

Cabinet Paper material

Proactive release

Minister & portfolio	Hon Chris Hipkins, Minister of Education
Name of package	Waiving the student support residency rules for families of those affected by the Christchurch mosque attacks, and other minor technical changes to student support
Date considered	14 November 2022
Date of release	13 September 2023

These documents have been proactively released:

Cabinet Paper: Waiving the student support residency rules for families of those affected by the Christchurch mosque attacks, and other minor technical changes to student support

Date considered: 14 November 2022

Author: Office of the Minister of Education

Cabinet Minute: CAB-22-MIN-0498

Date considered: 14 November 2022

Author: Secretary of the Cabinet

Cabinet Social Wellbeing Committee Summary: SWC-22-SUB-0191

Date considered: 14 November 2022

Author: Committee Secretary

Cabinet Social Wellbeing Committee Minute: SWC-22-MIN-0191

Date considered: 14 November 2022

Author: Committee Secretary

Material redacted

Some deletions have been made from the documents in line with withholding grounds under the Official Information Act 1982. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

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In Confidence

Office of the Minister of Education

Chair, Cabinet Social Wellbeing Committee

Waiving the student support residency rules for families of those directly affected by the Christchurch mosques attack, and other minor technical changes to student support

Proposal

- 1 I am seeking Cabinet agreement for:
 - 1.1 Part 1: a targeted and time-bound waiver of the student loans and allowances (student support) three-year residency rules for family members of those directly affected by the 2019 Christchurch mosques attack. This would apply to study starting on or after 1 January 2024.
 - 1.2 Part 2: clarifying and continuing the authorisation of student support access for -
 - 1.2.1 learners who were enrolled in 'managed apprenticeship' programmes in 2022 or prior years, and continue their study into 2023 and beyond; and
 - 1.2.2 recognised qualifications and programmes at New Zealand Qualification and Credentials Framework levels 1 to 10 (excluding work-based learning).
 - 1.3 Part 3: continuing access to student support until 31 December 2024 for learners enrolled in some micro-credentials (former training schemes) that, due to a misinterpretation of a Cabinet decision, were incorrectly approved for student support access.

Relation to government priorities

- 2 The waiver of the student support three-year residency rules for family members of those directly affected by the Christchurch mosques attack aligns with the recommendations of the 'Royal Commission of Inquiry into the terrorist attack on Christchurch mosques on 15 March 2019' (the Royal Commission of Inquiry).¹ The recommendations include the need to provide ongoing support for affected families, survivors, and witnesses (recommendations 25 and 26).
- 3 Clarifying the Tertiary Education Commission's (TEC's) authority to continue to approve qualifications and programmes as recognised for the purposes of learners' access to student support will support the Government's

¹ [Summary of the Royal Commission Inquiry recommendations](#)

commitment to fully implement the Reform of Vocational Education (RoVE) and broader Tertiary Education Strategy (TES) priorities.

Executive Summary

- 4 In March 2020, Government waived the student support three-year residency rules for people directly affected by the Christchurch mosques attack. This change enabled those directly affected to move forward with their study and career goals without any delay.
- 5 Through the Collective Impact Board,² the directly affected community requested that family members who have subsequently come to New Zealand to aid the recovery of those directly affected by the terror attack, and who gained a different residence visa, have the same access to student support as those who received the initial waiver.
- 6 This proposal would complement my prior decisions to waive the Fees Free three-year residency rules for family members of the directly affected community from 2023, and to provide extra fee support for the directly affected community and their families through the Intensive Literacy and Numeracy - Refugee English Fund.
- 7 At 'Part 1' of this paper, I am proposing a targeted and time-bound waiver of the student support three-year residency rules for family members of the directly affected community which would apply to study starting on or after 1 January 2024. This would acknowledge the unique circumstances of the Christchurch mosques attack, while minimising the precedent risks of extending the waiver.
- 8 I am also proposing that Cabinet agree the following administrative changes regarding authorisation of access to student loans and student allowances:
 - 8.1 Part 2: grand-parented access to student support for learners who were enrolled in 'managed apprenticeship' programmes in 2022 or prior years (which are being phased out), but that continue their study in 2023 and beyond; and
 - 8.2 clarifying and continuing the TEC's authority to approve tertiary education and training at New Zealand Qualification and Credentials Framework levels 1 to 10 (excluding work-based learning) as recognised qualifications and programmes for the purposes of student support access. This follows from changes to the structure and titles of appropriations and funds in Vote Tertiary Education [CAB-22-MIN-0129 – Initiative ID 14394 refers].
 - 8.3 Part 3: continuing access to student support until 31 December 2024 for learners enrolled in some micro-credentials (former training

² The Collective Impact Board was established in May 2021 in line with Recommendation 26 of the Royal Commission of Inquiry. The Collective Impact Board brings together community and Government representatives to guide ongoing support services for the families and individuals directly affected by the Christchurch mosques attack.

schemes) that, due to a misinterpretation of a Cabinet decision, were incorrectly approved for student support access.

Part 1: Enabling student support access for family members of those directly affected by the Christchurch mosques attack

Background

Government has implemented changes to support those directly affected by the Christchurch mosques attack, including through access to main benefits and student support

- 9 Following the attack on Masjid Al Noor and Linwood Masjid on 15 March 2019, the Government established the Christchurch Response Visa for people present during the terrorist attack and their immediate families who were normally residing in New Zealand [CAB-19-MIN-0172 refers]. Eligible affected individuals had to submit their visa applications by 24 April 2021 (two years from the opening of the visa category). In this paper we refer to this group as those 'directly affected' by the Christchurch mosques attack.
- 10 In 2019, Cabinet waived the two-year residency rules for main benefits for Christchurch Response Visa holders. Rules were also waived for those who would have been eligible through the Christchurch Response Visa, but who were already holding another residence visa [CBC-19-MIN-0021 refers].
- 11 In 2020, Cabinet also agreed to waive the three-year residency rules for student support for people with a Christchurch Response (2019) Permanent Resident Visa, and for people who would have been eligible for said visa but were already holding another residence visa at the time [CAB-20-MIN-0094 refers]. This change to enable access to student support for those directly affected was made in alignment with the waiver to enable access to main benefits noted above.

