Version
as at 1 April 2020

Industry Training and Apprenticeships Amendment Act 2014

Public Act	2014 No 16
Date of assent	22 April 2014
Commencement	see section 2

Industry Training and Apprenticeships Amendment Act 2014: repealed, on 1 April 2020, pursuant to section 75 of the Education (Vocational Education and Training Reform) Amendment Act 2020 (2020 No 1).

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Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the Ministry of Education.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Industry Training and Apprenticeships Amendment Act 2014.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act

This Act amends the Act that was previously called the Industry Training Act 1992 (the **principal Act**).

Part 1
Amendments to principal Act

4 Long Title repealed

Repeal the Long Title.

5 Name of principal Act changed

As from the commencement of this section,—

(a) the Industry Training Act 1992 is called the Industry Training and Apprenticeships Act 1992:

(b) every reference in any enactment and in any document to the Industry Training Act 1992 must, unless the context otherwise provides, be read as a reference to the Industry Training and Apprenticeships Act 1992.

6 Section 1 amended (Short Title and commencement)

(1) In the heading to section 1, delete "**Short**".

(2) In section 1(1), replace "may be cited as the Industry Training Act 1992" with "is the Industry Training and Apprenticeships Act 1992".

7 New section 1A inserted (Purpose)

After the Part 1 heading, insert:

1A Purpose

The purpose of this Act is to—

(a) provide for the recognition and funding of organisations (to be known as industry training organisations) to develop and maintain skill standards for, and administer the delivery of, industry training; and

(b) encourage and improve industry training; and

(c) encourage and help people to take up and complete apprenticeship training; and

(d) provide for other related matters.

8 Section 2 amended (Interpretation)

(1) In section 2, repeal the definitions of **apprenticeship contract**, **technician's contract**, **technicians' determination**, and **training board**.

(2) In section 2, definition of **industry**, paragraph (b), delete ";—".

(3) In section 2, definition of **industry**, delete "and, in relation to any industry training organisation, means the industry in respect of which the organisation is for the time being recognised".

(4) In section 2, definition of **industry training**, after "systematic training,", insert "including apprenticeship training,".

(5) In section 2, definition of **qualifications authority**, replace "**qualifications authority**" with "**Qualifications Authority**".

(6) In section 2, insert in their appropriate alphabetical order:

apprentice means a person receiving apprenticeship training

apprenticeship training has the meaning given to it by section 13C

apprenticeship training agreement means an agreement between an employee and his or her employer that relates to the employee's receipt of, or that provides for the employee to receive, apprenticeship training

apprenticeship training code means the code of practice (if any) for the time being issued under section 13F

condition of recognition means a condition imposed on an industry training organisation by the Minister under section 5(2) or (5)(b)

Directory of Assessment Standards means the Directory of Assessment Standards described in section 248A of the Education Act 1989

funding agreement means a written agreement entered into under section 11A between the Commission and 1 or more persons

listed skill standard means a skill standard that is listed on the Directory of Assessment Standards

prescribed quality assurance requirements means the quality assurance requirements prescribed by the Qualifications Authority under section 253(1)(gb) of the Education Act 1989 (which may relate to the matters in section 13B)

qualification means a qualification listed on the New Zealand Qualifications Framework described in section 248 of the Education Act 1989

specified industry means,—

(a) in relation to an industry training organisation, the industry or industries in respect of which the industry training organisation is recognised; or

(b) in relation to a body corporate applying for recognition as an industry training organisation, the industry or industries in respect of which the body corporate seeks to be recognised

training contract means a contract between an employer and an employee that relates to the employee's receipt of, or provides for the employee to receive, industry training (whether provided by the employer or by some other person)

9 Section 3 replaced (Training contracts to have effect as employment agreements)

Replace section 3 with:

3 Training contracts and apprenticeship training agreements part of employment agreement

Training contracts and apprenticeship training agreements are part of the employment agreement between the employee and employer concerned.

10 New section 4A inserted (Savings and transitional provisions relating to amendments to this Act)

After section 4, insert:

4A Savings and transitional provisions relating to amendments to this Act

Schedule 1AA contains savings and transitional provisions relating to amendments made to this Act after 1 January 2014 that affect other provisions of the Act (*see* section 53).

