



Student Allowances Amendment Regulations (No 2) 2023

Rt Hon Dame Helen Winkelmann, Administrator of the Government

Order in Council

At Wellington this 24th day of July 2023

Present:

Her Excellency the Administrator of the Government in Council

These regulations are made under section 645 of the Education and Training Act 2020 on the advice and with the consent of the Executive Council.

Contents

	Page
1 Title	1
2 Commencement	1
3 Principal regulations	2
4 Regulation 12 amended (Eligibility for certain allowances)	2
5 Schedule 1 amended	3
Schedule	4
New Part 7 inserted into Schedule 1	

Regulations

- 1 Title**
These regulations are the Student Allowances Amendment Regulations (No 2) 2023.
- 2 Commencement**
These regulations come into force on 16 October 2023.

3 Principal regulations

These regulations amend the Student Allowances Regulations 1998.

4 Regulation 12 amended (Eligibility for certain allowances)

(1) In regulation 12(1)(a)(vi)(B), replace “; and” with “; or”.

(2) After regulation 12(1)(a)(vi), insert:

(via) satisfies the chief executive that the student holds a residence class visa under the Immigration Act 2009 that was issued at any time during the period beginning on 15 March 2019 and ending with the close of 31 December 2024 and is a relative of an affected person described in subclause (4B); or

(3) After regulation 12(4), insert:

(4A) In subclause (1)(a)(via), a student is a **relative of an affected person (A)** if the student is—

- (a) A’s spouse, civil union partner, or de facto partner:
- (b) A’s child or step-child (of any age), son-in-law, or daughter-in-law:
- (c) A’s parent (whether or not by a step relationship) or parent-in-law:
- (d) A’s sibling (whether or not by a step relationship) or sibling-in-law:
- (e) A’s grandparent:
- (f) A’s grandchild:
- (g) A’s aunt or uncle:
- (h) A’s nephew or niece:
- (i) A’s first cousin.

(4B) An **affected person** referred to in subclauses (1)(a)(via) and (4A) is a person (not being a deceased person) who is—

- (a) the holder of a Christchurch response visa residing in or outside New Zealand; or
- (b) a New Zealand citizen residing in or outside New Zealand, and who—
 - (i) was a resident visa holder under the Immigration Act 2009 on 15 March 2019 and eligible for a Christchurch response visa; or
 - (ii) would have been eligible for a Christchurch response visa had they not been the holder of a permanent resident visa under the Immigration Act 2009 on 15 March 2019; or
 - (iii) would have been eligible for a Christchurch response visa had they not been a New Zealand citizen on 15 March 2019; or
 - (iv) was granted New Zealand citizenship after holding a Christchurch response visa; or

- (c) the holder of a permanent resident visa under the Immigration Act 2009 residing in or outside New Zealand, and who—
 - (i) was a resident visa holder under the Immigration Act 2009 on 15 March 2019 and eligible for a Christchurch response visa; or
 - (ii) would have been eligible for a Christchurch response visa had they not been the holder of a permanent resident visa under the Immigration Act 2009 on 15 March 2019; or
 - (d) the holder, under the Immigration Act 2009, of a resident visa that they held on 15 March 2019, and who—
 - (i) is residing in or outside New Zealand; and
 - (ii) was eligible for a Christchurch response visa.
- (4) In regulation 12(5), replace “subsection” with “subclause”.

5 Schedule 1 amended

In Schedule 1,—

- (a) insert the Part set out in the Schedule of these regulations as the last Part; and
- (b) make all necessary consequential amendments.

Schedule

New Part 7 inserted into Schedule 1

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Part 7

Provision relating to Student Allowances Amendment Regulations (No 2) 2023

- 7 Amendments apply only to study starting on or after 1 January 2024**
- (1) This clause applies to the amendments made to these regulations by regulation 4(2) and (3) of the Student Allowances Amendment Regulations (No 2) 2023.
 - (2) The amendments apply only to a course of study starting on or after 1 January 2024.
 - (3) Subclause (2) applies even if enrolment for the course of study was applied for or permitted, or both, before 1 January 2024.

Rachel Hayward,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 16 October 2023, amend the Student Allowances Regulations 1998 (the **principal regulations**).

The substantial amendments are to regulation 12 of the principal regulations, which sets out the classes of students who are eligible to receive certain allowances (basic grants, independent circumstances grants, and accommodation benefits). The amendments extend eligibility to any student who commences a course of study on or after 1 January 2024, who was or is granted a residence class visa during the period 15 March 2019 to 31 December 2024, and who is a relative of an affected person.

An **affected person** is a person who is a member of any one of 8 classes of persons. These 8 classes of persons are set out in *new regulation 12(4B)* and include persons who need not have been present at the Al-Noor Mosque or the Linwood Islamic Centre in Christchurch during the terrorist attacks on 15 March 2019 but who would have been eligible for a Christchurch response visa because of their family relationship to persons who were present during those attacks.

A **relative of an affected person** is defined in *new regulation 12(4A)* and takes in a large circle of family members including grandparents, parents-in-law, step-parents, step-children, siblings, step-siblings, uncles, aunts, nieces, nephews, and first cousins.

The wide definition of relative of an affected person, when applied to the various classes of affected persons, extends the eligibility for an allowance to a broad class of students. For example, a student (**A**) is eligible to receive an allowance if A was granted a residence class visa in 2022 and commences a course of study in 2024 and—

- A is the first cousin of another person (**B**); and
- B is the dependent child of the partner of a person who was present during the mosque attacks on 15 March 2019; and
- B held a resident visa on 15 March 2019 and was subsequently eligible for a Christchurch response visa (it does not matter that B did not apply for, or obtain, a Christchurch response visa).

Issued under the authority of the Legislation Act 2019.

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These regulations are administered by the Ministry of Social Development.