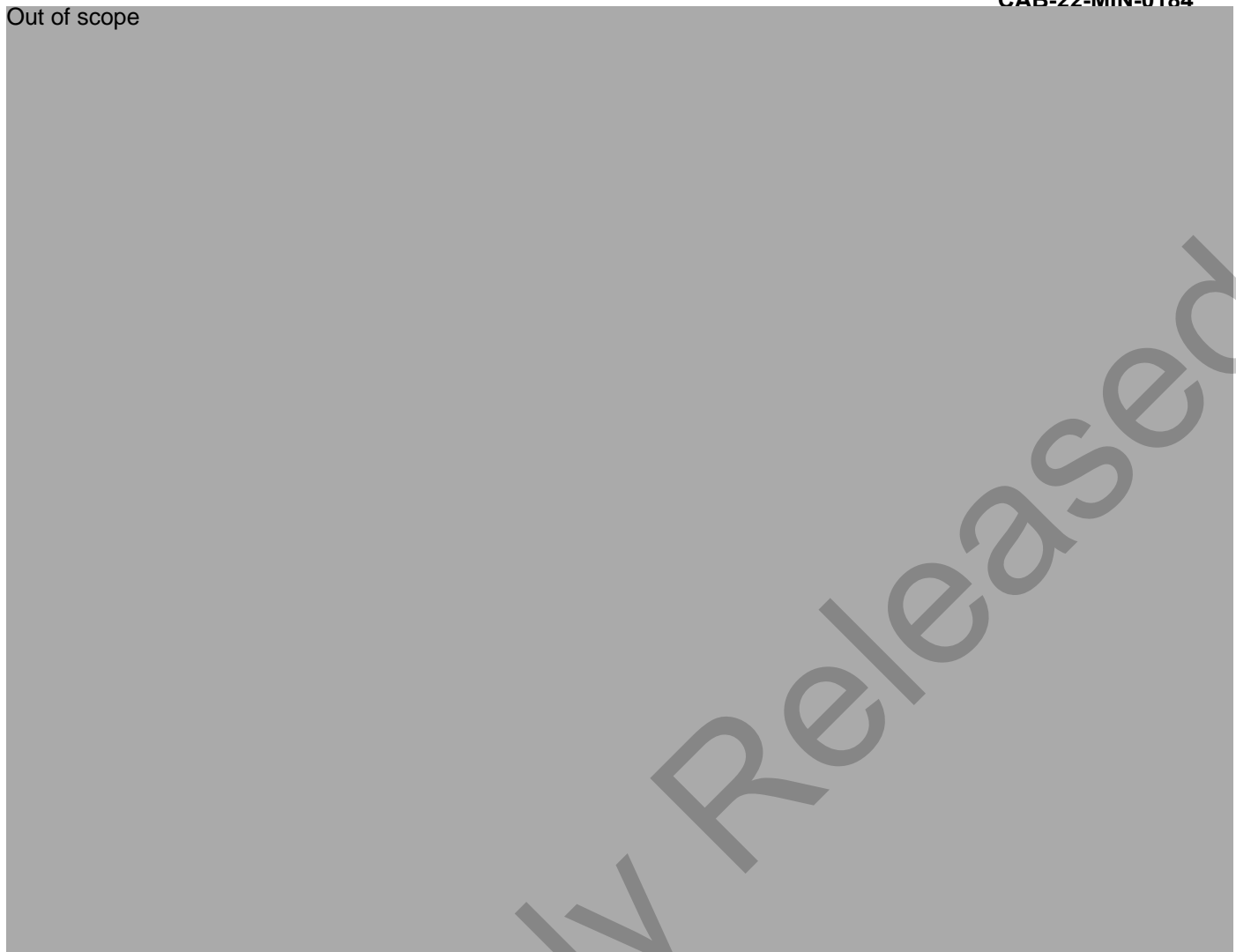
Education and Training Amendment Bill (No 2):
Approval of Supplementary Order Paper
Portfolio: Education

CONFIRMED

Out of scope

Proactively Released

Out of scope



Michael Webster
Secretary of the Cabinet

Proactively Released



Cabinet Legislation Committee

Minute of Decision

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Education and Training Amendment Bill (No 2): Approval of Supplementary Order Paper

Portfolio **Education**

On 19 May 2022, the Cabinet Legislation Committee:

