

Education and Training Amendment Bill (No 2)

Government Bill

Explanatory note

General policy statement

The Education and Training Act 2020 (the **Act**) establishes and regulates an education system that—

- provides New Zealanders with the skills, knowledge, and capabilities that they need to fully participate in the labour market and their communities; and
- supports their health, safety, and well-being; and
- assures the quality of the education provided; and
- honours Te Tiriti o Waitangi and supports Māori-Crown relationships.

The Act, which was enacted in July 2020, repealed and replaced previous education and training legislation with a simpler and more user-friendly legislative framework.

The purpose of this Bill is to make amendments across a range of matters in the Act to give effect to new policy decisions and to make other minor and technical changes.

The Bill amends the Act in the following ways:

- to align the Police vetting provisions in the Act more closely with the safety checking requirements in the Children’s Act 2014:
- to strengthen Teaching Council disciplinary processes:
- to provide greater flexibility for the Government to regulate compulsory student services fees charged by tertiary education providers:
- to enable National Student Numbers (NSNs) to be used when there is funding to support work-based training:
- to authorise NSNs to be assigned to students studying for NCEA in overseas jurisdictions with which New Zealand has entered into an arrangement for the teaching and assessment of NCEA standards, and to authorise schools in those jurisdictions to be specified users of NSNs:

- to enable the New Zealand Qualifications Authority to exercise discretion about whether to cancel the registration of a private training establishment in relation to immigration breaches:
- to simplify qualifications and other credentials:
- to amend the Education Review Office’s mandate to enable it to review professional learning and development:
- to ensure that learner well-being and safety arrangements for international and tertiary students and the disputes resolution schemes for international and tertiary students are fit for purpose, including enabling the administrator of a learner well-being and safety code to enter and inspect the premises of a provider:
- to introduce a new type of casual vacancy on school boards that relates to board members who are removed for breaching a code of conduct:
- to amend the Act’s regulation-making powers so that regulations can provide for notices to specify the qualifications that must be held by persons controlling, or working as educators within, an early learning service:
- to make minor and technical amendments.

Departmental disclosure statement

The Ministry of Education is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2021&no=102>

Regulatory impact statement

The Ministry of Education produced regulatory impact statements on 3 August 2021 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

Copies of these regulatory impact statements can be found at—

- <https://www.education.govt.nz/our-work/legislation/#current>
- <https://treasury.govt.nz/publications/informationreleases/ris>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. The Bill comes into force on 1 August 2022, except for *clauses 39 to 41*, which relate to changes to the disciplinary regime for teachers. These clauses come into force 12 months after the date on which the Bill

receives the Royal assent to allow additional time for the implementation of the changes.

Clause 3 provides that the Bill amends the Education and Training Act 2020.

Part 1

Substantive amendments to principal Act

Clause 4 amends section 9, which sets out the provisions of the Act that are related to Te Tiriti o Waitangi. The amendments make the description of section 17(2), one of the provisions related to Te Tiriti o Waitangi in the context of the regulation of the education system, more accurate and add references to *new sections 535B and 536A* (inserted by *clauses 50 and 52*).

Clause 5 amends section 10, the interpretation section, in various ways. The clause inserts several new definitions, including of free kindergarten association and micro-credential. The definitions of approved training scheme and training scheme are repealed as these become redundant as a result of other amendments in the Bill. Several definitions in the Act are amended.

The clause replaces section 10(5) in order to incorporate a workforce development council into the definition of institution for the purposes of certain sections of subpart 2 of Part 5. The clause also inserts *new section 10(10A)* in order to enable new *Schedule 2A*, as inserted by *clause 64*, to be updated by Order in Council.

Clauses 6, 7, and 8 amend sections 139, 140, and 141, respectively, to remove the requirement for the Secretary for Education to review all strategic plans. *Clause 6* amends section 139 by removing the word “draft” so that the section relates to the requirement to prepare a strategic plan rather than a draft strategic plan. *Clause 7* amends section 140 by replacing the requirement that the Secretary review a strategic plan with a discretion to review and by removing the reference to the Secretary confirming a plan. *Clause 8* amends section 141 by removing the requirement for the Secretary to approve any amendments made to a plan.

Clauses 9 and 10 amend sections 256 and 257 to authorise compulsory student services fees that are charged by tertiary education providers to be regulated as conditions of funding mechanisms rather than by Ministerial direction. *Clause 9* repeals section 256(3) and (4). *Clause 10* repeals section 257.

Clause 11 amends section 350 by replacing the requirement that NZQA cancel the registration of a registered establishment if the establishment has been convicted of an offence under section 352 of the Immigration Act 2009 with a discretion to cancel.

Clause 12 amends section 353 as a consequence of the amendments made by *clauses 9, 10, and 13*.

Clause 13 repeals section 360. This amendment is for the same purposes as the amendments in *clauses 9 and 10*.

Clause 14 amends section 366 by replacing the function of workforce development councils relating to training packages with the function to develop and maintain national curricula.

Clause 15 amends section 369 to include the function of developing and maintaining national curricula in the functions in which workforce development councils must work collaboratively with providers and NZQA.

Clauses 16, 17, and 18 amend sections 419, 420, and 423 in consequence of the amendments made by *clauses 9, 10, and 13*.

Clause 19 amends the cross-heading above section 436 to reflect that the name of the Qualifications Framework is changed to the Qualifications and Credentials Framework.

Clause 20 replaces section 436. *New section 436* re-enacts the previous section 436 but is rewritten to allow for the change to the name of the Qualifications Framework to the Qualifications and Credentials Framework and the processes relating to micro-credentials (which replace training schemes).

Clause 21 amends the cross-heading above section 437 to reflect that the name of the Directory of Assessment Standards is changed to the Directory of Assessment and Skill Standards.

Clause 22 amends section 437 by changing the name of the Directory of Assessment Standards to the Directory of Assessment and Skill Standards.

Clause 23 amends section 438 by adding developing and maintaining national curricula to the functions that NZQA must be satisfied that a standard-setting body is able to carry out before NZQA may approve the standard-setting body.

Clause 24 inserts *new sections 438A to 438C*. *New section 438A* enables a workforce development council or other standard-setting body to develop a national curriculum for a specific qualification for which that body is responsible. *New section 438B* sets out how NZQA may recognise a national curriculum. *New section 438C* allows national curricula to be treated as if they were approved programmes for the purposes of most sections of the Act.

Clause 25 amends section 441 to remove the requirement that an institution that is applying to NZQA for a grant of accreditation to provide an approved programme must also apply for consent to assess against any standards from the Directory of Assessment and Skill Standards that are incorporated in that programme. Instead, *new section 441(4A)* means that, if NZQA grants accreditation, the institution is automatically authorised to assess against the standards.

Clause 26 replaces the cross-heading above section 445 to replace a reference to training scheme with a reference to micro-credentials.

Clause 27 amends section 445 to replace a reference to training schemes with a reference to micro-credentials.

Clause 28 inserts *new sections 446A and 446B*, which relate to the introduction of a new approval process under which NZQA must grant an institution accreditation in

order for the institution to provide a micro-credential. *New section 446A* sets out the process for an institution to apply for accreditation. *New section 446B* allows NZQA to impose conditions on the accreditation.

Clause 29 amends section 447 to clarify that that section (relating to the lapse of an authorisation) applies to the accreditation of, rather than the approval of the content of, a micro-credential.

Clause 30 amends section 448 to clarify that that section (relating to NZQA withdrawing authorisation) relates to both an approval of the content of a micro-credential and the accreditation to provide a micro-credential.

Clause 31 amends section 452 to expand NZQA's rule-making power to include rules prescribing the process for, and the information required in, an application for the recognition of a national curriculum and rules prescribing the process for a provider to transition an approved programme to a national curriculum (or vice versa).

Clause 32 inserts *new section 454A*, which introduces a power for NZQA to withdraw the consent to grant an award that it has given to a person under section 454 and sets out the process for that withdrawal.

Clause 33 repeals section 459(3) as the power for NZQA to publish compliance notices issued under section 459 is addressed by *new section 459A* (as inserted by *clause 34*).

Clause 34 inserts *new section 459A*, which introduces a power for NZQA to publish details of conditions and notices that it imposes or makes under specified sections related to quality assurance issues with providers.

Clause 35 amends section 463 by inserting *new subsection (2)*, which expands the functions of the Chief Review Officer to include reviewing professional learning and development accessed by schools, kura, and early learning centres.

Clause 36 amends section 464 by allowing the Chief Review Officer to request information from a provider of professional learning and development services.

Clause 37 amends section 478, which relates to the purposes of the Teaching Council, to remove the term senior secondary, which is redundant, and to include a reference to early childhood services and schooling in settings that use languages other than English and Māori.

Clause 38 amends section 479 by adding a new function of the Teaching Council so that the Teaching Council is required to prosecute breaches of provisions of the Act that relate to teacher registration, practising certificates, and limited authorities to act.

Clause 39 amends section 497 to raise the threshold for the mandatory referral of cases from the Complaints Assessment Committee to the Disciplinary Tribunal so that the mandatory referral occurs when the Disciplinary Tribunal is likely to need to consider suspending or cancelling a teacher's registration, practising certificate, or authority to teach. The amendment enables the Committee to resolve cases that meet the definition of serious misconduct, which currently must be considered by the Tribunal. The clause also removes the requirement for the teacher and the initiator of the

complaint to reach an agreement in order for the Committee to have jurisdiction over the matter.

Clause 40 inserts *new section 499A*, which contains a new power of review of a decision of the Complaints Assessment Committee by the Disciplinary Tribunal. The new section sets out the process by which a party may request a review and the powers of the Tribunal in carrying out this function.

Clause 41 amends section 504 to replace the term disciplinary bodies with chairperson and Disciplinary Tribunal to improve accuracy.

Clause 42 inserts *new section 524A*, which introduces a power for NZQA to withdraw the consent to approve a course for international students that it has given to a school under section 524 and sets out the process for how the withdrawal may occur.

Clause 43 amends the heading to subpart 7 of Part 5 as a consequence of the replacement of the term pastoral care with well-being and safety.