Issues

Support for those directly affected by the Christchurch mosques attack is ongoing, but there are ongoing support barriers for their family members

- 12 Some people directly affected by the Christchurch mosques attack are experiencing ongoing residual impacts and continue to need ongoing family support. For some, the arrival of this family support has been delayed due to COVID-19 border restrictions. Families generally arrive with a residence visa under direction from the Minister of Immigration. Some of the people coming to New Zealand to reside permanently to support their families will need higher level English skills and other skills for the workforce to support their life and employment in New Zealand.
- 13 The directly affected community view tertiary education as an important pathway for their recovery, and for creating a sustainable future. However, they have expressed concern that there is no financial support immediately

available for their family members to access tertiary education in New Zealand.

- 14 In particular, the directly affected community view the three-year residency rules for student support as a barrier for their family members who are coming to New Zealand to support them. Under current policy settings, if these family members accessed tertiary education, they would not be eligible to have their fees and living costs met through student loans and allowances until after their three-year residency rules period had elapsed. This means that family members cannot progress their career goals immediately after arriving in-country, unlike other family members who were previously granted a Christchurch Response Visa.
- 15 This tertiary education access barrier has been raised by the directly affected community through the Collective Impact Board, which was established in May 2021 in line with Recommendation 26 of the Royal Commission of Inquiry. The Collective Impact Board brings together community and Government representatives to guide ongoing support services for the families and individuals directly affected by the Christchurch mosques attack. The Ministry of Social Development (MSD) works with the Collective Impact Board and raises issues with other Government departments on its behalf.

Residency rules aim to safeguard Government's investment

- 16 To be eligible for student support, a person must have held a residence visa and lived in New Zealand for at least three years and be ordinarily resident in New Zealand. These rules provide the Government with some confidence that New Zealand residence visa holders will stay in New Zealand long-term after they complete study to contribute to our economy and society.
- 17 The initial waiver of student support residency rules was limited to those directly affected, and did not include holders of other residence visas, such as their family members or general witnesses of the attacks. The waiver aimed to balance the risk of creating a precedent for other migrant groups, alongside the exceptional circumstances of the Christchurch mosques attack and the specific nature of the exemption. The removal of the rules was effectively time-bound, as most of the impacted people would be eligible for student support after three years.

Analysis and proposals

I now seek Cabinet's agreement to a targeted and time-bound waiver of the three-year residency rules to enable family members of those directly affected by the Christchurch mosques attack to access student support

- 18 Waiving the three-year residency rules period will provide further targeted support for the families of those directly affected by the Christchurch mosques attack. In this context, 'family' is defined as family members, including partners, children, parents, siblings, nieces or nephews, as well as in-laws,

stepchildren or step-parents, or other people with a familial relationship granted a residence visa in New Zealand.³

- 19 It will help family members of the directly affected community to achieve their tertiary education and career goals more quickly and ensure they can continue to support those directly affected by the attack. From an education perspective, this would significantly improve these residents' settlement outcomes, and increase their ability to actively participate in and contribute to New Zealand society and economy in the long term.
- 20 However, a waiver for families of the directly affected community would raise precedent risks. For example, other migrant groups who have experienced challenging life circumstances are likely to lobby for similar treatment which, if granted, could undermine the policy intent of the residency rules.
- 21 To manage the precedent risks, I am recommending a targeted and time-bound waiver that is similar to the 2020 three-year residency rules waiver to enable those directly affected by the Christchurch mosques attack access to student support.
- 22 The targeted and time-bound waiver would extend to family members of Christchurch Response Visa holders (or those who would have been eligible but who were already holding another residence visa) who are residing permanently in New Zealand.
- 23 These family members would have likely gained a residence visa through the following resident visa types:
 - 23.1 Partner of New Zealander resident visa
 - 23.2 Dependent child resident visa
 - 23.3 Parent resident visa
 - 23.4 Resident visa granted by discretion under Section 61 of the Immigration Act, with the residence granted due to links to a family member directly affected by Christchurch mosques attack.
- 24 For family members to be eligible, their residence visa would need to be granted between 15 March 2019 (the date of the Christchurch mosques attack) and 31 December 2024. This eligibility period is slightly longer than the effective eligibility period under the initial waiver (three years) to recognise that travel was limited under COVID-19 from 2020 to 2022, and some family may still intend to move to New Zealand for the purpose of supporting an individual(s) who were directly affected by the Christchurch mosques attack.

³ The Ministry of Business, Innovation and Employment has advised that it will be able to verify family members for the purposes of this policy and will implement a process by 16 October and liaise with MSD as needed.

- 25 This proposal would provide further targeted support for the families of those most affected by the terror attack. It also acknowledges the unprecedented nature and significance of the mosques attack in New Zealand's history.
- 26 The proposal also complements my decisions to waive the Fees Free three-year residency rules for family members from 2023, and to provide extra fee support for the affected community and their families through the Intensive Literacy and Numeracy - Refugee English Fund.
- 27 I did not consider a broader waiver for all non-resident family members or general witnesses. Not only would this pose a larger precedent risk, but it would also represent a significant shift in student support policy, which is only available for citizens, refugees, and residence visa holders. I also did not consider an option to extend the waiver irrespective of when family members arrive in the country, because this could extend precedent risks well into the future.