- 1 **noted** that the Education and Training Act 2020 introduces a new network management process for early childhood services requiring potential service providers to obtain approval from the Minister of Education before applying for a licence to operate a service;
- 2 **noted** that the Education and Workforce Committee reported back to the House on its deliberation of the Education and Training Amendment Bill (No 2) and associated Supplementary Order Paper No 118 on 22 April 2022;
- 3 **noted** that Supplementary Order Paper No 118 to the Education and Training Amendment Bill (No 2) contains amendments to strengthen the network management provisions in the Education and Training Act 2020;
- 4 **noted** that the Education and Workforce Committee recommended amendments to the Bill to delay the commencement date of network management from 1 August 2022 to 1 February 2023 and to exclude kōhanga reo chartered to Te Kōhanga Reo National Trust from network management;
- 5 **noted** that on 2 March 2022, the Cabinet Social Wellbeing Committee agreed to consult further with Māori immersion services on a definition to exclude such services from network management [SWC-22-MIN-0017];
- 6 **agreed** that Māori immersion services that meet one of the following criteria be excluded from network management:
 - 6.1 a standalone early childhood service teaching the curriculum through te reo Māori at or close to full immersion to develop high levels of Māori language proficiency and use or;
 - 6.2 a Māori immersion early childhood service that proposes to teach in te reo Māori for the majority of the time and is affiliated to a peak body that has been recognised for this purpose in the New Zealand Gazette by the Minister of Education or;
 - 6.3 a Māori immersion early childhood service that proposes to teach in te reo Māori for the majority of the time and will be provided by or associated with an iwi or Māori organisation that has been recognised for this purpose in the New Zealand Gazette by the Minister of Education.

- 7 **agreed** that peak bodies and iwi and Māori organisations be recognised for this purpose in the New Zealand Gazette by the Minister of Education in consultation with any Minister who holds a specific delegation for Māori Education;
- 8 **agreed** that the Minister of Education be given the ability to set criteria for recognising organisations for the purpose of excluding Māori immersion services from network management;
- 9 **agreed** that consequential amendments be made to the Education (Early Childhood Services) Regulations 2008 to give effect to the exclusion of defined Māori immersion services, specifically that:
- 9.1 Regulation 6 is amended to require an application for an early childhood service licence to be consistent with the terms of the network approval or Māori immersion exclusion;
- 9.2 Regulation 22 is amended to authorise the Secretary of Education to set special conditions on an early childhood service licence to reflect the terms of the network approval or Māori immersion exclusion;
- 10 **noted** that the requirement for affiliation to a peak body or iwi or Māori organisation would not be required after the service is fully licensed (one year after issue of a probationary licence);
- 11 **agreed** to extend the period of network management approval to up to three years;
- 12 **agreed** to clarify that the power to impose conditions on an approval can include requirements that an applicant meet milestones, alongside the existing power to require regular progress reports;
- 13 **noted** that the Supplementary Order Paper, attached to the paper under LEG-22-SUB-0072, incorporates these policy proposals;
- 14 **approved** the Supplementary Order Paper to the Education and Training Amendment Bill (No 2) [PCO 23519-2/5.0] for release;
- 15 **authorised** Parliamentary Counsel to make minor or technical drafting changes or corrections to the Supplementary Order Paper that are considered necessary before the Supplementary Order Paper is released;
- 16 **noted** that the Minister of Education intends to release the Supplementary Order Paper for consideration at the Committee of the whole House stage for the Bill.

Rebecca Davies
Committee Secretary

Present:

Hon Chris Hipkins (Chair)
Hon Carmel Sepuloni
Hon Andrew Little
Hon David Parker
Hon Kris Faafoi
Hon Jan Tinetti
Hon Kiri Allan
Hon Dr David Clark
Hon Dr Ayesha Verrall
Hon Aupito William Sio
Hon Meka Whaitiri
Keiran McNulty, MP (Senior Government Whip)

Officials present from:

Office of the Prime Minister
Officials Committee for LEG

In Confidence

Office of the Minister of Education

Chair, Cabinet Legislation Committee

Education and Training Amendment Bill (No 2) – Approval of Supplementary Order Paper relating to an exclusion from network management for Māori immersion services and extension of network management approval period

Proposal

- 1 I seek Cabinet approval to:
 - 1.1 exclude defined Māori immersion early childhood services from the requirement to obtain Ministerial approval to apply for a licence to operate, give the Minister ability to gazette recognised organisations for that purpose and set criteria for recognising organisations, and make associated consequential amendments;
 - 1.2 extend the period of network management approval from up to two years to up to three years, with an associated power to impose milestone requirements; and
 - 1.3 release the attached Supplementary Order Paper (SOP) to the Education and Training Amendment Bill (No 2) (the Bill), which incorporates these changes.
- 2 If approved, I intend to release the SOP for consideration at the Committee of the whole House stage for the Bill.

