

**Tertiary Education  
Commission**  
Te Amorangi Mātauranga Matua



# Employer-led Workplace Literacy and Numeracy Fund

2020 Funding Conditions Catalogue

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# Introduction

## About the Employer-led Workplace Literacy and Numeracy fund

Employer-led Workplace Literacy and Numeracy (EWLN) is a fund to support the provision of literacy and numeracy programmes for employees to increase their literacy and numeracy skills, and contribute to workplace productivity.

The TEC provides EWLN funding to employers to help them:

- » provide high-quality literacy and numeracy programmes customised for their workplace
- » address productivity problems where the root cause is in the literacy and numeracy skill levels of employees.

From research, employer reports and direct employer engagement, we know that investment in high-quality literacy and numeracy provision in the workplace focused on addressing employers' productivity problems has positive effects for employers, employees and their families/whānau.

## The allocation and use of EWLN funding

The EWLN funding mechanism is issued by the Minister of Education. The funding mechanism provides the mandate for us to allocate the funding, sets out what the funding can be used for and details how we administer the fund.

EWLN funding is approved off-Plan via a funding confirmation letter. If you receive EWLN funding, you are required to comply with the conditions specified in this catalogue.

## How to use this catalogue

The TEC has taken a new approach to providing organisations with its funding conditions. For 2020 funding, we have removed our base funding conditions and fund-specific conditions from an organisation's funding confirmation letters and created funding conditions catalogues.

The change is intended to make it easier to find and access the information you need. To do this, we have created this conditions catalogue just for EWLN employers. It is broken down into two main parts:

- » base funding conditions – general TEC conditions of funding
- » fund-specific conditions – these conditions relate to EWLN eligibility, reporting and payment.

You can navigate the catalogue by going to the Contents page and jumping to the section you want. Or, you can download and open the catalogue in a PDF reader and use the Bookmarks side panel to select a section.

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# Base Funding Conditions

## Introduction

- A. This section sets out the Conditions that apply to every Fund for which you receive Funding.
- B. In addition to the Conditions set out on this page, the following Conditions apply to your Funding:
  - (a) Fund-specific Conditions (see the fund-specific conditions in the Conditions Catalogue in Workspace 2 or, if you do not have access to Workspace 2, your Funding Confirmation Letter); and
  - (b) Organisation-specific Conditions, which are set out in Appendix 2 of your Funding Confirmation Letter.

## 1. Conditions in the Education Act

- 1.1 Section 159ZD(1) of the Education Act 1989 sets out a number of statutory conditions that apply to your organisation's receipt of funding. Those conditions relate to the supply of financial, statistical or other information to us or the Ministry of Education from time to time, as required.

## 2. Conditions that apply to all Funding

### 2.1 Supply of information

- (a) You must supply to us information relating to your financial viability, if we notify you that we require that information, within the time period specified in the notice.
- (b) You must supply to us information about your subcontracting arrangements when we request that information, within the time period specified in the notice.
- (c) You must notify us at least 28 days before, or as soon as practicable if it is not possible for you to notify us at least 28 days before:
  - (i) you have a Change of Control (see definition below);
  - (ii) you transfer (or agree to transfer) all or a material part of your assets to a third party;
  - (iii) you merge with or acquire any other entity or business; or
  - (iv) there is any change to the persons who make up your governing body.
- (d) You must notify us immediately if:
  - (i) any record required to be kept under section 159ZE of the Education Act has been lost or damaged;
  - (ii) you are no longer able to comply with a Condition;
  - (iii) you have an Insolvency Event (see definition below);
  - (iv) you have changed your name; or
  - (v) the location or locations at which you deliver a course or courses has changed.

