

Private Training Establishment Registration Amendment Rules 2016

1. Authority

- 1.1 These Rules are made under section 253 of the Education Act 1989 (**the Act**).

2. Commencement

- 2.1 These Rules commence on the day after the date of approval by the Minister under section 253(5) of the Act.

3. Amendments to the Principal Rules

- 3.1 These Rules amend the PTE Registration Rules 2013 (**the Principal Rules**).

4. Rule 3.1 amended (*Definitions*)

- 4.1 In Rule 3.1, revoke the definitions of “Annual return documentation” and “External Evaluation and Review”.
- 4.2 In Rule 3.1, insert in their appropriate alphabetical order:

Annual Financial Return means the Independent Assurance Practitioner’s Review (IAPR) or an independent auditor’s report:

Annual Return Statutory Declaration means the NZQA SDO1 Statutory Declaration form published on the NZQA website.

External Evaluation and Review (or “EER”) means the quality assurance system set out in rules made under section 253(1)(pa) of the Act:

- 4.3 After Rule 3.1 add:

3.2 Where Te Hono o Te Kahurangi quality assurance for EER has been applied to a PTE, unless the context otherwise requires references in these Rules to:

- (a) “educational performance” are to be treated as references to “organisational performance”;
- (b) “self-assessment” are to be treated as references to “self-reflective practice”;
- (c) “Highly Confident” are to be treated as references to “He pounamu kahurangi”;
- (d) “Confident” are to be treated as references to “He pounamu whakairo”.

5. Rule 4.1 amended (*Information in applications*)

- 5.1 Replace subparagraphs (i) and (vii) of Rule 4.1(f) respectively with:

(i) organisational self-assessment for the purposes of EER:

(vii) compliance with rules made under section 253(1)(e) of the Act for student fee protection.

6. Rule 5.1.1 amended (*Status, ownership, interests, sites, and environment*)

6.1 In Rule 5.1.1(c) replace “body corporate owner(s)” with “governing members”.

6.2 Replace Rule 5.1.1(d) with:

(d) Prior to a new site being used by a PTE for the provision of study or training, the PTE must:

(i) For a new permanent site, seek NZQA approval:

(ii) For a new temporary site, notify NZQA and provide relevant details:

7. Rule 5.1.3 amended (*Business management*)

7.1 In Rule 5.1.3(a) replace “annual return documentation” with “Annual Return Statutory Declaration and, subject to paragraph (aa), the Annual Financial Return”:

7.2 After Rule 5.1.3(a), insert:

(aa) PTEs funded by the Tertiary Education Commission under Part 13A of the Act are not required to submit the Annual Financial Return to NZQA:

8. Rule 5.1.4 amended (*Information to students*)

8.1 In Rule 5.1.4(e) replace “PTEs’ ” with “PTE’s”.

9. Rule 5.1.6 amended (*Staff*)

9.1 Replace Rule 5.1.6(e) with:

(e) Keep its organisation chart up to date, including current staff names for each role.

10. Rule 5.1.7 amended (*Quality management system*)

10.1 In Rule 5.1.7(a) delete “, and notify NZQA of any changes”.

11. Rule 6.1 amended (*Incentive applying to Category 1 PTEs*)

11.1 In Rule 6.1(a) replace “Chartered Accountant Professional Attestation” with “Annual Financial Return”.

11.2 Revoke paragraph (b) of Rule 6.1.

Explanatory note

This note is not part of the Rules, but is intended to indicate their general effect.

This amendment to the Principal Rules, which commences on the day after the date of approval by the Minister under section 253(5) of the Act, is made to recognise changes to required annual documentation and to external evaluation and review, as well as clarifying some obligations and reducing compliance in others.

These Rules are administered by the New Zealand Qualifications Authority.