Clause 44 inserts *new section 531A* and a cross-heading above that section. The new section sets out that a provider that intends to become a signatory provider of a code must apply to a code administrator for approval to become a signatory provider and that NZQA may withdraw an approval at the request of the provider, in which case the provider ceases to be a signatory provider of the code.

Clause 45 amends section 532 as a consequence of the new power of NZQA to withdraw an approval for a provider to be a signatory provider.

Clause 46 amends the cross-heading above section 534 as a consequence of the replacement of the term pastoral care with well-being and safety.

Clause 47 amends section 534 to enable the Minister of Education to issue tailored codes for particular groups of providers by requiring the Minister to specify whether a code applies to any provider or to a particular type of provider. The amendments to this section also require the Minister of Education to consult with Māori before issuing a code and clarify that a code applies to domestic and international students studying in New Zealand or offshore.

Clause 48 inserts *new sections 534A and 534B*. *New section 534A* provides that a tailored code may be mandatory or optional and sets out what this means for providers. *New section 534B* enables the Minister to make minor or technical amendments to a code and to exempt specified providers or types of providers from compliance with specified requirements of a code.

Clause 49 amends section 535 as a consequence of *new section 535C* (as inserted by *clause 50*).

Clause 50 inserts *new sections 535A to 535D*, which relate to code administrators.

New sections 535A, 535C, and 535D re-enact, with updates, sections 238H(1) to (4), and (9), 238I, and 238K of the Education Act 1989, which have been saved by clause 7(3) of Schedule 1 (which is repealed by *clause 62*).

New section 535B sets out several new obligations of code administrators. These relate to honouring Te Tiriti o Waitangi and supporting Māori-Crown relationships,

reporting annually to the Minister on the exercise and performance of the code administrator's functions and duties and publishing a report, and providing information to the Minister relating to the performance of the code administrator's functions and duties and its performance in meeting the requirements of a code.

Clause 51 amends section 536 in order to broaden the scope of the disputes that a dispute resolution scheme covers to include breaches of the code.

Clause 52 inserts *new sections 536A to 536D* relating to dispute resolution schemes.

New section 536A sets out requirements for how a dispute resolution scheme operator must perform its role, including by honouring Te Tiriti o Waitangi and supporting Māori-Crown relationships, operating in a fair and reasonable manner, and having regard to the law, best practice, and the provisions of the relevant code. As a consequence of the insertion of this new section, *Schedule 4* sets out amendments to the Education (Domestic Tertiary Student Contract Dispute Resolution Scheme) Rules 2021 to revoke or amend certain rules because the subject matter is now covered by the Act.

New section 536B sets out a requirement for a dispute resolution scheme operator to provide information if requested to by certain bodies, including the Ministry of Education, bodies responsible for monitoring or enforcement of education quality, or a code administrator.

New section 536C enables a dispute resolution scheme operator to share with a code administrator or quality assurance agency information relating to a dispute for certain purposes relating to quality assurance and ensuring timely, expedient, and efficient resolution of disputes.

New section 536D prevents the sharing of personal information under *new section 536B or 536C* unless it is in accordance with an information sharing agreement authorised under the Privacy Act 2020.

Clause 53 inserts *new section 537A* to set a time limit of 20 working days within which a provider or signatory provider must pay any amount it is required to pay to a student to comply with the resolution of a claim.

Clause 54 amends section 538 to clarify that the District Court can modify the terms of a resolution of a dispute by a dispute resolution scheme operator if it finds the terms of the resolution unjust.

Clause 55 inserts *new section 540A* and a cross-heading above the new section that relate to a requirement for a provider or signatory provider to assess whether an employee at student accommodation is of good character. The new section sets out the requirements of the assessment.

Clause 56 amends section 633 by removing a reference to the requirements of the relevant code as the codes are no longer to prescribe the circumstances in which the power of entry and inspection applies. This is a consequence of the insertion of *new section 634A* by *clause 57*.

Clause 57 inserts *new section 634A* and a cross-heading above the new section, which relate to a new power for code administrators to enter and inspect providers and signatory providers. This is the equivalent of the power of entry and inspection relating to private training establishments under section 634, with the addition that a person authorised by the code administrator under the new section must be of good character and appropriately trained.

Clause 58 amends section 636, which provides for the making of regulations relating to early childhood services. The amendment inserts wording to clarify the status of notices issued by the Secretary for Education recognising a qualification for the purpose of regulations regulating the qualifications held by persons carrying out the control and management and education and care of children in early childhood services.

Clause 59 inserts *new section 647A*, which is a new regulation-making power under which regulations may be made relating to contracts of enrolment.

Clause 60 amends section 648 by removing a regulation-making power relating to codes of practice for the pastoral care of students as those matters are to be addressed in the Act. The clause also inserts new regulation-making powers to prescribe matters that providers and signatory providers must take into account when assessing whether a person working in student accommodation is of good character and to prescribe annual reporting requirements for a dispute resolution scheme operator.

Clause 61 amends section 665 to add a reference to *new section 634A* (as inserted by *clause 57*) so that it is an offence to obstruct or resist a person exercising a power of entry conferred by the new section.

Clause 62 amends Schedule 1 by repealing clause 7(3), which saved several sections of the Education Act 1989 that, under *clause 50*, are now to be enacted in the Act. Clause 67, a spent transitional provision, is also repealed by this clause. *Clause 62* also inserts *new Part 5 of Schedule 1* relating to transitional and savings provisions.

Clause 63 amends Schedule 2, which lists special institutions, by updating the name of Ko Taku Reo—Deaf Education New Zealand.

Clause 64 inserts *new Schedule 2A*, which sets out the list of free kindergarten associations.

Clause 65 amends Schedule 4, which relates to Police vetting. The amendments provide that a Police vet must be obtained before a person begins employment or has unsupervised access to children at the early childhood service or school.

Clause 66 amends Schedule 23 to expand the cases in which a board member's office becomes vacant to include when the member is removed by the Minister under section 169(2).

Clause 67 amends Schedule 24 to allow the use of NSNs if a student is studying NCEA in a jurisdiction with which New Zealand has entered into an arrangement that authorises the teaching and assessment of NCEA standards in that jurisdiction.

Part 2

Other amendments

Clause 68 provides for minor and consequential amendments to be made to the Act as set out in *Schedule 3*.

Clause 69 provides for consequential amendments to be made to other legislation as set out in *Schedule 4*.

Clause 70 provides that *clause 71* amends the Children's Act 2014.

Clause 71 amends Schedule 1 of the Children's Act 2014 by adding services provided at student accommodation to the list of regulated services under that Act.

Clause 72 provides that *clause 73* amends the Ombudsmen Act 1975.

Clause 73 amends Schedule 1 of the Ombudsmen Act 1975 by adding code administrator and DRS operator to the list of organisations other than local organisations in Part 2 of that schedule.

Hon Chris Hipkins

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Government Bill

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The Parliament of New Zealand enacts as follows:**1 Title**

This Act is the Education and Training Amendment Act (No 2) **2021**.

2 Commencement

- (1) **Sections 39 to 41** come into force 12 months after the date on which this Act receives the Royal assent. 5
- (2) The rest of this Act comes into force on **1 August 2022**.

3 Principal Act

This Act amends the Education and Training Act 2020.

Part 1

10

Substantive amendments to principal Act**4 Section 9 amended (Te Tiriti o Waitangi)**

- (1) In section 9(2)(b), replace “approve a licence for an early childhood education and care centre” with “grant approval to apply for an early childhood service”.
- (2) After section 9(2)(g), insert: 15

(ga) **section 535B**, which provides for how a code administrator must perform its functions, powers, and duties in relation to Te Tiriti o Waitangi; and

(gb) **section 536A(1)**, which provides for how a DRS operator must perform its functions, powers, and duties in relation to Te Tiriti o Waitangi; and 20

5 Section 10 amended (Interpretation)

- (1) In section 10(1), insert in their appropriate alphabetical order:
approved micro-credential means a micro-credential approved under section 445 25

free kindergarten association means an organisation that is for the time being specified in **Schedule 2A**

micro-credential means study or training that—

- (a) leads to an award; but
- (b) does not, of itself, lead to an award of a qualification listed on the Qualifications and Credentials Framework 30

- (2) In section 10(1), replace the definition of **accreditation** with:

- accreditation** means the following:
- (a) an accreditation to provide an approved programme or part of a programme under section 441:
 - (b) an accreditation to provide an approved micro-credential under **section 446A** 5
- (3) In section 10(1), repeal the definition of **approved training scheme**.
- (4) In section 10(1), definition of **code administrator**, replace “regulations made under section 648” with “**section 535A**”.
- (5) In section 10(1), replace the definition of **Directory of Assessment Standards** with: 10
- Directory of Assessment and Skill Standards** means the Directory of Assessment and Skill Standards described in section 437
- (6) In section 10(1), replace the definition of **signatory provider** with: 15
- signatory provider** means a provider that has been approved by a code administrator under **section 531A(1)** as a signatory provider and that is a signatory to a code issued under section 534(1)(b) or (c)
- (7) In section 10(1), replace the definition of **skill standard** with: 20
- skill standard**—
- (a) means a specification of skills, the levels of performance in those skills, and the learning outcomes associated with those skills; and 20
 - (b) in relation to any vocational education and training (or proposed vocational education and training), means a specification of some or all of the skills in which training is (or is proposed to be) received, the levels of performance in those skills intended to be attained by people receiving the training, and the learning outcomes associated with those skills 25
- (8) In section 10(1), definition of **specified user**, paragraph (a), after “education provider”, insert “(as defined in clause 1 of Schedule 24)”.
- (9) In section 10(1), definition of **teaching position**, paragraph (c), delete “or other educational institution”.
- (10) In section 10(1), repeal the definition of **training package**. 30
- (11) In section 10(1), repeal the definition of **training scheme**.
- (12) Replace section 10(5) with:
- (5) For the purposes of subpart 2 of Part 5 (apart from section 456), the definition of institution in subsection (1) includes any government training establishment, registered establishment, relevant school, workforce development council, or other body, except that— 35
- (a) a workforce development council is not an institution for the purposes of the following sections:
 - (i) sections 439 to 444:

- (ii) **sections 446A and 446B:**
- (iii) sections 449 to 451:
- (b) an other body is not an institution for the purposes of sections 441 to 444.
- (13) In section 10(10)(c), after “different name”, insert “if that school has changed its name”. 5
- (14) After section 10(10), insert:
- (10A) The Governor-General may, by Order in Council, amend **Schedule 2A** by—
- (a) adding the name of an organisation if the organisation has been formed from the restructuring of an organisation that appears in **Schedule 2A** or from the merger of 2 or more organisations that appear in **Schedule 2A**; or 10
- (b) omitting the name of an organisation if the organisation has ceased to exist or ceased to operate a free kindergarten; or
- (c) substituting for the name of an organisation any different name if that organisation has changed its name. 15
- (15) After section 10(11)(e), insert:
- (f) an order under subsection (10A).
- 6 Section 139 amended (Preparing draft strategic plan)**
- (1) In the heading to section 139, delete “draft”. 20
- (2) In section 139(1), (2), and (4), delete “draft”.
- (3) In section 139(3), replace “draft strategic” with “strategic”.
- (4) In section 139(3)(c) and (d), replace “draft” with “plan”.
- 7 Section 140 amended (Secretary to review and approve draft strategic plan)** 25
- (1) In the heading to section 140, replace “to review and approve draft” with “may review”.
- (2) Replace section 140(1) and (2) with:
- (1) The Secretary may review a strategic plan in accordance with regulations made under section 639. 30
- (2) After reviewing the strategic plan, the Secretary may direct that the board—
- (a) consider, or further consider, any matter and revise the plan in the light of that consideration; or
- (b) revise the plan as directed by the Secretary.
- (3) In section 140(3), and (5), delete “draft”. 35
- (4) Repeal section 140(4).

8 Section 141 amended (Amending strategic plan)

Replace section 141(1) and (2) with:

- (1) A board may amend its strategic plan.
- (2) If the board considers that a proposed amendment to its strategic plan is significant, the board must comply with the requirements of section 139(3) before confirming an amendment. 5

9 Section 256 amended (Fees for domestic students)

- (1) In the heading to section 256, after “students”, insert “and employers”.
- (2) Replace section 256(2) with:
 - (2) An institution’s council that receives funding under section 425 or 428 may not fix, in relation to domestic students or employers, a fee (or a fee of a particular kind) that does not comply with any limit or requirement specified in a condition imposed under section 426 or 429(2) (whichever is applicable). 10
- (3) Repeal section 256(3) and (4).

10 Section 257 repealed (Ministerial direction to institutions relating to compulsory student services fees) 15

Repeal section 257.

11 Section 350 amended (Cancellation of registration)

- (1) After section 350(1)(c), insert:
 - (ca) if the establishment has been convicted of an offence against section 352 of the Immigration Act 2009; or 20
- (2) Replace section 350(2)(a) with:
 - (a) the establishment has been convicted of an offence against this Act; or

12 Section 353 amended (Fees for domestic students and employers may not exceed maximums set in conditions of funding) 25

- (1) Replace section 353(1) with:
 - (1) A registered establishment that receives funding from TEC under section 425 or 428—
 - (a) may not exceed the maximum amount when fixing a tuition fee, a fee for the provision of student services, or a fee of a particular kind for any programme or micro-credential at the establishment; and 30
 - (b) must comply with any limit or requirement specified in a condition imposed under section 426 or 429(2) (whichever is applicable).
- (2) Repeal section 353(2).

- 13 Section 360 repealed (Ministerial direction to registered establishments relating to compulsory student services fees)**
Repeal section 360.
- 14 Section 366 amended (Functions of workforce development councils)**
Replace section 366(1)(e) with: 5
(e) to develop and maintain national curricula for qualifications for which it is responsible as a standard-setting body under section 438:
- 15 Section 369 amended (Duties of workforce development councils)**
(1) In section 369(2)(c)(i), replace “and (c)” with “, (c), and (e)”.
(2) In section 369(2)(c)(iii), after “standards”, insert “or national curricula”. 10
- 16 Section 419 amended (Minister must determine design of funding mechanisms)**
In section 419(3)(d), replace “fees” with “and requirements relating to fees, including fees for student services,”.
- 17 Section 420 amended (Restrictions on design of funding mechanisms)** 15
In section 420(1)(b), after “limits”, insert “or requirements”.
- 18 Section 423 amended (Variation of determination of design of funding mechanisms)**
In section 423(4), after “limits”, insert “or requirements”.
- 19 Cross-heading above section 436 amended** 20
In the cross-heading above section 436, after “*Qualifications*”, insert “*and Credentials*”.
- 20 Section 436 replaced (Qualifications Framework)**
Replace section 436 with:
- 436 Qualifications and Credentials Framework** 25
(1) The Qualifications and Credentials Framework—
(a) consists of all qualifications and micro-credentials that have been approved and listed by NZQA in accordance with the rules made under section 452; and
(b) includes the rules relating to the framework made under that section. 30
(2) NZQA—
(a) must list on the Qualifications and Credentials Framework all qualifications and micro-credentials that it has approved in accordance with the rules made under section 452:

<p>(b) may, in accordance with the rules, amend, add to, remove, or alter the status of any qualification or micro-credential on the framework.</p> <p>(3) If a qualification is removed from the Qualifications and Credentials Framework,—</p> <p style="padding-left: 20px;">(a) any programme approval granted to an institution under section 439 in respect of that qualification lapses; and</p> <p style="padding-left: 20px;">(b) any accreditation granted to an institution under section 441 in respect of that qualification lapses.</p> <p>(4) If a micro-credential is removed from the Qualifications and Credentials Framework,—</p> <p style="padding-left: 20px;">(a) any approval of the content of that micro-credential granted to an institution under section 445 lapses; and</p> <p style="padding-left: 20px;">(b) any accreditation granted to an institution under section 446A to provide that micro-credential lapses.</p>	<p>5</p> <p>10</p>
<p>21 Cross-heading above section 437 amended</p> <p>In the cross-heading above section 437, after “<i>Assessment</i>”, insert “<i>and Skill</i>”.</p>	<p>15</p>
<p>22 Section 437 amended (Directory of Assessment Standards)</p> <p>(1) In the heading to section 437, after “Assessment”, insert “and Skill”.</p> <p>(2) In section 437(1), replace “Standards consists of all” with “and Skill Standards consists of all assessment and skill”.</p>	<p>20</p>
<p>23 Section 438 amended (Standard-setting bodies)</p> <p>After section 438(3)(c), insert:</p> <p style="padding-left: 20px;">(d) develop and maintain national curricula for qualifications for which the standard-setting body is responsible.</p>	<p>25</p>
<p>24 New sections 438A to 438C inserted</p> <p>After section 438, insert:</p> <p>438A Standard-setting bodies may develop national curricula</p> <p>(1) An approved standard-setting body may develop and maintain a national curriculum for a qualification for which the body is responsible.</p> <p>(2) In performing this function, a standard-setting body must, to the extent that is necessary or desirable in the circumstances, work collaboratively with—</p> <p style="padding-left: 20px;">(a) providers;</p> <p style="padding-left: 20px;">(b) other standard-setting bodies, particularly on matters of common interest;</p> <p style="padding-left: 20px;">(c) NZQA:</p>	<p>30</p> <p>35</p>

- (d) any relevant regulatory body that performs or exercises any functions, duties, or powers under an enactment in relation to entry to an occupation in any of the specified industries covered by the standard-setting body.

438B Recognition of national curricula

5

- (1) The standard-setting body may apply to NZQA for recognition of a national curriculum.
- (2) NZQA—
- (a) may grant or refuse to grant recognition of the national curriculum to the applicant; and 10
- (b) must give the applicant written notice of its decision to grant or refuse recognition; and
- (c) may grant recognition for a specified period or indefinitely.
- (3) If 2 or more standard-setting bodies have developed a national curriculum together, they may make a joint application for recognition of the national curriculum. 15
- (4) If NZQA considers that there may be grounds for withdrawing recognition of a national curriculum,—
- (a) NZQA must give written notice to the standard-setting body concerned stating the grounds on which NZQA is considering withdrawing recognition; and 20
- (b) NZQA must give the standard-setting body reasonable time (as specified in the notice) to make submissions on the matter; and
- (c) after considering those submissions, NZQA—
- (i) may withdraw recognition from a specified date if it considers there are reasonable grounds to do so; and 25
- (ii) must notify the standard-setting body of the withdrawal (if any) and the reasons for it.
- (5) NZQA may withdraw recognition of a national curriculum from a specified date at the written request of the standard-setting body concerned. 30

438C Recognised national curriculum treated as approved programme

- (1) For the purposes of this Act, a national curriculum that is recognised under **section 438B** is to be treated as if it were a programme granted approval under section 439 and any reference in this Act to an approved programme applies to that national curriculum. 35
- (2) However, the following sections do not apply in respect of a recognised national curriculum:
- (a) section 440 (which relates to conditions on programme approvals):

	(b) section 459 (which relates to compliance notices).	
25	Section 441 amended (Accreditation to provide approved programmes)	
(1)	Repeal section 441(3).	
(2)	After section 441(4), insert:	
(4A)	If NZQA grants accreditation to the institution to provide all or part of the programme and the programme or part of the programme incorporates standards from the Directory of Assessment and Skill Standards, the institution is authorised to assess against those standards.	5
26	Cross-heading above section 445 replaced	
	Replace the cross-heading above section 445 with:	10
	<i>Micro-credentials</i>	
27	Section 445 amended (Application for training scheme approval)	
(1)	In the heading to section 445, replace “ training scheme ” with “ micro-credential ”.	
(2)	In section 445(1), replace “to provide a training scheme” with “of the content of a micro-credential”.	15
(3)	In section 445(2)(a), replace “to the training scheme” with “of the content of the micro-credential”.	
(4)	Repeal section 445(3).	
28	New sections 446A and 446B inserted	20
	After section 446, insert:	
446A	Accreditation to provide approved micro-credentials	
(1)	An institution may not offer or provide an approved micro-credential unless the institution is granted accreditation to provide the micro-credential.	
(2)	An institution may apply to NZQA for accreditation to provide a micro-credential.	25
(3)	NZQA—	
	(a) may grant or refuse to grant accreditation to the institution to provide the micro-credential; and	
	(b) must give the institution written notice of its decision to grant or refuse accreditation; and	30
	(c) may grant accreditation for a specified period or indefinitely.	
(4)	If NZQA grants accreditation to the institution to provide the micro-credential and the micro-credential incorporates standards from the Directory of Assess-	

ment and Skill Standards, the institution is authorised to assess against those standards.