*Definitions used in this paragraph 2.1*

**Insolvency Event** means, in relation to you, the occurrence of any of the following events:

- (A) any step taken in or toward the making of any compromise, proposal or deed of arrangement with all or some of your creditors;
- (B) the appointment of a liquidator, provisional liquidator, receiver, receiver and manager, voluntary administrator, statutory manager, or similar official in respect of you or the whole or part of your assets;

- (C) the suspension or threatened suspension of the payment of your debts;
- (D) you cease or threaten to cease to carry on all or any material part of your business or operations;
- (E) a distress, attachment or other execution is levied or enforced upon, or commenced against, any of your assets and is not discharged or stayed within 10 business days, except, in each case, when we are satisfied that that you are contesting the same in good faith by appropriate proceedings;
- (F) cessation of your business in New Zealand; or
- (G) any other insolvency event or proceedings analogous to any of the foregoing occurring in any relevant jurisdiction.

**Change of Control** means, in relation to a person (the “first person”), when a person acquires Control of the first person or when a person who controls the first person ceases to do so; and

**Control** means, in relation to a person (the “first person”), the ability of another person (the “second person”) to ensure that the activities and business of the first person are conducted in accordance with the wishes of the second person, whether through ownership of voting shares, contract or otherwise. Without limitation, the direct or indirect beneficial ownership of more than 50% of the voting rights in a body corporate is deemed to constitute Control.

## **2.2 Source and use of funding**

- (a) You must:
  - (i) not (without our prior written consent) seek or obtain any funding from any Crown source other than us to fund a programme or training scheme that is delivered using the Funding; and
  - (ii) notify us immediately if you become aware of any circumstances that might result in a breach of subparagraph (i) of this Condition.
- (b) You must only use the Funding:
  - (i) lawfully, responsibly, and for the purposes for which the Funding is provided; and
  - (ii) in a manner consistent with the appropriate use of public funds.

## **2.3 Organisation to make information available to us and our appointed representative for the purpose of monitoring**

- (a) You must give us (and any representative acting on our behalf) reasonable access to information needed by us to undertake our review and monitoring functions.
- (b) By accepting the Funding, you authorise us and our appointed representatives to have access to your premises and any premises where your records are kept for the purpose of enabling monitoring and review activities to be undertaken at those premises.

# Base Funding Information

## 1. Payment of Funding

- 1.1 We will provide you with the Funding specified in your Funding Confirmation Letter in respect of the Funding Period subject to:
  - (a) your compliance with the Conditions that apply to your Funding;
  - (b) our rights to suspend, revoke or withdraw the Funding as set out in the Education Act;
  - (c) the relevant Funding Mechanisms continuing in effect; and
  - (d) the Government continuing to appropriate sufficient funding for the relevant Fund.
- 1.2 To ensure accountability for public money, we will:
  - (a) monitor your enrolment data and, if you are tracking below funded volumes, we may implement either a reduced payments schedule following withdrawing, suspending or revoking some of your funding under section 159ZF of the Act; or
  - (b) recover funding for under-delivery of the programmes and activities described in your Application for Funding, in accordance with the Conditions.
- 1.3 The amounts specified in your Funding Confirmation Letter are in New Zealand dollars and exclude GST. We will pay you the Funding plus GST, if applicable.
- 1.4 Your Funding Confirmation Letter sets out the entire understanding between you and us in relation to the Funding to be provided by us to you for the Funding Period. The Funding Confirmation Letter supersedes all prior verbal or written communication relating to the provision of funding to be provided by us to you for the Funding Period (including all earlier communication in respect of the approval of funding made by the Chief Executive of TEC or any other TEC official).
- 1.5 Subject to our future approval, we intend to provide you with the Indicative Funding specified in the Key Particulars (if any).

## 2. Variations

- 2.1 In relation to your Application for Funding, you should contact us in the following circumstances if you:
  - (a) think the Minimum Requirements may need to be amended; or
  - (b) wish to vary delivery from that specified in the Minimum Requirements.

## 3. Communication and relationship management

- 3.1 Regular contact will be maintained for the purpose of us:
  - (a) monitoring your performance against the Performance Commitments set out in the Minimum Requirements;
  - (b) encouraging the on-going review and assessment of your effectiveness;
  - (c) providing constructive feedback that will enhance the effectiveness of your performance; and
  - (d) identifying early any issues and opportunities for you to improve.
- 3.2 If you expect that you will not meet the Performance Commitments set out in the Minimum Requirements, or that you will not comply with a Condition, you should advise us in writing as soon as possible.