Policy

- 3 The Bill and Supplementary Order Paper 118 (SOP No 118) have been considered by the Education and Workforce Committee (the Committee) and reported back to the House on 22 April 2022.
- 4 The Bill amends the Education and Training Act 2020 (the Act) to give effect to new policy decisions. SOP No 118 strengthens the network management provisions for early childhood services in the Act. The network management provisions require potential providers to obtain approval from the Minister in order to apply for a licence to operate an early childhood service.
- 5 On 7 March 2022, Cabinet agreed to further changes to network management to:
 - 5.1 delay the commencement of network management provisions from 1 August 2022 to 1 February 2023
 - 5.2 exclude kōhanga reo chartered to Te Kōhanga Reo National Trust from network management

- 5.3 consult further with other Māori immersion services on a definition to exclude them from network management [CAB-22-MIN-0052 refers].
- 6 The first two changes were recommended in the Ministry of Education's departmental report to the Committee. In its report back, the Committee recommended these amendments be included in the Bill.
- 7 Officials have now completed consultation with Ngā Puna Reo o Aotearoa (an association of approximately 54 puna reo)¹, as agreed by Cabinet. I am now seeking policy agreement to exclude defined Māori immersion services from the network management provisions in the Act, as well as some other consequential amendments. These changes have been well signalled to Cabinet.
- 8 I am also seeking policy agreement to a further change, to extend the timeframe for network management approval in the Bill from up to two years to up to three years.
- 9 Following your agreement, I will release the associated SOP (that incorporates these changes) for consideration at the Committee of the whole House stage for the Bill.

Proposed definition for excluding Māori immersion services

- 10 I propose that Māori immersion services that meet one of the following criteria are not subject to the network management provisions in the Act:
- 10.1 A standalone early childhood service teaching its curriculum through te reo Māori at or close to full immersion to develop high levels of Māori language proficiency and use **or**
 - 10.2 A Māori immersion early childhood service that proposes to teach in te reo Māori for the majority of the time and is affiliated to a peak body that has been recognised for this purpose in the New Zealand Gazette by the Minister of Education **or**
 - 10.3 A Māori immersion early childhood service that proposes to teach in te reo Māori for the majority of the time and will be provided by or associated with an iwi or Māori organisation that has been recognised for this purpose in the New Zealand Gazette by the Minister of Education.
- 11 To give effect to paragraphs 10.2 and 10.3, I propose that peak bodies and iwi and Māori organisations would be recognised for this purpose in the New Zealand Gazette by the Minister of Education in consultation with any Minister who holds a specific delegation for Māori Education. To support the transparency of the gazetting process, I also propose that the Minister of Education should have the ability to set criteria for recognising organisations.
- 12 The proposed approach has been developed alongside, and is supported by, Ngā Puna Reo o Aotearoa. My proposed definition is designed to exclude services that are committed to using, revitalising, and protecting te reo Māori, and to prevent services trying to use this exclusion to bypass the network management approval process.

¹ Ngā Puna Reo o Aotearoa is a newly constituted entity, replacing Te Kāhui o Ngā Puna Reo

- 13 This definition supports the Government's obligations under Te Tiriti o Waitangi in relation to partnership and active protection by facilitating the growth in supply of early childhood services provided in te reo Māori, because it takes into account:
- 13.1 the different ways new Māori immersion early childhood services could be established and governed, including the involvement of iwi or Māori organisations (expression of rangatiratanga).
 - 13.2 a service's intent to provide te reo Māori immersion (expression of protection of taonga Māori).