446B Conditions on accreditation to provide approved micro-credentials

- (1) Every accreditation to provide an approved micro-credential is subject to the condition that the institution complies at all times with the relevant rules made under section 452, except to the extent that NZQA exempts the institution, by a condition on the accreditation, from compliance. 5
- (2) NZQA may impose conditions on an accreditation to provide an approved micro-credential, and, for that purpose, section 442(2) to (5) applies as if each reference to accreditation or accreditation to provide an approved programme included an accreditation to provide an approved micro-credential under this section. 10

29 Section 447 amended (Lapse of training scheme approval)

- (1) In the heading to section 447, replace “**training scheme approval**” with “**accreditation to provide approved micro-credential**”. 15
- (2) Replace section 447(1) with:
- (1) An accreditation to provide an approved micro-credential granted to an institution lapses when—
- (a) 12 months have passed since the accreditation was granted and the institution has not during that time provided the micro-credential to which the accreditation relates; or 20
- (b) 12 months have passed since the institution last provided the micro-credential to which the accreditation relates.
- (3) In section 447(3), replace “a training scheme approval” with “an accreditation”. 25

30 Section 448 amended (Withdrawal of training scheme approval)

- (1) In the heading to section 448, replace “**training scheme approval**” with “**micro-credential approval or accreditation**”. 30
- (2) In section 448(1), replace “a training scheme approval” with “an approval of the content of a micro-credential or an accreditation to provide a micro-credential”.
- (3) In section 448(1)(a), after “approval”, insert “or accreditation”.
- (4) In section 448(2)(a), (3), and (4), replace “training scheme approval” with “approval or accreditation” in each place.

31 Section 452 amended (Rules)

- (1) After section 452(1)(a)(viii), insert: 35
- (ix) recognition of a national curriculum:

- (2) In section 452(1)(c), replace “or consent” with “consent, or recognition”.
- (3) Repeal section 452(1)(j).
- (4) After section 452(1)(u), insert:
- (ua) prescribing the process that an institution must follow in order to make any 1 of the following types of transitions: 5
- (i) a transition from education and training that leads to a qualification through an approved programme that it is accredited to provide to education and training that it is accredited to provide through a national curriculum (or vice versa):
- (ii) a transition from education that leads to a qualification through a national curriculum that it is accredited to provide to an amended or a replacement national curriculum for that qualification. 10

32 New section 454A inserted (Withdrawal of consent to grant award)

After section 454, insert:

- 454A Withdrawal of consent to grant award** 15
- (1) If NZQA considers that there may be grounds for withdrawing consent to grant an award from a person, NZQA must give written notice to the person—
- (a) setting out the grounds on which NZQA is considering withdrawing consent; and
- (b) giving the person a reasonable period to make submissions on the matter. 20
- (2) After that period, and having considered any submission made by the person, NZQA may, on any reasonable grounds, withdraw consent.
- (3) If NZQA withdraws consent under **subsection (2)**, it must give notice of the withdrawal, with reasons, to the person concerned.
- (4) NZQA may withdraw consent at the written request of the person concerned. 25

33 Section 459 amended (Compliance notices)

Repeal section 459(3).

34 New section 459A and cross-heading inserted

After section 459, insert:

- Publication of conditions and notices by NZQA* 30
- 459A Publication of conditions and notices**
- NZQA may publish the following on an Internet site maintained by or on behalf of NZQA:
- (a) any condition (or summary of a condition) imposed by NZQA under any 1 of the following provisions: 35

- (i) section 348(2) (which relates to registration of private training establishments):
- (ii) section 440 (which relates to approval of programmes):
- (iii) section 442 (which relates to accreditation of institutions to provide approved programmes): 5
- (iv) section 446 (which relates to approval to provide micro-credentials):
- (v) **section 446B** (which relates to accreditation to provide approved micro-credentials):
- (vi) section 450 (which relates to consent to assess students against standards): 10
- (b) any notice (or summary of a notice) issued by NZQA under any 1 of the following provisions:
 - (i) section 371(1) (which relates to quality assurance improvement notices): 15
 - (ii) section 372(1) (which relates to compliance notices):
 - (iii) section 459(1) (which relates to compliance notices):
 - (iv) section 535(1) (which relates to sanctions for breach of code):
 - (v) **section 535C(1)** (which relates to performance improvement notices): 20
- (c) any notice (or summary of a notice) of a cancellation of the registration of a registered establishment under section 350:
- (d) any notice (or summary of a notice) of a withdrawal made under any 1 of the following provisions of an accreditation, an approval, or a consent from an institution or a person: 25
 - (i) **section 438B(4)** (which relates to withdrawal of recognition of national curricula):
 - (ii) section 439 (which relates to withdrawal of approval of programmes):
 - (iii) section 444 (which relates to withdrawal of accreditation to provide approved programmes): 30
 - (iv) section 448 (which relates to withdrawal of approval of content of micro-credentials or accreditation to provide micro-credentials):
 - (v) section 449 (which relates to withdrawal of consent to assess against standards): 35
 - (vi) **section 454A** (which relates to withdrawal of consent to grant awards):

- (vii) **section 524A** (which relates to withdrawal of approval of classes, courses, or programmes intended for international students).
- 35 Section 463 amended (Chief Review Officer to perform certain functions)** 5
In section 463, insert as subsection (2):
- (2) The Chief Review Officer—
- (a) must administer reviews of professional learning and development services accessed by applicable organisations when directed by the Minister to do so; and
- (b) may administer reviews of professional learning and development services accessed by applicable organisations on the Chief Review Officer’s own motion (despite section 52 of the Public Service Act 2020); and 10
- (c) must administer the preparation of reports to the Minister on the undertaking and results of the reviews.
- 36 Section 464 amended (Information requests)** 15
In section 464(1), after “applicable person”, insert “, or a provider of professional learning and development services,”.
- 37 Section 478 amended (Purpose of Teaching Council)**
- (1) In section 478, replace “secondary, and senior” with “and”.
- (2) In section 478, after “Māori-medium settings”, insert “, and settings of other languages,”. 20
- 38 Section 479 amended (Functions of Teaching Council)**
- After section 479(1)(p), insert:
- (pa) to prosecute breaches of the requirements of this Act relating to teacher registration, practising certificates, and limited authorities to act: 25
- 39 Section 497 amended (Powers of Complaints Assessment Committee)**
- (1) In section 497(1), after “section 496”, insert “and, for this purpose, may conduct a hearing”.
- (2) After section 497(1), insert:
- (1A) A hearing is to be a hearing on the papers, unless the Complaints Assessment Committee otherwise directs. 30
- (3) In section 497(3), replace “misconduct that is not serious misconduct, by agreement with the teacher and the person who made the complaint or report or referred the matter” with “misconduct or serious misconduct”.
- (4) Repeal section 497(3)(c). 35
- (5) Replace section 497(5) with:

- (5) The Complaints Assessment Committee must refer to the Disciplinary Tribunal any matter if the Committee considers that either of the following powers is likely to be considered in order to address the matter:
- (a) the power to suspend a teacher's practising certificate or authority under section 500(1)(d): 5
 - (b) the power to cancel a teacher's registration or authority or practising certificate under section 500(1)(g).
- 40 New section 499A inserted (Review of Complaints Assessment Committee decisions)**
- After section 499, insert: 10
- 499A Review of Complaints Assessment Committee decisions**
- (1) A teacher who is the subject of a decision by the Complaints Assessment Committee under section 497(2) or (3), or the person who made the complaint or report or referred the matter to the Committee under section 496 that led to the decision, may request that the Disciplinary Tribunal review all or part of that decision. 15
 - (2) A request for a review under this section must be made within 28 days after receipt of written notice of the decision, or any longer period that the Disciplinary Tribunal allows.
 - (3) The review is by way of written notice to the Disciplinary Tribunal of the teacher's or person's intention to request a review, accompanied by— 20
 - (a) a copy of the written notice of the decision; and
 - (b) the fee prescribed by notice made under section 480, if any; and
 - (c) any other information that the teacher or person wishes the Disciplinary Tribunal to consider in relation to the review. 25
 - (4) The review is by way of rehearing.
 - (5) The Disciplinary Tribunal must consider the review as soon as practicable, and may confirm, reverse, or modify the decision in accordance with its powers under section 500, or refer the matter back to the Complaints Assessment Committee. 30
 - (6) Nothing in this section gives the Disciplinary Tribunal power to review any part of the Complaint Assessment Committee's decision to which the request does not relate.
 - (7) A decision of the Complaints Assessment Committee continues in force and has effect pending the determination of the review. 35
 - (8) The Disciplinary Tribunal may order a party to pay the costs incurred by the other party in respect of the review.