#### **4. Record-keeping and reporting**

- 4.1 In addition to any specific record-keeping and reporting obligations as described in the Conditions, you must comply with your record-keeping and reporting obligations as set out in section 159ZE of the Education Act.
- 4.2 The records that you are required to keep must, for example, fully and fairly show for the period to which the Funding relates whether the Conditions on which funding approval was given have been complied with.

#### **5. TEC monitoring activities**

- 5.1 We will monitor your performance against:
  - (a) your compliance with the Conditions;
  - (b) the Performance Commitments in Application of Funding; and
  - (c) your delivery against the Minimum Requirements (as applicable).
- 5.2 We will also monitor your performance against:
  - (a) any initiatives implemented to reduce low-performing provision;
  - (b) the agreed objectives for any TEC-funded projects; and
  - (c) the change expectations for you as agreed by us.
- 5.3 If we consider that there are persistent quality issues with the data you submit to us, we may require that the accuracy of your data is validated by a third party.
- 5.4 Your performance against the Conditions, the Performance Commitments and the Minimum Requirements will also be considered when making future funding decisions.

#### **6. Suspension, revocation or withdrawal of Funding**

We may suspend, revoke or withdraw some or all of the Funding provided under this Funding Confirmation in accordance with section 159ZF of the Education Act, in which case sections 159ZG and 159ZH of the Education Act also apply.

For example, we may suspend or revoke your Funding if we are satisfied on reasonable grounds that:

- (a) you have not complied, or are not complying with a Condition on which Funding has been given; or
- (b) you have not provided, or are not providing, adequate and timely information required by us or the Ministry.

#### **7. No guarantee of further funding**

Funding approval does not mean that we:

- (a) approve any funding other than that specified in the Funding Confirmation Letter. This includes any Indicative Funding which requires a further approval to be made by us before such funding can be considered to be “approved”;
- (b) agree with every statement in your Application for Funding; or
- (c) will fund you in the future.

# Employer-led Workplace Literacy and Numeracy Fund Conditions

## Purpose of Fund

The purpose of funding literacy and numeracy provision is to:

- (a) raise adults' literacy and numeracy skills; and
- (b) increase opportunities for adults to engage in literacy and numeracy learning, particularly for those in low-skilled employment; and
- (c) improve the quality and relevance of provision, including the ability to identify learner need and learning gain.

The purposes of the Workplace Literacy and Numeracy (WLN) Fund are to:

- (a) increase the literacy and numeracy skills of employees; and
- (b) contribute to workplace productivity through the provision and evaluation of literacy and numeracy learning in a workplace context.

The purposes can be achieved by:

- (a) providing programmes of workplace literacy and numeracy training to employees; and
- (b) supporting workplaces to establish workplace literacy and numeracy provision.

The WLN Fund has two funding strands: the TEO-led strand and the Employer-led strand.

The following Conditions apply, under section 159ZD of the Education Act, to the Literacy and Numeracy Provision – Workplace Literacy and Numeracy Fund, Employer-led strand (EWLN Fund) Funding you receive for the Funding Period, in addition to the Base Funding Conditions set out in the Conditions Catalogue in Workspace 2, and the Conditions in the Education Act.

## 1. Organisation eligibility

- (a) You must continue to be an employer that:
  - (i) is an organisation as defined by section 159B of the Education Act 1989; and
  - (ii) is a body corporate; and
  - (iii) delivers literacy, numeracy, or literacy and numeracy, provision:
    - A. to a minimum of 20 of its employees; or
    - B. to a minimum of 20 employees as part of a consortium arrangement with other employers.
- (b) You must for the length of the Funding Period:
  - (i) have in place an effective assessment process for identifying each learner's initial literacy and numeracy needs and measuring their progress, using the most appropriate version of the Literacy and Numeracy for Adults Assessment Tool.<sup>1</sup>

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1 Including Adult, Youth, Te Ata Hāpara and Starting Points, as appropriate.