Implementation

- 28 Cabinet agreement is needed to change the residence settings for student support. In addition, changing the residence settings for student allowances requires an amendment to the Student Allowances Regulations 1998.
- 29 MSD advise that it requires a six-month lead in time to implement the changes and that it will be unable to begin this work until April 2023. This timing will enable changes to the student support residence settings for family members of those directly affected by the Christchurch mosques attack to take effect for study starting on or after 1 January 2024.

Financial Implications

The three-year waiver to the residency rules will have student support costs but these will be small, as eligibility is ring-fenced and the effect is time-bound...

- 30 As of July 2022, a small cohort of 155 people have had residency granted by Ministerial discretion in relation to the mosques attack, with a further 18 people's requests currently under consideration. It is difficult to estimate the precise numbers of additional family members of those directly affected who will take up residence in New Zealand, those who would undertake tertiary education, or the precise cost of the proposed changes. This is because there is limited information on this population group and their circumstances related to education or income.
- 31 If we take a very high estimate of this group's tertiary education participation rate (40%), there could be around 190 adult family members granted a residence visa between 15 March 2019 and 31 December 2024⁴ who could benefit from this proposed policy change, if they undertake tertiary education.

⁴ This estimate includes the 155 people who have already had visas granted under Ministerial discretion, along with our estimate that a further 35 visas will be granted by the end of 2024.

This is a little larger than the number of adults who were granted a Christchurch Response Visa – 129 adults to May 2022.

- 32 This estimate of how many family members will benefit from the waiver also considers that the policy change will effectively be phased out from 2025 and end before 2028. This is because those who gain resident visas will have lived in-country for at least three years, and so have eligibility for student support under existing policy settings.⁵

...and the costs of the waiver could be met from the between-Budget Contingency established as part of Budget 2022

- 33 Given the time-bound impact, the costs of the waiver cover the 2023/24 to 2028/29 financial years only.
- 34 The additional capital borrowing for the student loan fees and course-related costs components is estimated to total \$0.084 million. The operating costs for student loan borrowing (for the initial write down of concessionary loans to fair value) is estimated to total \$0.023 million.
- 35 The additional student allowance costs (gross and including the accommodation benefit) are estimated to total \$0.393 million. This estimate assumes that all 190 potential students would access student allowances, with no offsetting savings.
- 36 I propose that the financial costs of the waiver for Vote Social Development and Vote Revenue be met through the between-Budget Contingency established as part of Budget 2022. This is in line with best practice of fiscal management rules for policy changes.
- 37 Even if the numbers of family members undertaking tertiary education is higher than anticipated, the potential cost will still be small compared to the overall size of the Student Loan Scheme appropriation.
- 38 MSD will absorb the small additional cost of implementing a system change required to deliver the policy changes for student loans and student allowances (estimated at \$0.313 million).

⁵ From 2025, those who had resident visas prior to 2022 would have resided in New Zealand for three years, and so would be able to gain access to tertiary education under existing policy settings. From 2028, those who gained resident visas at the end of 2024 would have also resided in New Zealand for three years.

Part 2: Maintaining student support access for tertiary learners following the introduction of the new Unified Funding System of the reformed Vocational Education and Training system

Issues

Minor changes are needed to ensure continuity of student support access following the implementation of the new Unified Funding System (UFS)

- 39 The RoVE is bringing together the previously separate Institutes of Technology and Polytechnics (now Te Pūkenga) and industry training organisations and unifying the funding of those systems. This is to create a strong, unified, sustainable vocational education system that is fit for the future.
- 40 Many providers, including through Te Pūkenga's network (established as part of RoVE and which includes former ITPs and industry training organisations) and a private training establishment, currently offer 'managed apprenticeships'. These are work-based training programmes leading to qualifications that are the same as 'New Zealand Apprenticeships' offered through a previously separate industry training system. Learners enrolled in 'managed apprenticeships' have been eligible for student support. However, as part of RoVE, 'managed apprenticeships' will be phased out.
- 41 From 1 January 2023, the UFS will be introduced as one of the key changes under the RoVE. Alongside this, Student Achievement Component (SAC) funding changes to Delivery of Qualification funding. This change from SAC came into effect following changes to the structure and titles of appropriations in Vote Tertiary Education [CAB-22-MIN-0129 – Initiative ID 14394 refers].
- 42 With the introduction of the UFS and the decision to phase out 'managed apprenticeships', going forward learners who enrol in these apprenticeships will be treated like other work-based learners who do not have access to student support. This will ensure fair treatment for work-based learners across all tertiary education settings. However, the grand-parenting out of such a change is necessary for learners who are *currently* enrolled in 'managed apprenticeships', given these learners may have enrolled in their programmes with the reasonable expectation that they would be able to access student support throughout their programme.

Analysis and Proposals

I seek Cabinet's agreement to grand-parent student support eligibility for learners in 'managed apprenticeships'...

- 43 I propose that learners enrolled in 'managed apprenticeships' in 2022, and who continue their programmes in 2023 and beyond, remain eligible for student loans and allowances.
- 44 I anticipate that fewer than 1,250 learners will be affected by this proposal. Around 3,500 learners are enrolled in 'managed apprenticeships' this year,

and the average uptake figures for provider-based vocational education and training suggest that, of those who continue studying next year, around a third are likely to take out a student loan. However, uptake is likely to be significantly less than this for learners in 'managed apprenticeships' (versus provider-based learners), as these learners are employed in their apprenticeship positions.

