

Maker Statement of Reasons: Licensing Criteria for Kōhanga Reo affiliated to Te Kōhanga Reo National Trust Amendment Notice (2) 2026

This document fulfils the requirements of section 14 of the Regulatory Standards Act 2025 to briefly explain the maker's reasons for any inconsistency with the principles of responsible regulation identified in the Ministry of Education's Consistency Accountability Statement, and proposed actions (if any) to remedy that inconsistency.

Minister/maker name and title	Hon David Seymour Associate Minister of Education
Portfolio	Early Childhood Education
Date finalised	

Statement of Reasons

The Licensing Criteria for Kōhanga Reo affiliated to Te Kōhanga Reo National Trust Amendment Notice (2) 2026 has been assessed as inconsistent with principles 9(l) and 9(m).

Principle of responsible regulation	Relevant clauses in proposed legislation
Good law-making 9(l)	Legislation should be expected to produce benefits that exceed the costs of the legislation to the public or persons

Reason for inconsistency and any proposed action to remedy

A full assessment of expected costs and benefits has not been undertaken for the amendments to kōhanga reo licensing criteria, specifically. A cost benefit analysis was undertaken as part of the Regulatory Impact Statement (RIS) on the proposals responding to the Early Childhood Education Regulatory Review (the Review), which included amending licensing criteria for Early Childhood Services. The Ministry of Education's QA panel considered this RIS and assessed it as failing to meet the Cabinet's quality assurance criteria for impact analysis. This assessment corresponds to the tight constraints on the options considered, the limited analysis of impacts, cost and benefits, and lack of consultation on the proposals imposed by the timeframe.

While the Ministry for Regulation noted in its report on the Review that their findings and recommendations are likely to be applicable to Te Kōhanga Reo, they made no

specific recommendations related to the regulation of kōhanga reo and considered there was work to be done to recognise the specific context and place of kōhanga reo. The kōhanga reo licensing criteria amendments are consistent however, with Recommendation 9 of the Review which recommended reducing regulatory burden for early childhood education services by revising, clarifying and removing unnecessary licensing criteria for ECE centres.

The amendments are intended to reduce unnecessary regulatory burden and improve the clarity of licensing criteria for kōhanga reo affiliated with Te Kōhanga Reo National Trust (the Trust). The starting point for considering change for kōhanga reo licensing criteria were the new centre-, hospital and home-based licensing criteria that came into effect April 2026. The amendments do not introduce significant new requirements and are expected to reduce compliance effort for kōhanga reo affiliated to the Trust; we consider that the benefits are likely to outweigh any costs associated with implementation.

No action is proposed to remedy this inconsistency.

Principle of responsible regulation	Relevant clauses in proposed legislation
Good law-making 9(m)	Legislation should be the most effective, efficient, and proportionate response to the issue concerned that is available

Reason for inconsistency

Formal options analysis was not undertaken for responding to Recommendation 9 of the Review, this extends also to options for revising kōhanga reo licensing criteria. Tight constraints, driven by directives to accept the findings and recommendations of the Review, and to develop and implement the policy response at pace to reduce regulatory burden on service providers, limited the consideration of further options. However, the proposals were/are expected to lead to improved health, safety, and wellbeing outcomes for children who attend Early Childhood Education.

While a formal options analysis was not undertaken for kōhanga reo specifically, we considered the implications of maintaining the status quo during this process. Not progressing the amendments to kōhanga reo licensing criteria would maintain an unnecessary regulatory burden for the Trust. This could impact on the Crown's overall relationship with the Trust and how the Ministry works with the Trust in the future.

No action is proposed to remedy this inconsistency.

Hon David Seymour

Minister or maker's
letterhead

Associate Minister of Education