- 41 Section 504 amended (Appeals against decisions of disciplinary bodies)**
In the heading to section 504, replace “disciplinary bodies” with “chair-person or Disciplinary Tribunal”.
- 42 New section 524A inserted (Withdrawal of approval of course for international students)** 5
After section 524, insert:
- 524A Withdrawal of approval of course for international students**
- (1) If NZQA considers that there may be grounds for withdrawing approval of a class, course, or programme intended exclusively or mainly for international students, NZQA must give written notice to the board of the State school or the managers of the school registered under section 214 to whom the approval was granted— 10
- (a) setting out the grounds on which NZQA is considering withdrawing approval; and
- (b) giving the board or the managers a reasonable period to make submissions on the matter. 15
- (2) After that period, and having considered any submission made by the board or the managers, NZQA may, on any reasonable grounds, withdraw approval.
- (3) If NZQA withdraws approval under **subsection (2)**, it must give notice of the withdrawal, with reasons, to the board or the managers concerned. 20
- (4) NZQA may withdraw an approval at the written request of the board or the managers concerned.
- 43 Subpart 7 heading in Part 5 amended**
In Part 5, in the subpart 7 heading, replace “Pastoral care” with “Well-being and safety”. 25
- 44 New section 531A and cross-heading inserted**
In Part 5, after the subpart 7 heading, insert:
- Signatory providers*
- 531A Approval and removal of signatory providers**
- (1) Before a provider can become a signatory provider of a code, the provider must apply to the relevant code administrator for approval, in exercise of the code administrator’s power under **section 535A(3)(a)**, for the provider to become a signatory provider. 30
- (2) NZQA may withdraw approval of a signatory provider at the written request of the provider concerned. 35

- (3) If approval is withdrawn under **subsection (2)**, a provider ceases to be a signatory to the code and is no longer a signatory provider.
- 45 Section 532 amended (Signatory providers may enrol persons as international students)**
- After section 532(2)(a), insert: 5
- (aa) has its approval to be a signatory provider withdrawn under section **531A(2)**; or
- 46 Cross-heading above section 534 amended**
- In the cross-heading above section 534, replace “*Pastoral care*” with “*Well-being and safety*”. 10
- 47 Section 534 amended (Pastoral care codes of practice)**
- (1) In the heading to section 534, replace “**Pastoral care**” with “**Well-being and safety**”.
- (2) In section 534(1)(a), (b), and (c), replace “a code that provides” with “1 or more codes that provide”. 15
- (3) In section 534(1)(a), (b), and (c), replace “pastoral care” with “well-being and safety”.
- (4) After section 534(1), insert:
- (1A) The Minister must specify whether a code applies to—
- (a) any provider that provides educational instruction to the students in respect of whom the code is issued; or 20
- (b) a particular type of provider or group of providers (for example, schools, Kura Kaupapa Māori, or Māori providers).
- (5) In section 534(2)(a)(i) and (3)(a)(ii) and (b)(ii), after “well-being”, insert “and safety”. 25
- (6) In section 534(2)(b)(i), replace “protect” with “maintain the well-being and safety of”.
- (7) In section 534(2)(b)(ii), delete “in New Zealand”.
- (8) After section 534(5)(a), insert:
- (aa) Māori; and 30
- (9) In section 534(7)(a), replace “provisions” with “provision”.
- (10) After section 534(7)(a), insert:
- (aa) that applies in respect of students undertaking study or training from a provider applies whether the students undertake the study or training in New Zealand or in another country: 35

48 New sections 534A and 534B inserted

After section 534, insert:

534A Code for particular providers to be mandatory or optional

- (1) A code that applies to a particular type of provider or group of providers under **section 534(1A)(b)** must specify whether the code is mandatory or optional. 5
- (2) If a code is mandatory, a provider to which the code applies must comply with that code and is not required to comply with any other code.
- (3) If a code is optional, a provider to which the code applies may elect to comply with that code in place of compliance with any other code and,—
 - (a) if an election is made, the provider must comply with the code and is not required to comply with any other code; and 10
 - (b) if an election is not made, the provider is not required to comply with the code.
- (4) An election under **subsection (3)** to comply with a code must be made in accordance with the mechanism set out in the code for this purpose. 15

534B Minister may make minor or technical changes to code or grant exemptions

- (1) The Minister may—
 - (a) make minor or technical amendments to a code; and
 - (b) exempt specified providers, or types or groups of providers, from compliance with specified requirements of a code that applies to that provider, or type or group of providers, under **section 534(1A)(b)**. 20
- (2) To avoid doubt, the Minister is not required to consult the parties set out in section 534(5) when making an amendment or granting an exemption under this section. 25

49 Section 535 amended (Sanctions for breach of code)

- (1) In section 535(1), replace “quality improvement notice or compliance notice issued under regulations made under section 648” with “performance improvement notice issued under **section 535C**”.
- (2) In section 535(2), replace “regulations made under section 648” with “**section 535C**”. 30

50 New sections 535A to 535D and cross-heading inserted

After section 535, insert:

*Code administrators***535A Appointment and functions of code administrators**

- (1) The Minister may, by notice, appoint a person or an agency to be responsible for—
- (a) administering— 5
- (i) a code for domestic tertiary students;
- (ii) a code for international students;
- (iii) a code for domestic tertiary students and international students; and
- (b) administering 2 or more codes. 10
- (2) When appointing a code administrator, the Minister must have regard to the knowledge, skills, or experience of the person or agency.
- (3) The functions of the code administrator are,—
- (a) in the case of international students,— 15
- (i) to receive applications from providers seeking to become signatory providers; and
- (ii) to assess those applications against—
- (A) the criteria stated in a code; and
- (B) the purpose stated in section 534(2) and the scope of the code stated in section 534(3); and 20
- (iii) to approve or decline to approve applicants becoming signatory providers in accordance with those assessments; and
- (b) in the case of domestic tertiary students and international students,—
- (i) to monitor the extent to which providers comply with a code in close collaboration with quality assurance agencies; and 25
- (ii) to issue to providers and signatory providers notices under **section 535C**; and
- (iii) to impose on providers and signatory providers sanctions under section 535 for breaches of a code and failure to comply with notices; and 30
- (iv) to undertake periodic reviews of how providers and signatory providers generally are giving effect to a code, or a part or parts of a code, in order to assess the extent to which the purposes of the code are being met.
- (4) The Minister may set performance standards and priorities for code administrators, which code administrators must have regard to in the performance of their duties and functions. 35

- (5) A code administrator may allow an applicant to become a signatory provider unconditionally, or subject to any written conditions made known to the applicant at the time the code administrator informs the applicant that the applicant is allowed to become a signatory provider.
- (6) A code administrator may, with the Minister’s prior written approval and subject to any conditions that the code administrator or the Minister thinks fit, delegate any or all of the functions, duties, and powers specified in this section to another person or agency (having regard to their knowledge, skills, or experience). 5
- (7) A notice made under **subsection (1)** is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 10
Compare: 1989 No 80 s 238H(1) to (4), (9)
- 535B Further obligations of code administrator**
- A code administrator must—
- (a) exercise and perform all of its functions, powers, and duties in a manner that honours Te Tiriti o Waitangi and supports Māori-Crown relationships; and 15
- (b) report annually to the Minister on the exercise and performance of its functions, powers, and duties, including the extent to which providers and signatory providers are giving effect to their obligations under the codes, and publish the report on an Internet site maintained by or on behalf of the code administrator; and 20
- (c) provide information to the Minister, at the request and in the form specified by the Minister, relating to— 25
- (i) the performance of its duties and functions; and
- (ii) the performance of providers and signatory providers in meeting the requirements of a code.
- 535C Power to issue performance improvement notices**
- (1) A code administrator may issue a performance improvement notice to a provider or signatory provider that requires the provider or signatory provider to do, or refrain from doing, a particular thing in relation to— 30
- (a) its obligations under a code; or
- (b) in the case of a signatory provider, the conditions of its approval as a signatory provider.
- (2) The notice must— 35
- (a) set out any concerns the administrator has about the provider’s or signatory provider’s systems, practices, training, or procedures; and
- (b) identify—

- (i) any areas for improvement in relation to any of the specified outcomes in a code; and
 - (ii) any areas for compliance in relation to key process requirements in a code; and
 - (c) specify the time within which the provider or signatory provider is expected to address the code administrator's concerns (which must be a reasonable time, having regard to the nature and complexity of the action required); and 5
 - (d) specify the possible consequences of a failure to comply with a performance improvement notice. 10
 - (3) The code administrator may publish the notice, or a summary of it, in a manner designed to give public notice of it.
 - (4) The code administrator may, before the expiry of the time referred to in **subsection (2)(c)**, extend the time, and in that case the time as extended becomes the time within or during which the notice must be complied with. 15
- Compare: 1989 No 80 s 238I

535D Providers and signatory providers to comply with performance improvement notices

- (1) A provider or signatory provider must comply with a performance improvement notice issued under **section 535C**. 20
- (2) If, in a code administrator's opinion, a provider or signatory provider does not comply with the notice, the code administrator may (as the code administrator sees fit) impose sanctions against the provider or signatory provider under section 535.
- (3) The code administrator may not act under **subsection (2)** until the later of the following: 25
 - (a) 10 working days after the date on which the notice was issued;
 - (b) the expiry of any time of a kind referred to in **section 535C(2)(c)** or any extension of that time if that time has been extended under **section 535C(4)**. 30

Compare: 1989 No 80 s 238K

51 Section 536 amended (Student contract dispute resolution scheme established)

- (1) Replace section 536(2) with:
- (2) The purpose of the DRS is to resolve disputes between students (and former and prospective students) and providers or signatory providers relating to the following matters: 35
 - (a) contractual and financial matters:

- (b) a claim for redress for any loss or harm suffered by a student as a result of a breach of a relevant code by a provider or signatory provider.
- (2) In section 536(3) and (5), replace “any contractual or financial dispute” with “a dispute described in **subsection (2)(a) or (b)**”.
- (3) In section 536(4)(a), replace “agencies” with “organisations”. 5
- (4) In section 536(4)(b), replace “agency” with “organisation”.
- (5) After section 536(5), insert:
- (5A) In addition, a student claimant may lodge with the DRS operator for resolution under the DRS a dispute with a provider or signatory provider described in **subsection (2)(b)** only if the code administrator is satisfied that the provider or signatory provider has breached the relevant code. 10

52 New sections 536A to 536D inserted

After section 536, insert:

536A How DRS operator must perform role

- (1) The DRS operator must exercise and perform its functions, powers, and duties in a manner that contributes to an education system that honours Te Tiriti o Waitangi and supports Māori-Crown relationships by— 15
- (a) resolving disputes in a way that—
- (i) has regard to tikanga Māori; and
- (ii) is consistent with the principles of Te Tiriti o Waitangi; and 20
- (b) responding to the concerns and interests of Māori in the administration and operation of the scheme.
- (2) The DRS operator must perform and exercise its functions, duties, and powers—
- (a) in a manner that is fair and reasonable in the relevant circumstances; and 25
- (b) having regard to—
- (i) the general law; and
- (ii) best practice for dispute resolution; and
- (iii) the provisions of a relevant code.
- (3) In the adjudication of any dispute, the DRS operator, or a person appointed as an adjudicator, must determine the dispute according to the substantial merits of the case and— 30
- (a) is not bound by the rules of evidence or by previous decisions; and
- (b) is not required to give effect to strict legal obligations, or to legal forms or technicalities. 35

536B Obligation of DRS operator to provide information

- (1) If a specified body reasonably considers that it is necessary for the efficient and effective performance and exercise of any of the body's functions, duties, and powers that a DRS operator provide certain information to the specified body, the specified body may request that the DRS operator provide the information. 5
- (2) A DRS operator must—
- (a) comply with a request under **subsection (1)** within a reasonable time; and
 - (b) in relation to matters arising from the information requested, provide any other reasonable assistance to the specified body. 10
- (3) In this section, a **specified body** means one of the following:
- (a) the Ministry of Education;
 - (b) agencies or bodies responsible for monitoring or enforcement of education quality (for example, NZQA, the Education Review Office, and the Vice-Chancellors Committee) or other bodies responsible for monitoring or enforcement of education quality; 15
 - (c) a code administrator or other body responsible for the well-being and safety of students.

