

9 January 2026

Committee Secretariat
Education and Workforce Committee
Parliament Buildings
Wellington

ew.legislation@parliament.govt.nz

Education and Training (Systems Reform) Amendment Bill

Thank you for the opportunity to provide feedback on the Education and Training (Systems Reform) Amendment Bill.

Introduction

We are a collective of community-based, not-for-profit early childhood education (ECE) service providers operating 260 licensed services across the country¹ catering for over 12,000 tamariki and whānau each day. We employ over 1,500 qualified and certificated teachers in permanent teacher, head teacher and senior teacher/professional leader roles as well as in relieving positions. We have lease arrangements with the Ministry of Education and other crown agencies, local authorities and churches, for land and buildings or both. The majority of our arrangements are with the Ministry of Education as many of our services alongside playcentres, ngā kohanga reo, and community-based education and care services including Pasifika services, are on school sites.

We are deeply concerned about the rushed nature and timing of the bill. It follows a series of amendments to legislation over the past 12 months or more, changing significant parts of the principal act and subsequent regulation. These too have been rushed, undermining our right to authentically engage in the democratic process. Collectively, the government's changes undermine Te Tiriti o Waitangi, erode public education, weaken regulation and accountability, politicise education and teaching, and undermine the teaching profession.

We were appalled the government removed the requirement for school boards of trustees to give effect to Te Tiriti o Waitangi. Despite the change, schools and kura continue to uphold Te Tiriti and we stand with them. We commend the leadership and commitment to uphold principles to enable and support culturally responsive education in Aotearoa.

¹ Our services are located in communities on the Hibiscus Coast north of Auckland, Coromandel, Bay of Plenty, Murupara, Wairoa, Napier, Taranaki, Whanganui, the Central Plateau, Horowhenua, Wairarapa, Whanganui-a-Tara, the Christchurch metropolitan area and greater Canterbury district, the West Coast, and Central and Southern Otago.

In early childhood education, in the past year, the government revised the purpose of ECE regulation from primarily being in the interests of tamariki to being in the interests of ECE service and business owners. Effectively the changes: ²

- reduce quality provision and further undermine minimum standards;
- undermine the confidence of parents, whānau and the community in our ECE provision;
- ignore research evidence related to teaching and learning to limit costs to providers;
- introduce a narrow regime of compliance as the focus of service provision;
- shift early childhood education out of education;
- position ECE as primarily a function of the labour market.

We present these two examples to illustrate the impact of government legislative change. Based on our experiences to date, and our understanding of the government's agenda for the direction of education in Aotearoa, we are deeply concerned about the purpose and content of this bill.

We urge the committee to reject the amendments regarding shifting functions from the Teaching Council to the Ministry of Education and establishing the Director of Regulation role within the Education Review Office.

Further we urge caution regarding the establishment of the education property agency. We recommend the committee seek clarity around its primary purpose, obligations to the public, powers and functions, and recommend public, community-based provision of ECE and schools remain the priority for the agency when determining the use of public property.

Focus of our submission

Our submission focuses on three key aspects of the bill: shifting functions from the Teaching Council to the Ministry of Education; establishing a new agency to oversee education property; and locating the Director of Regulation in the Education Review Office. We further offer brief comment on proposals relating to the schools curricula and to 'support the next stage of the charter school model.'

1 Shifting functions from the Teaching Council to the Ministry of Education

We oppose shifting functions currently undertaken by the Teaching Council to the Ministry of Education.

The bill "...shifts the responsibility for establishing and maintaining teacher registration criteria, teacher education qualification standards, teaching standards, practising certificate criteria, and the code of conduct from the Teaching Council of Aotearoa New Zealand (the Teaching Council) to the Secretary." ³

The shift undermines the autonomy and independence of the teachers' professional body. It ignores the expertise of some 110,000 plus qualified teachers and professional leaders who work with tamariki, rangitahi and whānau in our communities every day.

² Education and Training (ECE Reform) Amendment Bill

³ Education and Training (System Reform) Amendment Bill. Explanatory note. General policy statement

The council (previously the Teachers Council and Education Council) was set up after years of debate backed up by research both in Aotearoa and internationally, setting out the benefits for tamariki and rangitahi and for teachers, of an independent professional body. Effective practice was shown to not only be about robust registration and competency functions, but also strong leadership development, and progressive professional and ethical standards for both the profession and initial teacher education. Being part of a profession requires its members to hold each other to account for their professional practice. The profession is its own strongest critic, acutely aware of its obligations to ākonga, to their whānau and to our community. The current legislation reflects that view.