## 2. Learner eligibility

2.1 You must ensure that EWLN Fund Funding is only used for a learner who:

- (a) is a Domestic Student; and
- (b) has low skill levels in literacy, numeracy, or literacy and numeracy, as determined by us; and
- (c) is in the paid workforce; and
- (d) is not:
  - (i) enrolled as a full-time student at a tertiary education organisation (TEO); or
  - (ii) enrolled as a full-time secondary student; or
  - (iii) accessing TEC-funded literacy, numeracy, or literacy and numeracy, provision at another TEO or workplace; or
  - (iv) enrolled in an industry training programme at Level 4 or above on the New Zealand Qualifications Framework (NZQF); or
  - (v) enrolled in a New Zealand Apprenticeship.

2.2 For the purposes of this Condition, a learner is considered to have a low skill level in literacy, numeracy, or literacy and numeracy if the learner:

- (a) has fewer than 80 credits on the NZQF (or equivalent); or
- (b) has more than 80 credits on the NZQF (or equivalent), and the learner has fewer than 12 credits in literacy and/or numeracy in unit standards and/or achievement standards (or equivalent); or
- (c) is assessed using the Literacy and Numeracy for Adults Assessment Tool and presents at Step 3 or below on the Learning Progressions for reading, and/or Step 4 or below on the Learning Progressions for numeracy.

2.3 You must ensure that, for the length of the Funding Period, the learner continues to meet the eligibility criteria (except the criterion in 2.1(b) above).

## 3. Verification of learner eligibility

3.1 You must verify that each learner enrolled in a programme of study or training meets the eligibility criteria as specified in Condition 2.1 by sighting the relevant documents specified below for the type of learner:

Type of learner	Verification methods
<b>A New Zealand citizen</b>	<p>You must:</p> <ul style="list-style-type: none"> <li>a) confirm the learner’s citizenship status using the learner’s National Student Number (NSN); or</li> <li>b) receive an assertion through <u>RealMe®</u> that the learner was born in New Zealand (prior to 2005); or</li> <li>c) if the learner is in prison at the time of enrolment, receive a completed and signed Department of Corrections “Verification of legal name and residency status” form relating to the learner; or</li> <li>d) sight an original or certified copy of one or more of the following documents: <ul style="list-style-type: none"> <li>i) a New Zealand birth certificate; or</li> <li>ii) a New Zealand passport; or</li> <li>iii) a New Zealand certificate of citizenship; or</li> </ul> </li> <li>e) if a learner is unable to obtain a birth certificate for the purposes of (d)(i) above, you may contact us to confirm whether a whakapapa statement signed by both the learner and a kaumātua is acceptable evidence of citizenship.</li> </ul>
<b>A New Zealand resident</b>	<p>You must sight an original or certified copy of one or more of the following documents:</p> <ul style="list-style-type: none"> <li>a) a passport with a current returning residency class visa (a passport with a visa label); or</li> <li>b) a passport, and letter or email, confirming current returning residency class visa (label-less visa, followed by confirmation with Immigration New Zealand, where appropriate); or</li> <li>c) a certificate of identity from Immigration New Zealand if the learner is a refugee.</li> </ul>
<b>An Australian citizen or Australian permanent resident currently residing in New Zealand</b>	<p>You must sight an original or certified copy of one or more of the following documents:</p> <ul style="list-style-type: none"> <li>a) an Australian birth certificate issued before 20 August 1986; or</li> <li>b) an Australian passport; or</li> <li>c) a passport with a current Australian resident return visa.</li> </ul>
<b>A dependant of diplomatic personnel:</b>	<p>You must sight the original or certified copy of an authorised form from the Ministry of Foreign Affairs and Trade.</p>
<b>Other types of valid domestic enrolments</b>	<p>You must ensure that a learner is an exchange student taking part in a New Zealand Government-approved exchange programme at a TEO.</p>

- 3.2 For the purposes of this Condition, a certified copy is a photocopy, photograph or scanned copy that has been endorsed as a true copy of the original. To be certified, the document must:
- (a) be certified by an official of the issuing authority authorised by section 9(1)(a) to (h) of the Oaths and Declarations Act 1957 (New Zealand) to take a statutory declaration, such as the Justice of the Peace, a person who is enrolled as a barrister and solicitor of the High Court, or a court official (Court Registrar or Deputy Registrar); and
  - (b) have the official's signature on each page, with the name and title of the official shown clearly below his or her signature.