...and to clarify and continue the Tertiary Education Commission's authority to approve qualifications and programmes as recognised for the purposes of student support access

- 45 Following changes to the structure and titles of appropriations in Vote Tertiary Education [CAB-22-MIN-0129 – Initiative ID 14394 refers], including the change from SAC, the TEC's existing authority to approve programmes and qualifications as recognised for the purposes of student support access needs to be clarified.
- 46 I therefore propose that the TEC continues to have authority to approve tertiary education and training at New Zealand Qualification and Credentials Framework levels 1 to 10 (excluding work-based learning) as recognised qualifications and programmes for the purposes of student support access. This will maintain student support eligibility rules and intent for programmes that have been and are currently recognised as eligible for student support. This approval by the TEC will then enable MSD to make student support payments to learners enrolled in these courses who are eligible for such payments.

Implementation

- 47 Following Cabinet agreement, MSD will continue paying student loans and allowances to those who were enrolled in 2022 or prior years in 'managed apprenticeships' and who will be grand-parented in 2023 and beyond. The TEC will inform MSD of which programmes are recognised programmes for the purposes of student support access, and of any process changes.

Financial Implications

There is no cost regarding the changes to enable access to student support following from the introduction of the UFS

- 48 These proposals are minor, technical, and have no cost. There will, however, be a marginal saving from 'managed apprenticeships' ceasing to exist as a result of the new modes of delivery introduced by the RoVE, and the phasing out of grand-parenting currently enrolled learners' access to student support. The grand-parenting proposal extends the period over which this saving is realised.

Part 3: Transitional approach to removing access to the student loan and student allowances schemes incorrectly approved for some micro-credentials (former training schemes)

- 49 In 2011, a change to the Education Act 1989 deemed some courses and programmes to be training schemes, meaning that they were no longer eligible for access to student support, as they did not lead to qualifications on the New Zealand Qualifications Framework (now the New Zealand Qualifications and Credentials Framework).
- 50 Due to a misinterpretation of its authority to grant access to student support for eligible qualifications and courses, the TEC continued to approve access to student support for some training schemes (now called micro-credentials under the Education and Training Act 2020). Using MSD and TEC records, the best estimate is that this relates to 44 micro-credentials and that 3,006 learners at seven providers accessed \$20.5m of student support between 2012 and 2020.
- 51 Access to student support for new micro-credentials ceased following advice from the Ministry of Education and MSD that they are ineligible under current policy settings.

Analysis and proposal

I seek Cabinet's agreement to temporarily continue access to student support for select micro-credentials (former training schemes), until 31 December 2024

- 52 Removing access to student support for micro-credentials that were previously granted access to student support is likely to have an impact on learners and providers, particularly for those providers that have received significant funding (e.g. the Professional Legal Studies ('Profs') course whose students have accessed \$14.6m of student support between 2012 and 2022). Prospective learners for 2023 and/or 2024 may also have a reasonable expectation that they can access student support for their study in such micro-credentials.
- 53 I am therefore seeking Cabinet's agreement to continue student support access for the affected micro-credentials temporarily, until 31 December 2024.
- 54 This temporary continuation would give affected providers sufficient time to restructure micro-credentials larger than 40 credits into qualifications (where possible), and thus retain their eligibility for student support. This option is consistent with the New Zealand Qualification Authority's (NZQA) intention that micro-credentials larger than 40 credits become qualifications.⁶
- 55 This will not be a solution for all micro-credentials that were incorrectly approved for student support, as substantial changes in content and

⁶ NZQA recently consulted on this proposal, in addition to a broader suite of changes to NZQA rules. The consultation ran from September to October 2022. The consultation discussion document can be accessed here: [Consultation-on-changes-to-NZQA-rules.pdf](#)

outcomes would be required to meet the expectations of a qualification. The micro-credentials with the most uptake of student support payments fall within the 40 credit or larger bracket and so there is a strong likelihood that they would be reshaped into qualifications. Many of the other, smaller (i.e. less than 40 credits) micro-credentials have had no or very little recent uptake of student support. Removing their eligibility should therefore have minimal impact on future learners.

Implementation

- 56 Once Cabinet has agreed, the TEC will determine a process to implement the change and notify affected providers of the timeframes around removing access to student support for micro-credentials as soon as practical.
- 57 Any existing approval by the TEC of select micro-credentials for student support will remain in place until 31 December 2024. This will enable learners already enrolled in the affected micro-credentials to have access to student support for the duration of their study. This will also enable access for new learners who are yet to enrol for study in 2023 and/or 2024 who, quite reasonably, may be expecting to have access to student support while undertaking their study.
- 58 This approach allows time for these courses to be restructured into qualifications subject to approval by NZQA. The approach also aligns with the current Student Allowances Regulations 1998, which contain a discretion to continue payments already approved where the programme is no longer 'recognised.'

59 9(2)(f)(iv)

Financial implications

- 60 The funding for this temporary continuation of student support for the affected micro-credentials will continue to be met from existing baselines.

Legislative Implications (only applicable to Part 1)

- 61 If Cabinet agrees to amend the Student Allowances Regulations 1998, Parliamentary Counsel Office will be instructed to draft the changes to the Regulations.
- 62 A paper seeking agreement to the draft Regulations will be taken to Cabinet by the Minister for Social Development and Employment.
- 63 No regulation amendments are required for the student loan changes outlined in this paper. Cabinet agreement is sufficient for them to begin to be implemented.

Impact Analysis

Regulatory Impact Statement

- 64 The Treasury's Regulatory Impact Analysis team has determined that the proposals in this paper are exempt from the requirement to provide a Regulatory Impact Statement, on the grounds that they have no or only minor impacts on businesses, individuals, and not-for-profit entities.