Industry training organisations

11 Sections 5 to 8 replaced

Replace sections 5 to 8 with:

5 Minister may recognise industry training organisations

(1) After receiving an application for recognition under section 6, the Minister may, by notice in the *Gazette*, recognise a body corporate as an industry training organisation.

(2) Recognition under subsection (1) may be subject to any conditions that, in the Minister's opinion, are reasonably necessary to maintain the quality and effectiveness of industry training in the specified industry.

(3) Before recognising an organisation under subsection (1), the Minister must—

- (a) take into account the matters set out in section 7; and
- (b) be satisfied that the organisation has, or will have, the skill and knowledge to be able to carry out the core activities of an industry training organisation under section 11B(1)(a); and
- (c) be satisfied, following consultation with the Qualifications Authority, that the organisation has, or will have, and is likely to maintain—
  - (i) systems and processes to enable the organisation to comply with the prescribed quality assurance requirements; and
  - (ii) the capability, knowledge, and experience to enable the organisation to comply with the prescribed quality assurance requirements.

(4) The *Gazette* notice under subsection (1) must specify—

- (a) the name of the organisation; and
- (b) the specified industry; and
- (c) any conditions of recognition.

(5) The Minister may,—

(a) at the request of the industry training organisation, amend the notice to change the description of the specified industry:

(b) at any time,—

(i) revoke a condition of recognition; or

(ii) amend a condition of recognition, or impose a new condition, if, in the Minister's opinion, the amended or new condition is reasonably necessary to maintain the quality and effectiveness of industry training in the specified industry.

6 Application for recognition as industry training organisation

(1) A body corporate may apply to the Minister for recognition as an industry training organisation.

(2) An application under subsection (1) must be accompanied by the fee (if any) charged by the Qualifications Authority under section 254(2)(d) of the Education Act 1989.

(3) The Minister need not consider an application if the applicant has failed to provide, within 30 days of receiving a request, any information requested in relation to the application by—

(a) the Qualifications Authority; or

(b) the Commission.

7 Matters that Minister must take into account before organisation recognised

The matters that the Minister must take into account under section 5(3)(a) are, without limitation,—

(a) whether the organisation provides services to, or will provide services to, a sufficient number of employers in the specified industry; and

(b) whether the organisation is, or will be, adequately funded by employers in the specified industry; and

(c) whether the organisation has in place adequate arrangements for involving employers in the governance of the organisation; and

(d) whether the organisation has, or will have, the capacity to—

(i) monitor demand for training within the specified industry; and

(ii) respond to the demand for industry training at the skill level required by employers in the specified industry; and

(e) the need to avoid unnecessary duplication of resources in providing industry training for the specified industry; and

(f) whether the organisation has, or will have, and is likely to maintain—

(i) Qualifications Authority approval for programmes or training schemes for the specified industry; and

(ii) Qualifications Authority consent, under section 252 of the Education Act 1989, to assess its students against listed skill standards; and

(g) whether the organisation has performed satisfactorily at other times when the organisation has been recognised; and

(h) whether the organisation has taken reasonable steps to avoid fragmentation and to provide a clear and representative industry focus.

8 Provisional recognition

(1) The Minister may, by notice in the *Gazette*, grant provisional recognition to an industry training organisation that does not satisfy the matters described in section 5(3)(c).

(2) Before granting provisional recognition, the Minister must be satisfied that—

(a) the organisation has, or will have, the skill and knowledge to be able to carry out the core activities of an industry training organisation under section 11B(1)(a); and

(b) if the applicant completes the actions specified in the *Gazette* notice, the applicant will satisfy the Minister that it should be recognised under section 5(1); and

(c) in all the circumstances, it is appropriate that the Commission should be able to fund the applicant via a plan.

(3) A *Gazette* notice under subsection (1) must specify—

(a) the name of the organisation; and

(b) the specified industry; and

(c) any conditions of recognition; and

(d) that the applicant has been granted provisional recognition; and

(e) the actions that the applicant must take in order to satisfy the Minister that it should be recognised under section 5(1); and

(f) the period (not exceeding 3 years) for which provisional recognition has been granted.

