



17 December 2024

s 9(2)(a)

Official information request

Our ref: R00638

Tēnā koe s 9(2)(a)

Thank you for your request made under the Official Information Act 1982 (OIA) received on 19 November 2024. You requested:

1. *Can you provide any information/documentation held that discusses (internally) or directs the Ministry regarding regulations involving iwi/Māori engagement or consultation.*
2. *Can you also provide any communications (emails, letters, reports only) with ministers that specifically discusses iwi/Māori engagement.*

We have interpreted your request as it pertains to our work where we have engaged or consulted with iwi or Māori groups and representatives.

Information released

Some of the material in scope of your request is published on the Ministry for Regulation website, and we have listed the relevant weblinks where applicable.

Where material is not publicly available, we have enclosed the requested information. Below are the key sections of the OIA under which some information has been withheld:

- 9(2)(a) - to protect the privacy of natural persons, including that of deceased natural persons
- 9(2)(f)(iv) - to maintain the current constitutional conventions protecting the confidentiality of advice tendered by ministers and officials.

As required by section 9(1) of the OIA, I have considered whether the grounds for withholding the information requested is outweighed by the public interest. In this instance, I do not consider that to be the case.

Part one of your request

The below table lists the papers in scope of your request, which are publicly available on the Ministry for Regulation website – <https://www.regulation.govt.nz/about-us/our-publications/>.

We therefore refuse this part of your request under section 18(d) of the OIA as information is publicly available.

Date	Document title
28/08/2024	Regulatory Impact Statement: Providing certainty on the Treaty Principles <ul style="list-style-type: none">Refer to the Quality Assurance section on page 4.
13/09/2024	2024-064: Agreeing to a consultation approach on the Regulatory Standards Bill <ul style="list-style-type: none">Refer to page 4, para 12, and pages 5-7, paras 16-31.
13/09/2024	2024-103: The Regulatory Standards Bill and the Treaty of Waitangi
25/10/2024	2024-145: Feedback from departmental consultation on the draft Regulatory Standards Bill Cabinet paper and discussion document <ul style="list-style-type: none">Refer to the overview of feedback from agency consultation on pages 4-6.
Undated	Information release: Cabinet Paper CAB 24-SUB-0437 Approval to consult on a proposed approach to the Regulatory Standards Bill <ul style="list-style-type: none">Refer to page 60, para 10 on targeted agency consultation.

Part two of your request

The Ministry is currently conducting regulatory reviews into the early childhood education and agricultural and horticultural products sectors.

The below tables outline the documents in scope of your request as they pertain to each review.

Early Childhood Education Sector Regulatory Review

Date	Document title / Comment
03/05/2024	2024-017: ECE sector review engagement approach [*Part of Information release: Information release: Cabinet paper SOU-24-SUB-0050 - Terms of Reference for the ECE regulatory review] <ul style="list-style-type: none">Please refer to page 11, para 29-31 on 'Engagement with Māori'.
08/05/2024	Briefing 2024-018: Updated ECE regulatory sector review Cabinet paper for ministerial and coalition consultation – Appendix 1: Draft Cabinet Paper and Terms of Reference [*Part of Information release: Information release: Cabinet paper SOU-24-SUB-0050 - Terms of Reference for the ECE regulatory review] <ul style="list-style-type: none">Refer to page 25, para 40 of the Cabinet paper on 'Population implications'.

Date	Document title / Comment
02/08/2024	See attached paper - 2024-088: Approach to engaging in different languages <ul style="list-style-type: none"> The paper discusses using an engagement approach tailored to different audiences, including Māori.
09/09/2024	See attached paper - MFR2024-113: Early Childhood Education Sector Review Update <ul style="list-style-type: none"> Some information is withheld under section 9(2)(a) of the OIA. Refer to attachment mentioning Puna Reo and Kōhanga Reo site visits.
20/09/2024	<u>MFR2024-121: Early Childhood Education Regulatory Review Themes from direct engagement</u> <ul style="list-style-type: none"> Paper contains references to engagement with Māori providers and representatives.
27/09/2024	<u>MFR2024 132: Weekly Report 27 September</u> <ul style="list-style-type: none"> Refer to updates about the Early Childhood Education Regulatory Review, referring to Kōhanga Reo and Puna Reo engagement.
04/10/2024	<u>MFR2024 135: Weekly Report 4 October</u> <ul style="list-style-type: none"> Refer to updates about the Early Childhood Education Regulatory Review, referring to Kōhanga Reo and Puna Reo engagement.
18/10/2024	<u>MFR2024 144: Weekly Report 18 October</u> <ul style="list-style-type: none"> Refer to updates about the Early Childhood Education Regulatory Review, referring to Kōhanga Reo and Puna Reo engagement.
07/11/2024	See attached paper - 2024-153: Early Childhood Education Sector Review September Update <ul style="list-style-type: none"> Some information is withheld under section 9(2)(a) of the OIA. Refer to attachment mentioning Te Kōhanga Reo and Puna Reo site visits.

