

# Education (Export Education Levy) Amendment Bill

21 November 2003

Attorney-General

## LEGAL ADVICE

### CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990: EDUCATION (EXPORT EDUCATION LEVY) AMENDMENT BILL

1. We have considered whether the Education (Export Education Levy) Amendment Bill (the "Bill") (PCO 5585/3) is consistent with the New Zealand Bill of Rights Act 1990 ("Bill of Rights Act"). We understand the Bill will be considered by the Cabinet Legislation Committee at its meeting on Thursday, 4 December 2003.
2. We have concluded that the Bill appears to achieve overall consistency with the Bill of Rights Act.
3. The Bill would amend the Education Act 1989. The purpose of the amendments is to further support New Zealand's export education industry and ensure that New Zealand continues to be viewed by overseas governments as a desirable education destination for their international students. The Bill seeks to achieve this by:
  - increasing, for 2004, the percentage component of the levy on private training establishments from the current rate of 0.45% to 0.7%;
  - enabling the government to recover from the levy fund administered by the Ministry of Education, any expenses incurred by the government in assisting international students enrolled with providers which fail in their delivery of tuition to those students due to business collapse; and
  - enabling the government to recover, on the approval of the Minister of Education, from the levy fund the amount it has expended in respect of Modern Age Institute of Learning Limited (In liquidation) - a private training establishment which collapsed financially.
4. In accordance with your instructions, we attach a copy of this opinion for referral to the Minister of Justice. A copy is also attached for referral to the Minister of Education, if you agree.

Val Sim  
Chief Legal Counsel  
Office of Legal Counsel

Stuart Beresford  
Senior Adviser  
Bill of Rights/Human Rights Team

cc Minister of Justice  
Minister of Education

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whether a report should be made to Parliament under s 7 of the New Zealand Bill of Rights Act 1990 in relation to the Education (Export Education Levy) Amendment Bill. It should not be used or acted upon for any other purpose. The advice does no more than assess whether the Bill complies with the minimum guarantees contained in the New Zealand Bill of Rights Act. The release of this advice should not be taken to indicate that the Attorney-General agrees with all aspects of it, nor does its release constitute a general waiver of legal professional privilege in respect of this or any other matter. Whilst care has been taken to ensure that this document is an accurate reproduction of the advice provided to the Attorney-General, neither the Ministry of Justice nor the Crown Law Office accepts any liability for any errors or omissions.