



## Student Allowances Amendment Regulations (No 2) 2015

Jerry Mateparae, Governor-General

### Order in Council

At Wellington this 2nd day of June 2015

Present:

His Excellency the Governor-General in Council

Pursuant to section 303 of the Education Act 1989, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

### Contents

	Page
1 Title	2
2 Commencement	2
3 Principal regulations	2
4 Regulation 2 amended (Interpretation)	2
5 Regulation 12 amended (Eligibility for certain allowances)	2
6 New regulation 12A inserted (Chief executive may approve part-time course for student)	3
12A Chief executive may approve part-time course for student	3
7 Regulation 18 amended (Amount of allowances to be paid to students)	3
8 Regulation 24 amended (Amount of accommodation benefit and period for which benefit payable)	3
9 New regulations 24A and 24B inserted	4
24A Amount of accommodation benefit for single student with supported child	4
24B Period for which accommodation benefit payable	4

10	Regulation 30 amended (Suspension of certain allowances for failure of full-time course of study (other than secondary instruction))	4
11	Regulation 47A revoked (Applications on or after 1 October 2010 for allowances for courses commencing before 1 January 2011)	4
12	Schedule 3 replaced	5
	<b>Schedule</b>	5
	<b>Schedule 3 replaced</b>	

## Regulations

### 1 Title

These regulations are the Student Allowances Amendment Regulations (No 2) 2015.

### 2 Commencement

These regulations come into force on 1 July 2015.

### 3 Principal regulations

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

### 4 Regulation 2 amended (Interpretation)

- (1) In regulation 2(1), insert in its appropriate alphabetical order:  
**accommodation supplement** means an accommodation supplement under section 61EA of the Social Security Act 1964
- (2) In regulation 2(1), definition of **dependent student**, paragraph (a), after “at”, insert “a”.
- (3) In regulation 2(1), definition of **spousal or partner’s income**, paragraph (aa), replace “includes” with “includes,”.
- (4) In regulation 2(1), definition of **spousal or partner’s income**, paragraph (c), replace “include” with “include,”.

### 5 Regulation 12 amended (Eligibility for certain allowances)

- (1) In regulation 12(1)(b), before “makes”, insert “he or she”.
- (2) In regulation 12(1)(c), before “either”, insert “he or she”.
- (3) In regulation 12(1)(c)(iii), replace “subclause (2)” with “regulation 12A”.
- (4) Revoke regulation 12(1A) to (2A).

**6 New regulation 12A inserted (Chief executive may approve part-time course for student)**

After regulation 12, insert:

**12A Chief executive may approve part-time course for student**

- (1) For the purpose of regulation 12(1)(c)(iii), the chief executive may approve a course of study for a student that is less than a full-time course if either of the following applies:
- (a) the student is enrolled, or intending to enrol, in a recognised course of study that is less than a full-time course and, on the advice of a tertiary provider or the principal of the appropriate secondary school, the chief executive considers a course of study that is less than full time is appropriate—
    - (i) because of the student’s illness; or
    - (ii) for any cause that is, in the opinion of the chief executive, a sufficient cause that is outside the student’s control; or
    - (iii) because the chief executive considers such a course to be in the student’s academic best interests:
  - (b) the student is enrolled in a recognised course of study that is less than a full-time course and, in the opinion of the chief executive, the student—
    - (i) has completed part of the course in which he or she is enrolled; and
    - (ii) will, on completing that course, complete a recognised programme; and
    - (iii) is taking a course, or combination of courses, that constitutes more than half of a full-time course.
- (2) For the purposes of subclause (1)(a)(iii), **academic best interests**, in relation to a student, means that the student would be likely to fail, for academic reasons, if he or she undertook a full-time course but would be likely to pass more than half of the course if he or she studied part-time.

**7 Regulation 18 amended (Amount of allowances to be paid to students)**

In regulation 18(3), replace “regulation 24 and Schedule 3” with “regulation 24 or 24A”.

**8 Regulation 24 amended (Amount of accommodation benefit and period for which benefit payable)**

- (1) In the heading to regulation 24, delete “**and period for which benefit payable**”.
- (2) After regulation 24(1), insert:
- (1A) Subclause (1) applies unless regulation 24A applies.

- (3) Revoke regulation 24(4) and (5).

**9 New regulations 24A and 24B inserted**

After regulation 24, insert:

**24A Amount of accommodation benefit for single student with supported child**

- (1) This regulation applies to a single student who—
- (a) has 1 or more supported children; and
  - (b) is eligible for an accommodation benefit in respect of a portion of a recognised course of study commencing on or after 1 July 2015.
- (2) The amount of the accommodation benefit per week is the appropriate rate of accommodation supplement that the student would receive if the student were a beneficiary who—
- (a) received sole parent support under the Social Security Act 1964; and
  - (b) was entitled to receive, and had been granted, an accommodation supplement.
- (3) For the purposes of subclause (2), the appropriate rate of accommodation supplement must be determined in accordance with section 61EC of the Social Security Act 1964 (*see* in particular section 61EC(3) of that Act, which states that an accommodation supplement is not payable to a person who has cash assets exceeding the specified amount).
- (4) In this regulation, **beneficiary** has the meaning given in section 61E of the Social Security Act 1964.

**24B Period for which accommodation benefit payable**

- (1) Payments under an accommodation benefit must be made for a period commencing not earlier than the date the chief executive specifies, which date must not precede the date payments are made under the student's basic grant or independent circumstances grant.
- (2) An amount of accommodation benefit is not payable to a student for a week for which the value of the basic grant or independent circumstances grant payable to the student is reduced to nil because of the student's personal income for the week.

**10 Regulation 30 amended (Suspension of certain allowances for failure of full-time course of study (other than secondary instruction))**

In regulation 30(1), replace “regulations 12(2)” with “regulations 12A”.

**11 Regulation 47A revoked (Applications on or after 1 October 2010 for allowances for courses commencing before 1 January 2011)**

Revoke regulation 47A.

**12 Schedule 3 replaced**

Replace Schedule 3 with the Schedule 3 set out in the Schedule of these regulations.

**Schedule  
Schedule 3 replaced**

r 12

<b>Schedule 3</b>	
<b>Maximum weekly value of accommodation benefit payable under regulation 24(1)</b>	
	r 24(1)
<b>Allowance</b>	<b>Maximum weekly value</b>
Accommodation benefit payable under regulation 24(1) (to students other than those to whom regulation 24A applies)	For a single student with a supported child or children, \$60 per week For any other student, \$40 per week

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 1 July 2015, amend the Student Allowances Regulations 1998 (the **principal regulations**). The regulations make 2 substantial changes to the principal regulations.

Firstly, the regulations provide that an allowance paid to a student who is studying part-time may only be paid in respect of a course in which the student is enrolled, and which the student has partially completed. This does not affect students for whom a part-time course has been approved because of the student's illness, for other reasons outside the student's control, or because it is in the student's academic best interests.

Second, the regulations establish a new rate of accommodation benefit for a single student who supports 1 or more children. The new rate applies to a student who is eligible for an accommodation benefit in respect of a portion of a recognised course of study commencing on or after 1 July 2015. The new rate is the appropriate rate of accommodation supplement (determined in accordance with section 61EC of the Social Security Act 1964) that the student would be entitled to receive if the student were a beneficiary. An important effect of the new rate is that no accommodation benefit is payable to the student if he or she has cash assets exceeding the amount specified in section 61EC(3)(a) of the Social Security Act 1964 (currently \$16,200).

