



Education (Refund Requirements for International Students) Notice 2012

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.

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

Act means the Education Act 1989

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 159 of the Act.

4 Refund period for international students

- (1) For the purposes of section 235A 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.

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.

Explanatory note

This note is not part of the notice, but is intended to indicate its general effect.

This notice, which comes into force on 15 October 2012, sets out the requirements that apply to private training establishments for refunding payments when an international student withdraws from a programme or training scheme within the specified refund period. It

revokes and replaces the Education (Foreign Students—Refund Re-
quirements) Notice 2011.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 4 October 2012.
This notice is administered by the Ministry of Education.