12 Section 9 amended (Expiry and cancellation of recognition)

(1) In section 9(3), replace "this Act" with "section 5(1) or 8(1)".

(2) After section 9(3)(ab), insert:

(ac) if it has breached the requirement in section 11E; or

(3) Replace section 9(3A)(a) with:

(a) the Minister has issued a notice to the organisation, in accordance with subsection (3B), stating that he or she considers that the organisation's performance is inadequate for any of the following reasons:

(i) it is not carrying out at least 1 of the core activities set out in section 11B(1)(a):

(ii) it is failing to comply with 1 or more conditions of recognition:

(iii) it is failing to comply with a compliance notice issued by the Qualifications Authority under section 11D; and

(4) In section 9(3B)(b)(i), delete ", with reference to the requirements under section 6(a) to (d)".

13 New cross-heading above section 10 inserted

After section 9, insert:

Funding of industry training

14 Section 10 amended (Industry training organisation's proposed plan must identify activities for which it seeks funding)

(1) In section 10(2)(a), replace "setting" with "developing and maintaining".

(2) In section 10(2)(c), replace "qualifications authority" with "Qualifications Authority" in each place.

(3) Replace section 10(2)(d) and (e) with:

(d) the apprenticeship training activities described in section 13D(2) (which, if funded, must be carried out as a package); and

15 New sections 11A to 11F and cross-heading inserted

After section 11, insert:

11A Persons other than industry training organisations may receive funding for industry training

(1) The Commission may enter into funding agreements with persons other than industry training organisations to provide for those persons—

(a) to make arrangements, in respect of an industry or industries described in the agreement, for the delivery of industry training that will enable trainees to attain listed skill standards, including arrangements accepted by the Qualifications Authority for—

(i) monitoring the training to ensure that the training enables trainees to attain those standards; and

(ii) assessing trainees and the extent to which they have attained those standards; and

(b) to perform, in respect of an industry or industries described in the agreement, the apprenticeship training activities described in section 13D(2)(c) to (h) (which, if funded, must be carried out as a package); and

(c) to receive funding from the Commission for the purposes described in paragraphs (a) and (b).

(2) A funding agreement must—

(a) specify agreed levels of performance for the person receiving funding under the agreement; and

(b) provide for the variation, suspension, and termination of funding, or the funding agreement, or both, if the specified levels of performance are not achieved.

Obligations of industry training organisations

11B Obligations of industry training organisations

(1) An industry training organisation must—

(a) carry out 1 or both of the following core activities (whether or not it receives funding for those activities via a plan):

(i) developing and maintaining skill standards to be listed on the Directory of Assessment Standards and used in the assessment of trainees:

(ii) developing and maintaining arrangements for the delivery of industry training that will enable trainees to achieve the relevant skill standards; and

(b) comply with any conditions of recognition applying to the organisation; and

(c) comply with any prescribed quality assurance requirements that apply to the activities carried out by the organisation; and

(d) develop and maintain arrangements for the collective representation of employees in the governance of the organisation.

(2) In carrying out the activity described in subsection (1)(a)(ii), an industry training organisation must have regard to the needs of Māori and other population groups identified in the tertiary education strategy issued under section 159AA of the Education Act 1989.

11C Qualifications Authority may issue quality assurance improvement notice

(1) The Qualifications Authority may, if satisfied that such action is reasonably necessary to maintain the quality and effectiveness of industry training in a specified industry, issue a quality assurance improvement notice to an industry training organisation.

(2) A quality assurance improvement notice must—

(a) set out any concerns the Qualifications Authority has about the organisation's systems, practices, training, or procedures; and

(b) specify the time within which the organisation is expected to address the Qualification Authority's concerns (which must be a reasonable time, having regard to the nature and complexity of the action required); and

(c) state that, if the Qualifications Authority's concerns are not addressed within the specified time, the Qualifications Authority may issue a compliance notice under section 11D; and

(d) specify the possible consequences of a failure to comply with a compliance notice.

11D Qualifications Authority may issue compliance notice

(1) The Qualifications Authority may issue a compliance notice to an industry training organisation requiring the organisation to do 1 or both of the following things:

(a) to do, or to refrain from doing, a particular thing in relation to a prescribed quality assurance requirement:

(b) to address any concerns set out in a quality assurance improvement notice issued under section 11C that were not addressed within the time specified in that notice.