#### 4. Verification of learner identity

4.1 You must verify the identity of each learner enrolled in a programme of study or training by doing one or more of the following, and confirm whether the learner is who they say they are:

- (a) confirming that all data fields match the learner's NSN; or
- (b) receiving an assertion through the Department of Internal Affairs' RealMe<sup>®</sup> online identity verification service; or
- (c) sighting the original or certified copy of a current passport; or
- (d) sighting the original or certified copy of one or more of the following documents:
  - (i) a birth certificate; or
  - (ii) a certificate of identity; or
  - (iii) a New Zealand certificate of citizenship; or
  - (iv) an expired passport that has not been cancelled; or
  - (v) a current New Zealand driver licence; or
  - (vi) a current New Zealand firearms licence; or
- (e) if a learner is unable to obtain a birth certificate for the purposes of (d)(i) above, you may contact us to confirm whether a whakapapa statement signed by both the learner and a kaumātua is acceptable evidence of identity.

4.2 For the purposes of this Condition a certified copy is a photocopy or scanned copy that has been endorsed as a true copy of the original. To be certified, the document must:

- (a) be certified by an official of the issuing authority authorised by section 9(1)(a) to (h) of the Oaths and Declarations Act 1957 (New Zealand) to take a statutory declaration, such as the Justice of the Peace, a person who is enrolled as a barrister and solicitor of the High Court, or a Court official (Court Registrar or Deputy Registrar); and
- (b) have the official's signature on each page, with the name and title of the official shown clearly below his or her signature.

#### 5. Programme eligibility

- (a) You must only use EWLN Fund Funding for a programme of workplace training that for the length of the Funding Period:
  - (i) provides literacy, numeracy, or literacy and numeracy, training that is specific, rather than embedded within the programme; and
  - (ii) provides high-quality literacy, numeracy, or literacy and numeracy, study or training that represents value for money; and
  - (iii) is effective and innovative in improving each learner's workplace literacy, numeracy, or literacy and numeracy, skills, to meaningfully engage in the workplace and New Zealand society; and

- (iv) is able to be tailored to meet the needs of an individual learner; and
  - (v) has adequate processes for reporting on a learner's progress in improving literacy, numeracy, or literacy and numeracy skills; and
  - (vi) is provided by a tutor who holds an appropriate qualification as determined by us.
- (b) In addition to the requirements in paragraph (a), you must only use EWLN Fund Funding for a programme of workplace training if the programme:
- (i) provides high-quality literacy, numeracy, or literacy and numeracy study or training, that is tailored to the needs of the workplace; and
  - (ii) contributes to the development of sustainable employee literacy and numeracy practices within the workplace; and
  - (iii) has targeted literacy, numeracy, or literacy and numeracy, outcomes that reflect the priorities and needs of the workplace; and
  - (iv) has the support of the employer's senior management.

## 6. Hours and intensity of delivery

- (a) The total hours of literacy, numeracy, or literacy and numeracy tuition you deliver per learner must be between 25 and 80 hours.
- (b) The literacy, numeracy, or literacy and numeracy, tuition you provide must be delivered at the intensity of 40 hours over a 10- to 40-week period.

## 7. Fees

You must not charge a fee to a learner who is participating in a programme of workplace training for which you receive EWLN Fund Funding.

## 8. Reports and information

- (a) You must immediately notify us if you will expect that you will not meet the deliverables specified in Appendix 1 of your Funding Confirmation Letter by the specified deliverables due date.
- (b) You must submit progress reports and a final report at the times specified by us.
- (c) Each progress report and the final report must:
  - (i) be submitted in accordance with the template that we will provide to you; and
  - (ii) relate to the specific milestones outlined in your Funding Confirmation letter; and
  - (iii) include the following information:
    - A. the number of learners enrolled in each EWLN programme of study or training; and
    - B. learner enrolment information, including:
      - (a) the NSN; and
      - (b) tuition hours delivered (actual attendance); and
      - (c) remaining tuition hours planned (if any); and
      - (d) demographic information; and
      - (e) regional information; and
      - (f) literacy and numeracy information; and
      - (g) the enrolment start and finish dates for each learner enrolled in each EWLN programme of study or training during the period covered by the report; and
    - C. the name of the business in which the learner is employed.

