

**Reprint
as at 1 August 2020**



Education (Refund Requirements for International Students) Notice 2012

(SR 2012/312)

Pursuant to section 235B of the Education Act 1989, the Minister for Tertiary Education, Skills and Employment, after consultation in accordance with section 235B(2) of that Act, gives the following notice.

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Notice

1 Title

This notice is the Education (Refund Requirements for International Students) Notice 2012.

2 Commencement

This notice comes into force on 15 October 2012.

Note

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 notice is administered by the Ministry of Education.

3 Interpretation

- (1) In this notice, unless the context otherwise requires,—

Act means the Education and Training Act 2020

refund period means the refund period prescribed in clause 4.

- (2) In this notice, **international student**, **private training establishment**, **programme**, and **training scheme** have the meanings given to them in section 10(1) of the Act.

Regulation 3(1) **Act**: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Regulation 3(2): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

4 Refund period for international students

- (1) For the purposes of section 529 of the Act, the period within which an international student may withdraw from a programme or training scheme of 3 months' duration or more (the **refund period**) is 10 working days.
- (2) The refund period starts on the first day on which the private training establishment requires the student to attend the establishment to receive tuition as part of the programme or training scheme.

Regulation 4(1): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

5 Maximum percentage of fee total that may be retained

If an international student withdraws from a programme or training scheme of 3 months' duration or more within the refund period, the maximum percentage of the payment, or payments, that the private training establishment may retain is 25% of the fee total.

6 Establishment may only retain payments for expenses incurred

In order for a private training establishment to retain payments up to the maximum percentage of the fee total, the establishment must show that—

- (a) it has incurred expenses in relation to 1 or more of the cost components set out in clause 7; and
- (b) the amount it will retain is not more than the total of the expenses incurred.

7 Cost components of fee total

- (1) The fee total on which the maximum percentage is determined is the sum of the cost components of all payments made by the international student to the private training establishment for the following:
- (a) tuition fees:
- (b) examination fees:

- (c) administration and registration fees:
 - (d) student services fees:
 - (e) books, uniforms, and other similar costs relating to the programme or training scheme:
 - (f) English for Speakers of Other Languages (ESOL) support:
 - (g) airport pick-up:
 - (h) insurance:
 - (i) accommodation.
- (2) The expenses incurred by a private training establishment in relation to the cost components in subclause (1) may include overhead costs such as marketing, recruitment, and agents' commissions that the establishment recovers through fees.

8 Revocation

The Education (Foreign Students—Refund Requirements) Notice 2011 (*Gazette* 2011, p 1619) is revoked.

Dated at Wellington this 24th day of September 2012.

Hon Steven Joyce,
Minister for Tertiary Education, Skills and Employment.

Issued under the authority of the Legislation Act 2012
Date of notification in *Gazette*: 4 October 2012.

Reprints notes

1 *General*

This is a reprint of the Education (Refund Requirements for International Students) Notice 2012 that incorporates all the amendments to that notice 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 and Training Act 2020 (2020 No 38): section 668