Consequential amendments to regulations

- 14 Consequential amendments to the Education (Early Childhood Services) Regulations 2008, in particular regulations 6 and 22, are required to give effect to the proposed exclusion of defined Māori immersion services. I propose that:
- 14.1 Regulation 6 is amended to require an application for a licence for an early childhood service to be consistent with the terms of the network approval or Māori immersion exclusion.
 - 14.2 Regulation 22 is amended to authorise the Secretary to set special conditions on an early childhood service's licence to reflect the terms of the network approval or Māori immersion exclusion. The requirement to be affiliated to a peak body or iwi or Māori organisation would not be required after the service is fully licensed (one year after issue of a probationary licence).

Extension of the period of network management approval

- 15 I propose to extend the period of network management approval to up to three years.
- 16 Under the current provisions the Minister of Education may only grant network management approval for up to two years. The Minister is required to set an expiry date for the approval.
- 17 Submissions to the Committee on the Bill were concerned that the two-year timeframe is too restrictive for applicants, particularly for those who are, or will be, undertaking significant building work.
- 18 I note the challenges reported by the sector about the length of time to complete some developments for reasons including the unpredictability of the building sector and delays in getting consents from councils. Given this I am proposing to extend the period of network management approval to up to three years. While not all applicants will require three years (and so some approvals will be for a shorter period), this change will benefit those undertaking significant building work that requires a longer timeframe (i.e. new builds). Consequently, given that an approval can be extended for up to two additional years in exceptional circumstances, the maximum period of approval will be five years.
- 19 Alongside the proposal to extend the timeframe, I propose to clarify that the power to impose conditions on an approval can include a requirement that the applicant meets milestones, in addition to the requirement to provide regular

progress reports to the Ministry. This change will provide the ability to monitor applicants' progress towards establishing new services, including any delays, with the purpose of new services being available for the community in a timely manner.

Supplementary Order Paper

- 20 The SOP as currently drafted reflects the above proposals. The Attorney-General approved the drafting of this SOP by Parliamentary Counsel Office in advance of Cabinet policy approval of the exclusion of Māori immersion ECE services from network management. Parliamentary Counsel Office have also agreed to include the extension of the network management approval in this SOP as well.
- 21 The SOP also includes some presentational and grammatical changes to the amendments to section 534(7).

Implementation

- 22 Following enactment of the Bill, network management must be implemented from 1 February 2023. Regulations detailing the network management application process are being developed within the following timeline.

Milestone	Timeframe
Consultation on policy for new regulations and government priorities for National and Regional Statements.	April – May 2022
Cabinet approval of policy for new regulations and issuing drafting instructions for new regulations	July 2022
Cabinet approval of regulations	September 2022
Network management comes into effect	1 February 2023

Financial Implications

- 23 There are no financial implications for the Crown from this paper.

Legislative Implications

- 24 The proposals in this paper require changes to the Bill, as detailed in the attached SOP. I will release the SOP for consideration at the Committee of the whole House stage for the Bill.

Population Implications

25 I have assessed the following implications.

Population group	How the proposal may affect this group
Children	More active management of the network is intended to help ensure all children have access to quality early childhood education settings and prevent unintended consequences of over-supply. The proposal to exclude Māori immersion services from network management facilitates the growth of these services to enable more children access to early childhood education delivered in te reo Māori. The proposal to extend the period of network management approval will allow more time for new services to establish.
Women	Network management is intended to limit establishment of early childhood services in areas of low demand, whilst stimulating the establishment of services in areas where there is demand for a new service, and that meets parents' needs. While the proposal to exclude defined Māori immersion services from network management does not directly impact women, facilitating the growth of these services may provide parents and caregivers, including women, with additional early childhood service options for their children and opportunities to participate in the workforce.
Māori	The proposal to exclude defined Māori immersion early childhood services from the requirement to seek network management approval will reduce barriers of entry for new services that wish to deliver early childhood education in te reo Māori. This will benefit Māori who are the predominant users of those services and support the revitalisation of te reo Māori. The proposal to extend the period of network management approval will allow more time for new services catering for Māori families to establish.
Pacific	The broader network management proposals align with Goal 4 of the <i>Pacific Aotearoa Lalanga Fou report</i> : Confident, thriving, and resilient Pacific young people, specifically the sub-goal to improve the experience of Pacific young people in education. Although the proposal to exclude defined Māori immersion early childhood services from network management does not directly impact Pacific communities, the ongoing work to promote the active management of the licensed early childhood services network will help ensure Pacific children receive quality early childhood education, by encouraging services to establish in areas of need. The proposal to extend the period of network management approval will allow more time for new services catering for Pacific families to establish.
Disabled people	Reducing barriers to entry for Māori immersion early childhood services may benefit disabled children who also wish to access early childhood education delivered in te reo Māori. The proposal to extend the period of network management approval will allow more time for new services catering for disabled people to establish.

