

**Education (Export Education Levy)  
Amendment Bill**

Government Bill

As reported from the committee of the whole House

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## Key to symbols used in reprinted bill

### As reported from a select committee

#### Struck out (unanimous)

Subject to this Act,

Text struck out unanimously

#### New (unanimous)

Subject to this Act,

Text inserted unanimously

*(Subject to this Act.)*

Words struck out unanimously

### As reported from the committee of the whole House

#### New

Subject to this Act,

Text inserted

*(Subject to this Act.)*

Words struck out

Subject to this Act,

Words inserted

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*Hon Trevor Mallard*

# **Education (Export Education Levy) Amendment Bill**

Government Bill

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

### **1 Title**

- (1) This Act is the Education (Export Education Levy) Amendment Act **2003**.
- (2) In this Act, the Education Act 1989<sup>1</sup> is called “the principal Act”.
- <sup>1</sup> 1989 No 80

### **2 Commencement**

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

## **Part 1**

### **Amendments to principal Act, and provisions relating to export education levy for private training establishments for 2004 academic year)** 10

#### **3 Export education levy**

Section 238H(2) of the principal Act is amended by repealing paragraph (e). 15

#### **4 Purpose and administration of export education levy**

- (1) Section 238I(1) of the principal Act is amended by inserting, after paragraph (a), the following paragraph:

- “(ab) the making of payments as set out in **subsections (1A) and (1B)(1)**.”
- (2) Section 238I is amended by inserting, after subsection (1), the following subsections:
- “(1A) **Subsection (1B)** applies if—
- “(a) an international student is or was enrolled with *(a provider that is)* a private training establishment for a course of study or training; and
- New (unanimous)**
- “(aa) at the time of the student’s enrolment the private training establishment held a current registration under Part XVIII; and
- “(b) the private training establishment has not, cannot, or will not provide, in whole or in part, the course of study or training.
- “(1B) If this subsection applies, the funds of the levy may be used for any of the following:
- “(a) to make payment to any person to ensure the reimbursement of the student, in whole or in part, for tuition fees or for any payment other than tuition fees made by or on behalf of that student to the private training establishment in respect of the student’s course of study or training if, and to the extent that,—
- “(i) the private training establishment has not refunded the tuition fees or other payment; and
- “(ii) the agency responsible for the administration of the levy approves the reimbursement of the student as necessary and appropriate in the circumstances;
- New**
- “(ab) with the approval of the Minister, to reimburse the Crown for any sum provided by the Crown and paid to any person to ensure the reimbursement of the student, in whole or in part, for tuition fees or for any payment other than tuition fees made by or on behalf of that

**New**

student to the private training establishment in respect of the student's course of study or training if, and to the extent that,—

- “(i) the private training establishment had not refunded the tuition fees or other payment; and
- “(ii) the agency responsible for the administration of the levy approved the reimbursement of the student as necessary and appropriate in the circumstances:

“(b) with the approval of the Minister, to reimburse, in whole or in part, the agency responsible for the administration of the levy, or any Crown entity, for—

- “(i) costs incurred by that agency or Crown entity in placing the student with an alternative provider; or
- “(ii) other costs incurred by that agency or Crown entity as a direct result of the private training establishment not providing the course of study or training.”

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“(1C) The Minister may determine priorities for the use of the funds of the levy taking into account all the purposes for which the funds of the levy may be used under this section.”

(3) If, before **subsections (1A) to (1C)** came into force, the agency responsible for the administration of the levy has made any payment that could have been made, or for which it could have been reimbursed, from the funds of the levy had **subsections (1A) to (1C)** been in force at the time the payment was made, the funds of the levy may, with the approval of the Minister, be used to reimburse the agency for that payment.

**5 Levy payable by private training establishments for 2004 academic year**

(1) The Education (Export Education Levy) Regulations 2003 (SR 2003/345) must be read as if, from the date that those

**Struck out (unanimous)**

- regulations came into force, regulation 6(1)(b) of the regulations provided as follows:
- “(b) the following percentage (the **percentage component**) of the tuition fees (exclusive of goods and services tax) received by the provider from international students in respect of the 2004 academic year: 5
- “(i) if the provider is not a private training establishment, 0.45%:
- “(ii) if the provider is a private training establishment, 0.7%.” 10
- (2) The additional percentage component of the levy payable by private training establishments over 0.45% by virtue of **subsection (1)** must be paid—
- (a) in accordance with the payment dates for the percentage component of the levy as prescribed in the Education (Export Education Levy) Regulations 2003; or 15
- (b) if, when this Act comes into force, 1 or more of the payment dates for the percentage component have passed, on 1 or more dates appointed by the Minister by notice in the *Gazette*. 20

## Part 2

### Validation

- 6 Validation of imposition, collection, and use of export education levy** 25
- (1) The Education (Export Education Levy) Regulations 2002 (SR 2003/1) are, and always have been, valid.
- (2) The collection of the levy under the Education (Export Education Levy) Regulations 2002 and the use of the funds of the levy are, and always have been, lawful.
- 7 Use of export education levy** 30
- Any funds of the levy that are unspent on the day that this Act comes into force may be used in accordance with the purposes specified in section 238I of the Education Act 1989 (as amended by this Act).

**Education (Export Education  
Levy) Amendment**

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**Legislative history**

3 December 2003	Introduction (Bill 101-1)
11 December 2003	First reading and referral to Education and Science Committee
25 June 2004	Reported from Education and Science Committee (Bill 101-2)
3 August 2004	Second reading
10 August 2004	Committee of the whole House (Bill 101-3)

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