Population Implications

- 65 There are no specific gender, ethnicity, or disability-related considerations in the proposals in this paper. However, people affected by the Christchurch mosques attack and their family members are disproportionately a small number of ethnicities, and disproportionately reside in Christchurch.

Human Rights

Part 1: Enabling student support access to family members of those directly affected by the Christchurch mosques attack

- 66 9(2)(h)

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- 69 We therefore do not consider that there is any unlawful discrimination in this context and consider the proposals to be consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

Part 2: Maintaining student support access for tertiary learners with introduction of the new Unified Funding System

- 70 The technical proposals will ensure learners who are currently eligible for student support will continue to be able to access student support following the implementation of the UFS as part of the RoVE. These proposals will mean that students will not unintentionally be worse off following the shift to the new funding system from 2023.

Part 3: Transitional approach to removing access to the student loan and student allowances schemes incorrectly approved for some micro-credentials (former training schemes)

- 71 The proposal ensures that learners already enrolled, or who intend to enrol for 2023 and/or 2024, in the affected training schemes will continue to retain access to student support for the duration of their study.

Consultation

- 72 MSD was directly involved in the development of the paper and will lead the work on the Regulations changes for student allowances.
- 73 The Ministry of Education also consulted with the TEC, NZQA, Inland Revenue, Ministry of Business, Innovation and Employment, Treasury, and Department of Prime Minister and Cabinet (Policy Advisory Group) on this paper.

Communications

- 74 If the changes are agreed to, officials will work with my office, MSD, and the TEC to develop communication strategies for appropriately communicating the changes to those affected by the proposals in this paper.

Proactive Release

- 75 I propose that this paper is proactively released within 30 days of Cabinet decisions being made, with any redactions in line with the provisions of the Official Information Act 1982.

Recommendations

The Minister of Education recommends that the Committee:

Part 1: Enabling family of those directly affected by the Christchurch mosques attack to access student loans and student allowances by implementing a targeted and time-bound waiver of residency rules

- 1 **note** that to be eligible for a student loan and student allowances, a person must have held a residence visa and lived in New Zealand for at least three years and be ordinarily resident in New Zealand
- 2 **note** that in March 2020, Cabinet agreed to waive the student loans and student allowances three-year residency rules for Christchurch Response Visa holders and for those who would have been eligible but who were already holding another residence visa [CAB-20-MIN-0094 refers]
- 3 **agree** to waive the three-year residency rules for student loans and student allowances for family members who are granted residence visas between 15 March 2019 and 31 December 2024 through their relationship to holders of a Christchurch Response (2019) Visa (or those who would have been eligible

but who were already holding another residence visa) for study starting on or after 1 January 2024

- 4 **agree** that the Minister for Social Development and Employment will instruct the Parliamentary Counsel Office to draft the necessary changes to the Student Allowances Regulations 1998, to give effect to recommendation 3.

Part 2: Maintaining student support access for tertiary learners under the new Unified Funding System of the reformed Vocational Education and Training system

- 5 **note** that from 1 January 2023:

5.1 learners in work-based training will continue to be ineligible for student loans and student allowances; and

5.2 'managed apprenticeships' will begin to be treated like other work-based training in terms of not being able to access student loans and student allowances

- 6 **agree** that from 1 January 2023:

6.1 the Ministry of Social Development continues to have the authority to provide student loans and student allowances to eligible learners who were enrolled in 'managed apprenticeships' in 2022 or prior years, and who are continuing their programmes in 2023 and beyond, until they complete their programme or withdraw; and

6.2 the Tertiary Education Commission continues to have the authority to approve 'managed apprenticeships' as recognised programmes for the purposes of student loans and student allowances access for learners identified under recommendation 6.1 above

- 7 **note** that following changes to the structure and titles of appropriations in Vote Tertiary Education [CAB-22-MIN-0129 – Initiative ID 14394 refers], the Tertiary Education Commission's existing authority to approve programmes and qualifications as recognised programmes and qualifications for the purposes of student loans and student allowances access needs to be clarified

- 8 **agree** the Tertiary Education Commission continues to have authority to approve tertiary education and training at New Zealand Qualification and Credentials Framework levels 1 to 10 (excluding work-based learning) as recognised qualifications and programmes for the purposes of student loans and student allowances access

Part 3: Transitional approach to removing access to the student loan and student allowances schemes incorrectly approved for some micro-credentials (former training schemes)

- 9 **note** that approximately 44 micro-credentials (formerly known as training schemes) were incorrectly approved for access to the student loan and student allowances schemes prior to 2020

- 10 **agree** to continue the Tertiary Education Commission's current approval of access to the student loan and student allowances schemes for affected micro-credentials to 31 December 2024 to allow sufficient time for these former training schemes to be restructured into qualifications, after which time access will be removed
- 11 **note** that the costs of temporarily continuing access to the student loan and student allowance schemes for affected micro-credentials to 31 December 2024 will continue to be met through existing baselines

Financial Recommendations

- 12 **note** that the costs associated with recommendation 3 will be small, and its effect time-bound, as the change is limited to a small group of people, who would, under current settings, be eligible for student loans and student allowances after three years on a resident visa in New Zealand
- 13 **agree** to increase spending to provide for the student loans and allowances costs associated with the policy decision in recommendation 3 above, with the following impacts on the operating balance:

	\$m – increase / (decrease)						
	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
Operating Balance Impact (Social Development)	-	0.118	0.299	0.122	(0.109)	(0.062)	(0.016)
Operating Balance Impact (Revenue)	-	-	0.079	(0.013)	(0.024)	(0.010)	(0.005)
Total Operating Balance Impact	-	0.118	0.378	0.109	(0.134)	(0.073)	(0.021)
No Impact	0	0.014	0.036	0.015	(0.013)	(0.008)	(0.002)

IN CONFIDENCE

- 14 **approve** the following change to appropriations to give effect to the decision in recommendation 13 above:

	\$m – increase / (decrease)						
Vote Social Development Minister for Social Development and Employment	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
<i>Benefits or Related Expenses:</i>							
Student Allowances	0	0.132	0.335	0.137	(0.122)	(0.070)	(0.018)
Vote Social Development Minister of Revenue							
<i>Non-Departmental Capital Expenditure:</i>							
Student Loans	-	-	0.149	(0.014)	(0.037)	(0.012)	(0.002)
Vote Revenue Minister of Revenue							
<i>Non-Departmental Other Expenses:</i>							
Initial Fair Value Write-Down Relating to Student Loans	-	-	0.068	(0.006)	(0.017)	(0.005)	(0.001)
Total Operating	-	0.132	0.403	0.131	(0.139)	(0.075)	(0.019)
Total Capital	-	-	0.149	(0.014)	(0.037)	(0.012)	(0.002)

- 15 **agree** that the operating balance impact in recommendation 13 above be charged against the between-Budget contingency established as part of Budget 2022.
- 16 **note** that there are no costs associated with recommendations 6, 8, and 10, and that recommendation 6 will result in minor savings over time due to student loans and student allowances eligibility for learners in 'managed apprenticeships' being grand-parented out.

Authorised for lodgement

Hon Chris Hipkins

Minister of Education



Cabinet

Minute of Decision

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Report of the Cabinet Social Wellbeing Committee: Period Ended 11 November 2022

On 14 November 2022, Cabinet made the following decisions on the work of the Cabinet Social Wellbeing Committee for the period ended 11 November 2022:

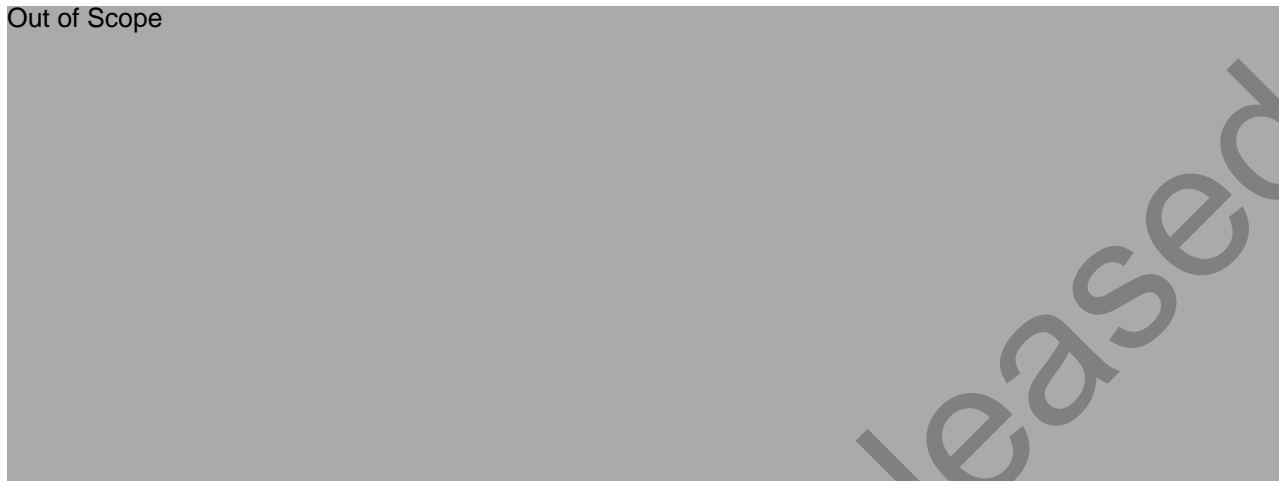
Out of Scope

SWC-22-MIN-0191

**Waiving Student Support Residency Rules
for Families of Those Directly Affected by
the Christchurch Mosques Attack, and
Other Minor Technical Changes**
Portfolio: Education

CONFIRMED

Out of Scope



Rachel Hayward
Secretary of the Cabinet



Cabinet Social Wellbeing Committee

Summary

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Waiving Student Support Residency Rules for Families of Those Directly Affected by the Christchurch Mosques Attack, and Other Minor Technical Changes

Portfolio	Education
Purpose	This paper seeks agreement to a time-bound waiver of the three-year residency rules for student loans and student allowances for family members granted a Visa due to their relationship with Christchurch Response Visa holders, and to other minor changes to student support.
Previous Decisions	In March 2020, SWC agreed to waive the student loans and student allowances three-year residency rules for Christchurch Response Visa holders and for those who would have been eligible but who were already holding another residence visa [SWC-20-MIN-0013].
Proposal	<p>The Royal Commission of Inquiry into the terrorist attack on Christchurch mosques on 15 March 2019 has included in its recommendations the need to provide ongoing support for affected families, survivors, and witnesses.</p> <p>Extending the three-year residency waiver for student support to an estimated 190 family members will significantly improve settlement outcomes and increase participation in New Zealand society.</p> <p>The other proposals in this paper seek agreement to:</p> <ul style="list-style-type: none"> • grand-parent student support eligibility for learners already enrolled in 'managed apprenticeships'; • clarify and continue the Tertiary Education Commission's authority to approve qualifications and programmes as recognised for the purposes of student support access; and • continue student support access for those enrolled in micro-credentials due to a misinterpretation of a previous decision.
Impact Analysis	Not required as the proposals have no or only minor impacts.

