

Early Learning Regulatory Review

Consultation: Amendments to Education (Early Childhood Services) Regulations to accommodate Crown acquisition of land and network approval

Presenters: Paul Scholey
and Kahu Rapira-Davies



Te Tāhuhu o
te Mātauranga
Ministry of Education

Karakia timatanga

Whakataka te hau ki te uru

Whakataka te hau ki te tonga

Kia mākinakina ki uta

Kia mātaratara ki tai

E hī ake ana te ataakura

He tio, he huka, he hauhu

Haumi e, hui e, taīki e!

Crown acquisition of land occupied by a licensed early childhood education and care centre

- Under the current regulations, from 1 February 2023 any ECE centre on land acquired by the Crown for public works or urban development will have to get network approval before applying for a new licence when moving to the new premises.
- We propose amending the Education (Early Childhood Services) Regulations 2008 to create an exception enabling the licence for an ECE centre to be amended, without requiring an application for network approval, where the service has to permanently relocate because its land has been acquired by the Crown under the Public Works Act 1981 or the Urban Development Act 2020.

Network approval provisions being taken into account for applications to amend a licence

- As the current regulations pre-date the introduction of network approval, they do not state that the Secretary can take network approval provisions into account when assessing applications to amend a licence (regulation 33 of the Education (Early Childhood Services) Regulations 2008).
- We propose amending the regulations to make this clearer.

Consultation and accessibility

Consultation timeline

- 30 January 2023 – 24 February 2023 (four weeks)

Consultation methods

- Consultation document (*English*)
- Consultation summary documents (*English, Māori, Cook Island Māori, Fijian, Kiribati, Niue, Rotuman, Sāmoan, Tokelauan, Tongan and Tuvaluan*)
- Online surveys (*English and Māori*)
- Online hui

Proposals we will be publicly consulting on

Proposals

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 acquisitioned by the Crown
Proposal 1b	Setting restrictions on the amendment of a licence when a service relocates due to Crown acquisition
Proposal 2	Clarifying that the Secretary for Education can take into account network approval provisions when considering an application to amend a licence

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 acquisitioned by the Crown

- This change allows a licensed ECE centre situated on land acquired by the Crown under the Public Works Act 1981 or Urban Development Act 2020 to permanently relocate, **without requiring an application for network approval**.
- This change will provide greater certainty and clarity for both service providers and whānau that early childhood provision can continue in circumstances where land has been acquired by the Crown.

Proposal 1b: Setting restrictions on the amendment of a licence when a service relocates due to Crown acquisition

- Amend the regulations to set restrictions on the amendment of a licence when a service relocates due to Crown acquisition:
 - i. The amended regulation will only apply to licensed early childhood education and care centres
 - ii. The relocated centre must be located in the same proximate geographical area as the existing centre and serve the same or similar enrolled families or community
 - iii. The size of the relocated centre and the number of child places accommodated should not be materially different to the existing centre
 - iv. The application for an amendment to permanently relocate must be made no less than 30 working days of the intended operational date of the new premises; and
 - v. no later than 3 months from the date it is unable to continue operating at its current

Proposal 2: Clarifying that the Secretary for Education can take into account network approval provisions when considering an application to amend a licence

- Currently, the Education (Early Childhood Services) Regulations 2008 are not clear that the Secretary can take these network approval provisions into account when considering applications to amend a licence.
- These changes will provide clarity to providers around the Secretary's assessment powers when considering a licence amendment.

Questions

Karakia whakamutunga

Kia whakairia te tapu

Kia wātea ai te ara

Kia turuki whakataha ai

Kia turuki whakataha ai

Haumi e, hui e, taīki e!



education.govt.nz

We **shape** an **education** system that delivers
equitable and **excellent outcomes**

He mea **tārai** e mātou te **mātauranga**
kia **rangatira** ai, kia **mana taurite** ai ōna **huanga**