Human Rights

- 26 The proposals appear to be consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

Impact Analysis

Regulatory Impact Statement

- 27 The Treasury's Regulatory Impact Analysis team has determined that the proposals to exclude defined Māori immersion services from network management, and to extend the application expiry timeframe from two to three years, does not require a Regulatory Impact Statement. The proposal is exempt on the grounds that it has no or only minor impacts on businesses, individuals, and not-for-profit entities. These changes are a refinement of earlier decisions [CAB-22-MIN-0052]. The substantive parts of network management have already been covered by previous impact analysis.

Climate Implications of Policy Assessment

- 28 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to these proposals as the threshold for significance is not met.

Compliance

- 29 The SOP complies with:
- 29.1 The principles of the Treaty of Waitangi;
 - 29.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993
 - 29.3 the principles and guidelines set out in the Privacy Act 2020
 - 29.4 relevant international standards and obligations; and
 - 29.5 the Legislation Guidelines.

Disclosure Statement

- 30 A disclosure statement has not been prepared for the SOP. The SOP does not include material changes to policy, because Cabinet has already agreed to the exclusion of kōhanga reo from network management and to consult with other Māori immersion services to develop a definition for exclusion. The proposal to extend the period of network management approval to up to three years is also immaterial, having no or minor impacts beyond the original decision timeframe of up to two years. The changes sought in the SOP will not impact existing offences, penalties, or jurisdiction of a court or tribunal; impact privacy matters relating to personal information; or contain legislative features, that would have required a disclosure statement of immaterial policy changes.

Consultation

- 31 The following agencies were consulted: The Treasury, Department of Prime Minister and Cabinet, Public Service Commission, Te Puni Kokiri, Ministry for Pacific Peoples, Ministry for Women, Ministry of Business, Innovation and Employment, Ministry of Social Development, the Office for Disability Issues, the Ministry of Health, Ministry of Justice, Oranga Tamariki, Education Review Office and the New Zealand Qualifications Authority.
- 32 I have signalled to the Education and Workforce Committee that I am considering a potential change to the two-year network approval timeframe.

Binding on the Crown

- 33 The Act binds the Crown. On 11 August 2021, the Cabinet Social Wellbeing Committee considered the Cabinet Paper seeking policy approvals for the Bill, which included a statement confirming the Bill will be binding on the Crown [SWC-21-MIN-0118 and CAB-21-MIN-031 refers]. The provisions in the SOP will be binding on the Crown once the Bill is enacted because the relevant parts of the Act (including sections to be amended by the SOP) will be binding on the Crown.

Creating new agencies or amending law relation to existing agencies

- 34 Not applicable.

Allocation of decision-making powers

- 35 Not applicable.

Other instruments

- 36 Not applicable.

Definition of Minister/department

- 37 Not applicable.

Commencement legislation

- 38 The Bill will come into force on the day after the date of Royal assent. The Bill must be in force ahead of 1 August 2022, in order for commencement of network management provisions to be shifted to 1 February 2023.

Parliamentary stages

- 39 The Education and Workforce Committee has considered the Bill and Supplementary Order Paper 118 and reported back to the House 22 April 2022.
- 40 I propose that the SOP is released at the Committee of whole House after the Bill's second reading.

Proactive Release

- 41 This paper will be proactively released following release of the SOP.