536C Sharing of information relating to disputes

- (1) The DRS operator may provide to a code administrator or a quality assurance agency any information about a dispute or the resolution of a dispute if the sharing of information relates to a purpose set out in **subsection (2)**. 20
- (2) The DRS operator may provide information under **subsection (1)** for 1 or more of the following purposes:
- (a) to enable the DRS operator, the code administrator, or agencies or bodies responsible for monitoring or enforcement of education quality to perform any of their duties and responsibilities in relation to the dispute or to matters or concerns to which the dispute relates; 25
 - (b) to ensure the timely and expedient resolution of the dispute;
 - (c) to avoid the unnecessary use or duplication of resources in the resolution of a dispute. 30

536D Sharing of personal information restricted

- (1) In providing information under **section 536B or 536C**, the DRS operator must not share any personal information except under—
- (a) an information matching agreement entered into under Part 10 of the Privacy Act 1993 and continued by clause 11 of Schedule 1 of the Privacy Act 2020; or 35

(b)	an approved information sharing agreement entered into under subpart 1 of Part 7 of the Privacy Act 2020.	
(2)	In this section, personal information has the meaning given to it by section 7(1) of the Privacy Act 2020.	
53	New section 537A inserted (Time frame for payment for resolution of claim)	5
	After section 537, insert:	
	537A Time frame for payment for resolution of claim	
(1)	Within 20 working days of the date of a resolution of a dispute under section 536(7), a provider or signatory provider must pay to a student claimant any amount it is required to pay to comply with the resolution.	10
(2)	However, if, before the expiration of the 20 working days, the provider or signatory provider has applied to the District Court under section 538(1)(c) for a modification of the terms of the resolution, the provider or signatory provider is not required to pay the amount until the District Court has determined the matter.	15
54	Section 538 amended (District Court to enforce DRS)	
(1)	After section 538(1)(b), insert:	
(c)	on the application of a student claimant, provider, or signatory provider, make an order—	20
(i)	modifying the terms of a resolution of a dispute by a DRS operator if the District Court is satisfied that the terms are manifestly unreasonable; and	
(ii)	requiring the student claimant, provider, or signatory provider to give effect to the modified resolution.	25
(2)	In section 538(2), after “resolution”, insert “or modified resolution”.	
(3)	Repeal section 538(3).	
(4)	Replace section 538(4), with:	
(4)	An order made under subsection (1)(c) overrides section 536(7).	
55	New section 540A and cross-heading inserted	30
	After section 540, insert:	
	<i>Employees of student accommodation</i>	
	540A Good character assessment of employees of student accommodation	
(1)	This section applies in respect of student accommodation operated by a provider or signatory provider.	35

- (2) The provider or signatory provider must not employ a person to work in the student accommodation without ensuring that the person is of good character.
- (3) In assessing whether a person is of good character, the provider or signatory provider must—
- (a) obtain a Police vet of the person; and 5
 - (b) take into account the matters specified in regulations made under **section 648(a)** for that purpose.
- (4) The provider or signatory provider must make a further assessment of good character of every person—
- (a) of whom an assessment of good character has already been made under this section by that provider or signatory provider; and 10
 - (b) who is still employed to work at the student accommodation.
- (5) The further assessment of good character under **subsection (4)** must be made within 3 years of the previous assessment of that person by the provider or signatory provider. 15
- (6) This section does not apply in respect of a person if the provider or signatory provider is required under Part 3 of the Children’s Act 2014 to ensure that a safety check of the person is completed in order for the person to be employed to work in the student accommodation.

56 Section 633 amended (Entry to inspect student accommodation subject to codes) 20

In section 633(1), delete “, in accordance with the requirements of the applicable code,”.

57 New section 634A and cross-heading inserted

After section 634, insert:

25

Providers and signatory providers

634A Powers of entry and inspection

- (1) For the purpose of ensuring that a provider or signatory provider complies with a code with which it is required to comply, a code administrator may authorise any person to do, at any reasonable time, any 1 or more of the following things: 30
- (a) enter and inspect any premises (other than a dwelling house) that is occupied by the provider or signatory provider:
 - (b) require any person to produce documents or information under the control of the person:
 - (c) inspect, photocopy, print, or copy any documents (whether held in electronic or paper form) that are produced under **paragraph (b)** or that the 35

- authorised person believes on reasonable grounds to belong to the establishment:
- (d) remove any document referred to in **paragraph (c)**, whether in its original form or as an electronic or a paper copy:
 - (e) require any employee or member of the provider or signatory provider to make or provide statements, in any form and manner that the authorised person specifies: 5
 - (f) inspect any education and training work and any related materials:
 - (g) meet and talk with any person.
- (2) A person authorised by the code administrator under **subsection (1)** must— 10
- (a) produce evidence of the person’s authorisation to the person in charge of the premises when the person first enters the premises, and at any later time, at the request of the person in charge; and
 - (b) give the person in charge a list of all documents that have been removed (if any); and 15
 - (c) return any documents that have been removed unless to do so would prejudice any investigation.
- (3) Before authorising a person under **subsection (1)**, the code administrator must be satisfied that the person— 20
- (a) is of good character; and
 - (b) has received appropriate training on the exercise of the powers available under **subsection (1)**.
- (4) An authorisation under **subsection (1)** must be in writing and contain— 25
- (a) a reference to this section; and
 - (b) the full name of the person authorised; and
 - (c) a statement of the powers conferred on that person under this section.

58 Section 636 amended (Regulations relating to early childhood services)

In section 636(2)(h), after “regulate”, insert “, including by authorising the Secretary to issue a notice recognising a qualification,”.

59 New section 647A inserted (Regulations relating to contracts of enrolment) 30

After section 647, insert:

647A Regulations relating to contracts of enrolment

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations that set out the following requirements: 35
- (a) requirements for the form, content, and scope of contracts of enrolment:
 - (b) requirements for the supply of information to students regarding the rights and responsibilities of the parties to a contract of enrolment.

- (2) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- 60 Section 648 amended (Regulations relating to pastoral care)**
- (1) In the heading to section 648, replace “**pastoral care**” with “**well-being and safety**”. 5
- (2) Replace section 648(a) with:
- (a) prescribing the matters that providers and signatory providers must take into account when assessing whether a person working in student accommodation is of good character under **section 540A**:
- (3) In section 648(b), replace “pastoral care” with “well-being and safety”. 10
- (4) After section 648(b)(iv), insert:
- (v) prescribing annual reporting requirements for a DRS operator, including in relation to the publication of reports.
- 61 Section 665 amended (Offence relating to powers of entry and inspection)**
- In section 665, after “section 634(1)”, insert “or **section 634A(1)**”. 15
- 62 Schedule 1 amended**
- (1) In Schedule 1, repeal clause 7(3).
- (2) In Schedule 1, repeal clause 67.
- (3) In Schedule 1,—
- (a) insert the Part set out in **Schedule 1** of this Act as the last Part; and 20
- (b) make all necessary consequential amendments.
- 63 Schedule 2 amended**
- In Schedule 2, replace the item relating to Ko Tāku Reo with:
Ko Taku Reo—Deaf Education New Zealand
- 64 New Schedule 2A inserted** 25
- After Schedule 2, insert the **Schedule 2A** set out in **Schedule 2** of this Act.
- 65 Schedule 4 amended**
- (1) In Schedule 4, clause 1, insert as subclause (2):
- (2) The Police vet must be obtained before a person’s employment or engagement at the early childhood service begins. 30
- (2) In Schedule 4, after clause 2(1), insert:
- (1A) The Police vet must be obtained before a contractor, or an employee of a contractor, has, or is likely to have, unsupervised access to children at the service during normal opening hours.
- (3) In Schedule 4, repeal clause 3. 35

- (4) In Schedule 4, clause 9, insert as subclause (2):
- (2) The Police vet must be obtained before a person's employment or engagement at the school begins.
- (5) In Schedule 4, after clause 10(1), insert:
- (1A) A Police vet must be obtained before a contractor, or an employee of a contractor, has, or is likely to have, unsupervised access to students at the school during normal school hours. 5
- (6) In Schedule 4, repeal clause 11.
- 66 Schedule 23 amended**
- In Schedule 23, after clause 12(1)(d), insert: 10
- (e) is removed by the Minister under section 169(2).
- 67 Schedule 24 amended**
- (1) In Schedule 24, after clause 1(c), insert:
- (d) an education provider that is in a jurisdiction described in section 455(2)(b) and that provides teaching and assessment of NCEA standards in that jurisdiction. 15
- (2) In Schedule 24, clause 3, insert as subclause (2):
- (2) For the purposes of this clause, **student** includes a student who is studying in a jurisdiction described in section 455(2)(b) and who is receiving teaching and assessment of NCEA standards in that jurisdiction. 20
- (3) In Schedule 24, after clause 4(1)(c)(iii), insert:
- (iiia) ensuring that employers and students receive appropriate resourcing and support for work-based training:

Part 2

Other amendments 25

Consequential amendments to principal Act

68 Minor and consequential amendments to principal Act

Amend the principal Act as set out in **Schedule 3**.