- (d) You must complete the attestation tab before submitting the report.
- (e) The first progress report must also describe the progress made in implementing the programme, commenting specifically on:
  - (i) how participation of learners is tracking; and
  - (ii) any challenges you have had to date; and
  - (iii) progress made using the Literacy and Numeracy for Adults Assessment Tool (or Starting Points described in the Tool, if applicable); and
  - (iv) any changes made to the programme design and/or delivery approach, in response to the above (e)(i) – (iii); and
  - (v) reporting of personal outcomes for employees; and
  - (vi) any change to the productivity problems you highlighted in your programme application which literacy and numeracy training could address including changes to employee practices and other metrics; and
  - (vii) any other changes that show the strengthening of a sustainable organisational learning culture, including any career development, due to the literacy and numeracy training.
- (f) The final report must describe:
  - (i) participation of learners; and
  - (ii) successes and challenges; and
  - (iii) reporting of personal outcomes for learners; and
  - (iv) any change to the productivity problems you highlighted in your programme application which literacy and numeracy training could address including changes to employee practices and other metrics; and
  - (v) how any other business outcomes and performance measures have been enhanced; and
  - (vi) measurement of employees’ literacy and numeracy using the Literacy and Numeracy for Adults Assessment Tool (or Starting Points described in the Tool, if applicable) pre- and post-training intervention; and
  - (vii) how the programme has promoted and encouraged participation in workplace literacy and numeracy training among learners with low levels of literacy and/or numeracy skills; and
  - (viii) any other changes that show the strengthening of a sustainable organisational learning culture, including any career development, due to the literacy and numeracy training.
- (g) The final report must provide a Literacy and Numeracy for Adults Assessment Tool Gain report. This includes both the box and whisker reports and the associated table of statistics.

## 9. Repayment of EWLN Fund Funding

- 9.1 If you receive EWLN Funding that is greater than it should have been, or that you were not entitled to receive, you must treat the amount of the over-funding as a debt due to the Crown that:
- (a) is repayable on demand; and
  - (b) may be set-off against all or any funding, or any sum of money payable by us to you.
- 9.2 For the purposes of this Condition, we will determine whether you have received EWLN Fund Funding that was greater than it should have been by analysing the information provided to us in your final report.

We will develop the details of our funding recovery through discussions with you.

## 10. Suspension, revocation or withdrawal of EWLN Fund Funding

If we suspend, revoke or withdraw some or all of your EWLN Fund Funding under section 159YG of the Education Act before some or all of that funding has been used or contractually committed towards the purposes for which the funding was provided, you must treat the unexpended or uncommitted portion of the funding as debt due to the Crown that:

- (a) is repayable on demand by us; and
- (b) may be set-off against all or any funding, or any sum payable by us to you.

## 11. Subcontracting

11.1 You must not subcontract the provision of a programme of workplace training to another TEO unless:

- (a) you receive our written consent prior to subcontracting; and
- (b) you comply with any conditions imposed by us on giving consent to subcontract; and
- (c) you ensure that the subcontracted TEO has in place an effective assessment process for identifying each learner's initial literacy and numeracy needs, and measuring their progress, using the most appropriate version of the Literacy and Numeracy for Adults Assessment Tool.<sup>2</sup>

11.2 For the purposes of this Condition, we have given our written consent for you to subcontract a programme of workplace training to the TEO specified in clause 15 of your completed EWLN application form.

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2 Including Adult, Youth, Te Ata Hāpara and Starting Points, as appropriate.

