



15/02/2024

Tēnā koe

OIA: 1322426 – Student allowance entitlements for those aged 40+

Thank you for your email of 5 February 2024 to the Ministry of Education (the Ministry) requesting the following information:

I'd like to request any information in relation to the NZBORA review and the 'Adults over the age of 40 getting their student allowance entitlements cut from 200 to 120 hrs, creating a situation where older students might be discriminated against in law.' My request is specifically in relation to discrimination considerations and anything in relation to the New Zealand Bill of Rights Act review.

Also relevant might be Human Rights Act considerations around the Matter.

Your request has been considered under the Official Information Act 1982 (the Act).

When developing policy proposals, consideration is given to its consistency with domestic human rights legislation. The New Zealand Bill of Rights Act 1990 and Human Rights Act 1993 provide that everyone has the right to freedom from discrimination on the basis of age.¹ However, that right may be subject to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.²

The policy proposal to reduce the length of eligibility, once a student turns 40 years old, from 200 weeks to 120 weeks was a carefully thought through and considered policy change. While this policy differentiates on the basis of age, the Government considered this amounted to a reasonable and justified limitation on that right.

The Ministry sought a Crown Law opinion, which is the only document we have found to be in scope of your request. However, I am withholding this document under section 9(2)(h) of the Act, to maintain legal professional privilege.

¹ New Zealand Bill of Rights Act 1990, s 19 and Human Rights Act 1993, s 21.

² New Zealand Bill of Rights Act 1990, s 5.



As required under section 9(1) of the Act, I have considered the public interest in releasing the information withheld. I do not consider the public interest considerations favouring the release of this information are sufficient to outweigh the need to withhold it at this time.

You may be interested in the background and rationale for this particular policy and its impacts. During the 2007-2008 Global Financial Crisis, the Government tightened targeting of student support to release funds for other priority areas in the tertiary education system. These included changes made in Budgets 2010, 2011 and 2013. Student allowance entitlements were reduced from 200 weeks to 120 weeks for students aged 40 years and older as part of the Budget 2013 changes.

Given funding constraints, no student has unlimited access to student support. Student allowances are more tightly targeted than tuition subsidies or student loans, providing support for those from low-income backgrounds and those who are less likely to have had the opportunity to gain a first qualification.

While the policy reduced student allowance entitlements, it did not remove it entirely. Students aged 40 years and older who are studying for the first time are entitled to around three academic years of student allowance support (120 weeks). In most cases, this timeframe is enough to complete a typical bachelor's degree, or to retrain or upskill. It was estimated that only a small number of students would be affected by this policy (around 685 people over the four years following the introduction of the policy in 2014).

You may be interested in the documents related to this policy decision, which were part of a previous request the Ministry received in 2019. Our response to this request has been published on our website and can be found at the following link:

<https://assets.education.govt.nz/public/Documents/our-work/information-releases/responses-to-Official-Information-Act-requests/OIA-1175275-Student-Allowance-changes-for-mature-students.pdf>

There is still support available for those affected, including living cost loans to help meet their costs if they are under 55 years of age, student loans for fees irrespective of age, and tuition subsidies paid to providers, which met around 76% of the cost of tuition in 2022. Other Government support is also available including the Accommodation Supplement paid through the benefit system for those who are ineligible for a student allowance for reasons excluding income testing.

Our data indicates that many students aged 40+ continue to access student allowances because they still have some of their entitlement left. In 2022, 3,843 students aged 40+ received a student allowance (which is around 6% of allowance recipients, down from 10% of recipients in 2013). However, their student allowance uptake is lower (15% in 2022) compared to those in the under 40 years age group (29% in 2022). Furthermore, many 40+ students study without a student allowance. These students may be studying part-time or have other income that means they are ineligible for an allowance. In 2022, there were 74,675 domestic students in tertiary education aged 40+ (which is around 22% of domestic enrolments, down from 23% in 2013).

Please note, we may publish this response on our website after five working days. Your name and contact details will be removed.

Thank you again for your email. You have the right to ask an Ombudsman to review my decision on your request, in accordance with section 28 of the Act. You can do this by writing to info@ombudsman.parliament.nz or to Office of the Ombudsman, PO Box 10152, Wellington 6143.

Nāku noa, nā



Katrina Sutich
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Te Pou Kaupapahere | Policy