

Education (Export Education Levy) Amendment Act 2004

Public Act 2004 No 75
Date of assent 30 August 2004

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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 2004.
- (2) In this Act, the Education Act 1989 is called “the principal Act”.

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****3 Export education levy**

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

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):”.

(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 private training establishment for a course of study or training; and

“(b) at the time of the student’s enrolment the private training establishment held a current registration under Part 18; and

“(c) 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:
- “(b) 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 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:
- “(c) 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.”

Part 2

Validation

- 5 Validation of imposition, collection, and use of export education levy**
- (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.

6 Use of export education levy

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).

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)
24 August 2004	Third reading