# Definitions and Interpretation

## Definitions

In this Conditions Catalogue, unless the context otherwise requires:

**Application for Funding** means the documents submitted by you in relation to Off-Plan Funding or, if you are exempt under section 159U of the Education Act from the requirement to provide an Investment Plan, the documents submitted by you in relation to On-Plan Funding;

**Conditions** means the funding conditions that apply to your Funding including any statutory funding conditions set out in the Education Act;

**Domestic Student** means a domestic student as defined in section 159 of the Education Act;

**Education Act** means the Education Act 1989;

**Fund** means any fund established by the Minister pursuant to a Funding Mechanism;

**Funding** means any funding provided by us to you in accordance with your Funding Confirmation Letter, subject to your compliance with the Conditions, and, if applicable, achieving the outcomes anticipated in your plan;

**Funding Confirmation Letter** means the letter we send you that outlines the Funding we will give you, TEO specific conditions imposed on your Funding, and Minimum Requirements;

**Funding Mechanism** means a funding mechanism determined by the Minister pursuant to section 159L of the Education Act;

**Funding Period** means the relevant funding period for each Fund as set out in Appendix 1 of your Funding Confirmation Letter;

**GST** means tax charged under the Goods and Services Tax Act 1985;

**Indicative Funding, Indicative On-Plan Funding and Indicative Off-Plan Funding** means funding outlined in the Key Particulars that we intend to pay you in subsequent years, subject to future separate approval by us;

**Investment Plan** means a plan submitted by you pursuant to section 159T(1) of the Education Act that has been prepared and assessed in accordance with the requirements set out in sections 159P to 159R and 159V to 159YA of the Education Act;

**Key Particulars** means the “Key Particulars” table in a Funding Confirmation Letter;

**Minimum Requirements** means the minimum requirements set out in Appendices 1 and 2 of your Funding Confirmation Letter, and any other performance commitments specified in your Application for Funding, or Investment Plan;

**NSN** means National Student Number;

**NZQF** means the New Zealand Qualifications Framework;

**Off-Plan Funding or Off-Plan Funds** means, respectively, funding paid by us to you under section 159ZC of the Education Act, or from a Fund to which section 159ZC of the Education Act applies;

**On-Plan Funding** or **On-Plan Funds** means, respectively, funding paid by us to you pursuant to section 159YA of the Education Act, or from a Fund to which section 159YA of the Education Act applies;

**Organisation** means the Organisation to which a Funding Confirmation Letter is addressed and “you” and “your” refer to the Organisation;

**Performance Commitments** means the performance commitments as outlined in your Investment Plan or Application for Funding. For the avoidance of doubt, if you have been exempted from providing an Investment Plan, this means all Minimum Requirements as outlined in Appendices 1 and 2 of your Funding Confirmation Letter;

**TEC** means the Tertiary Education Commission and all references to “we”, “our” and “us” are to TEC;

**TEO** means an organisation defined in section 159B(1) of the Education Act;

**Withdrawal** means when a student ceases to participate in a course, programme or training scheme (regardless of whether they have been refunded any fees), either by providing notice to the TEO that they wish to withdraw from participation, study and/or enrolment, or as a result of non-attendance or non-participation for any reason. **Withdraw** and **Withdrawn** have corresponding meanings.

## Interpretation

Unless the context otherwise requires:

- (a) headings are not to be used for interpretation;
- (b) the singular includes the plural and vice versa;
- (c) a reference to any legislation or policy includes a modification of that legislation or policy or, in the case of legislation, legislation enacted in substitution for that legislation and a regulation, order-in-council and other instrument from time to time issued or made under that legislation;
- (d) a reference to an Appendix is a reference to an appendix to the Funding Confirmation Letter;
- (e) a reference to a Schedule or Attachment is a reference to a schedule or attachment (as applicable) to the Funding Confirmation Letter;
- (f) whenever the words “includes” or “including” are used in a Condition, or in the Funding Confirmation Letter, they are deemed to be followed by the words “without limitation”; and
- (g) if there is any conflict between the terms of the Funding Confirmation Letter and the Conditions Catalogue and any other documents, including your Investment Plan or Application for Funding, the terms of the Funding Confirmation Letter and the Conditions Catalogue will prevail.



**Tertiary Education  
Commission**  
Te Amorangi Mātauranga Matua