

Updates to reflect the Education and Training Act 2020 (the Act)

We have updated NZQA’s Rules to reflect the terminology and section references of the Act. As an example, NZQA’s rule-making power has changed from section 253 of the Education Act to section 452 of the Act and the Rule sets have been updated to reflect this.

Relevant terminology has also been updated. For example, definitions and references to “Polytechnic” have been replaced with “NZIST” and/or “NZIST subsidiary”; similarly, for Industry Training Organisations (ITOs) replaced with Transitional Industry Training Organisations (TITOs).

These updates have been made for all of NZQA’s Rule sets, while also revoking the old Rule sets and their various amendments.

‘Tidy up’ of the Rules

The ‘tidy up’ includes updating some definitions and making minor corrections, including removing redundant wording. These are shown in the tables below.

One change has also been made to correct an omission. This is a change to footnote 2 in the *Table for Internationally Recognised English Proficiency Outcomes for International Students* in the *NZQF Programme Approval and Accreditation Rules* to clarify that combining test reports (“clubbing”) is not permitted. This change was consulted on in 2017 and agreed, however it was not put into the Rules at the time. The change is shown in the table below.

In the case of some Rule sets, we have reset the numbering for clarity. For example, rule 10.4A, 10.4B and 10.4C of the *NZQF Qualification Listing and Operational Rules* have been changed to 10.5, 10.6, and 10.7.

We have also made some minor formatting and style changes, such as removing colons at the end of each definition and quotation marks where they were used, using lower case for words that do not require upper case, and changing references to “sections” of rules to “rules”.

Updated definitions

The definitions in the following Rule sets have been updated as follows:

Rule set	Update
PTE Registration Rules	A definition for ‘signatory provider’ has been added.
PTE Enrolment and Academic Records Rules	Definitions for Category 3 and 4 PTEs have been deleted. These definitions became redundant in 2016 when the requirement to keep academic records in rule 6.2 was extended from only Category 3 and 4 PTEs to all PTEs, and the reference to Category 3 and 4 PTEs was removed.
NZQF Qualification Listing and Operational Rules	Redundant wording has been removed from the definition of qualification developer, as follows: Qualification developer means a university, NZIST, an NZIST subsidiary that provides education or training or both, a wānanga, a registered private training establishment, a government training

Rule set	Update
	establishment, a transitional ITO, a WDC, NZQA, or other body that NZQA recognises as capable of meeting the responsibilities of a qualification developer set out in Rule 13.1; and for the purposes of Rule 17 is the body that NZQA notifies as being the qualification developer for a particular qualification.
NZQF Programme Approval and Accreditation Rules	The definition for Category 2 institution has been deleted as earlier amendments to rule 18 removed the reference to Category 2 institution from the rules, making the definition redundant.

Corrections

The following corrections have been made:

Rule set	Update
PTE Registration Rules	Rule 5.1.3 (renumbered to 6.1.3) has been corrected as follows: a) Unless paragraph (aa) (b) applies or rule 6 7.1 applies, complete and supply to NZQA the Annual Financial Return within five months of the end of the financial year of the PTE.
PTE Enrolment and Academic Records Rules	Rule 6.3 has been updated to include both academic records and student assessment materials, as both are relevant: The keeping of academic records under rule 6.1 or student assessment materials under rule 6.2 does not limit requirements to keep records of student work under other rules made under section 253-452 of the Act.
Quality Assurance (including External Evaluation and Review (EER)) Rules	The word “prescriptions” has been removed from rules 13.1(b) and 13.3(b). With the replacement of the NZ Diploma in Business the concept of prescriptions was removed and now is no longer relevant.
NZQF Programme Approval and Accreditation Rules	Rule 4.1 Criterion 7 has been updated from “Assessment and review” to “Programme review”, and rule 6.1 Criterion 4 has been updated from “Assessment and review” to “Review”. This is to be more accurate about these criteria. The following updates have been made to the <i>Table for Internationally Recognised English Proficiency Outcomes for International Students</i> : <ul style="list-style-type: none"> The TOEFL Paper-based Test (pBT) has been removed from the table. The pBT was only accepted where the test was carried out prior to 1 October 2017, and these tests are longer valid. The wording for LanguageCert has been updated to clarify that speaking is tested and reported separately from the other three skills. In addition, the numerical score required has been specified rather than ‘pass’ for each skill, to align with what is shown on the Statement of Results. This does not change the score required, as ‘pass’ has always been 25/50. <p>For example, the requirement for level 5 is:</p>

Rule set	Update
	<p>B2 Communicator International ESOL Written (LRWS) HIGH PASS with and no less than 25/50 pass in each skill and Spoken (S) PASS</p> <p>The same wording changes have been made for each level on the table.</p>
NZQF Industry Training Programme Approval Rules	In rule 5.1(b), (d) and (f), “qualification outcomes” has been changed to “stated learning outcomes” to ensure alignment with the wording in the <i>NZQF Programme Approval and Accreditation Rules</i> .
Student Fee Protection Rules	<p>The note included in brackets has been deleted from rule 3.10 (re-numbered to 3.11) as it does not need to be repeated here.</p> <p>Before a Provider Enrols a student in a Course at the Provider via an Agent, there must be a written contract in place between the Provider and the Agent that properly covers the requirements of these Rules and the Act (noting that for international Students a contract is required between Providers and Agents under clause 14(b) of the Education (Pastoral Care of International Students) Code of Practice 2016).</p>

Correcting an omission

The following change has been made to clarify that the combining of test reports is not permitted:

Rule set	Update
<p>NZQF Programme Approval and Accreditation Rules</p> <p><i>Table for Internationally Recognised English Proficiency Outcomes for International Students</i></p>	<p>Footnote 2 has been reworded to:</p> <p>² IELTS-All test scores used must be taken from a single IELTS Test Report Form, except:</p> <ul style="list-style-type: none"> • TOEFL iBT where the test scores must be from a single report for a single test date, and the <i>My Best Scores</i> option must not be used • LanguageCert where the test scores must be from a single report for Written (LRW) and a separate individual report for Spoken (S).