The bill proposes shifting functions to the Ministry of Education will improve initial teacher education however there is no evidence to show that this will be the case or how it will be achieved. It implies the ministry will take on the role of supporting ‘best practice’ in teaching and leadership. The ministry simply does not have the capability or capacity, or the confidence of the sector, to take on that role.

The bill proposes a smaller council with fewer elected teachers - elected members of the council could be a minority voice of three should the council operate at its maximum of nine members. Proposing fewer elected members effectively dismisses as unimportant, not only the professional experience and expertise council members bring to the task but also their knowledge and understanding of our communities, and their established relationships and connections within those communities. This is alongside the proposed removal of the parent and community consultation requirement concerning the ministerial power to appoint members of the council. Severing these links weakens the collective expertise of teachers and leaders and will weaken public confidence in the education system.

It is clear that the proposed shift is about ministerial control, and as such exposes initial teacher education and teacher professionalism and practice to the ideologies of government ministers who generally have no experience or knowledge of education theory, or qualifications as teachers. It is a dangerous precedent to set. Standards will lose political neutrality, leaving initial teacher education and professional practice open to the whims of political party policies rather than evidence-based contemporary practice. No other professional organisation is subjected to this level of interference by the crown and specifically by a government minister.

Developing and implementing policy - as the Minister of Education stated when introducing the bill to “*ensure the success of every child*” - requires a sustained and long-term approach not one based on a three-year political cycle. Such an approach does not bode well for the current cohort of tauira enrolled in teacher education programmes, teachers and leaders across the sector, or tamariki and rangitahi - either now or in the future.

Ten years ago, the then Minister of Education Hon Hekia Parata in advising the establishment of the Education Council ⁴, noted it “...*has a wider brief than the body it replaces.*” Minister Parata advised “*In addition to serving as a gatekeeper, we want the council to raise standards and the status of the teaching profession because research tells us that the quality of teaching and school leadership are critical factors in raising achievement for all students.*” However, it appears that this minister has low trust and faith in the profession and we question the evidence she used to reach that position.

⁴ Hon Hekia Parata, July 2015 - Government press release *Dawn of a new era for education*

2 Establishing a new agency to oversee school property

The bill proposes a new crown entity be established to administer and manage education property. The New Zealand School Property Agency (NZSPA) will have a wide brief and while the concept of an independent agency may appear sensible, clarity around its primary purpose, obligations to the public, powers and functions will be essential.

Introducing the bill and in reference to the new agency, the minister stated ⁵ *“I consider this model provides the right balance of flexibility, transparency, and ministerial direction, while creating leadership and board oversight that supports commercial discipline.”* Although the bill proposes the agency be established as a crown agent, should ‘commercial discipline’ be the agency’s driver as an expectation of the government of the day through its GPS (government policy statement), there would be significant implications for communities. For example, charging commercial rates for leases would place considerable financial pressure on communities, schools and ECE services.

A ‘commercial discipline’ implies maximum return to the shareholder rather than a duty of care to the public or an obligation to the ‘public good.’ If such an approach were to be adopted it would fundamentally change the relationship, roles and responsibilities of the parties along with possible re-allocation of costs from the lessee to the lessor for such items as repairs and maintenance, and insurance.

The NZSPA will oversee the network of schooling provision which includes charter schools. The decision to allow a charter school to be built or leased on public property will rest with the agency. We recommend public, community-based provision of ECE and schools remain the priority for the agency when determining the use of public property.

Nationally, community-based ECE services hold some hundreds of leases and property occupancy documents (PODs) with the ministry. We know from experience that the records held by the ministry are incomplete making it difficult to track the providence of historical arrangements.

The current government review of ECE funding released several papers recently, one describing ⁶ *“The lease arrangements have created complexities for both kindergarten associations and the ministry in relation to buildings ... buildings are often jointly owned by the ministry and associations ...”* From our experience it has become apparent the ministry has no policy for such property arrangements when dealing with ECE services. It is this that has created complexity in relation to capex expenditure as opposed to repairs and maintenance, obtaining equity from the ministry when a service is closed and the land and building is to be handled back to the ministry and/or dealing with the aftermath of natural disasters such as earthquakes, or extensive flooding.