(2) Section 255(3) to (6) of the Education Act 1989 applies to compliance notices issued under this section.

(3) If an industry training organisation fails to comply with a notice issued under subsection (1), the Qualifications Authority may recommend to the Minister that the Minister do 1 or both of the following things:

(a) issue a notice in accordance with section 9(3B) (which may lead to cancellation of the organisation's recognition under section 9(3)):

(b) impose a new condition of recognition, or amend an existing condition, under section 5(5)(b).

(4) A compliance notice may be issued to an industry training organisation whether or not a quality assurance improvement notice has been issued under section 11C.

(5) Nothing in this section limits the power of the Qualifications Authority to issue a compliance notice to an industry training organisation in accordance with section 255 of the Education Act 1989.

11E Industry training organisations not to operate registered private training establishments

(1) An industry training organisation must not operate or hold any interest in a registered private training establishment.

(2) Despite subsection (1), during the 12 months after the date on which this section comes into force, no action may be taken under section 9 against an industry training organisation if,—

(a) before the commencement of this section, the organisation operated or held an interest in a registered private training establishment; and

(b) the organisation continues to operate, or continues to hold the same interest in, the registered private training establishment.

(3) In this section, **registered private training establishment** means a private training establishment that has been granted registration by the Qualifications Authority under Part 18 of the Education Act 1989, other than a registration that has been cancelled.

11F Annual fee

(1) Every industry training organisation must pay to the Qualifications Authority an annual fee prescribed by or determined under rules made under section 253(1)(ga) of the Education Act 1989.

(2) The annual fee may recover no more than the reasonable costs, excluding those costs that are recoverable through fees charged under section 254 of the Education Act 1989, incurred by the Qualifications Authority for—

(a) prescribing quality assurance requirements under section 253(1)(gb) of the Education Act 1989; and

(b) monitoring compliance, and addressing non-compliance, with those requirements in accordance with its function under section 13A(a); and

(c) issuing quality assurance improvement notices under section 11C.

(3) The fee is—

(a) payable by the due date prescribed in the rules; and

(b) recoverable as a debt due to the Qualifications Authority.

16 Section 13 replaced (Additional functions of Commission)

Replace section 13 with:

Functions of Commission and Qualifications Authority

13 Additional functions of Commission

In addition to the functions given to the Commission by or under enactments other than this Act, the Commission has the following functions:

(a) to increase the availability within industry of high-quality industry training that is linked to qualifications:

(b) to promote the availability of industry training that is linked to qualifications to people of a kind or description specified in the Commission's statement of intent as people to whom such training has not traditionally

been available (whether within a particular industry or industries, or generally):

(c) to administer and disburse public money appropriated by Parliament for the purpose of industry training:

(d) to develop and recommend to the Minister an apprenticeship training code for the purposes described in section 13F(1):

(e) to make the apprenticeship training code available, in accordance with section 13G:

(f) to monitor the performance of persons carrying out apprenticeship training activities (whether via a plan or under a funding agreement) to ensure that they comply with the apprenticeship training code:

(g) to exercise the powers and perform the functions of the Commission under Part 5.

Compare: 2000 No 94 s 12

13A Additional functions of Qualifications Authority

In addition to the functions given to the Qualifications Authority by or under enactments other than this Act, the Qualifications Authority has the following functions:

(a) to monitor, through the exercise of its powers under this Act, compliance by industry training organisations with the prescribed quality assurance requirements, and to address non-compliance:

(b) to monitor the quality and results of an industry training organisation's system and procedures for the moderation of vocational training.

13B Qualifications Authority may prescribe quality assurance requirements

(1) Rules made under section 253(1)(gb) of the Education Act 1989 to prescribe quality assurance requirements for industry training organisations may include, without limitation other than subsection (2), requirements relating to—

(a) the quality of the management, operation, and governance of industry training organisations; and

(b) the quality of the skill standards developed and maintained by industry training organisations; and

(c) the quality of the arrangements made by industry training organisations for the delivery of industry training (including apprenticeship training); and

(d) the ability of industry training organisations to acquire, and to maintain,—

(i) Qualifications Authority approval for programmes or training schemes for the specified industry; and

(ii) Qualifications Authority consent, under section 252 of the Education Act 1989, to assess their students against listed skill standards.

