



Education and Training (Early Childhood Education Reform) Amendment Act 2025

Public Act 2025 No 70
Date of assent 26 November 2025
Commencement see section 2

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal Act	2
Part 1	
Amendments to principal Act	
4 Section 10 amended (Interpretation)	2
5 Section 14 replaced (Purpose of Part 2)	3
14 Purpose of Part 2	3
14A Objectives of Part 2	3
6 Section 22 amended (Records)	3
7 New sections 27A to 27E and cross-heading inserted	3
<i>Director of Regulation</i>	
27A Director of Regulation	3
27B Functions of Director of Regulation	4
27C Performance and exercise of Director's functions, duties, and powers	5
27D Principles guiding performance and exercise of Director's functions, duties, and powers	5
27E Delegation of Director's functions, duties, and powers	5
8 Section 28 amended (Service providers must be licensed)	7
9 New section 619A inserted (Director of Regulation may require information for administration of Part 2)	7

	619A	Director of Regulation may require information for administration of Part 2	7
10		Section 626 amended (Powers of entry and inspection without warrant)	7
11		Section 636 amended (Regulations relating to early childhood services)	7
12		Section 637 amended (Regulations related to certifying playgroups)	8
13		Schedule 1 amended	8
Part 2			
Consequential amendments to other legislation			
14		Consequential amendments	8
Schedule 1			
New Part 9 inserted into Schedule 1			
Schedule 2			
Consequential amendments to secondary legislation			

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Education and Training (Early Childhood Education Reform) Amendment Act 2025.

2 Commencement

This Act comes into force on 23 February 2026.

3 Principal Act

This Act amends the Education and Training Act 2020.

Part 1

Amendments to principal Act

4 Section 10 amended (Interpretation)

In section 10(1), insert in their appropriate alphabetical order:

Director of Regulation or **Director** means the person appointed under section 27A

early childhood education, in relation to Part 2, means education and care services provided by—

- (a) an early childhood service; and
- (b) a playgroup that opts to be certified under this Act

5 Section 14 replaced (Purpose of Part 2)

Replace section 14 with:

14 Purpose of Part 2

The purpose of this Part is to regulate an early childhood education system to—

- (a) set and implement minimum standards to provide for quality early childhood education that allows all children to establish strong foundations for learning, well-being, and life outcomes; and
- (b) support the choice of parents and caregivers to participate in the labour market.

14A Objectives of Part 2

The objectives of this Part are to support the purpose in section 14 by—

- (a) protecting the health, safety, and well-being of children receiving early childhood education; and
- (b) improving educational and developmental outcomes for those children; and
- (c) supporting accessibility and choice for parents and caregivers, including by providing for licensing and certification of different types of services and enabling their funding; and
- (d) providing information to parents, caregivers, and others to improve knowledge about the quality of early childhood education, including to inform parental choice; and
- (e) implementing a licensing and certification system that provides service providers, parents, and caregivers with certainty and clarity, as far as is reasonably practicable, regarding minimum standards for quality services.

6 Section 22 amended (Records)

In section 22, after “the Secretary”, insert “or the Director of Regulation”.

7 New sections 27A to 27E and cross-heading inserted

After section 27, insert:

Director of Regulation

27A Director of Regulation

- (1) The Secretary must appoint a person to be the Director of Regulation.
- (2) The Secretary must be satisfied that the person has the appropriate experience and expertise to perform and exercise the functions, duties, and powers of the Director of Regulation.

- (3) The person must be employed by the Ministry but need not be a current employee of the Ministry at the time of appointment.
- (4) When performing or exercising a function, duty, or power under this Act, the Director—
 - (a) does so as an employee of the Ministry; but
 - (b) must exercise independent judgement if this Act requires the Director to do so (for example, if there is a requirement to act independently of the Minister or any other person).