Agricultural and Horticultural Products Regulatory Review

Date	Document title
24/06/2024	<u>2024-059: Draft terms of reference and Cabinet paper for the Agricultural Products Regulatory Review</u> [*Part of Information release: Cabinet paper EXP-24-MIN-0033 - Terms of Reference for the approval path for agricultural and horticultural products regulatory review] <ul style="list-style-type: none"> Refer to page 35, Cabinet paper section on ‘<i>Stakeholder engagement</i>’; discusses targeted engagement with selected stakeholders, including Māori. Refer to page 45, Terms of Reference sub-section on ‘<i>Other stakeholder interests</i>’, on cultural perspectives and potential impacts on Māori.

20/09/2024	2024-106: September update on Agricultural and Horticultural Products Regulatory Review for 24 September Joint Ministers Meeting <ul style="list-style-type: none">• Withheld under section 9(2)(f)(iv) of the OIA.
31/10/2024	2024-107: October update on Agricultural and Horticultural Products Regulatory Review <ul style="list-style-type: none">• Withheld under section 9(2)(f)(iv) of the OIA.

Right of review

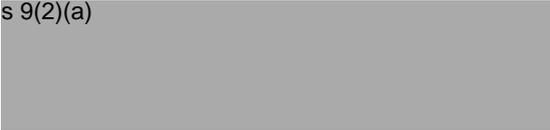
If you wish to discuss this decision with us, please contact hello@regulation.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that we may publish this response (with your details removed) on the Ministry for Regulation website.

Ngā mihi

s 9(2)(a)



Aisling Risdon

Head of Ministerial Services
Ministry for Regulation



Minister:	Hon David Seymour, Minister for Regulation		
Title:	Approach to engaging in different languages	Number	2024-088
Date:	2 August 2024	Security Level:	UNCLASSIFIED

Purpose To outline the Ministry’s approach to engaging with audiences in other languages or formats.

Key issues

The Ministry will develop an engagement approach for each regulatory review that takes account of the size and specific needs of the cohorts that we consider are important audiences for each review.

For the early childhood education review, we will translate our engagement hub questionnaires into Māori and will translate a one-pager into Chinese. We are meeting Pacifica providers this week and will seek their advice on how best to engage with their multiple audiences who may not speak English.

At this stage for the agriculture / horticulture products review, we do not consider that we need to translate any of our documents.

There are principles and obligations for the Ministry in the Māori Language Act 2016 that mean that there are occasions where we will use Māori language.

We will need a tailored approach for each review...

The Ministry will develop an engagement approach that is specific and fit for purpose for each regulatory review. It is clear from the first two reviews that we need to take completely different engagement approaches. For each review, we will consider who we need to engage with, and the most appropriate way to do that – using a bespoke approach that is based on their numbers and needs.

We will translate our documents into other languages when we recognise a particular audience has specific needs that we need to meet to ensure an effective engagement outcome.

We anticipate working primarily with the Department of Internal Affairs’ Translation Service for any of our translation requirements. The cost and time for the translation service depends on the length of the content and the language required.

Our advice

There may be situations where we will need to use more specific formats, for example if we were reviewing a topic relevant to hearing-impaired or disabled audience. Creating alternate formats (Easy Read, Braille, audio, large print, or video in sign language) is likely to take 4-6 weeks.

Our existing online engagement hub is based on a platform that is tested against Web Content Accessibility Guidelines V2.2 AA standard.

We will translate some of our documents for the early childhood education review...