Consequential amendments to other legislation

69 Consequential amendments to other legislation 30

Amend the enactments specified in **Schedule 4** as set out in that schedule.

*Amendments to Children's Act 2014***70 Principal Act****Section 71** amends the Children's Act 2014.**71 Schedule 1 amended**

In Schedule 1, after item (31A), insert: 5

(31B) services provided at student accommodation (as defined in section 10(1) of the Education and Training Act 2020):

*Amendments to Ombudsmen Act 1975***72 Principal Act****Section 73** amends the Ombudsmen Act 1975. 10**73 Schedule 1 amended**

In Schedule 1, Part 2, insert in their appropriate alphabetical order:

Code administrator appointed under regulations made under subpart 7 of Part 5 of the Education and Training Act 2020

DRS operator appointed under subpart 7 of Part 5 of the Education and Training Act 2020 15

Schedule 1
New Part 4 inserted into Schedule 1

s 62

Part 4		
Provisions relating to Education and Training Amendment Act (No 2) 2021		5
77	Interpretation	
	In this Part—	
	1989 Act means the Education Act 1989	
	Amendment Act means the Education and Training Amendment Act (No 2) 2021	10
	commencement date means the date on which the Amendment Act (other than sections 39 to 41) comes into force.	
78	Ministerial direction relating to compulsory student services fees	
(1)	This clause applies to a direction relating to compulsory student services fees that was given by the Minister under section 227A of the 1989 Act, and that—	15
	(a) was continued in force under clause 15; and	
	(b) is in force immediately before the commencement of the 2021 Act .	
(2)	Despite the repeal of sections 257 and 360 by sections 10 and 13 of the Amendment Act, the direction continues in force until 1 January 2024 (unless it is revoked earlier by the Minister).	20
79	Existing training scheme approval to become micro-credential approval and accreditation	
(1)	This clause applies to an institution that was granted approval to provide a training scheme under section 445 before the commencement date.	25
(2)	On and after the commencement date,—	
	(a) the training scheme is to be treated as a micro-credential for the purposes of the Act; and	
	(b) the institution must be treated as if NZQA has—	
	(i) granted approval of the content of a micro-credential under section 445; and	30
	(ii) granted accreditation to the institution to provide the micro-credential under section 446A .	

80	Publication of saved notices by NZQA	
	NZQA may publish the following under section 459A :	
	(a) a quality assurance improvement notice (or summary of a notice) issued under section 11C of the Industry Training and Apprenticeships Act 1992 and continued in force under clause 48:	5
	(b) a compliance notice (or summary of a notice) issued under section 11D of the Industry Training and Apprenticeships Act 1992 and continued in force under clause 48.	
81	Transitional provision relating to Complaints Assessment Committee investigation and Disciplinary Tribunal review	10
	(1) The amendments made by sections 39 to 41 apply only to investigations commenced on or after the date on which those sections come into force.	
	(2) Investigations commenced, and not finally determined before that date, continue as if those amendments had not been enacted.	
82	Transitional provision relating to good character assessment of employees in student accommodation	15
	(1) This clause applies in respect of every person who at the commencement date was an employee in student accommodation.	
	(2) The provider or signatory provider that operates that student accommodation must ensure, within 3 years of the commencement date, that the provider or signatory provider has made an assessment in accordance with section 540A(3) of whether the person is of good character if the provider or signatory provider continues to employ the person.	20
83	Notices recognising qualifications made under regulations relating to early childhood services validly issued	25
	(1) This clause applies to a notice issued by the Secretary under—	
	(a) regulations made under section 636(2)(h) made before the commencement date; or	
	(b) regulations made under section 317 of the 1989 Act that are continued in force under clause 4(1).	30
	(2) A notice to which this clause applies is to be treated as being and having always been validly issued.	
84	Transitional provision relating to Police vetting	
	(1) Subclauses (2) and (3) apply in respect of any person—	
	(a) for whom a Police vet must be obtained by the service provider of a licensed early childhood service under clause 1 of Schedule 4; and	35
	(b) who has been appointed to a position, or has begun working, at the service concerned; and	

- (c) for whom, at the commencement date, no Police vet had yet been obtained by the service provider.
- (2) The Police vet must be obtained in respect of a person to whom this clause applies before the person has, or is likely to have, unsupervised access to children at the service during normal opening hours. 5
- (3) The service provider must apply for the Police vet no later than 2 weeks after the person begins work at the service.
- (4) **Subclauses (5) and (6)** apply in respect of any person—
- (a) for whom a Police vet must be obtained by the board of a State school or the managers of a private school under clause 9 of Schedule 4; and 10
- (b) who has been appointed to a position, or has begun working, at the school concerned; and
- (c) for whom, at the commencement date, no Police vet had yet been obtained by the board or the managers.
- (5) The Police vet must be obtained in respect of a person to whom this clause applies before the person has, or is likely to have, unsupervised access to students at the school during normal school hours. 15
- (6) The board or managers must apply for the Police vet no later than 2 weeks after the person begins work at the school.

Schedule 2
New Schedule 2A inserted

s 64

Schedule 2A
Free kindergarten associations

5

s 10(1), (10A)

Ashburton Kindergarten Association Incorporated	
Auckland Kindergarten Association	
Canterbury Westland Kindergarten Association Incorporated	
Central North Island Kindergarten Trust	10
Counties Manukau Kindergarten Association Incorporated	
Dannevirke Kindergarten Association Incorporated	
Dunedin Kindergartens Incorporated	
Geraldine District Free Kindergarten Association Incorporated	
Gisborne Free Kindergarten Association Incorporated	15
He Whanau Manaaki o Tararua Free Kindergarten Association Incorporated	
Heretaunga Free Kindergarten Association Incorporated	
Hutt City Kindergartens Association Incorporated	
Marlborough Free Kindergarten Association Incorporated	
Napier Free Kindergarten Association Incorporated	20
Nelson District Free Kindergarten Association Incorporated	
Northern Auckland Free Kindergarten Association Incorporated	
Northland Kindergarten Association Incorporated	
Oamaru Free Kindergarten Association Incorporated	
Ruahine Kindergarten Association Incorporated	25
South Canterbury Free Kindergarten Association Incorporated	
South Otago Free Kindergarten Association Incorporated	
Southland Free Kindergarten Association Incorporated	
Taranaki Free Kindergarten Association Incorporated	
Tauranga Regional Free Kindergarten Association Incorporated	30
Te Aroha Free Kindergarten Association Incorporated	
Waikato Kindergarten Association	
Waimate Free Kindergarten Association Incorporated	
Westport Kindergarten Association Incorporated	

Schedule 3

Minor and consequential amendments to principal Act

s 68

Section 10

In section 10(1), definition of **award**, paragraph (a), after “Qualifications”, insert “and Credentials”. 5

In section 10(1), definition of **award**, paragraph (b), replace “training scheme” with “micro-credential”.

In section 10(1), definition of **code**, replace “pastoral care” with “well-being and safety”. 10

In section 10(1), definition of **DRS operator**, replace “agency” with “organisation”.

In section 10(1), replace the definition of **educational outcome** with:

educational outcome means a credit, grade, mark, or other measure of student achievement that contributes towards the student gaining—

- (a) a qualification listed on the Qualifications and Credentials Framework; or 15
- (b) an award that recognises the successful completion of a micro-credential; or
- (c) recognition for successfully meeting the learning outcomes of a standard listed on the Directory of Assessment and Skill Standards 20

In section 10(1), definition of **listed skill standard**, after “Assessment”, insert “and Skill”.

In section 10(1), definition of **programme**, after “Qualifications”, insert “and Credentials”.

In section 10(1), definition of **provider**, paragraph (c), replace “pastoral care” with “well-being and safety”. 25

In section 10(1), definition of **qualification**, after “the Qualifications”, insert “and Credentials”.

In section 10(1), definition of **Qualifications Framework**, after “Qualifications” insert “and Credentials”. 30

In section 10(1), definition of **refund period**, paragraph (a) and (b), replace “training scheme” with “micro-credential”.

In section 10(1), definition of **refund period**, paragraph (a) and (b)(i), replace “or scheme” with “or micro-credential”.

Section 251

In section 251(e), replace “programmes, assessment standards, training schemes” with “micro-credentials, programmes, assessment and skill standards, national curricula”.

Section 255

5

In section 255(1), (3), (4), and (7), replace “training scheme” with “micro-credential” in each place.

In section 255(2)(b) and (5), replace “or scheme” with “or micro-credential”.

In section 255(7),—

- (a) replace “training scheme” with “micro-credential”; and 10
- (b) replace “or scheme” with “or micro-credential”.

Section 284

In section 284(1)(c) and (d), delete “257,”.

Section 312

In section 312(c), after “Qualifications”, insert “and Credentials”. 15

Section 343

In the heading to section 343, replace “**training schemes**” with “**micro-credentials**”.

In section 343, replace “training scheme” with “micro-credential”.

Section 346

In section 346(1)(e), replace “training schemes” with “micro-credentials”. 20

In section 346(1)(h)(i), replace “training scheme” with “micro-credential”.

Section 351

In section 351(2)(a), replace “training schemes” with “micro-credentials”.

Section 352

In section 352(1)(a)(ii) and (b)(ii), replace “training scheme” with “micro-credential it is accredited to provide”. 25

In section 352(2)(a), after “establishment’s accreditation”, insert “to provide an approved programme”.

In section 352(2)(b), replace “training scheme approval” with “accreditation to provide an approved micro-credential”. 30

Section 354

In section 354(a)(i), (b)(i), and (c), replace “training scheme” with “micro-credential” in each place.

Section 354—*continued*

In section 354(a)(ii), replace “or scheme” with “or micro-credential”.

Section 355

In section 355(1), replace “training scheme” with “micro-credential”.