27B Functions of Director of Regulation

The functions of the Director of Regulation are to—

Statutorily independent functions

- (a) issue licences to early childhood services and certify playgroups:
- (b) enforce compliance by service providers with applicable requirements under this Act, including by undertaking investigations and prosecutions, as appropriate:

Other functions

- (c) provide support, information, and guidance to service providers about applicable requirements under this Act:
- (d) provide information to parents, caregivers, and other interested parties on the compliance by service providers with applicable requirements under this Act:
- (e) carry out proactive, regular, risk-based monitoring of compliance by service providers with applicable requirements under this Act:
- (f) help improve the knowledge of parents, caregivers, and other interested parties about the quality of early childhood education:
- (g) assess and respond to—
 - (i) complaints about licensed early childhood services and certified playgroups:
 - (ii) complaints and appeals from service providers regarding decisions under this Act:
 - (iii) incidents at licensed early childhood services and certified playgroups:
- (h) collect and provide information to the Secretary that is necessary for the Secretary to perform and exercise their functions, duties, and powers under this Act and other legislation, including in relation to system stewardship, monitoring, funding, and child protection:
- (i) publish and regularly update information about the Director's general regulatory approach, including a regulatory strategy:

- (j) collaborate with other agencies involved in regulating early childhood services and playgroups, including by sharing information with those agencies if permitted or authorised by or under law:
- (k) carry out any other functions conferred or imposed on the Director under this Act or any other legislation.

27C Performance and exercise of Director's functions, duties, and powers

- (1) In performing and exercising their functions, duties, and powers, the Director of Regulation must give effect to—
 - (a) the purpose set out in section 14; and
 - (b) the objectives set out in section 14A.
- (2) In performing the functions set out in section 27B(a) and (b), the Director of Regulation must act independently of the Minister and the Minister must not give directions to the Director in relation to performing those functions.
- (3) The Director of Regulation is accountable to the Secretary for the performance of their functions and duties, and for the exercise of their powers.
- (4) The Director of Regulation must have arrangements in place to avoid or manage conflicts of interest relating to the performance of their functions and duties, and the exercise of their powers.

27D Principles guiding performance and exercise of Director's functions, duties, and powers

The Director of Regulation must have regard to the following principles when performing or exercising a function, duty, or power under this Act:

- (a) the health, safety, and well-being of children receiving early childhood education is paramount:
- (b) the learning and development of those children is essential and supports their readiness to transition to school:
- (c) the role of parents and caregivers in the early childhood education of their children is recognised and supported:
- (d) principles relating to good regulatory practice, including (without limitation) decision-making that—
 - (i) is risk-based, proportionate, fair, and transparent; and
 - (ii) avoids imposing unnecessary costs on parents, caregivers, and service providers.

27E Delegation of Director's functions, duties, and powers

- (1) The Director of Regulation may, either generally or specifically, delegate to a person any of their functions, duties, or powers.
- (2) A delegation—

- (a) must be in writing; and
 - (b) may be revoked at will in writing; and
 - (c) may be subject to instructions or conditions.
- (3) Despite subsection (1), the Director of Regulation—
- Delegation to person within public service who is not Ministry employee*
- (a) may delegate their functions, duties, or powers to a person described in subsection (4) only if—
 - (i) the Secretary consents in writing to that delegation; and
 - (ii) the delegation is for a specified period; and
- Delegation to person outside public service*
- (b) may delegate a clearly identified function, duty, or power to a person outside the public service only if—
 - (i) the Secretary consents in writing to that delegation; and
 - (ii) the delegation is for a specified period; and
 - (iii) the Director is satisfied that any conflicts of interest will be avoided or managed; but
 - (c) must not delegate the general power of delegation.
- (4) For the purposes of subsection (3)(a), the person is a person who—
- (a) is not an employee of the Ministry; but
 - (b) is a public service employee, or an individual working in the public service as a contractor or as a secondee from elsewhere in the State services in relation to a function of the public service.
- (5) The person to whom any functions, duties, or powers are delegated may perform or exercise those functions, duties, or powers in the same manner, subject to the same restrictions, and with the same effect as if they had been conferred on that person directly by this Act (subject to any instructions given or conditions imposed by the Director of Regulation).
- (6) A person purporting to act under a delegation is, in the absence of proof to the contrary, presumed to be acting in accordance with the terms of the delegation.
- (7) In this section,—
- public service** has the meaning given in section 10 of the Public Service Act 2020
- public service employee** has the meaning given in section 65 of the Public Service Act 2020
- State services** has the meaning given in section 5 of the Public Service Act 2020.

8 Section 28 amended (Service providers must be licensed)

In section 28(1)(b) and (c), after “the Secretary”, insert “and the Director of Regulation”.

