

Final version for signatures for the purposes of section 452 of the Education and Training Act 2020

NZQA Board:



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Minister of Education:



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Annual Fee Rules 2021

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Rules

1. Authority

1.1 These rules are made:

- (a) under section 452(1)(d) of the Education and Training Act 2020, for the purposes of section 349 of that Act, in respect of the annual registration fee for registered private training establishments; and
- (b) under clause 48(2)(h) of Schedule 1 of the Act, for the purposes of section 11F of the Industry Training and Apprenticeships Act 1992, in respect of the annual fee for transitional ITOs.

2. Commencement

- 2.1 These Rules commence on the 28th day after the date of approval by the Minister of Education under section 452(5) of the Education and Training Act 2020.

3. Interpretation

- 3.1 In these Rules, unless the context otherwise requires:

Act means the Education and Training Act 2020

credit value means the number of credits, with each credit representing ten notional learning hours

full time equivalent student is calculated in accordance with rule 5.1

ITA Act means the Industry Training and Apprenticeships Act 1992

learning hours in respect of a student enrolled at the PTE, include:

- (a) lecturer and tutor contact hours including workshops and tutorials:
- (b) hours for tests, assignments and other assessments:
- (c) hours where a student is in a supervised practical placement:
- (d) hours for study-time:
- (e) hours of self-directed learning where tutorial support is available

NZQA means the New Zealand Qualifications Authority, continued under section 430 of the Act

PTE means a registered private training establishment as defined in section 10 of the Act

STMs means the adjusted funded standard training measures for a calendar year, as notified by TEC to a transitional ITO in the final funding recovery letter for that transitional ITO for that calendar year

student credit value for a student enrolled in the calendar year, -

- (a) means the number of credits the student will gain from successful completion of the education or training the student is enrolled in; or
- (b) where the student withdraws from the education or training prior to its completion, means the pro rata number of credits determined in the same proportion that the days elapsed until withdrawal by the student bears to the total days that the student had enrolled to complete

TEC means the Tertiary Education Commission continued by section 401 of the Act

transitional ITO has the same meaning as in clause 42(1) of Schedule 1 of the Act.

Part 1

PTE annual registration fee

4. PTE annual registration fee

- 4.1 The PTE annual registration fee is determined as follows:

- (a) \$775 (plus GST), *plus*
- (b) \$10 multiplied by the number of full time equivalent students, (plus GST).

5. Calculating "full time equivalent students"

- 5.1 Full-time equivalent students is calculated as follows:

- (a) subject to rule 5.2, for education or training in which a student is enrolled at the PTE in the calendar year and which has a credit value:
 - (i) the *sum* of the totals of the student credit value for each enrolled student during the calendar year, then
 - (ii) *divided* by 120; and
 - (b) subject to rules 5.3 and 5.4, for education or training in which a student is enrolled at the PTE in the calendar year, but for which there is no credit value or for which the credit value cannot be properly assessed:
 - (i) total learning hours the student is enrolled to complete, then
 - (ii) *multiplied* by the number of enrolled students, then
 - (iii) *divided* by 1200.
- 5.2 Where the student credit value for a student exceeds 120 credits, the student credit value for the purposes of sub-paragraph (a)(i) of rule 5.1 will be 120 credits.
- 5.3 Where the total learning hours for a student exceed 1200, the maximum total learning hours for the purposes of sub-paragraph (b)(i) of rule 5.1 will be 1200 learning hours.
- 5.4 For the purposes of paragraph (b) of rule 5.1, where a student withdraws from the education or training in which they are enrolled prior to its completion, the total learning hours shall be the pro rata number of learning hours determined in the same proportion that the days elapsed until withdrawal by the student bears to the total days that the student had enrolled to complete.
- 6. When the PTE annual registration fee is payable**
- 6.1 The PTE annual registration fee is payable for each calendar year upon invoice by NZQA in the following year.

Part 2

Transitional ITO annual fee

7. Transitional ITO annual fee

- 7.1 The transitional ITO annual fee relates to the period 1 January to 31 December of any given year.
- 7.2 The transitional ITO annual fee for transitional ITOs that receive standard training measure funding from TEC, is determined as follows:
 - (a) \$775 (plus GST); *plus*
 - (b) the sum of \$3.30 (plus GST) multiplied by the previous calendar year's STMs.
- 7.3 The transitional ITO annual fee for transitional ITOs that do not receive standard training measure funding from TEC is determined as follows:
 - (a) \$775 (plus GST); *plus*
 - (b) the sum of \$3.30 (plus GST) *multiplied* by the *sum* of the totals of the student credit value for each student enrolled in programmes (for which the transitional ITO is the standard-setting body) during the previous calendar year, then
 - (c) *divided* by 120.

8. When the transitional ITO annual fee is payable

- 8.1 The transitional ITO annual fee will be payable, upon invoice, in the year to which the annual fee relates.

Part 3

Revocation

9. Revocation

9.1 The Annual Fee Rules 2015 are revoked.

Explanatory note

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

These rules prescribe the following:

- the methods for determining:
 - i. the annual registration fee for PTEs:
 - ii. the annual fee for transitional ITOs that receive standard training measure funding from TEC:
 - iii. the annual fee for transitional ITOs that do not receive standard training measure funding from TEC; and
- when those annual fees are payable.