

Application for Change of Ownership

of a Registered Private Training

Establishment

(Sale of Shares, Transfer of Shares

or Introduction of new Shareholders)

Pursuant to Rule 6.1.1(b) of the

Private Training Establishment Registration Rules

**Introduction**

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| This application form outlines the necessary documentation and information that a registered Private Training Establishment (PTE) must provide to NZQA, where it is seeking NZQA approval of a change of ownership pursuant to Rule 6.1.1(b) of the Private Training Establishment Registration Rules. The application must be submitted by the vendor using their TEO online login. |

**Before completing this application form, the parties involved should seek their own legal and financial advice.**

**An NZQA Evaluator can advise on the processes involved.**

**For more information please send an email to approvals\_accreditation@nzqa.govt.nz**

NZQA will use the application to assess the ability of a PTE to meet the Education and Training Act 2020 and all relevant Rules that apply to PTEs after any proposed change of ownership. This evaluation of an application will determine whether a visit to the PTE by NZQA is required and the scope of any such visit.

**Application**

Please fill out this form in hard copy and attach it electronically to the on-line application using the PTE’s Login - at TEO Self Services, using the PTE’s ESAA user ID and password. Select TEO Applications > Create Application > More > Change of ownership.

1. The PTE should ensure that NZQA receives an application no less than 30 working days before the proposed transaction completion or settlement date.
2. The PTE and all parties involved may be required to give NZQA permission to discuss any matters that may arise concerning an application.

The PTE should also advise the Tertiary Education Commission, Studylink, Immigration NZ and Public Trust, no less than 30 working days before the proposed transaction completion or settlement date (where relevant).

Please note, all applications are treated confidentially, but NZQA is a crown entity and as such, is subject to the Official Information Act 1982.

## Section 1. Nature of Change of Ownership

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| 1.1 Current PTE name and MOE number: |
| 1.2 Name of current owners (all shareholders): |
| 1.3 Does the change of ownership involve:   * The sale or transfer of shares in the company, whether part only or all of shares? * New shareholders being introduced? * A change in the proportion of the shares held by existing shareholders? * Other   Please tick the appropriate box(es) and provide full details below: |
| 1.4 Will there be any change to the location of the PTE’s head office?  **Yes/No**  If yes, outline the changes: |
| 1.5 Will there be any changes to the PTE’s delivery sites after the proposed transaction?  **Yes/No**  If yes, outline the proposed changes: |
| 1.6 After the transaction completion/settlement will there be any change in the governing members of the company?  **Yes/No**  **Note**: *Under section 10 of the Education and Training Act 2020, a governing member is defined as:*   * *any director* * *any member occupying a position equivalent to that of a director* * *if the establishment is a trust, any trustee* * *if the establishment is a partnership, any partner* * *any senior manager, defined as either the chief executive officer or person occupying an equivalent position; or any member of staff in charge of academic issues, marketing, administration, finance, student fee trust funds or student services* * *any shareholder with a controlling interest in the establishment.*   If yes, please list changes and note that the following documents will also need to be attached to this application:   * “Statutory declaration as a fit and proper person and of conflicts of interests” form for each new governing member * Two organisational charts, one showing the organisational structure before the sale, and another showing the organisational structure after the sale. This must include role titles and the names of the people in the roles for all levels in the organisation. |
| 1.7 Is the name of the PTE going to be changed?  **Yes/No**  If yes, please note changes:  **Note:** It is the PTE’s responsibility to notify the Tertiary Education Commission, StudyLink, Public Trust and Immigration New Zealand regarding any name change of the PTE. |

## Section 2. Change Management process

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| 2.1 What date will the proposed change of ownership occur?  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  **Note:**Unless otherwise advised by the PTE, NZQA will make changes to the PTE’s records based on this date. |
| 2.2 Changes to delivery  Will the PTE continue to deliver all programmes/training schemes/standards that it currently has accreditation/approval/consent to assess for?  **Yes/No**  If no, describe the changes: |
| 2.3 Transition Plan  Will the change of ownership have any implications for the current students/staff?  **Yes/No**  If yes, please provide a transition plan, including a communication strategy for the relevant stakeholders – i.e. Staff, students, TEC, Immigration New Zealand, Public Trust and Studylink.  Will the current student fee protection arrangement continue?  **Yes/No**  If no, please indicate any change and attach details of the proposed student fee protection mechanism. |

## Section 3. Required documentation and checklist

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| **Indicate whether the following documentation is included with the application form.**  Please label every document clearly. |
| * **Change of Ownership Application form** * **A signed** **sale and purchase document** * **Proof of body corporate status** * **Two organisational charts,** one showing the organisational structure before the sale, the other showing the organisational structure following the sale. This must include role titles and the names of the people in the roles for all levels in the organisation. * **Statutory declarations as a fit and proper person and of conflicts of interest for each proposed new governing member (including Senior Managers)** * **A business plan for managing the transition of operations, students and staff, including future business development strategies** (not limited to programme development, resource allocations, quality management system) * **A communication strategy including consultation with relevant internal and external stakeholders** * **A copy of the current quality management system (QMS) document** * **A list of all current and proposed PTE delivery sites** * **A student fee protection plan (if applicable)** * **Other supporting evidence** |

## Authorisation

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| *I/we understand that information may be sought by NZQA from regulatory agencies, including, for example, Immigration New Zealand, the Labour Inspectorate, NZ Police, NZ Customs, and Inland Revenue. NZQA may request this information directly, or through another agency, for example, the NZ Police or Immigration New Zealand.*  *If it is found that any information provided in this application is false or intentionally misleading, NZQA will stop the evaluation of the application for change of ownership and investigate the inconsistencies. Recording false or intentionally misleading information in this form or supporting documents may cause NZQA to decline an application for change of ownership.*  We the undersigned, agree with the details submitted with this Change of Ownership application |

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| **PURCHASER** | |
| Name |  |
| Position |  |
| Date |  |
| **Signature** |  |

|  |  |
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| **VENDOR** | |
| Name |  |
| Position |  |
| Date |  |
| **Signature** |  |