

Version
as at 1 January 2022



Education (Export Education Levy) Regulations 2011 (SR 2011/383)

Education (Export Education Levy) Regulations 2011: revoked, on 1 January 2022, by clause 3 of the Education (Export Education Levy) Regulations 2011 Revocation Order 2021 (SL 2021/395).

Rt Hon Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 31st day of October 2011

Present:

Her Excellency the Administrator of the Government in Council

Pursuant to section 238H of the Education Act 1989, Her Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council, and in accordance with a recommendation of the Minister for Tertiary Education made after consultation with providers (as defined in section 238D of the Education Act 1989), makes the following regulations.

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry of Education.

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Regulations

1 Title

These regulations are the Education (Export Education Levy) Regulations 2011.

2 Commencement

These regulations come into force on 1 January 2012.

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Education and Training Act 2020

levy means an export education levy

provider has the meaning given to it in section 10(1) of the Act

year means a period of 12 months commencing on 1 January.

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

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

4 Application of regulations

In calculating the amount of levy payable under these regulations, no account may be taken of any tuition fees payable in respect of any period before 1 January 2012.

5 Export education levy imposed

- (1) Every provider who receives tuition fees from international students in any year must pay a levy in respect of that year.
- (2) Despite subclause (1), a provider is not required to pay a levy in respect of a particular year if every international student from whom the provider receives tuition fees in that year is either—
 - (a) a student who is sponsored by the New Zealand Aid Programme administered by the Ministry of Foreign Affairs and Trade; or

- (b) a student whose study with the provider is carried on outside New Zealand.

6 Amount of levy

- (1) The amount of levy payable for any year by each provider that is required to pay a levy is,—
 - (a) for a provider that is a registered private training establishment, 0.89% of the tuition fees received by the provider from international students in respect of that year; and
 - (b) for a provider that is not a registered private training establishment, 0.50% of the tuition fees received by the provider from international students in respect of that year.
- (2) The levy is not payable for fees paid by any student referred to in regulation 5(2)(a) or (b).
- (3) The levies in subclause (1) are exclusive of goods and services tax.

Regulation 6: replaced, on 1 January 2019, by regulation 4 of the Education (Export Education Levy) Amendment Regulations 2018 (LI 2018/245).

7 When levy payable

- (1) The levy for any year is payable by schools as follows:
 - (a) for enrolments between 1 January and 30 April of that year (inclusive), no later than 31 July of that year:
 - (b) for enrolments between 1 May and 31 July of that year (inclusive), no later than 31 October of that year:
 - (c) for enrolments in that year that are not covered by paragraph (a) or (b), no later than 31 January of the following year.
- (2) The levy for any year is payable by all other providers as follows:
 - (a) for enrolments between 1 January and 30 April of that year (inclusive), no later than 30 May of that year:
 - (b) for enrolments between 1 May and 31 August of that year (inclusive), no later than 30 September of that year:
 - (c) for enrolments between 1 September and 31 December of that year (inclusive), no later than 16 February of the following year.

Regulation 7: replaced, on 30 May 2017, by regulation 4 of the Education (Export Education Levy) Amendment Regulations 2017 (LI 2017/76).

8 Who administers levy, and who it is payable to

- (1) The Ministry of Education is the administrator of the levy.
- (2) The levy is payable to the Ministry of Education.

9 Providers to supply information to administrator of levy

- (1) Every provider that is a school must, as soon as practicable after a request by the Ministry of Education for a particular year, advise the Ministry of—
 - (a) the number of international students enrolled at the school between 1 January and 30 April of that year (inclusive) and the amount of tuition fees paid for that year by each of those students; and
 - (b) the number of international students enrolled at the school between 1 May and 31 July of that year (inclusive) and the amount of tuition fees paid for that year by each of those students; and
 - (c) the number of international students enrolled at the school during that year that are not covered by paragraph (a) or (b) and the amount of tuition fees paid for that year by each of those students.
- (2) Every other provider must, as soon as practicable after a request by the Ministry of Education in respect of a particular year, advise the Ministry of—
 - (a) the number of international students enrolled with the provider between 1 January and 30 April (inclusive) of that year, and the amount of tuition fees paid in respect of that year by each such student; and
 - (b) the number of international students enrolled with the provider between 1 January and 31 August (inclusive) of that year, and the amount of tuition fees paid in respect of that year by each such student; and
 - (c) the number of international students enrolled with the provider between 1 January and 31 December (inclusive) of that year, and the amount of tuition fees paid in respect of that year by each such student.

Regulation 9(1): replaced, on 30 May 2017, by regulation 5 of the Education (Export Education Levy) Amendment Regulations 2017 (LI 2017/76).

10 Revocation

The Education (Export Education Levy) Regulations 2009 (SR 2009/358) are revoked.

Michael Webster,
for Clerk of the Executive Council.

Notes

1 *General*

This is a consolidation of the Education (Export Education Levy) Regulations 2011 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Education (Export Education Levy) Regulations 2011 Revocation Order 2021 (SL 2021/395): clause 3

Education and Training Act 2020 (2020 No 38): section 668

Education (Export Education Levy) Amendment Regulations 2018 (LI 2018/245)

Education (Export Education Levy) Amendment Regulations 2017 (LI 2017/76)