Recommendations

42 The Minister of Education recommends that the Committee:

- 1 **note** that the Education and Training Act 2020 introduces a new network management process for early childhood services requiring potential service providers to obtain approval from the Minister of Education before applying for a licence to operate a service;
- 2 **note** that the Education and Workforce Committee reported back to the House on its deliberation of the Education and Training Amendment Bill (No 2) and associated SOP No 118 on 22 April 2022;
- 3 **note** that SOP No 118 to the Education and Training Amendment Bill (No 2) contains amendments to strengthen the network management provisions in the Education and Training Act 2020;
- 4 **note** that the Education and Workforce Committee agreed to amend the Bill to delay the commencement date of network management from 1 August 2022 to 1 February 2023 and to exclude kōhanga reo chartered to Te Kōhanga Reo National Trust from network management;
- 5 **note** that on 7 March 2022 Cabinet agreed to consult further with Māori immersion services on a definition to exclude such services from network management [CAB-22-MIN-0052];
- 6 **agree** that Māori immersion services that meet one of the following criteria be excluded from network management:
 - 6.1 A standalone early childhood service teaching the curriculum through te reo Māori at or close to full immersion to develop high levels of Māori language proficiency and use **or**
 - 6.2 A Māori immersion early childhood service that proposes to teach in te reo Māori for the majority of the time and is affiliated to a peak body that has been recognised for this purpose in the New Zealand Gazette by the Minister of Education **or**
 - 6.3 A Māori immersion early childhood service that proposes to teach in te reo Māori for the majority of the time and will be provided by or associated with an iwi or Māori organisation that has been recognised for this purpose in the New Zealand Gazette by the Minister of Education.
- 7 **agree** that peak bodies and iwi and Māori organisations be recognised for this purpose in the New Zealand Gazette by the Minister of Education in consultation with any Minister who holds a specific delegation for Māori Education;
- 8 **agree** that the Minister of Education be given the ability to set criteria for recognising organisations for the purpose of excluding Māori immersion services from network management;

- 9 **agree** that consequential amendments are made to the Education (Early Childhood Services) Regulations 2008 to give effect to the exclusion of defined Māori immersion services, specifically:
- 9.1 Regulation 6 is amended to require an application for an early childhood service licence to be consistent with the terms of the network approval or Māori immersion exclusion.
- 9.2 Regulation 22 is amended to authorise the Secretary to set special conditions on an early childhood service licence to reflect the terms of the network approval or Māori immersion exclusion. The requirement to be affiliated to a peak body or iwi or Māori organisation would not be required after the service is fully licensed (one year after issue of a probationary licence);
- 10 **agree** to extend the period of network management approval to up to three years;
- 11 **agree** to clarify that the power to impose conditions on an approval can include requirements that an applicant meet milestones, alongside the existing power to require regular progress reports;
- 12 **note** that the attached Supplementary Order Paper incorporates these policy proposals;
- 13 **approve** the release of the Supplementary Order Paper;
- 14 **authorise** Parliamentary Counsel to make minor or technical drafting changes or corrections to the Supplementary Order Paper that are considered necessary before the Supplementary Order Paper is released;
- 15 **note** that I intend to release the Supplementary Order Paper for consideration at the Committee of the whole House stage for the Bill.

Authorised for lodgement

Hon Chris Hipkins

Minister of Education

IN CONFIDENCE

House of Representatives

Supplementary Order Paper

Tuesday, 31 May 2022

Education and Training Amendment Bill (No 2)

Proposed amendments

Hon Chris Hipkins, in Committee, to move the following amendments:

Clause 5

In *clause 5(1)*, replace the new definition of **excluded early childhood service** (page 6, lines 14 and 15) with:

excluded early childhood service means any of the following:

- (a) a kōhanga reo chartered to Te Kōhanga Reo National Trust Board;
- (b) an early childhood service that proposes to teach in te reo Māori at, or close to, full immersion;
- (c) an early childhood service that—
 - (i) proposes to teach in te reo Māori for the majority of the time; and
 - (ii) is affiliated to a body that is recognised by the Minister, by notice in the *Gazette*, as meeting criteria set under **subsection (3A)**;
- (d) an early childhood service that—
 - (i) proposes to teach in te reo Māori for the majority of the time; and
 - (ii) will be provided by, or associated with, an iwi or Māori organisation that is recognised by the Minister, by notice in the *Gazette*, as meeting criteria set under **subsection (3A)**

After *clause 5(1)* (page 7, after line 15), insert:

(11A) After section 10(3), insert:

- (3A) The Minister may, by notice in the *Gazette*, set criteria relating to the recognition of bodies and iwi or Māori organisations for the purposes of **paragraphs (c) and (d)** of the definition of excluded early childhood service in subsection (1).

Clause 5B

In *clause 5B*, replace *new section 17A(1)(b)* (page 9, lines 31 and 32) with:

- (b) that require the applicant to—
- (i) meet milestones set by the Minister:
 - (ii) provide regular progress reports to the Ministry.

In *clause 5B*, *new section 17B(1)*, replace “2 years after the date on which the approval is given” (page 10, line 10) with “3 years after the date on which the approval is granted”.

