



**New Zealand Legislation:
The Tale of Seven Acts and A Code**

All Acts of Parliament can be found on: www.legislation.govt.nz

Please note: One of the Export Education Levy funded projects was to develop a guide to Acts of Parliament relevant to those involved in Export Education. This guide is in its final stages of being written and should be available shortly (keep an eye on the Ministry of Education Website, www.minedu.govt.nz/goto/international)

Education Act

It defines:

- Providers
- International Students

It enshrines the Kiwi First principle:

- Fees not to be subsidised by domestic students
- Domestic students not to be displaced

It stipulates:

- Approval required
- Minimum quality and rights
- Information and refunds
- Code signatory status

It establishes

- Code and purpose
- Levy and purpose
- IEAA and Review panel
- Levy review

New Zealand Qualifications Authority (NZQA) – www.nzqa.govt.nz

- Exemptions from Quality Assurance for courses less than 3 months
- Refund policies for courses less than 3 months
- Fee protection policies

Immigration Act 1987

It defines the types of visas and permits:

- Temporary: Student, Work, Visitors
- Limited Purpose
- It establishes the authority of visa offices and Minister for issuing/revoking visas and permits.
- It states the responsibility of the education provider to ensure students have an appropriate visa and permit

NZ Immigration Service Operating manual – www.immigration.govt.nz

This sets out the detailed policy for various visas including:

- Student permit holders must study full time (20 hours a week)

- Offer letter details
- Work regulations
- Health checks

Privacy Act 1993

- Privacy Principles are set out.
- Not as binding as many people think.
- Exception - the use of the information is necessary to prevent or lessen a serious and imminent threat to—

(i) Public health or public safety; or

(ii) The life or health of the individual concerned or another individual

Secret Commissions Act 1910

This concerns disclosure of the existence of commissions earned by the provider to the student (relevant for providers taking commission for organising accommodation and/or Medical and Travel insurance)

Human Rights Act 1991

- Grounds of discrimination are defined
- "Racial disharmony" is defined in terms of the actions of particular individuals

Fair Trading Act 1986

No person shall, in trade, engage in conduct that is liable to mislead the public as to the nature, characteristics, suitability for a purpose, or quantity of services.

Consumer Guarantees Act 1993

Guarantee as to supply:

- with reasonable skill
- reasonably fit for the purpose
- in reasonable time
- with reasonable price

A Code:

The Code of Practice for the Pastoral Care of International Students (otherwise known as "The Code" or "The CoP")

The Code may be downloaded from www.minedu.govt.nz/goto/international

- Established by 2002 amendment act to the Education Act
- To have students providers must be signatories
- To keep having students must remain signatories (regular audits)
- "The purpose of this Code of Practice is to provide a framework for education providers for the pastoral care of international students." (CoP Preamble)

The Code is interested in Pastoral Care, namely:

- Addresses safety and well-being of the student
Includes :
 - "Fair" treatment as with Fair Trading Act and Consumer Guarantees Act.
 - Acknowledging cultural context student is in.
 - Providing for needs of student beyond academic tuition so they can achieve their goals.

The Guidelines to the Code of Practice are also available from www.minedu.govt.nz/goto/international.

These guidelines seek to guide providers into the direction of best practice for various aspects of the Code. They are not binding, but they should not be ignored.

The NZ Branch of ISANA played a significant part in the establishment of the Code, its revision, and the writing of the Guidelines to the Code. They have a continued role in monitoring its effectiveness.