For the review into early childhood education, we examined data from the 2023 ECE annual census about the languages used, to consider whether we needed to translate any of our information or engagement documents. The top seven languages that are used for more than 50% of teaching are:



Number of ECE services that spend more than 50% of time teaching in this language (includes home-based services)	
English	3,761
Māori	456
Tongan	46
Samoan	31
Northern Chinese	28
Cook Islands Māori	8
Somali	4

The Ministry will translate our engagement hub questionnaires into Māori because it is the language used in the largest cohort of non-English speaking early childhood education services, and because Māori language in early childhood education is part of the Crown’s commitment to actively protect the language. We have also set up specific meetings with Puna Reo and the Kohanga Reo Trust.

The next-largest cohorts of non-English speaking services are Tongan and Samoan. After discussing how best to engage these audiences with Ministry of Education’s advisers, we have set up a face-to-face meeting with Pacifica providers in Auckland on 31 July.

We have also decided to test whether translating a one-page document would help engage better with non-English speaking audiences and will translate a one-page factsheet into Simplified Chinese.

There are also principles and obligations relating to the Māori language...

The Māori Language Act 2016 acknowledges that the Māori language is protected as a taonga by article 2 of the Treaty of Waitangi and expresses the Crown’s commitment to work in partnership with iwi and Māori to continue actively to protect and promote this taonga, the Māori language, for future generations.

The Act also contains guidance for departments of state to: as far as is reasonably practicable, consult iwi and Māori on matters relating to the Māori language; and make information accessible to iwi and Māori through the use of appropriate means (including the use of the Māori language).

Specific clauses from the Māori Language Act 2016 are attached for reference.

Manager

David Wansbrough, Sector Reviews Lead

Attachment: Excerpts from the Māori Language Act 2016:

6 Acknowledgement of the Crown

1. The Crown acknowledges the detrimental effects of its past policies and practices that have, over the generations, failed actively to protect and promote the Māori language and encourage its use by iwi and Māori, matters that—
 - a. have been recorded in evidence given to the Waitangi Tribunal; and
 - b. the Crown has acknowledged in deeds of settlement entered into with iwi to settle their claims under the Treaty of Waitangi.
2. The Crown expresses its commitment to work in partnership with iwi and Māori to continue actively to protect and promote this taonga, the Māori language, for future generations.

8 Principles

1. This section sets out the principles that are intended to guide—
 - a. the interpretation of this Act generally; and
 - b. in particular, the development of the Māori language strategies required by this Act.
2. The principles are as follows:
 - *Māori language*
 - a. the Māori language is the indigenous language of New Zealand;
 - b. the Māori language has inherent mana and is enduring;
 - *Māori language and iwi and Māori*
 - c. iwi and Māori are the kaitiaki of the Māori language;
 - d. the Māori language is the foundation of Māori culture and identity;
 - e. knowledge and use of the Māori language enhance the lives of iwi and Māori;
 - f. knowledge and use of the Māori language are sustained through transmission of the language from generation to generation among whānau and by daily communication in the community;

Māori language and the Crown

- g. the Māori language is protected as a taonga by article 2 of the [Treaty of Waitangi](#);
- h. the Crown recognises the value of the Māori language for the people of New Zealand;
- i. knowledge and use of the Māori language are promoted by an active partnership of the Crown with iwi and Māori through Te Mātāwai;
- j. the Crown is able to advance the revitalisation of the Māori language by promoting strategic objectives in the wider New Zealand society:

Māori language and New Zealand society



- k. the Māori language is an official language of New Zealand:
- l. the Māori language is important to the identity of New Zealand.

9 Guidance for departments of State

1. As far as is reasonably practicable, a department of State should, when exercising its powers and performing its functions, be guided by the following principles:
 - a. iwi and Māori should be consulted on matters relating to the Māori language (including, for example, the promotion of the use of the language):
 - b. the Māori language should be used in the promotion to the public of government services and in the provision of information to the public:
 - c. government services and information should be made accessible to iwi and Māori through the use of appropriate means (including the use of the Māori language).
2. This guidance does not confer on any person any legal right that is enforceable in a court of law.
3. Consultation by a department of State under subsection (1)(a) is to be carried out by the chief executive of the department consulting, to the extent that is reasonably practicable, with the persons or organisations that the chief executive considers to be representative of the interests of iwi and Māori.