(2) Rules made under section 253(1)(gb) of the Education Act 1989 may not prescribe quality assurance requirements relating to the governance of industry training organisations unless the quality of governance affects a matter described in subsection (1)(b), (c), or (d).

17 New Part 2A inserted

After section 13B, as inserted by section 16 of this Act, insert:

Part 2A
Apprenticeship training

13C Apprenticeship training defined

For the purposes of this Act, **apprenticeship training** is a type of industry training that—

(a) is provided for a person who is working in an industry while undertaking training in that industry; and

(b) is provided wholly or partly at the person's workplace, mainly by or on behalf of the person's employer; and

(c) consists of a programme of study or training, or both, leading to a qualification in the skills of an industry that provides entry into an occupation in that industry; and

(d) is facilitated by—

(i) an industry training organisation that receives funding via a plan; or

(ii) a person that receives funding under a funding agreement.

13D Apprenticeship training activities must be included in proposed plan

(1) An industry training organisation that seeks funding for apprenticeship training activities via a plan must specify in its proposed plan how it intends to carry out each of those activities (described in subsection (2)).

(2) The apprenticeship training activities are—

(a) to promote apprenticeship training generally through the provision of information, guidance, and advice to employers and prospective apprentices on the benefits of an apprenticeship:

(b) to identify—

(i) prospective apprentices; and

(ii) employers able to offer apprenticeship training:

(c) to arrange training or employment that may lead to apprenticeship training for prospective apprentices:

(d) to help prospective apprentices enter into apprenticeship training agreements:

(e) to produce, and facilitate (in consultation with an apprentice and the apprentice's employer) the implementation of, individual training plans consistent with an apprentice's apprenticeship training agreement:

(f) to monitor individual apprentices to ensure that their apprenticeship training leads them to attain, within a reasonable time, the level of skills necessary to complete a qualification in the skills of the specified industry:

(g) to ensure, as far as is reasonably practicable, that apprenticeship training, and every apprenticeship training agreement, within the specified industry is consistent with any apprenticeship training code:

(h) to provide or procure appropriate pastoral care and support for apprentices, having regard to the age and experience of the apprentice and the contents of any apprenticeship training code.

Compare: 2000 No 94 ss 15(1), 16(1)

13E Obligations of persons carrying out apprenticeship training activities

(1) Persons carrying out apprenticeship training activities (whether via a plan or under a funding agreement) must,—

(a) in performing any apprenticeship training activity described in section 13D(2), comply with every part of the apprenticeship training code that affects that activity:

(b) before helping a person under the age of 18 years to enter into an apprenticeship training agreement, advise that person to seek advice about the agreement from an independent person (for example, a parent, guardian, caregiver, or lawyer).

(2) If an industry training organisation becomes aware that it is impractical for an apprentice under the organisation's care to continue his or her training with his or her current employer, the industry training organisation must make reasonable endeavours to find a new employer with whom the apprentice can complete his or her training.

Compare: 2000 No 94 ss 15(2), 17(a)

Apprenticeship training code

13F Minister may issue apprenticeship training code

(1) The Minister may, by notice in the *Gazette*, issue an apprenticeship training code that—

(a) is consistent with this Act; and

(b) sets out the responsibilities of apprentices, their employers, and persons carrying out apprenticeship training activities under this Act.

(2) The apprenticeship training code may, but need not, be a code recommended by the Commission.

(3) Before issuing an apprenticeship training code, the Minister may consult any persons or organisations that the Minister considers appropriate.

(4) The *Gazette* notice under subsection (1) must—

(a) specify the date on which the apprenticeship training code comes into force (which must be at least 28 days after the date on which the notice is published); and

(b) either—

(i) set out the apprenticeship training code in full; or

(ii) give enough information to identify the code and state where copies of the code may be obtained.

13G Availability of apprenticeship training code

The Commission must make any apprenticeship training code available—

(a) at every office of the Commission, free of charge; and

(b) on the Commission's Internet site in a format that is readily accessible.