Financial Implications	<p>Additional funding from between-Budget contingency for the waiver is sought:</p> <ul style="list-style-type: none"> • student loan capital costs of \$0.084 million and operating costs of \$0.023 million (Vote Revenue); • student allowance costs (gross and including the accommodation benefit) of \$0.393 million (Vote Social Development). <p>There are no financial implications in relation to the other proposals.</p>
Legislative Implications	The waiver will be implemented through amendment to the Student Allowances Regulations 1998.
Timing Matters	The waiver will apply to those family members granted a residence visa between 15 March 2019 and 31 December 2024, for study starting on or after 1 January 2024.
Communications	To be determined.
Consultation	<p>Paper prepared by MoE, NZQA, Treasury (Finance), DPMC (Prime Minister), IR, TEC, MSD (Social Development and Employment) and MBIE (Social Development and Employment) were consulted.</p> <p>The Minister indicates that SWC Ministers were consulted.</p>

The Minister of Education recommends that the Committee:

Enabling family of those directly affected by the Christchurch mosques attack to access student loans and student allowances by implementing a targeted and time-bound waiver of residency rules

- 1 note that to be eligible for a student loan and student allowances, a person must have held a residence visa and lived in New Zealand for at least three years and be ordinarily resident in New Zealand;
- 2 note that in March 2020, SWC agreed to waive the student loans and student allowances three-year residency rules for Christchurch Response Visa holders and for those who would have been eligible but who were already holding another residence visa [SWC-20-MIN-0013];
- 3 agree to waive the three-year residency rules for student loans and student allowances for family members who are granted residence visas between 15 March 2019 and 31 December 2024 through their relationship to holders of a Christchurch Response (2019) Visa (or those who would have been eligible but who were already holding another residence visa) for study starting on or after 1 January 2024;
- 4 invite the Minister for Social Development and Employment to issue drafting instructions to the Parliamentary Counsel Office to amend the Student Allowances Regulations 1998 to give effect to the decision in paragraph 3;

Maintaining student support access for tertiary learners under the new Unified Funding System of the reformed Vocational Education and Training system

- 5 note that from 1 January 2023:
- 5.1 learners in work-based training will continue to be ineligible for student loans and student allowances;
 - 5.2 'managed apprenticeships' will begin to be treated like other work-based training in terms of not being able to access student loans and student allowances;
- 6 agree that from 1 January 2023:
- 6.1 the Ministry of Social Development continues to have the authority to provide student loans and student allowances to eligible learners who were enrolled in 'managed apprenticeships' in 2022 or prior years, and who are continuing their programmes in 2023 and beyond, until they complete their programme or withdraw;
 - 6.2 the Tertiary Education Commission continues to have the authority to approve 'managed apprenticeships' as recognised programmes for the purposes of student loans and student allowances access for learners identified under paragraph 6.1;
- 7 note that following changes to the structure and titles of appropriations in Vote Tertiary Education in Budget 2022 [CAB-22-MIN-0129, Initiative ID 14394], the Tertiary Education Commission's existing authority to approve programmes and qualifications as recognised programmes and qualifications for the purposes of student loans and student allowances access needs to be clarified;
- 8 agree that the Tertiary Education Commission continues to have authority to approve tertiary education and training at New Zealand Qualification and Credentials Framework levels 1 to 10 (excluding work-based learning) as recognised qualifications and programmes for the purposes of student loans and student allowances access;

Transitional approach to removing access to the student loan and student allowances schemes incorrectly approved for some micro-credentials (former training schemes)

- 9 note that approximately 44 micro-credentials (formerly known as training schemes) were incorrectly approved for access to the student loan and student allowances schemes prior to 2020;
- 10 agree to continue the Tertiary Education Commission's current approval of access to the student loan and student allowances schemes for affected micro-credentials to 31 December 2024 to allow sufficient time for these former training schemes to be restructured into qualifications, after which time access will be removed;
- 11 note that the costs of temporarily continuing access to the student loan and student allowance schemes for affected micro-credentials to 31 December 2024 will continue to be met through existing baselines;

Financial Recommendations

- 12 note that the costs associated with the decision in paragraph 3 will be small, and its effect time-bound, as the change is limited to a small group of people, who would, under current settings, be eligible for student loans and student allowances after three years on a resident visa in New Zealand;

- 13 agree to increase spending to provide for the student loans and allowances costs associated with the policy decision in paragraph 3 above, with the following impacts on the operating balance:

	\$m – increase / (decrease)						
	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
Operating Balance Impact (Social Development)	-	0.118	0.299	0.122	(0.109)	(0.062)	(0.016)
Operating Balance Impact (Revenue)	-	-	0.079	(0.013)	(0.024)	(0.010)	(0.005)
Total Operating Balance Impact	-	0.118	0.378	0.109	(0.134)	(0.073)	(0.021)
No Impact	0	0.014	0.036	0.015	(0.013)	(0.008)	(0.002)

- 14 approve the following change to appropriations to give effect to the decision in paragraph 13 above:

	\$m – increase / (decrease)						
Vote Social Development Minister for Social Development and Employment	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
<i>Benefits or Related Expenses:</i> Student Allowances	-	0.132	0.335	0.137	(0.122)	(0.070)	(0.018)
Vote Social Development Minister of Revenue							
<i>Non-Departmental Capital Expenditure:</i> Student Loans	-	-	0.149	(0.014)	(0.037)	(0.012)	(0.002)
Vote Revenue Minister of Revenue							
<i>Non-Departmental Other Expenses:</i> Initial Fair Value Write-Down Relating to Student Loans	-	-	0.068	(0.006)	(0.017)	(0.005)	(0.001)
Total Operating	-	0.132	0.403	0.131	(0.139)	(0.075)	(0.019)
Total Capital	-	-	0.149	(0.014)	(0.037)	(0.012)	(0.002)

- 15 agree that the operating balance impact in paragraph 13 above be charged against the between-Budget contingency established as part of Budget 2022;

- 16 note that there are no costs associated with the decisions in paragraphs 6, 8, and 10, and that the decision in paragraph 6 will result in minor savings over time due to student loans and student allowances eligibility for learners in ‘managed apprenticeships’ being grand-parented out.