Section 356

In section 356(1), (2), and (5)(a), replace “training scheme” with “micro-credential”. 5

Section 357

In section 357(1)(a) and (b), (2), (3)(a) and (b), and (4), replace “training scheme” with “micro-credential”.

In section 357(4), replace “or scheme” with “or micro-credential”.

Section 358

10

In the heading to section 358, replace “**training scheme**” with “**micro-credential**”.

In section 358, replace “training scheme” with “micro-credential”.

In section 358, replace “or scheme” with “or micro-credential”.

Section 361

In section 361(1)(a)(i), replace “training scheme” with “micro-credential”. 15

Section 366

In section 366(1)(c), after “on the Qualifications”, insert “and Credentials”.

In section 366(1)(d), replace “training schemes” with “micro-credentials”.

Section 391

In section 391(1)(a), after “qualification”, insert “, credential, or micro-credential”. 20

In section 391(1)(a) and (b)(ii), after “Qualifications”, insert “and Credentials”.

In section 391(1)(b)(ii), after “qualification”, insert “or micro-credential”.

In section 391(1)(b) and (c)(ii) and (iii), replace “training scheme” with “micro-credential”.

After section 391(1)(b), insert: 25

(ba) a curriculum is a national curriculum recognised under **section 438B**;
or

In section 391(1)(d), after “Assessment”, insert “and Skill”.

Section 392

In section 392(1)(a) and (b), after “Qualifications”, insert “and Credentials”. 30

Section 393

In section 393(3), replace “training scheme” with “micro-credential” in each place.

Section 399

In section 399(8), replace “pastoral care” with “well-being and safety”.

Section 433

5

In section 433(1)(b), replace “training scheme” with “micro-credential”.

In section 433(1)(d), after “Qualifications”, insert “and Credentials”.

In section 433(1)(d), after “Assessment”, insert “and Skill”.

In section 433(1)(h), (i)(ii), and (l), replace “training schemes” with “micro-credentials”.

10

In section 433(1)(i)(iii), after “programmes”, insert “or approved micro-credentials”.

Section 441

In section 441(3), after “Assessment”, insert “and Skill”.

Section 442

In section 442(1), after “Every accreditation”, insert “to provide an approved programme”.

15

Section 443

In the heading to section 443, after “**accreditation**”, insert “**to provide approved programme**”.

In section 443(1), after “accreditation”, insert “to provide an approved programme”.

20

In section 443(1)(d), after “Qualifications”, insert “and Credentials”.

Section 444

In the heading to section 444, after “**accreditation**”, insert “**to provide approved programme**”.

In section 444(1), after “accreditation”, insert “to provide an approved programme”.

25

Section 445

In section 445(3), after “Assessment”, insert “and Skill”.

Section 446

In the heading to section 446, replace “**training scheme**” with “**micro-credential**”.

In section 446(1), replace “training scheme approval” with “approval of the content of a micro-credential”.

30

In section 446(2), replace “a training scheme approval” with “an approval”.

Section 446—*continued*

In section 446(2), replace “accreditation” with “accreditation or accreditation to provide an approved programme”.

Section 449

In section 449(1), after “Assessment”, insert “and Skill”.

Section 450

5

In section 450(2), replace “accreditation” with “accreditation or accreditation to provide an approved programme”.

Section 451

In section 451(1)(a), delete “training scheme approval or”.

In section 451(1)(b) and (2), after “Assessment”, insert “and Skill”.

10

Section 452

In section 452(1)(a)(iii), replace “training scheme” with “micro-credential”.

In section 452(1)(a)(vii), (f), and (l), and (2)(b), after “Qualifications”, insert “and Credentials”.

In section 452(1)(a)(viii) and (f), and (2)(c), after “Assessment”, insert “and Skill”.

15

In section 452(1)(k), after “accreditations”, insert “to provide approved programmes”.

In section 452(1)(u), replace “training schemes” with “micro-credentials”.

Section 453

In section 453(3)(c) and (d), after “Qualifications”, insert “and Credentials”.

Section 457

20

In section 457(1)(a)(ii), replace “training scheme” with “micro-credential”.

In section 457(1)(a)(v), after “the Qualifications”, insert “and Credentials”.

In section 457(1)(a)(vi), after “Assessment”, insert “and Skill”.

Section 459

In section 459(1)(b), (6)(b) and (e), and (9), replace “training scheme” with “micro-credential” in each place.

25

In section 459(1)(b), replace “accreditation” with “accreditations”.

In section 459(9), after “standards”, insert “or any accreditation”.

Section 486

In section 486(1)(c), after “hearings”, insert “, and review decisions of the Complaints Assessment Committee,”.

30

Section 525

Replace section 525(2) with:

- (2) An institution’s council may not permit the enrolment of an international student at the institution for a micro-credential unless—
- (a) the micro-credential is approved by NZQA and the institution is accredited to provide the micro-credential; or
 - (b) the micro-credential is exempted under section 528.

5

In section 525(3)(b), replace “training scheme” with “micro-credential”.

In section 525(3)(b) and (4), replace “or scheme” with “or micro-credential”.

Section 527

10

In section 527(1)(c) and (2)(c), after “Assessment”, insert “and Skill”.

In section 527(2), (2)(b)(ii), and (3), replace “training scheme” with “micro-credential”.

Replace section 527(2)(b)(i) with:

- (i) the micro-credential is an approved micro-credential and the establishment is accredited to provide the micro-credential; or

15

Section 528

In section 528(1)(a), after “section”, insert “525(1)(b) or”.

In section 528(1)(b), and (2)(a) to (d), replace “training schemes” with “micro-credentials”.

20

Section 529

In section 529(1)(a) to (d) and (2), replace “training scheme” with “micro-credential” in each place.

In section 529(1)(b) and (2), replace “or scheme” with “or micro-credential” in each place.

25

Section 530

In section 530(1)(a)(i), replace “training scheme” with “micro-credential”.

Section 531

In the heading to section 531, replace “training scheme” with “micro-credential”.

In section 531(1), replace “training scheme” with “micro-credential” in each place.

30

Schedule 1

In Schedule 1, clause 12(3)(a), replace “accreditation” with “accreditation or accreditation to provide an approved programme”.

In Schedule 1, clause 12(4)(a), replace “accreditation” with “accreditation or accreditation to provide an approved programme”.

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Schedule 1—*continued*

In Schedule 1, clause 33(1)(d), after “Assessment”, insert “and Skill”.

In Schedule 1, clause 45(3)(a), after “Assessment”, insert “and Skill”.

In Schedule 1, clause 49(1)(b), replace “training scheme” with “micro-credential”.

In Schedule 1, clause 49(1)(c), after “Assessment”, insert “and Skill”.

Schedule 14

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In Schedule 14, replace clause 9(1)(c) with:

(c) an approval of the content of a micro-credential under section 445:

(ca) an accreditation to provide a micro-credential under **section 446A**:

In Schedule 14, clause 9(1)(d), after “Assessment”, insert “and Skill”.

Schedule 4

Consequential amendments to secondary legislation

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Building (Accreditation of Building Consent Authorities) Regulations 2006 (SR 2006/399)	5
In regulation 3, definition of specified New Zealand qualification , paragraph (o)(i), replace “Qualifications Framework” with “Qualifications and Credentials Framework”.	
Care of Children (Counselling) Regulations 2013 (SR 2013/432)	10
In regulation 6(b), replace “qualifications framework” with “Qualifications and Credentials Framework”.	
Education (Domestic Tertiary Student Contract Dispute Resolution Scheme) Rules 2021 (SL 2021/369)	
In rule 4, insert in its appropriate alphabetical order:	
specified body has the meaning given to it by section 536B(3) of the Act	15
Replace rule 8 with:	
8 DRS operator to inform student claimant of information sharing	
Before it accepts or declines to accept a dispute, the DRS operator must inform the parties to the dispute—	
(a) of how the DRS operator must perform or exercise its functions, powers, and duties under section 536A of the Act in resolving a dispute; and	20
(b) that certain information about the dispute—	
(i) must be provided to a specified body on request made under section 536B of the Act; and	
(ii) may be provided to a code administrator or a quality assurance agency under section 536C of the Act.	25
Revoke rule 10(1)(a) and (b).	
Revoke rule 10(2).	
Revoke rule 17.	
Education (Refund Requirements for International Students) Notice 2012 (SR 2012/312)	30
In clause 3(2), replace “ international student, private training establishment, programme, and training scheme ” with “ international student, micro-credential, private training establishment, and programme ”.	
In clause 4(1) and (2), replace “training scheme” with “micro-credential”.	
In clause 5, replace “training scheme” with “micro-credential”.	

Education (Refund Requirements for International Students) Notice 2012 (SR 2012/312)—*continued*

In clause 7(1)(e), replace “training scheme” with “micro-credential”.

Education (Tertiary Education—Criteria Permanent Residents Studying Overseas must Satisfy to be Domestic Students) Regulations 2016 (LI 2016/212)

In regulation 3(1), definition of **studying overseas**, paragraph (c), replace “training scheme” with “micro-credential”.

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Health and Safety at Work (Worker Engagement, Participation, and Representation) Regulations 2016 (LI 2019/16)

In regulation 3(1), definition of **additional training**, paragraph (a), after “the Qualifications”, insert “and Credentials”.

Minimum Wage Order 2021 (LI 2021/24)

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In clause 3(1), definition of **industry training programme**, replace “Qualifications Framework” with “Qualifications and Credentials Framework”.

Private Security Personnel and Private Investigators (Minimum Training) Regulations 2013 (SR 2013/321)

In regulation 3, definition of **NZQF**, after “the Qualifications”, insert “and Credentials”.

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Social Security Regulations 2018 (LI 2018/202)

In regulation 104(2)(d), replace “National Qualifications” with “Qualifications and Credentials”.

In regulation 104(2)(d), replace “452(1)(c)” with “**436**”.

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Student Allowances Regulations 1998 (SR 1998/277)

In regulation 2A(2) and (3), after “the Qualifications”, insert “and Credentials” in each place.

In regulation 2A(4), after “**Qualifications**”, insert “**and Credentials**”.

In regulation 23B(2)(b), after “the Qualifications”, insert “and Credentials”.

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