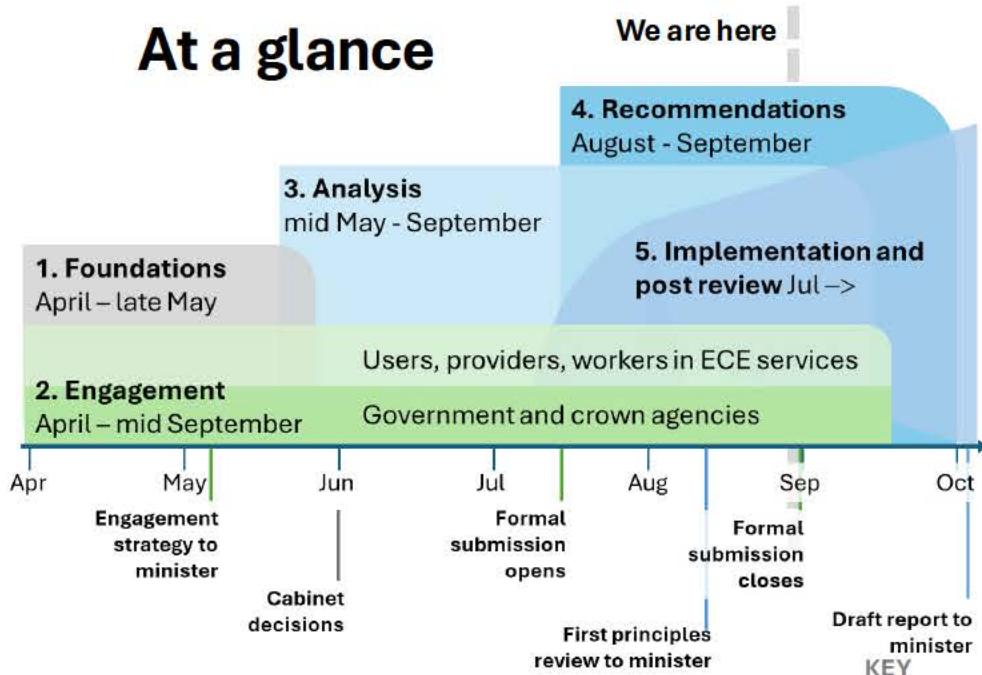


Minister and Portfolio:	Hon David Seymour, Minister for Regulation		
Title:	Early Childhood Education Sector Review Update	Number	MFR2024-113
Date:	9 September 2024	Security Level:	UNCLASSIFIED

Purpose	Monthly Report – Early Childhood Education Sector Regulatory Review August update
Date of meeting	9 September 2025
Minister	Hon David Seymour
Review phase	The Early Childhood Education Regulatory Review Sector Engagement submissions phase has now closed. The review team’s focus has shifted from sector engagement to analysis and report writing.
Key issues	<p>Public submissions for the review closed on 31 August.</p> <p>Over 2000 submissions were received through Engagement Hub, almost a quarter the submissions received were in free text format meaning an increase in both the volume of information to be analysed and resourcing hours to complete this work. The high volume of written submissions received, and the extension in the engagement timeframe awarded, impacts on the two-months scheduled in the current review timeline for analysis, testing and report writing.</p> <p>The review team is currently undergoing changes in resourcing as fixed term contracts end and recruitment for permanent staff is underway. Disruptions to the team’s resourcing are being actively managed as a risk to the overall review timeline.</p>
Our advice	<p>The review team understands that there is an expectation for the Ministry to deliver the Early Childhood Education Regulatory Review Report to Cabinet by the end of the year.</p> <p>Although we have high confidence in producing a report, we have concerns that the extension to the consultation timeframe and the volume of submissions, particularly detailed free-form responses, may impact on the quality of the Report able to be produced in the existing timeline.</p> <p>To manage these constraints, we are considering whether a change to the date for presenting the report to you for consideration and tabling a Cabinet Paper will mitigate these risks. We will provide further advice to you on this matter.</p> <p>If adopted, we do not think this approach would have any adverse effect on the sector or impact on the reputation for the delivery of the Review.</p>
Author	Glenda McLaughlin, Project Manager, ECE Sector Review
Manager	Justine Fitzmaurice, Sector Reviews, S 9(2)(a)

Phase: Analysis and Report Writing

At a glance



Review Progress Overview		
Stage	Activity	Progress
1	Review foundations	Completed
2	Sector engagement survey and submissions	Completed
3	Analysis	Risk
4	Recommendations	Risk
5	Implementation and post review	Not started