9 New section 619A inserted (Director of Regulation may require information for administration of Part 2)

After section 619, insert:

619A Director of Regulation may require information for administration of Part 2

- (1) The Director of Regulation may, by written notice, require information from a service provider who operates—
 - (a) a licensed early childhood service; or
 - (b) a certified playgroup.
- (2) The notice must specify the information required and the date by which it must be provided.
- (3) The service provider must provide the information in writing by the date specified in the notice.
- (4) Information that identifies individuals may only be used for statistical purposes.

10 Section 626 amended (Powers of entry and inspection without warrant)

In section 626(3),—

- (a) after “Secretary”, insert “or the Director of Regulation”; and
- (b) after “Secretary’s opinion”, insert “or the Director of Regulation’s opinion”.

11 Section 636 amended (Regulations relating to early childhood services)

(1) In section 636(2)(b),—

- (a) after “consultation with”, insert “the Director of Regulation and”; and
- (b) replace “Secretary” with “Director of Regulation”.

(2) After section 636(2)(e), insert:

- (ea) provide for the Director of Regulation to take 1 or more actions in relation to a licence held by a service provider of a licensed early childhood service, including—
 - (i) making a record of non-compliance; and
 - (ii) issuing a formal warning or a written direction; and
 - (iii) requiring the provider to employ or engage specialist help or prepare, implement, and complete an improvement plan:

- (eb) enable or require the Director of Regulation to publicly notify action taken by the Director in relation to a non-compliance by a service provider of a licensed early childhood service with—
 - (i) a condition of their licence; or
 - (ii) a requirement of regulations:
 - (ec) enable the Director of Regulation to give public notice of an investigation into a complaint against a service provider of a licensed early childhood service or an incident involving the service provider:
 - (ed) enable the Director of Regulation to require a service provider of a licensed early childhood service to inform parents or caregivers of children attending the service that an investigation into a complaint or incident is being carried out by the Director or licensed service provider, or both:
- (3) After section 636(4), insert:
- (4A) Regulations made under subsection (2)(b) must contain a statement that the Secretary is the Minister’s principal policy adviser in relation to any criteria that are prescribed.

12 Section 637 amended (Regulations related to certifying playgroups)

- (1) In section 637(2)(b),—
- (a) after “consultation with”, insert “the Director of Regulation and”; and
 - (b) replace “Secretary” with “Director of Regulation”.
- (2) After section 637(3), insert:
- (3A) Regulations made under subsection (2)(b) must contain a statement that the Secretary is the Minister’s principal policy adviser in relation to any criteria that are prescribed.

13 Schedule 1 amended

In Schedule 1,—

- (a) insert the Part set out in Schedule 1 of this Act as the last Part; and
- (b) make all necessary consequential amendments.

Part 2

Consequential amendments to other legislation

14 Consequential amendments

Amend the legislation specified in Schedule 2 as set out in that schedule.

Schedule 1

New Part 9 inserted into Schedule 1

s 13

Part 9

Provisions relating to Education and Training (Early Childhood Education Reform) Amendment Act 2025

200 Interpretation

In this Part,—

amendment Act means the Education and Training (Early Childhood Education Reform) Amendment Act 2025

commencement date means the date on which the amendment Act comes into force

Director of Regulation function means a function, duty, or power of the Secretary under this Act that becomes a function, duty, or power of the Director of Regulation on and after the commencement date.

201 Effect of transfer of functions to Director of Regulation on matters, documents, and decisions

- (1) This clause applies if, before the commencement date,—
 - (a) a person has applied to the Secretary and the application relates to a Director of Regulation function, for example, a licence to operate an early childhood service, but the application has not been considered; or
 - (b) the Secretary has commenced a matter or process in relation to a Director of Regulation function, for example, an investigation into a service provider's non-compliance with their licence, but the investigation has not been completed; or
 - (c) a person has appealed to the District Court against, or applied for judicial review of, a decision or direction of the Secretary in relation to early childhood education.
- (2) The Director of Regulation, in place of the Secretary, must consider the application or complete the matter or process on or after the commencement date.
- (3) If subclause (1)(c) applies, the Director, in place of the Secretary, is treated as a respondent to the appeal or application for judicial review on and after the commencement date.
- (4) A document or notice given by the Secretary under this Act is treated as a document or notice given by the Director of Regulation if—
 - (a) it relates to a Director of Regulation function; and
 - (b) it was given before the commencement date.