Despite the complexities of the current process, we would expect the agency to honour existing arrangements and that these be simply transferred rather than renegotiated, to ensure a smooth transition and continuity for our services and communities.

⁵ Hansard, 18 November 2025

⁶ 2025 Early Childhood Education Funding Review Ministerial Advisory Group *Overview of the Kindergarten Sector*

While the ECE leases and PODs recognise the community-based nature of ECE services, we are the guardians of the 'public stock' caring for and maintaining the properties. We have invested considerable equity in buildings, enhancing the property which at the end of the day should it be sold, is beneficial to the crown.

As kindergarten associations, we have considerable experience in dealing with the Ministry of Education on property matters. We would welcome the opportunity to talk with NZSPA once established, to offer our insights and to build a positive working relationship.

3 Director of Regulation in the Education Review Office

The bill proposes a statutory role be established for a Director of Regulation to administer the regulatory functions relating to private schools and hostels - functions currently held by the Ministry of Education. It further proposes the director be located in the Education Review Office (ERO).

In a late move prior to Christmas, the government announced the committee would also consider the shift to locate the newly established Director of Regulation overseeing ECE regulatory functions currently in the Ministry of Education to ERO. It is unclear whether the bill's proposed Director of Regulation would have responsibility across the three areas, or whether there be more than one director.

We are deeply concerned about the role of the ECE Director of Regulation and we are opposed to the role shifting from the ministry to ERO.

We are concerned that the Director of Regulation's powers are extensive and insufficiently constrained. We have concerns about the functions, duties and principles guiding the performance of the director, which are all the more concerning should the role be absorbed into the proposed position within ERO. The ability to delegate powers and functions must be subject to robust oversight and accountability mechanisms. The proposals in the bill do nothing to allay our concerns. Indeed they extend the role of the Director for Regulation and thus increase the risks we remain concerned about. Our concerns about the director's role in relation to ECE are set out in Annex A.

While the idea of a director may appear to be a reasonable proposition, it signals the government is willing to transfer responsibility for ECE away from the Ministry of Education. ERO currently has the same responsibilities for schools and ECE services. By removing a portion of the regulatory function, not only is ERO required to change its brief but more importantly, it signals the government is willing to distance ECE from the Ministry of Education, placing it with other agencies. Thirty years ago, we shifted from a system where different agencies had responsibilities for different ECE services. The government recognised the efficiencies and benefits of all ECE services coming under the Ministry of Education as an integrated early childhood education sector. The proposed shift, alongside the powers of the director to delegate responsibilities, is deeply concerning.

4 Comment on curricula

The bill sets out changes to the school curricula including allowing different curriculum statements to be made for different groups of schools and changing the requirement for school boards to consult the school community about the school's health curriculum.

While not directly impacting ECE, the principles sitting behind these proposals could be applied to ECE in future. We would not support the idea of differing curriculum statements according to service type or location, and we would not support parents, caregivers and whānau being shut out of conversations about the curriculum as it relates to their service.

The minister advised ECE representatives ⁷ that she sees no need to change the ECE curriculum which is welcome confirmation. The vision for tamariki stated in *Te Whāriki*, is that children grow up "*competent and confident learners and communicators, healthy in mind, body, and spirit, secure in their sense of belonging, and in the knowledge that they make a valued contribution to society*". In Aotearoa, this requires Te Tiriti o Waitangi to be upheld and recognised; parents, caregivers and whānau to be supported and engaged in their children's learning, and teachers to be qualified, skilled and valued members of the teaching profession.

5 Comment on charter schools

We are opposed to the concept of charter schools, where our national curricula and qualified and registered teachers are optional. The concept undermines the notion of public education provided equitably across our communities.

The bill proposes one operator can administer multiple charter schools. We were not aware such a corporate model was envisaged when charter schools were first mooted, and caution against the provision. One operator owning multiple services is evident in the ECE sector where large providers, many backed by international equity companies and/or expand as a result of the acquisition of independent and/or community-based services, have the potential to exert undue influence on policy settings. It is also evident in the research that in a bid to minimise expenses and maximise profit, operators work to minimum standards and argue for greater flexibility. This approach serves the interests of owners and shareholders, not tamariki, rangitahi and whānau, or the long term interests of our communities and wider society, or education system.