Compare: 2000 No 94 s 27

13H Apprenticeship training code to be taken into account by mediation personnel, Employment Relations Authority, and Employment Court

In exercising or performing, in relation to a matter concerning an apprentice, any power or function under the Employment Relations Act 2000, the following must take into account every applicable element of any apprenticeship training code:

(a) a person providing mediation services under that Act:

(b) the Employment Relations Authority:

(c) the Employment Court.

Compare: 2000 No 94 s 7

13I Application of Legislation Act 2012 to apprenticeship training code

An apprenticeship training code is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012, and must be presented to the House of Representatives under section 41 of that Act.

Compare: 2000 No 94 s 29

18 Part 3 repealed

Repeal Part 3.

19 Section 29 amended (Purposes for which levy may be required)

Replace section 29(3) with:

(3) In specifying how levy funds are to be used, a levy order may specify 1 or more purposes that will benefit the levy group as a whole and that are related to meeting the costs (including infrastructure and administration costs) associated with developing and maintaining skill standards for the specified industry.

20 Repeal of Modern Apprenticeship Training Act 2000

The Modern Apprenticeship Training Act 2000 (2000 No 94) is repealed.

21 New section 53 and cross-heading inserted

After section 52, insert:

Savings and transitional provisions

53 Savings and transitional provisions relating to amendments to this Act

The savings and transitional provisions set out in Schedule 1AA, which relate to amendments made to this Act after 1 January 2014, have effect for the purposes of this Act.

22 New Schedule 1AA inserted

Before Schedule 1, insert the Schedule 1AA set out in Schedule 1 of this Act.

23 Consequential amendments

The enactments specified in Schedule 2 are amended in the manner indicated in that schedule.

Part 2
Amendments to Education Act 1989

24 Principal Act

This Part amends the Education Act 1989 (the **principal Act**).

25 Section 253 amended (Rules)

After section 253(1)(g), insert:

(ga) prescribing the amount of, or the method for determining, the annual registration fee required under section 11F of the Industry Training and Apprenticeships Act 1992, and when and how that fee is payable:

(gb) prescribing quality assurance requirements for industry training organisations, including, without limitation, requirements relating to the matters described in section 13B of the Industry Training and Apprenticeships Act 1992:

26 Section 254 amended (Fees)

Replace section 254(2)(c) with:

(c) charge fees to any person or institution for any quality assurance activities undertaken by the Authority (including quality assurance activities undertaken in accordance with the Authority's functions under the Industry Training and Apprenticeships Act 1992):

(d) charge an application fee to a body corporate applying for recognition as an industry training organisation under section 6 of the Industry Training and Apprenticeships Act 1992.

Schedule 1
New Schedule 1AA inserted

s 22

Schedule 1AA
Application, savings, and transitional provisions relating to amendments made to this Act after 1 January 2014

ss 4A, 53

1 Interpretation

In this schedule,—

amendment Act means the Industry Training and Apprenticeships Amendment Act 2014

apprenticeship co-ordinator, **apprenticeship training agreement**, and **funding agreement** have the meanings given in section 4 of the Modern Apprenticeship Training Act 2000

Modern Apprenticeship Training Act 2000 means the Modern Apprenticeship Training Act 2000 as it was immediately before its repeal by the amendment Act

transition period means the period beginning on the date on which the amendment Act comes into force and ending with the close of 31 December 2017.

2 Application

The Act applies to all industry training organisations, including those organisations recognised under the Act before the amendment Act comes into force.

3 Apprenticeship training agreements saved

(1) In this clause, an **agreement** means an apprenticeship training agreement that—

(a) is entered into before the amendment Act comes into force; and

(b) on the date on which the amendment Act comes into force, has not ceased to be in force.

(2) During the transition period, for the purposes of an agreement,—

(a) the Modern Apprenticeship Training Act 2000, and the code of practice approved or issued under section 20 of that Act, continue to apply to any employee, apprenticeship co-ordinator, and apprentice who is a party to the agreement; and

(b) this Act only applies to the employee, apprenticeship co-ordinator, and apprentice to the extent that it applied before the commencement of the amendment Act.

