

Version  
as at 1 August 2022



## 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.

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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.

**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**, **micro-credential**, **private training establishment**, and **programme** have the meanings given to them in section 10(1) of the Act.

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

Clause 3(2): amended, on 1 August 2022, by section 74 of the Education and Training Amendment Act 2022 (2022 No 38).

Clause 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 micro-credential 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 micro-credential.

Clause 4(1): amended, on 1 August 2022, by section 74 of the Education and Training Amendment Act 2022 (2022 No 38).

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

Clause 4(2): amended, on 1 August 2022, by section 74 of the Education and Training Amendment Act 2022 (2022 No 38).

### 5 Maximum percentage of fee total that may be retained

If an international student withdraws from a programme or micro-credential 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.

Clause 5: amended, on 1 August 2022, by section 74 of the Education and Training Amendment Act 2022 (2022 No 38).

### 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 micro-credential:
  - (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.

Clause 7(1)(e): amended, on 1 August 2022, by section 74 of the Education and Training Amendment Act 2022 (2022 No 38).

## **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 2019  
Date of notification in *Gazette*: 4 October 2012.

## Notes

### **1** *General*

This is a consolidation of the Education (Refund Requirements for International Students) Notice 2012 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 and Training Amendment Act 2022 (2022 No 38): section 74

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