



## **Student Allowances (Christchurch Mosques Attack) Amendment Regulations 2020**

Patsy Reddy, Governor-General

### **Order in Council**

At Wellington this 27th day of July 2020

Present:

The Right Hon Jacinda Ardern presiding 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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### **Regulations**

- 1 Title**  
 These regulations are the Student Allowances (Christchurch Mosques Attack) Amendment Regulations 2020.

## 2 Commencement

These regulations come into force on 21 September 2020.

## 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 their appropriate alphabetical order:

### **Christchurch mosques attack support payment—**

- (a) means a payment made to a person because they are a person affected by an attack on 15 March 2019 on a Christchurch mosque; and
- (b) includes, without limitation, a payment specified in paragraph (a) made from donations collected or made by all or any of the following:
  - (i) an organisation that has collected donations, for example, by means that are or include any of the following crowdfunding Internet sites:
    - (A) <https://www.everydayhero.co.nz>;
    - (B) <https://www.givealittle.co.nz>;
    - (C) <https://www.launchgood.com>;
  - (ii) businesses;
  - (iii) employers;
  - (iv) individuals;
  - (v) overseas governments

**Christchurch response visa** means a permanent resident visa of a kind described in the following immigration instructions:

- (a) RV2.16 (Permanent resident visas for residents affected by terrorist attacks on 15 March 2019); and
- (b) S4.30 (Christchurch Response (2019) Category)

- (2) In regulation 2(1), definition of **personal income**, after paragraph (f), insert:

- (g) does not include any Christchurch mosques attack support payment received by the student

- (3) In regulation 2(1), definition of **spousal or partner's income**, after paragraph (f), insert:

- (g) does not include any Christchurch mosques attack support payment received by the spouse or partner

- (4) After regulation 2(1), insert:

- (1A) In this regulation, **immigration instructions** has the same meaning as in section 4 of the Immigration Act 2009, and a reference in subclause (1) to a specified immigration instruction (the **specified immigration instruction**)—
- (a) is a reference to the specified immigration instruction—
    - (i) as at 21 September 2020; and
    - (ii) as published by the chief executive of the department responsible for the administration of that Act; and
  - (b) includes a reference to any later immigration instruction that, with or without modification, replaces, or that corresponds to, the specified immigration instruction.

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

After regulation 12(1)(a)(iv), insert:

- (v) satisfies the chief executive that the student is a person who holds a residence class visa that is a Christchurch response visa under the Immigration Act 2009; or
- (vi) satisfies the chief executive that the student is a person who—
  - (A) holds a residence class visa (other than a Christchurch response visa) under the Immigration Act 2009; and
  - (B) would have been eligible for a Christchurch response visa if the student did not hold a residence class visa (other than a Christchurch response visa) under the Immigration Act 2009; and

## 6 Schedule 1 amended

In Schedule 1, after Part 4, insert the Part 5 set out in the Schedule of these regulations.

## Schedule

### New Part 5 inserted into Schedule 1

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#### Part 5

##### Provision relating to Student Allowances (Christchurch Mosques Attack) Amendment Regulations 2020

##### 5 Amendments apply only to study starting on or after 1 January 2021

- (1) This clause applies to the amendments to these regulations made by the Student Allowances (Christchurch Mosques Attack) Amendment Regulations 2020.
- (2) The amendments apply only to study starting on or after 1 January 2021.
- (3) Subclause (2) applies even if the enrolment concerned was applied for or permitted, or both, before 1 January 2021.

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 21 September 2020, amend the Student Allowances Regulations 1998 (the **principal regulations**). The amendments—

- provide for income exclusions, and eligibility changes, related to the attacks on Christchurch mosques on 15 March 2019; and
- apply only to study starting on or after 1 January 2021 (even if the enrolment concerned was applied for or permitted, or both, before 1 January 2021).

#### Income exclusions

Some of the amendments exclude from personal income, or from spousal or partner's income, in relation to a student, any Christchurch Mosques Attack support payment received by, or received by the spouse or partner of, the student.

The principal regulations define parental income, of a parent of a student, by reference to family scheme income as defined in the Income Tax Act 2007. Under section MB 13(2)(o) of that Act, family scheme income therefore excludes “an amount that is declared not to be income for the purposes of the Social Security Act 2018 by regulations made under section 422 of that Act”. In the Social Security Regulations 2018, regulation 294, and Schedule 8, clause 4, item 24, exempt from income, for the pur-

poses of that Act, a Christchurch mosques attack support payment made to a person on or after 15 March 2019 and related income.

**Eligibility changes**

The rest of the amendments adjust the principal regulations to enable to be eligible for an allowance (*see new regulation 12(1)(a)(v) and (vi)*) the following students:

- a student who is the holder of a residence class visa that is a Christchurch response visa under the Immigration Act 2009; and
- a student who would have been eligible for a Christchurch response visa if the student did not hold a residence class visa (other than a Christchurch response visa) under that Act.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 30 July 2020.

These regulations are administered by the Ministry of Social Development.