4 Funding agreements saved

(1) In this clause, **funding agreement** means a funding agreement between the Commission and an apprenticeship training co-ordinator that—

(a) is entered into before the amendment Act comes into force, whether or not it is amended before or after that date; and

(b) on the date on which the amendment Act comes into force, has not ceased to be in force.

(2) During the transition period,—

(a) every funding agreement continues in force, and may be renewed annually; and

(b) the Modern Apprenticeship Training Act 2000, and the code of practice approved or issued under section 20 of that Act, continue, for the purposes of the agreement, to apply to the Commission and to the apprenticeship co-ordinator to whom the funding agreement applies; and

(c) the Commission may continue to fund the apprenticeship co-ordinator in accordance with the funding agreement as if the amendment Act had not been passed.

(3) Any funding agreement that has not otherwise ceased to be in force expires at the close of 31 December 2017.

5 Commission may make direction to ensure continuation of training

During the transition period, the Commission may, for the purpose of ensuring that an apprentice can continue his or her apprenticeship training, or undertake suitable alternative training, issue 1 or more of the following directions:

(a) that a specified industry training organisation must make arrangements for the apprentice to continue his or her apprenticeship training in accordance with this Act:

(b) that a specified apprenticeship co-ordinator must assume, in respect of the apprentice, the responsibilities and functions of an apprenticeship co-ordinator under the Modern Apprenticeship Training Act 2000:

(c) that a specified industry training organisation must assume, in respect of the apprentice, the responsibilities and functions of an apprenticeship co-ordinator under the Modern Apprenticeship Training Act 2000.

6 Applications for recognition made before commencement

Where an application for recognition as an industry training organisation is received by the Minister before the commencement of the amendment Act, the Minister—

(a) must consider the application in accordance with the provisions of this Act as they were before the commencement of the amendment Act; and

(b) may recognise the organisation under section 5(1) or 8(1) as those sections were before the commencement of the amendment Act.

7 Notice of cancellation issued before commencement

If, before the commencement of the amendment Act, the Minister issues a notice under section 9(3A), the Minister must, after the amendment Act comes into force, decide whether to cancel recognition of the industry training organisation on the basis of the provisions of this Act as they were before the commencement of the amendment Act.

Schedule 2
Consequential amendments

s 23

Part 1
Amendments to Acts

Education Act 1989 (1989 No 80)

In section 2(1), definition of **industry training organisation**, replace "Industry Training Act 1992" with "Industry Training and Apprenticeships Act 1992".

In section 2(1), definition of **tertiary component**, replace "section 5 of the Modern Apprenticeship Training Act 2000" with "section 13C of the Industry Training and Apprenticeships Act 1992".

In section 159(1), definition of **industry training organisation**, replace "Industry Training Act 1992" with "Industry Training and Apprenticeships Act 1992".

In section 248B(1)(a), replace "Industry Training Act 1992" with "Industry Training and Apprenticeships Act 1992".

Minimum Wage Act 1983 (1983 No 115)

Repeal section 9(a).

Minors' Contracts Act 1969 (1969 No 41)

Repeal section 5(4)(a).

Plumbers, Gasfitters, and Drainlayers Act 2006 (2006 No 74)

In section 157(3), replace "Industry Training Act 1992" with "Industry Training and Apprenticeships Act 1992".

Real Estate Agents Act 2008 (2008 No 66)

In section 12(3), replace "Industry Training Act 1992" with "Industry Training and Apprenticeships Act 1992".

Part 2
Amendments to regulations

Real Estate Agents (Licensing) Regulations 2009 (SR 2009/282)

In regulation 3(1), definition of **industry training organisation**, replace "Industry Training Act 1992" with "Industry Training and Apprenticeships Act 1992".

Sale of Liquor Regulations 1990 (SR 1990/61)

In regulation 21AA(2), replace "Industry Training Act 1992" with "Industry Training and Apprenticeships Act 1992".

Reprints notes

1 General

This is a reprint of the Industry Training and Apprenticeships Amendment Act 2014 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 Legal status

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 Editorial and format changes

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also http://www.pco.parliament.govt.nz/editorial-conventions/.

4 Amendments incorporated in this reprint

Education (Vocational Education and Training Reform) Amendment Act 2020 (2020 No 1): section 75

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