



Student Allowances (State-supported Care Exemptions) Amendment Regulations 2019

Patsy Reddy, Governor-General

Order in Council

At Wellington this 9th day of December 2019

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 303 of the Education Act 1989 on the advice and with the consent of the Executive Council.

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New Part 4 in Schedule 1 inserted

Regulations

1 Title

These regulations are the Student Allowances (State-supported Care Exemptions) Amendment Regulations 2019.

2 Commencement

These regulations come into force on 13 December 2019.

3 Principal regulations

These regulations amend the Student Allowances Regulations 1998 (the **principal regulations**).

4 Regulation 2 amended (Interpretation)

- (1) In regulation 2(1), replace the definition of **parent** with:

parent, in relation to a student, includes—

- (a) a step-parent of that student (other than a specified caregiver of that student); and
- (b) a person acting in place of a parent of that student (other than a specified caregiver of that student)

- (2) In regulation 2(1), definition of **personal income**, replace paragraph (e) with:

- (e) does not include income from work that is a pre-requisite to a course; and
- (f) does not include any financial assistance received by the student under section 386AAG(1) or 386B(1)(b) of the Oranga Tamariki Act 1989

- (3) In regulation 2(1), insert in its appropriate alphabetical order:

specified caregiver, in relation to a student, means a person who is, or is the spouse or civil union partner or de facto partner (as defined in section 29 of the Interpretation Act 1999) of, a caregiver or former caregiver of that student who—

- (a) is receiving or has received, in respect of that student, a payment made under section 363 (payment to person or organisation providing care) of the Oranga Tamariki Act 1989; or
- (b) is providing or has provided, in respect of that student, a living arrangement under section 386AAD (young persons entitled to live with caregiver up to age of 21 years) of that Act; or
- (c) is receiving or has received, in respect of that student, an orphan's benefit payable under section 43 of the Social Security Act 2018; or
- (d) is receiving or has received, in respect of that student, an unsupported child's benefit payable under section 46 of that Act

- (4) In regulation 2(1), definition of **spousal or partner's income**, replace paragraph (e) with:

- (e) does not include income from work that is a pre-requisite to a course; and

- (f) does not include any financial assistance received by the spouse or partner under section 386AAG(1) or 386B(1)(b) of the Oranga Tamariki Act 1989

5 Schedule 1 amended

In Schedule 1, after Part 3, insert the Part 4 set out in the Schedule of these regulations.

Schedule New Part 4 in Schedule 1 inserted

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Part 4 Provision relating to Student Allowances (State-supported Care Exemptions) Amendment Regulations 2019

4 Amendments apply only to study starting on or after 1 January 2020

- (1) This clause applies to the amendments to these regulations made by regulation 4 of the Student Allowances (State-supported Care Exemptions) Amendment Regulations 2019.
- (2) The amendments apply only to study starting on or after 1 January 2020.
- (3) Subclause (2) applies even if the enrolment concerned was applied for or permitted, or both, before 1 January 2020.

Michael Webster,
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 13 December 2019, amend the Student Allowances Regulations 1998 (the **principal regulations**). Regulation 2(1) of the principal regulations is amended so that specified State-supported care does not affect eligibility for or entitlements to student allowances.

The definition of a parent, in relation to a student, includes both a step-parent of that student and a person acting in place of a parent of that student. The replacement definition excludes, however, a specified caregiver of that student (as that new term is defined in regulation 2(1)). This ensures, for example, that a young person who is, or has been, in specified State-supported care does not have their eligibility or entitle-

ment for student allowances affected by a person who is a specified caregiver of that young person.

The definition of personal income, in relation to a student, is amended to exclude any financial assistance received by the student under section 386AAG(1) or 386B(1)(b) of the Oranga Tamariki Act 1989. This amendment ensures that any financial assistance of that kind does not affect the student's eligibility for or entitlements to student allowances.

The definition of spousal or partner's income, in relation to a student, means (subject to inclusions and exclusions) the personal income of the spouse or partner of that student which is derived in New Zealand and overseas, whether or not that income is taxable. This definition is amended to exclude any financial assistance received by the spouse or partner under section 386AAG(1) or 386B(1)(b) of the Oranga Tamariki Act 1989. This amendment ensures that any financial assistance of that kind does not affect the student's eligibility for or entitlements to student allowances.

The amendments apply only to study starting on or after 1 January 2020 (even if the enrolment concerned was applied for or permitted, or both, before that date).

Issued under the authority of the Legislation Act 2012.

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These regulations are administered by the Ministry of Social Development.