



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

## **The new network management function**

From 1 February 2023, if you want to operate a new licensed early childhood service you will need network approval from the Minister of Education before you apply for licensing. Providers who obtain network approval may have conditions attached to the licence of their service to ensure the service delivery is consistent with their network approval.

## **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.

## **What are we consulting on?**

We are consulting on proposals to amend the Education (Early Childhood Services) Regulations 2008 to:

- Enable the licence for an existing service to be amended, without needing network approval, where the service has to permanently relocate because its land has been acquired by the Crown
- Clarify that the Secretary for Education can take into account network approval provisions when assessing an application to amend a licence

The proposed changes will provide clarity for both service providers and whānau that early childhood provision can continue undisturbed in circumstances where land is acquired by the Crown under the Public Works Act 1981 or the Urban Development Act 2020. These changes will also update the regulations to provide clarity to providers about the Secretary's assessment powers when considering a licence amendment.

Proposal	Description
Amend the regulations to enable 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	<p>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.</p> <p>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.</p>
<p>Amend the regulations to set restrictions on the amendment of a licence when a service relocates due to Crown acquisition:</p> <ol style="list-style-type: none"> <li>The amended regulation will only apply to licensed early childhood education and care centres</li> <li>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</li> <li>The size of the relocated centre and the number of child places accommodated should not be materially different to the existing centre</li> <li>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</li> <li>no later than 3 months from the date it is unable to continue operating at its current location</li> </ol>	<p>We are seeking feedback on several restrictions to be built into the amended regulations in relation to enabling the licence for an existing service to be amended, without first applying for network approval, where the service has to permanently relocate because its land has been acquired by the Crown.</p> <p>These proposed restrictions are intended to:</p> <ul style="list-style-type: none"> <li>clarify the scope of the new regulations,</li> <li>ensure that the legislative intent of network management is not undermined by the relocating service,</li> <li>ensure that an amendment is not used to revive an empty licence,</li> <li>encourage business continuity and minimal disruption for whānau, and</li> <li>clarify the time period wherein an application for an amendment must be made</li> </ul> <p>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.</p>
Amend the regulations to clarify that the Secretary for Education can take into account network approval provisions when considering an application to amend a licence	<p>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.</p> <p>These changes will provide clarity to providers around the Secretary's assessment powers when considering a licence amendment.</p>

## How to have your say

You can find the full discussion document on [Kōrero Mātauranga](#). If you want to provide feedback on the regulations, you can complete a survey in English [here](#) or in Māori [here](#).

You can also send a more detailed written submission to either [earlylearning.regulatoryreview@education.govt.nz](mailto:earlylearning.regulatoryreview@education.govt.nz) or this postal address:

Early Learning Regulatory Review (Additional proposals for tranche two)  
Ministry of Education  
PO Box 1666  
Wellington 6140

**The Ministry of Education requires feedback by Friday 24 February 2023.**