



**Te Tāhuhu o
te Mātauranga**
Ministry of Education

Report: Cabinet paper for lodging – amendments to Education (Early Childhood Services) Regulations 2008

To:	Hon David Seymour, Associate Minister of Education		
Cc:	Hon Erica Stanford, Minister of Education		
Date:	24/03/2026	Deadline:	26/03/2026
Priority:	High		
From:	9(2)(a) Senior Policy Manager	Phone:	9(2)(a)
Drafter:	9(2)(a)	METIS No:	1355030
Title ok for release?		Yes	
Why are we sending this to you? - This report provides papers for consideration by the Cabinet Legislation Committee (LEG): - The LEG paper <i>Education (Early Childhood Services) Amendment Regulations 2026</i> - The Education (Early Childhood Services) Amendment Regulations 2026.			
What action do we need, by when? - This LEG paper must be lodged by 10am Thursday 26 March to be considered by the LEG Committee on Thursday 2 April. - Please return the signed paper by 26 March.			
Key facts, issues and questions - In order to be considered by the Cabinet Legislation Committee on Thursday 2 April and Cabinet on Tuesday 7 April, the attached LEG paper must be lodged by 10am Thursday 26 March. The Parliamentary Counsel Office will lodge the Amendment Regulations. - The Amendment Regulations will be gazetted by Friday 10 April and will come into effect from Monday 29 June. - Ministerial and agency consultation on the LEG paper took place from 2 - 16 February. As recommended by the Ministry of Justice, we also consulted with the Office of the Privacy Commissioner. Agency feedback resulted in minor changes to the LEG paper and Amendment Regulations.			

Alignment with Government priorities

1. This report aligns with the Coalition Government's commitment to carry out a regulatory sector review of early childhood education (ECE) and to improve the quality of ECE regulation.

Background

2. Ministerial and agency consultation on the attached Cabinet Legislation Committee (LEG) paper *Education (Early Childhood Services) Amendment Regulations 2026* and related Amendment Regulations took place from 2 – 16 February.
3. Minor changes have been made in response to agency feedback. No Ministerial feedback was received. This report provides you with an updated LEG paper to be lodged for consideration by the LEG Committee on Thursday 2 April.
4. The Parliamentary Counsel Office (PCO) will lodge the Education (Early Childhood Services) Amendment Regulations 2026 (the Amendment Regulations).

Consultation feedback

5. From agency consultation, feedback and comments were received from the Ministry for Regulation, Ministry of Justice, Office of the Privacy Commissioner, Ministry of Social Development, Te Puni Kōkiri and Whaikaha | Ministry of Disabled People.
6. We have made two changes to the LEG paper in response to consultation feedback:
 - 6.1. Paragraph 6.2 has been amended to clarify that in the place of regulation 54A, health and safety risks will be managed through Regulation 29C which enables the Director of Regulation (the Director) to, by written notice, direct a service provide to remedy a risk to health and safety. This responds to feedback from the Ministry for Regulation that requested clarity on how health and safety risks will be managed once regulation 54A is revoked.
 - 6.2. Paragraph 22 has been included to provide more detail about implementation of the Amendment Regulations. This responds to feedback from Te Puni Kōkiri about the how the risks identified from public consultation will be taken into account in the implementation of the Amendment Regulations.
7. We have also made two changes to the Amendment Regulations, as a result of feedback from the Ministry of Justice and the Office of the Privacy Commissioner. These changes relate to privacy implications and the information that can be included in a public notice of non-compliance given under regulation 29F and a public notification of investigation given under regulation 59A.
8. The previous drafting prohibited the Director from including any personal information in a public notice or public notification. However, there may be instances where the disclosure of some personal information may be necessary. An example of this would be a trading name of a licensed service provider that contains the name of an identifiable individual.
9. To mitigate this issue and to avoid unintended limitations on the public notice and public notification provisions, we have revised regulations 29F(5) and 59A(4). These revisions make clear that the Director will not include personal information, unless it is deemed necessary as it pertains to the regulations (i.e. for the issuing of public notices and notifications).

Risks

10. 9(2)(h) [REDACTED] Under the proposed Amendment Regulations, the Director will have compliance and enforcement powers that, when exercised, could result in costs, financial loss, or loss of reputation for licenced ECE providers. In some cases, similar powers are found in primary legislation rather than in regulations, such as the State school interventions provided at s173 (specialist help) and s174 (action plans) of the Education and Training Act 2020 (the Act).
11. 9(2)(h) [REDACTED]
12. While this potential risk can be mitigated by establishing these powers in the Act, we recommend progressing with the current approach to establish these through the ECE Regulations. We consider that the following factors contribute to mitigating this risk:
- 12.1. As in s27B(b) of the Act, one of the functions of the Director is to enforce compliance including by undertaking investigations and prosecutions as appropriate. The powers provided in regulations 29A to 29F and 59A reflect an extension of this function of the Director.
- 12.2. Section 636(ea) through (ed) of the Act explicitly provides for the inclusion of the compliance and enforcement powers in regulations 29A to 29F and 59A. Establishing the enforcement tools and public notification powers in the regulations is consistent with these provisions.
- 12.3. The powers provided in regulations 29A to 29F and 59A represent lower-level interventions than those currently in the ECE Regulations. An example of this is regulation 32 which provides for cancellation of a service provider's licence. Establishing the enforcement tools and public notification powers in primary legislation would therefore be inconsistent with the current legislative framework.

Next steps

13. The table provides the next key milestones for this work programme.

Key milestone	Timing
Cabinet paper to be lodged	Thursday 26 March
LEG Committee meeting	Thursday 2 April
Cabinet meeting and Executive Council	Tuesday 7 April
Regulatory amendments gazetted	By Friday 10 April
Regulations come into effect	Monday 29 June

Annexes

- Annex 1: LEG paper - Education (Early Childhood Services) Amendment Regulations 2026 *(attached separately)*
- Annex 2: Education (Early Childhood Services) Amendment Regulations 2026 *(attached separately)*

Recommended actions

The Ministry of Education recommends you:

- a. **note** that this report provides a summary of agency consultation feedback and the changes that have been made to the attached LEG paper;
- b. **agree to lodge** the attached LEG paper (Annex 1) by 10am, Thursday 26 March for consideration by the Cabinet Legislation Committee on Thursday 2 April 2026;
- c. **note** that the Parliamentary Counsel Office will lodge the attached Amendment Regulations (Annex 2) for consideration by the Cabinet Legislation Committee on Thursday 2 April 2026;

Noted

Agree / Disagree

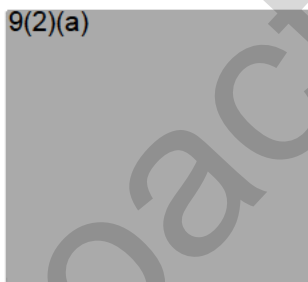
Noted

Proactive Release:

- d. **agree** that the Ministry of Education release this report after final decisions have been made by Cabinet with any information needing to be withheld done so in line with the provisions of the Official Information Act 1982.

Agree / Disagree

9(2)(a)



Senior Policy Manager

Te Pou Kaupapahere

24/03/2026


Hon David Seymour
Associate Minister of
Education

26/3/26