In *clause 5B*, *new section 17B(2)(a)*, replace “2 years” (page 10, line 12) with “3 years”.

In *clause 5B*, *new section 17B(2)(b)*, replace “4 years” (page 10, line 16) with “5 years”.

Clause 47

Replace *clause 47(9)* (page 26, line 29) with:

- (9) In section 534(7)(a), replace “provisions in relation to students under the age of 18 years and in relation to students aged 18 years or over.” with “provision for students under the age of 18 years and students aged 18 years or over.”.

In *clause 47(10)*, replace *new section 534(7)(aa)* (page 26, lines 31 to 33) with:

- (b) that applies in respect of students undertaking study or training with a provider, applies whether the students undertake the study or training in New Zealand or in another country.

Schedule 4

In *Schedule 4*, item relating to regulation 3 of the Education (Early Childhood Services) Regulations 2008 after the definition of **applicant** (page 53, after line 11), insert:

excluded early childhood service has the same meaning as in section 10(1) of the Act

In *Schedule 4*, item relating to the Education (Early Childhood Services) Regulations 2008, replace *new regulation 6(3)(aaa)* (page 53, lines 16 to 21) with:

- (aaa) the individual or entity that intends to operate the licensed early childhood service—
- (i) is an excluded early childhood service and, accordingly, is not required under **section 17** of the Act to

- apply for approval to apply for a licence to operate a service; or
- (ii) has been granted approval under **section 17** of the Act to apply for a licence to operate a service and—
- (A) that approval has not expired or been revoked; and
- (B) the application is consistent with that approval; and
- (C) any conditions imposed on the approval under **section 17A** of the Act have been satisfied; and

In *Schedule 4*, item relating to the Education (Early Childhood Services) Regulations 2008, replace *new regulation 22(5)(e)* (page 56, lines 1 to 3) with:

- (e) that are consistent with the approval to apply for a licence granted under **section 17** of the Act:
- (f) that are a continuation of any conditions on approval to apply for a licence imposed under **section 17A** of the Act:
- (g) in the case of an excluded early childhood service, that relate to the type of excluded early childhood service.

Explanatory note

This Supplementary Order Paper makes changes to the Education and Training Amendment Bill (No 2), which amends the Education and Training Act 2020 (the **Act**).

Clause 5, which amends section 10 of the Act relating to interpretation, is amended to add the following early childhood services to the new definition of **excluded early childhood service**:

- an early childhood service that proposes to teach in te reo Māori at, or close to, full immersion:
- an early childhood service that proposes to teach in te reo Māori for the majority of the time and is affiliated to a body that is recognised by the Minister of Education (the **Minister**) by notice in the *Gazette*:
- an early childhood service that proposes to teach in te reo Māori for the majority of the time and will be provided by, or associated with, an iwi or Māori organisation that is recognised by the Minister by notice in the *Gazette*.

The effect of the change is that these early childhood services are not required to apply for Ministerial approval to apply for a licence to operate an early childhood service under section 17 of the Act (**Ministerial approval**).

Clause 5B, which inserts *new sections 17A to 17D* into the Act relating to the requirement to obtain Ministerial approval, is amended to—

- adjust *new section 17A(1)(b)* so that the Minister may, when granting Ministerial approval, impose a condition that requires the applicant to meet milestones set by the Minister:
- extend the expiry date of Ministerial approval set out in *new section 17B(1) and (2)(a)* from no more than 2 years after the date on which the approval is granted to no more than 3 years after that date:
- extend the expiry date of an extension of Ministerial approval in exceptional circumstances set out in *new section 17B(2)(b)* from no more than 4 years after the date on which approval is granted to no more than 5 years after that date.

Clause 47, which amends section 534 of the Act relating to pastoral care codes of practice, is amended to make minor drafting changes to section 534(7)(a) and to update the numbering of *new section 534(7)(aa)*.

Schedule 4, which makes consequential amendments to secondary legislation, is amended to include further amendments to the Education (Early Childhood Services) Regulations 2008 so that an application for a licence to operate an early childhood service, and special conditions placed on a licence, are consistent with the approval to apply for a licence granted under section 17 of the Act or with the type of excluded early childhood service concerned.

Departmental disclosure statement

The Ministry of Education considers that a departmental disclosure statement is not required to be prepared for this Supplementary Order Paper.