Conclusion

The significance of the changes proposed in the Education and Training (System Reform) Amendment Bill are profound and far-reaching and based on untested assumptions, with little or no evidence to justify such a significant overhaul of Aotearoa's education system.

We urge the committee to reject the amendments regarding shifting functions from the Teaching Council to the Ministry of Education and establishing the Director of Regulation role within the Education Review Office.

Further we urge caution regarding the establishment of the education property agency. We recommend the committee seek clarity around its primary purpose, obligations to the public, powers and functions, and recommend public, community-based provision of ECE and schools remain the priority for the agency when determining the use of public property.

⁷ Ministry of Education Early Childhood Education Advisory Committee hui

Please get back to me should you require any further information or clarification. We request opportunity to make an oral submission to the committee.

Ngā mihi mahana

A handwritten signature in dark ink, appearing to read 'Sherryll Wilson', with a stylized, cursive script.

Sherryll Wilson

Chief Executive Kidsfirst Kindergartens on behalf of Kindergartens Aotearoa

E: Sherryll.Wilson@kidsfirst.org.nz

M: 027 258 9626

Kindergartens Aotearoa submission to the Education and Training (ECE Reform) Amendment Bill

Proposed new section 27 sets out the functions, duties, powers and principles guiding the performance of the Director of Regulation.

27A The Secretary for Education appoints the director, who may or may not be a current ministry employee. What is the ‘appropriate experience and expertise to perform and exercise the functions, duties and powers’ of the role? What mechanism would be in place to ensure the director is knowledgeable about research evidence and policy settings? What mechanism is in place to ensure that in discharging their duty, the director is not in conflict with ministry policy and practice? Does the director remain an employee of the ministry when their responsibilities sit with ERO?

27B The director’s *statutorily independent functions* are to issue licenses and enforce compliance including undertaking investigations and prosecutions. While there are other functions, these two take precedent and must be taken into account in the director’s decision-making. These functions will be seen as ERO’s functions, in conflict with their current brief and undermining sector confidence.

The functions also raise questions about how the director will practically perform the task. Currently the functions are carried out across multiple teams within the ministry. If the proposed changes to regulation aim for greater efficiency, what is in place to ensure that will be the case? For example, in the past three years, over 120 services had their licenses suspended for serious breaches of minimum standards and over 80 were closed. What resource will the director have to administer this one part of the role? Is there an intention a whole new department will be established to support the work of the director?

27C The director must give effect to the purpose of the Act which as outlined earlier, could be contested. Although the minister must not give direction to the director in relation to the statutorily independent functions, the fact that the director is accountable to the Secretary for Education, by default the secretary - as the minister’s principal advisor - could influence the director’s performance of their statutorial functions.

While the director must have arrangements in place to avoid or manage conflict, it does not say what those arrangements would be, or whose brief takes precedent where a solution cannot be mutually agreed? The director will need to interpret the legislation in the ‘setting and implementing’ of minimum standards to provide ‘quality early childhood education’. Does this imply the director will define ‘quality’? If so, what guarantees are in place to ensure the definition reflects the empirical evidence on quality conditions to optimise children’s wellbeing and learning?

27D The director must ‘have regard’ for certain principles when discharging their duties. The principles are set out and mirror some of the objectives of the bill. However, the principles of ‘good regulatory practice’ are introduced which include but are not limited to, decision-making that is “... risk-based, proportionate, fair, and transparent;

and avoids imposing unnecessary costs on parents, caregivers, and service providers.” By ‘having regard’ to the principles, the director must consider them but is under no obligation to give them effect. The director may use one or some principles as the basis of their decision, meaning the principles can be used separately and randomly to justify decisions. Whether all principles carry the same weight or some take precedent over others, is not clear.

27E The director can delegate their duties, functions and powers, including to someone outside of the ministry. While the secretary must consent to the delegation and for a certain time, there is no mention for example, of:

- who that person could be;
- how many delegations could be given at any one time;
- under what circumstances a delegation would be given;
- the maximum timeframe a delegation could be in place;
- how often delegations could be agreed.

The director may not have any current connection with education or the ECE sector. Where the ministry has built relationships over time, the director has no such connection.