● On track
● Risk
● Off track
● Not started
● Completed

Main regulators for Early Childhood Education Sector

- Ministry of Education
- Education Review Office
- Ministry for Social Development
- Local government
- MPI (Food Safety)
- Ministry of Health (public health)
- Health NZ
- Worksafe
- FENZ
- MBIE
- Teaching Council

August in Review:

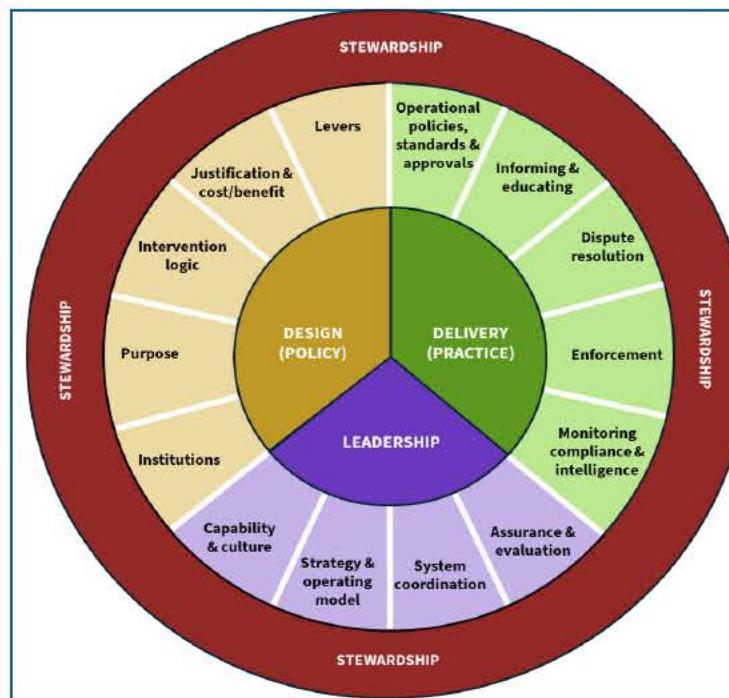
- **Public Submissions closed on 31 August.** We have received over 2300 pieces of feedback.

Parents and caregivers	774
People who work in ECE	859
Service providers	107
Other interested people (e.g. peak bodies, academics, ex-teachers)	61
Written submission forms (full free text)	522
Total	2323

- We have received in the past four weeks 489 written submission forms in free text of varying lengths (up to 100 pages per submission).
- The extended questionnaire and written submission date to the end of August, coupled with almost a quarter of the submissions returned in free text during August, has produced a higher than anticipated volume of data processing and analysis work for September.
- The project risk is now tracking as amber due to the high workload impacting on the two-months allocated for analysis and report writing.

September Outlook

- Collate and synthesize survey data and written submissions
- Key issues analysis
- Testing our analysis with subject matter experts
- Testing findings with MoE and ERO subject matter experts
- Follow up visits with Puna reo, Kohanga reo and Pacifica centres
- Input from the hospital-based services in Starship Hospital



Components of a regulatory system: how we approach a review

Our analysis so far suggests the biggest gains to be made in the ECE review are in the design and practice components.

We are particularly exploring

- Market failures and whether regulation is the right way to address them
- Costs, benefits and their distribution
- Are the monitoring, dispute, enforcement mechanisms properly matched to design and properly implemented?
- The implementation of standards and guidelines



Minister and Portfolio:	Hon David Seymour, Minister for Regulation		
Title:	Early Childhood Education Sector Review September Update	Number	2024-153
Date:	7 November 2024	Security Level:	UNCLASSIFIED

