



21 May 2024

Emily D

fyi-request-26509-720374b1@requests.fyi.org.nz

Tēnā koe Emily,

Thank you for your email of 8 May 2024 via the FYI website to the Ministry of Education (the Ministry) advising the following:

I urge you to immediately halt the illegal activities that are being directly dictated to day cares by your office.

This matter is of utmost urgency, and I expect swift action to ensure compliance with legal and ethical standards.

Please inform me of the steps you will take to rectify this situation.

I have interpreted these “illegal activities” to be regarding “the compulsory teaching of te reo Māori and practice of karakia in Early Childhood Centres” which you implied were against the “Human Rights Act 1993, New Zealand Bill of Rights Act 1990, and Education Act 1989” in your prior email of 22 April 2024, which the Ministry responded to on 6 May 2024 advising we noted your concerns.

Licensed or certificated early learning service providers must meet or exceed legislation and criteria to operate and receive public funding. These include the Education and Training Act 2020 (which repealed the Education Act 1989), the Education (Early Childhood Services) Regulations 2008, and the Licensing Criteria for Early Childhood Education & Care Services 2008.

Early learning service providers are required to plan, implement, and evaluate a curriculum that is designed to enhance children’s learning and development. The curriculum must acknowledge and reflect the unique place of Māori as tangata whenua¹, as well as encouraging children to value community and diversity so that they can be confident in their own culture and develop an understanding and respect for other cultures.²

¹ Per section 43(1)(a) of the Education (Early Childhood Services) Regulations 2008 and curriculum criteria C5 of the Licensing Criteria for Early Childhood Education & Care Services 2008.

² Per section 43(1)(a) of the Education (Early Childhood Services) Regulations 2008 and curriculum criteria C6 of the Licensing Criteria for Early Childhood Education & Care Services 2008. See also section 9(1)(b) of the Education and Training Act 2020.

To meet these requirements, early learning services provide a range of learning opportunities including through karakia as well as speaking and teaching children te reo Māori. This does not mean that non-Māori children are instructed as to what they should believe, but rather to understand and respect Māori culture and language.

Accordingly, we do not agree that the teaching of te reo Māori and practice of karakia in Early Childhood Centres is in breach of the Human Rights Act 1993 or the New Zealand Bill of Rights Act 1990 (or otherwise illegal), and no changes are currently expected.

You can find copies of the Acts referred to here: <https://www.legislation.govt.nz/>, and further information regarding licensing criteria on the Ministry website at the following link: <https://www.education.govt.nz/early-childhood/licensing-and-regulations/the-regulatory-framework-for-ece/licensing-criteria/centre-based-ece-services/>

Thank you again for your email.

Nāku noa, nā



Ray McMillan
General Manager, Network and Regulatory
Te Mahau | Te Pae Aronui (Operations and Integration)