



Minutes

Early Learning Regulatory Review Advisory Group meeting

Date	Thursday 2 February 2023, 2.00 – 2.30 pm
Venue	Teams meeting
Chair	Paul Scholey, ECE Senior Policy Manager - MOE
Attendees (Members)	Barry Sadlier, Evolve Education Group Calmar Ulberg, CEO, Counties Manukau Kindergarten Association; Catherine Bell, Senior Policy and Engagement Advisor Te Rito Maioha Cathy Wilson, Chief Executive, Montessori Aotearoa New Zealand Cherie Marks, Te Kōhanga Reo National Trust Pauline Winter, General Manager, Auckland Kindergartens Association Sarah Alexander, Chief Advisor, OECE Simon Laube, CEO, Early Childhood Council Susan Bailey, Principal Advisor, Playcentre
(Ministry)	Beth Vale, Senior Policy Analyst Kahu Rapira-Davies, Policy Analyst Laurie Edwards, Communications Lead Peter Mellor, Chief Policy Analyst
(Secretariat)	Francisca Knarston, Assistant Policy Analyst
Apologies	Allanah Clark, Early Childhood Adviser, NZEI Te Riu Roa Arapera Royal Tangaere, Te Kōhanga Reo National Trust; Fiona Hughes, Dep. CEO, BestStart Educare Jill Bond, CEO, New Zealand Kindergartens Karen Reynolds, National Manager Design & Advisory Services, Barnardos Leanne Mortlock, CEO, Provincial Education Raewyn Overton-Stuart, Managing Director, PAUA

Note: These notes capture the themes of the discussion and key points made. They do not necessarily represent a shared view of the group and there may be differing perspectives on some points. They are not intended as comprehensive minutes of the meeting.

Welcome and karakia

Paul gave apologies for the short notice of the meeting and thanked the SAG members for their time. This was followed by a karakia to open the meeting.

Paul provided an update on the plans for the public engagement session that will be covering the home-based locally-based proposal and the two other regulatory issues. This meeting was intended to be on Tuesday 31 January 2023, but was postponed until 5pm on Thursday 9 February 2023 due to technical difficulties and to be more available to people currently dealing with the impacts of flooding in Auckland.

Another public hui will be held at 5pm on Monday 13 February 2023 on Amendments to Education (Early Childhood Services) Regulations to accommodate Crown acquisition of land and network approval.

Kahu introduced himself and thanked everyone for joining.

Overview slide

Kahu provided a quick overview of the two amendments to the Regulations that would be covered in the presentation: Crown acquisition of land occupied by licensed early childhood education and care centres, and network approval provisions being taken into account for applications to amend a licence. The purpose of these amendments is to improve clarity for service providers.

Kahu went through the principles that were used to guide these changes and outlined the different ways that people can make submissions during consultation, as well as where to find the information documents relating to this consultation. Consultation on these amendments began on Monday 30 January 2023 and will run for four weeks until Friday 24 February 2023.

Proposal 1a

Kahu ran through proposal 1a: Enabling the licence for an existing ECE centre to be amended, without requiring an application for network approval, where the ECE centre has to permanently relocate because its land has been acquired by the Crown.

A member asked if this proposal applies to kindergartens, as the wording only refers to education and care centres.

Another member raised that, under the current Education (Early Childhood Services) Regulations 2008 (the Regulations), the definition of education and care centres includes kindergartens. They are licenced as education and care services but receive different funding.

The members suggested that it would be good if this could be clarified from the Ministry's side too.

Proposal 1b

Kahu outlined proposal 1b: Setting restrictions on the amendment of a licence when a service relocates due to Crown acquisition. He then covered the five restrictions on the amendment of a licence when a service relocates due to Crown acquisition.

Proposal 2

Kahu went over proposal 2: Clarifying that the Secretary for Education can take into account network approval provisions when considering an application to amend a licence.

A member asked for clarification around the following language used in the proposal: '...the secretary for education *can* take into account...'. The member asked if this should be 'must' instead of 'can' and suggested that it is changed to 'must' to avoid any opportunities for bias from the Ministry. Kahu noted this comment and said he would look into it.

Questions/discussion following the presentation

- A member asked about the timeframes of the consultation, as timing will be important for services who are relocating in the near future. The Ministry responded that we are anticipating that this work would go to Cabinet in June or July. The consultation period is four weeks and is currently open (closing on 24 February). The regulations would likely be gazetted and come into play not long after this in the second half of this year (2023).
- A member asked, with regards to proposal 2, what the Ministry's thinking is and what kind of issues the Ministry has been seeing. The Ministry outlined that the purpose of these amendments is to improve the clarity and accessibility of the Regulations wherever the Ministry can, and to align the Regulations with network management. The improvements were derived from a 'good practice' point-of-view and to improve clarity and sign-posting in the Regulations. The member followed up with a question about whether this meant that services would need to reduce their licence size. The Ministry clarified that these changes do not concern reducing licence size. The purpose of the amendment is not to change existing provisions, but rather to add clarity to the Regulations. The Ministry added that it would be great to hear any specific concerns in the consultation feedback, which would be useful for keeping a log of existing issues.
- Another member referenced the previous question and noted that services often reduce their licence size because they have less children attending. These services apply for a reduced licence in order to comply. They added that it would not be an amendment that comes under the proposals that were covered here. However, they noted that increasing child attendance should come under this proposal, as it could lead to breaches of the amendment. They also asked for clarification around the wording in proposal 2, as it does not say anything about pre-existing services. The Ministry outlined that proposal 2 is intended to include all services. With regards to proposal 2, the member highlighted that having a narrow exemption is a good idea.
- A member also asked about how 'acquisition of land' would be defined and provided an example of an ECE service on a council owned property, which could be taken back to build a high school. If this were to happen, the ECE service would lose its land and would then need to get a new licence, despite there being no issues with the service itself. In a circumstance like this, it is not just crown acquisition, but the service could also be located on public land. The Ministry noted that ECE services using school sites are one of the priorities in the ELAP and that the Ministry wants to ensure that any new proposals support this priority.
- A member asked when these proposals would be introduced, as it would affect people like herself who are in the middle of the network management application process. If the proposals were to come into force sooner, then it would cut down on a lot of unnecessary paperwork. The Ministry outlined the timeline: this work would likely go to Cabinet in June or July. The consultation period is four weeks and is currently open (closing on 24 February). The

regulations would likely be gazetted and come into play not long after this, in the second half of this year.

The Ministry encouraged attendees to send any further questions to Paul or the Early Learning Regulatory Review mailbox and noted that the presentation slides from this meeting will be distributed.

Karakia whakamutunga and close