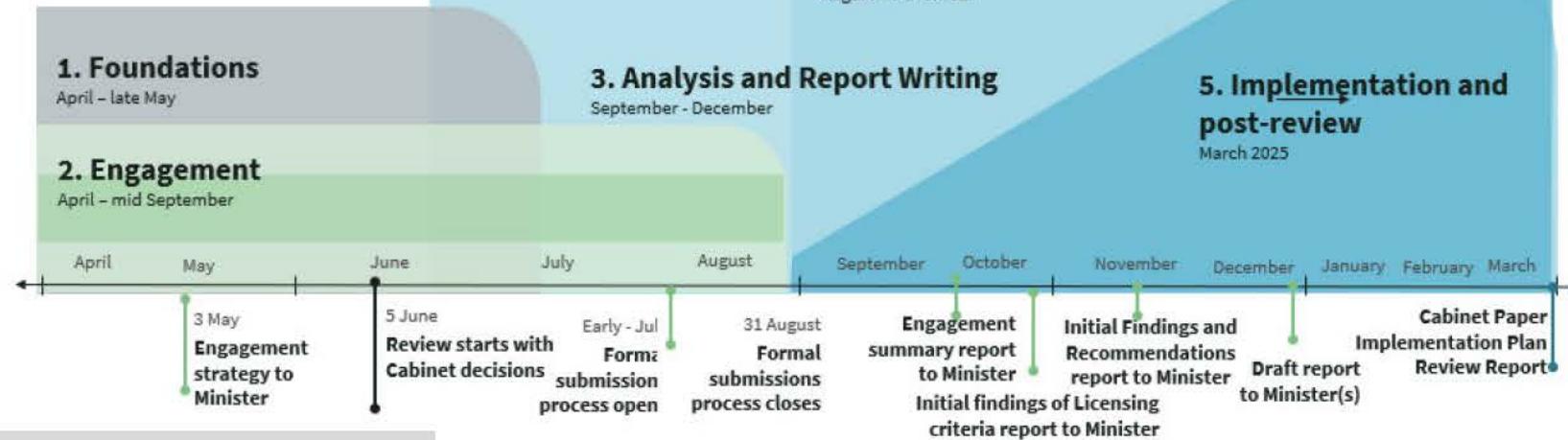
Purpose	Monthly Report – Early Childhood Education Sector Regulatory Review October update
Minister	Hon David Seymour
Review phase	The Early Childhood Education Regulatory Review Sector Engagement is currently in the analysis and report writing phase.

Key issues	<p>The review risk is stable at amber. We are actively managing risks relating to the tensions between resourcing and schedule. We are on track to bring the Early Childhood Education Sector Regulatory Review Report to you in December.</p> <p>Final site visits to Te Kōhanga Reo, Puna Reo and Pacific Peoples early childhood centres were completed during October.</p> <p>The review is making good progress analysing and testing initial findings and recommendations. To date, we have held 13 inter-agency testing workshops covering regulatory monitoring, regulatory capability and performance, licencing criteria (multiple workshops), regulatory tools, curriculum, qualifications and ratios, regulatory strategy, approach, culture and leadership along with other key themes from our analysis.</p> <p>During October we provided you with a summary of all direct and indirect engagement and the initial findings of licensing criteria tranche one. We proactively published the Themes from Direct Engagement Briefing Paper MFR 2024 - 121 and Early Childhood Education Review analysis of themes brief and <i>What Submitters told the Early Childhood Education Regulatory Review Report</i> MFR 2024 - 129 on the Ministry for Regulation website on 31 October. These two reports summarise face-to-face feedback and information provided through our engagement hub.</p> <p>We will provide you with a briefing on 14 November on the Early Childhood Sector Regulatory Review initial findings and recommendations that will include the initial findings of licensing criteria tranche two.</p> <p>The content of this Aide Memoir and the Early Childhood Education Sector Regulatory Review October Update can be shared with other Ministers and their offices.</p>
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Author	Glenda McLaughlin, Project Manager, ECE Sector Review
Manager	Justine Fitzmaurice, Sector Reviews, S 9(2)(a)

At a glance: Analysis and Report Writing Phase

Review Progress Overview		
Stage	Activity	Progress
1	Review foundations	Completed
2	Sector engagement survey and submissions	Completed
3	Analysis and report writing	Underway
4	Recommendations	Underway
5	Implementation and post review	Not Started



October in Review:

- Site visits to Te Kōhanga Reo Waikato region; Puna Reo in the Manawatu; Pacific Peoples Centres Wellington region were completed
- Key issue analysis and initial findings workshop testing with Ministry of Education and Education Review Office (see graph below)
- Summary of all direct and indirect engagement delivered to Minister Seymour 11 October
- Initial findings of licensing criteria review delivered to Minister Seymour 18 October
- We proactively published the Themes from Direct Engagement Briefing Paper MFR 2024-121 and Early Childhood Education Review analysis of themes brief and *What Submitters told the Early Childhood Education Regulatory Review Report* MFR 2024-129 on 31 October.

November Outlook:

- Refinement of initial findings testing with Ministry of Education and Education Review Office
- 14 November briefing to Minister Seymour on initial findings and recommendations
- Drafting of review report

Early Childhood Education Sector Regulation Review Inter-Agency Testing Workshops

