



NEW ZEALAND QUALIFICATIONS AUTHORITY  
MANA TOHU MĀTAURANGA O AOTEAROA

QUALIFY FOR THE FUTURE WORLD  
KIA NOHO TAKATŪ KI TŌ ĀMUA AO!

## Education Report: Changes to New Zealand Qualifications Authority (NZQA) Rules

Date:	18 April 2019	NZQA Priority:	High
Security Level:	In confidence	Report No.	CR18841

	Action sought	Deadline
Minister of Education	<p>a. <b>note</b> that NZQA consulted on proposed changes to the <i>NZQF Programme Approval and Accreditation Rules 2018</i> between 11 December 2018 and 11 February 2019.</p> <p>b. <b>note</b> that the NZQA Board approved the attached <i>NZQF Programme Approval and Accreditation Amendment Rules 2019</i> on 18 April 2019.</p> <p>c. <b>agree</b> to approve the amendment under section 253(5) of the <i>Education Act 1989</i>.</p> <p>d. <b>note</b> that, should you approve the amendment, it will be presented in the House of Representatives as it is a disallowable instrument, not a legislative instrument, for the purposes of the <i>Legislation Act 2012</i> and must be presented to the House of Representatives under section 41 of that Act.</p>	29 April 2019

**Enclosure/Appendix:** Yes

Round Robin: No

**Contact for Telephone Discussion (if required)**

Name	Position	Telephone		1st Contact
Eve McMahon	Acting Deputy Chief Executive, Quality Assurance	04 463 4374	[REDACTED] s9(2)(a)	✓

**Minister's Office to Complete:**

- Noted                       Seen                       Approved  
 Needs change               Withdrawn               Overtaken by Events

Referred to:

**Comments:**

## Changes to New Zealand Qualifications Authority (NZQA) Rules

### Recommended Action

---

It is recommended that you:

- a. **note** that NZQA consulted on proposed changes to Rule 18 of the *NZQF Programme Approval and Accreditation Rules 2018* between 11 December 2018 and 11 February 2019. (*Proposed Changes to the English language proficiency entry requirements for international students*, 27 November 2018, CR18359 refers);
- b. **note** that the NZQA Board approved the resulting *NZQF Programme Approval and Accreditation Amendment Rules 2019* on 18 April 2019;
- c. **agree** to approve, under section 253(5) of the *Education Act 1989*, the attached *NZQF Programme Approval and Accreditation Amendment Rules 2019*; and
- d. **note** that, should you approve the proposed amendment, it will be presented in the House of Representatives as it is a disallowable instrument, but not a legislative instrument, for the purposes of the *Legislation Act 2012* and must be presented to the House of Representatives under section 41 of that Act.



Karen Poutasi (Dr)  
Chief Executive

18 / 4 / 19  
...../...../.....

**AGREE / DISAGREE**

Hon Chris Hipkins  
Minister of Education

...../...../.....

Date: 18 April 2019

## **Changes to the NZQF Programme Approval and Accreditation Rules 2018**

### **Purpose of Report**

---

1. This report seeks your approval, under section 253(5) of the Education Act 1989, of the *NZQF Programme Approval and Accreditation Amendment Rules 2019* attached to this report. The amendment strengthens the English language proficiency entry requirements for international students enrolling at non-university tertiary education organisations (TEOs) set out in Rule 18 of the principal Rules.

### **Background**

---

2. NZQA consulted for nine weeks between December 2018 and February 2019 on proposals to strengthen the English language entry requirements. (*Proposed Changes to the English language proficiency entry requirements for international students*, 27 November 2018, CR18359 refers). The proposals were to:
  - (a) remove the student visa decline rate (SVDR) from Rule 18 as a measure for assuring English proficiency;
  - (b) retain prior schooling with English as the language of instruction as acceptable evidence under Rule 18 when completed in New Zealand, Australia, the United Kingdom, the Republic of Ireland, the United States, Canada and South Africa<sup>1</sup>;
  - (c) introduce the International Baccalaureate and Cambridge International A level qualifications as evidence under Rule 18, if taught and assessed in English; and
  - (d) simplify the structure of Rule 18 for clarity and consistency.
3. Feedback from the majority of respondents (86 per cent) agreed with the proposed removal of the SVDR from Rule 18. There was support for expanding the countries listed at paragraph 2(b) to include countries with traditionally high levels of English language proficiency but which do not have English as the usual language of educational instruction. There was also support for allowing non-university TEOs to accept students with high grades or scores in secondary school English as a subject (as many New Zealand universities do).
4. International education agencies generally supported expanding the list of countries. Education New Zealand proposed widening the list to include key focus markets and accepting high achievement in English as a subject as evidence of English language proficiency. The Ministry of Foreign Affairs and Trade highlighted there was a prior schooling provision for Pacific scholars under the New Zealand Short Term Training Scholarship (NZSTTS) scheme.<sup>2</sup>

---

<sup>1</sup> These countries were chosen for consistency with the list of countries already included in Rule 18 from which degree qualifications taught in English can be accepted as evidence of English language proficiency. It is also consistent with the Teaching Council of New Zealand's requirements.

<https://www.educationcouncil.org.nz/content/language-competency-requirements>

<sup>2</sup> <https://www.mfat.govt.nz/en/aid-and-development/new-zealand-government-scholarships/new-zealand-government-scholarships-on-offer/new-zealand-short-term-training-scholarships-for-pacific-citizens/>

5. After considering all feedback, changes set out in the *NZQF Programme Approval and Accreditation Amendment Rules 2019* are:
  - (a) to remove the SVDR from Rule 18 as a measure for assuring English proficiency;
  - (b) to retain prior schooling with English as the language of instruction as acceptable evidence under Rule 18 when completed in New Zealand, Australia, the United Kingdom, the Republic of Ireland, the United States, Canada and South Africa;
  - (c) to introduce a new provision enabling students who are granted a NZSTTS from MFAT to continue to use the prior schooling provision;
  - (d) to introduce the International Baccalaureate and Cambridge International A level qualifications as evidence under Rule 18, if taught and assessed in English; and
  - (e) to simplify the structure of Rule 18 into clear and concise sections.

### Authority to approve the Rules

---

6. NZQA may make Rules under section 253 of the Education Act 1989. To be valid, the Rules require the approval of the NZQA Board and the Minister of Education. The Minister of Education holds the Prime Minister's delegation of legislative responsibilities for Part 20 of the Education Act 1989, which includes section 253(5) under which the Rules are made.
7. On 18 April 2019, the NZQA Board approved the proposed *NZQF Programme Approval and Accreditation Amendment Rules 2019* attached to this report. NZQA therefore now seeks your approval for this amendment to the principal Rules.
8. Once approved, the amendment will be presented in the House of Representatives. It will come into effect on 1 August 2019 to establish a transition period of approximately three months for education institutions to make the necessary operational changes.

### Impacts

---

9. NZQA has sought to strike a balance between assuring English language proficiency without disadvantaging students from predominantly English-speaking countries.
10. There are other countries that have English as an official language, as the language of instruction in some schools, or have students that have studied English as a subject at secondary school. However, these countries will not be included on the list at this stage as there is not a consistent level of English language proficiency within the country. This can be reviewed in the future.

### Next steps

---

11. NZQA will publish the amendment to the *NZQF Programme Approval and Accreditation Rules 2018* and advise education organisations.