- (5) The transfer of a Director of Regulation function to the Director of Regulation does not, of itself, affect—
- (a) a decision made, or anything done or omitted to be done, by the Secretary in relation to the Director of Regulation function before the commencement date; or
 - (b) any other matter or thing arising out of the Secretary performing the Director of Regulation function before the commencement date.
- (6) In this section, **applied for judicial review** means—
- (a) to have applied for review of the decision or direction under the Judicial Review Procedure Act 2016; or
 - (b) to have instituted proceedings seeking any writ or order of, or in the nature of, mandamus, prohibition, or certiorari, or a declaration or injunction, in respect of that decision or direction.

202 Personal information

Personal information that was held by the Secretary before the commencement date when performing a Director of Regulation function is to be treated on and after the commencement date as having been held by the Director of Regulation.

203 References to Secretary

- (1) On and after the commencement date, a reference to the Secretary in any legislation (other than this Act), notice, instrument, contract, or other document must, in relation to a Director of Regulation function, be read as a reference to the Director of Regulation.
- (2) This clause applies unless the context otherwise requires.

Schedule 2

Consequential amendments to secondary legislation

s 14

Education (Early Childhood Services) Regulations 2008 (SR 2008/204)

In regulation 3, definition of **contact person**, replace “Secretary” with “Director of Regulation” in each place.

In the following provisions, replace “Secretary” with “Director of Regulation” in each place:

- (a) regulations 5 to 9A:
- (b) regulations 11 to 13:
- (c) regulations 15 to 20A:
- (d) regulations 22 to 24:
- (e) regulations 26 to 28:
- (f) regulations 30 to 33:
- (g) regulations 35 and 36:
- (h) regulations 39 and 39A:
- (i) regulations 54 to 55:
- (j) Schedules 2 and 3.

In the heading to regulation 15, replace “Secretary” with “Director of Regulation”.

In regulations 22A(2) and 23(2), replace “Secretary’s approval” with “approval of the Director of Regulation”.

In regulation 32(2)(a), replace “Secretary’s intention” with “the Director of Regulation’s intention”.

In the heading to regulation 39A, replace “Secretary” with “Director of Regulation”.

In regulation 41(1),—

- (a) after “consultation with”, insert “the Director of Regulation and”; and
- (b) replace “Secretary” with “Director of Regulation”.

After regulation 41(1), insert:

- (1A) For the purposes of this regulation, the Secretary is the Minister’s principal policy adviser.
- (1B) The Secretary’s advice to the Minister—
 - (a) must set out the effects of the proposed criteria, including who will be affected by the criteria; and
 - (b) may include any other information that the Secretary thinks fit.

In regulation 41(4), replace “Secretary” with “Director of Regulation”.

Education (Early Childhood Services) Regulations 2008 (SR 2008/204)—*continued*

Revoke regulation 41(5).

In the headings to regulations 54A and 55, replace “Secretary” with “**Director of Regulation**”.

Education (Playgroups) Regulations 2008 (SR 2008/205)

In the following provisions, replace “Secretary” with “Director of Regulation” in each place:

- (a) regulations 4 and 5:
- (b) regulations 7 and 8:
- (c) regulations 10 to 14.

In regulation 12(3)(a), replace “Secretary’s intention” with “Director of Regulation’s intention”.

In regulation 17(1),—

- (a) after “consultation with”, insert “the Director of Regulation and”; and
- (b) replace “Secretary” with “Director of Regulation”.

After regulation 17(1), insert:

- (1A) For the purposes of this regulation, the Secretary is the Minister’s principal policy adviser.
- (1B) The Secretary’s advice to the Minister—
 - (a) must set out the effects of the proposed criteria, including who will be affected by the criteria; and
 - (b) may include any other information that the Secretary thinks fit.

In regulation 17(3), replace “Secretary” with “Director of Regulation”.

Legislative history

28 July 2025	Introduction (Bill 191–1)
31 July 2025	First reading and referral to Education and Workforce Committee
29 October 2025	Reported from Education and Workforce Committee (Bill 191–2)
11 November 2025	Second reading
18 November 2025	Committee of the whole House, third reading
26 November 2025	Royal assent

This Act is administered by the Ministry of Education.