

**Reprint
as at 1 August 2020**

Education Amendment Act 1999

Public Act 1999 No 107
Date of assent 9 September 1999

Education Amendment Act 1999: repealed, on 1 August 2020, pursuant to section 669(3)(b) of the Education and Training Act 2020 (2020 No 38).

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this reprint. See the notes at the end of this reprint for further details.

This Act is administered by the Ministry of Education.

An Act to amend The Education Act 1989

BE IT ENACTED by the Parliament of New Zealand as follows:

1 Short Title and commencement

- (1) This Act may be cited as the Education Amendment Act 1999, and is part of The Education Act 1989 (**the principal Act**).
- (2) This Act comes into force on 1 November 1999.

Part 1

Provisions relating to enrolment information

2 Disclosure of enrolment information by institutions

- (1) Section 226A(1) of the principal Act is amended by adding the following definition:

Student loan and **student loan scheme** have the same meaning as they have in section 2 of The Student Loan Scheme Act 1992.

- (2) Section 226A of the principal Act is amended—
 - (a) By inserting in subsection (2)(a) and (b), after the word **allowance**, the words **or student loan**:
 - (b) By omitting from subsections (3)(a) and (6)(d) the expression **full-time**:
 - (c) By inserting in subsection (3)(b), after the word **allowance**, the words **or student loan**:
 - (d) By adding to subsection (6)(c) the words **, and details of the fees for those courses**.
- (3) Section 226A(6) of the principal Act is amended by adding the following paragraph:
 - (h) Details reasonably required by the chief executive for the administration of the student loan scheme.

3 Disclosure of information by private training establishments

- (1) Section 238B(1) of the principal Act is amended by adding the following definition:

Student loan and **student loan scheme** have the same meaning as they have in section 2 of The Student Loan Scheme Act 1992.

- (2) Section 238B of the principal Act is amended—
 - (a) By inserting in subsection (2)(a) and (b), after the word **allowance**, the words **or student loan**:
 - (b) By omitting from subsections (3)(a) and (6)(d) the expression **full-time**:

- (c) By inserting in subsection (3)(b), after the word **allowance**, the words **or student loan**:
 - (d) By adding to subsection (6)(c) the words **, and details of the fees for those courses**.
- (3) Section 238B(6) of the principal Act is amended by adding the following paragraph:
- (h) Details reasonably required by the chief executive for the administration of the student loan scheme.

Part 2

Provisions relating to student allowances and student loans

4 Part heading amended

The heading to Part 25 of the principal Act is amended by adding the words “AND ADMINISTRATION OF STUDENT LOANS”.

5 Interpretation

Section 302 of the principal Act is amended by adding the following definitions:

Student loan has the same meaning as it has in section 2 of The Student Loan Scheme Act 1992

Student loan information means information held by the Ministry for the purposes of the administration of the student loan scheme under The Student Loan Scheme Act 1992.

6 Recipients of allowances or student loans may be required to provide information

- (1) Section 307(1) of the principal Act is amended by adding to the definition of the term **recipient** the words “or a student loan”.
- (2) Section 307 of the principal Act is amended—
 - (a) By inserting in subsections (3)(a)(i) and (c)(i), (4)(a), and (6)(b), after the word “allowance”, the words “or student loan”:
 - (b) By inserting in subsections (3)(a)(ii) and (c)(ii), and (4)(b), after the word “rate”, the words “or any amount of a student loan”.
- (3) Section 307 of the principal Act is amended by repealing subsection (5), and substituting the following subsection:
 - (5) A person (whether or not a recipient) who is asked questions during an investigation under subsection (4) must answer the questions.
- (4) Section 307 of the principal Act is amended by inserting, after subsection (6), the following subsection:

(6A) However, where a person other than the recipient has without reasonable cause failed or refused to comply with subsection (5), the recipient must be given an opportunity to provide the information sought before any action is taken in respect of the recipient under subsection (6).

7 Offences concerning allowances and student loans

- (1) Section 307AA(2) of the principal Act is amended—
- (a) By inserting, after the word “allowance” where it first and thirdly appears, the words “or student loan”:
 - (b) By inserting, after the word “rate” in both places where it appears, the words “or any amount of a student loan”.
- (2) Section 307AA of the principal Act is amended by inserting, after subsection (2), the following subsection:

(2A) For the purposes of subsection (2), a change in the recipient’s circumstances includes a change in another person’s circumstances that—

- (a) The recipient knows about; and
- (b) That the recipient knows materially affects his or her entitlement to an allowance or student loan, or a particular rate of allowance or a particular amount of a student loan.

8 Use of student allowance and student loan information for purposes of Social Security Act 1964

- (1) Section 307A of the principal Act is amended—
- (a) By omitting from subsection (2)(a) the words “and beneficiary information”, and substituting the words “, beneficiary information, and student loan information”:
 - (b) By inserting in subsection (2)(b), after the words “and beneficiary information”, the words “and student loan information”:
 - (c) By inserting, in subsection (2)(c)(i), after the words “for any benefit”, the words “or student loan”:
 - (d) By inserting in subsection (2)(c)(ii), after the words “The amount of any benefit”, the words “, or any amount of a student loan,”:
 - (e) By inserting in subsection (2)(d), after the word “allowance” in both places where it appears, the words “or student loan”:
 - (f) By omitting from subsection (2)(e) the words “or beneficiary information, or both”, and substituting the words “, beneficiary information, and student loan information”.
- (2) Section 307A(2) of the principal Act is amended by inserting, after paragraph (d), the following paragraph:

- (da) Student loan information about any person may be used by the department for the purposes of verifying—
 - (i) The entitlement or eligibility of any person to or for any allowance or benefit; or
 - (ii) The amount of any allowance or benefit to which any person is or was entitled or for which any person is or was eligible:

9 Recovery of debts

- (1) Section 307B of the principal Act is amended by repealing subsection (1), and substituting the following subsection:

- (1) This section applies to any person who is indebted to the Crown in respect of the payment to that person of an allowance, or the payment to that person of an allowance at a rate, or the payment to that person of any amount of a student loan or other money, to which he or she was not or is no longer entitled.

- (2) Section 307B(2) of the principal Act is amended by repealing paragraph (a), and substituting the following paragraphs:

- (a) In the case of an allowance debt, by deduction from—
 - (i) Any allowance; or
 - (ii) Any benefit under The Social Security Act 1964 to which that person may become subsequently entitled; or
- (aa) In the case of a student loan debt, by deduction from—
 - (i) Any allowance (including any case where the living costs have already been paid under the loan for the period to which the debt relates); or
 - (ii) Any benefit under The Social Security Act 1964 to which that person may become subsequently entitled; or
- (ab) In the case of a benefit debt, by deduction from any allowance; or.

Reprint notes**1 *General***

This is a reprint of the Education Amendment Act 1999 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *About this reprint*

This reprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

3 *Amendments incorporated in this reprint*

Education and Training Act 2020 (2020 No 38): section 669(3)(b)