Rachel Clarke
Committee Secretary

Hard-copy distribution:
Cabinet Social Wellbeing Committee

Proactively Released



Cabinet Social Wellbeing Committee

Minute of Decision

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Waiving Student Support Residency Rules for Families of Those Directly Affected by the Christchurch Mosques Attack, and Other Minor Technical Changes

Portfolio Education

On 9 November 2022, the Cabinet Social Wellbeing Committee (SWC):

Enabling family of those directly affected by the Christchurch mosques attack to access student loans and student allowances by implementing a targeted and time-bound waiver of residency rules

- 1 **noted** that to be eligible for a student loan and student allowances, a person must have held a residence visa and lived in New Zealand for at least three years and be ordinarily resident in New Zealand;
- 2 **noted** that in March 2020, SWC agreed to waive the student loans and student allowances three-year residency rules for Christchurch Response Visa holders and for those who would have been eligible but who were already holding another residence visa [SWC-20-MIN-0013];
- 3 **agreed** to waive the three-year residency rules for student loans and student allowances for family members who are granted residence visas between 15 March 2019 and 31 December 2024 through their relationship to holders of a Christchurch Response (2019) Visa (or those who would have been eligible but who were already holding another residence visa) for study starting on or after 1 January 2024;
- 4 **invited** the Minister for Social Development and Employment to issue drafting instructions to the Parliamentary Counsel Office to amend the Student Allowances Regulations 1998 to give effect to the decision in paragraph 3;

Maintaining student support access for tertiary learners under the new Unified Funding System of the reformed Vocational Education and Training system

- 5 **noted** that from 1 January 2023:
 - 5.1 learners in work-based training will continue to be ineligible for student loans and student allowances;

5.2 'managed apprenticeships' will begin to be treated like other work-based training in terms of not being able to access student loans and student allowances;

6 **agreed** that from 1 January 2023:

6.1 the Ministry of Social Development continues to have the authority to provide student loans and student allowances to eligible learners who were enrolled in 'managed apprenticeships' in 2022 or prior years, and who are continuing their programmes in 2023 and beyond, until they complete their programme or withdraw;

6.2 the Tertiary Education Commission continues to have the authority to approve 'managed apprenticeships' as recognised programmes for the purposes of student loans and student allowances access for learners identified under paragraph 6.1;

7 **noted** that following changes to the structure and titles of appropriations in Vote Tertiary Education in Budget 2022 [CAB-22-MIN-0129, Initiative ID 14394], the Tertiary Education Commission's existing authority to approve programmes and qualifications as recognised programmes and qualifications for the purposes of student loans and student allowances access needs to be clarified;

8 **agreed** that the Tertiary Education Commission continues to have authority to approve tertiary education and training at New Zealand Qualification and Credentials Framework levels 1 to 10 (excluding work-based learning) as recognised qualifications and programmes for the purposes of student loans and student allowances access;

Transitional approach to removing access to the student loan and student allowances schemes incorrectly approved for some micro-credentials (former training schemes)

9 **noted** that approximately 44 micro-credentials (formerly known as training schemes) were incorrectly approved for access to the student loan and student allowances schemes prior to 2020;

10 **agreed** to continue the Tertiary Education Commission's current approval of access to the student loan and student allowances schemes for affected micro-credentials to 31 December 2024 to allow sufficient time for these former training schemes to be restructured into qualifications, after which time access will be removed;

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Financial Recommendations

12 **noted** that the costs associated with the decision in paragraph 3 will be small, and its effect time-bound, as the change is limited to a small group of people, who would, under current settings, be eligible for student loans and student allowances after three years on a resident visa in New Zealand;

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Total Operating Balance Impact	-	0.118	0.378	0.109	(0.134)	(0.073)	(0.021)
No Impact	0	0.014	0.036	0.015	(0.013)	(0.008)	(0.002)

- 14 **approved** the following change to appropriations to give effect to the decision in paragraph 13 above:

	\$m – increase / (decrease)						
	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
Vote Social Development Minister for Social Development and Employment							
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- 15 **agreed** that the operating balance impact in paragraph 13 above be charged against the between-Budget contingency established as part of Budget 2022;

- 16 **noted** that there are no costs associated with the decisions in paragraphs 6, 8, and 10, and that the decision in paragraph 6 will result in minor savings over time due to student loans and student allowances eligibility for learners in ‘managed apprenticeships’ being grand-parented out.

Rachel Clarke
Committee Secretary

Present:

Rt Hon Jacinda Ardern
Hon Grant Robertson
Hon Dr Megan Woods
Hon Chris Hipkins
Hon Carmel Sepuloni (Chair)
Hon Andrew Little
Hon Peeni Henare
Hon Willie Jackson
Hon Jan Tinetti
Hon Michael Wood
Hon Kiri Allan
Hon Dr Ayesha Verrall
Hon Priyanca Radhakrishnan
Hon Aupito William Sio

Officials present from:

Office of the Prime Minister
Office of the Chair
Officials Committee for SWC