

Education (School Donations) Amendment Bill

Government Bill

As reported from the committee of the whole House

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Key to symbols used in reprinted bill

As reported from the committee of the whole House

text inserted

Hon Chris Hipkins

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Education (School Donations) Amendment Act **2019**.

2 Commencement

This Act comes into force on the day after the date of Royal assent.

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3 Principal Act

This Act amends the Education Act 1989 (the **principal Act**).

Part 1

Main amendment

4 New sections 79A and 79B inserted

After section 79, insert:

79A Discretionary grants for boards	5
(1) The Minister may, in or for a financial year, make discretionary grants to boards out of public money appropriated by Parliament for the purpose.	
(2) Subsection (1) is subject to subsections (3) to (7) and section 79B .	
(3) The Minister must determine the amount of each discretionary grant made under subsection (1) .	10
(4) In determining the amount of a discretionary grant, the Minister must take no account of international students (other than students exempted under section 4A(1)) enrolled or likely to be enrolled at any school administered by the board concerned.	
(5) A discretionary grant made under subsection (1) —	15
(a) must be made subject to the condition that a board that receives it does not seek or receive any solicited voluntary payment from parents; and	
(b) may also be made subject to other conditions (except a condition that it will be used for the purposes set out in the grant) determined by the Minister and published in the <i>Gazette</i> (in their entirety, or by way of a general description and an indication of where the full text can be obtained).	20
(5A) A discretionary grant may be paid to a board only if the board has decided by resolution to receive the grant.	
(6) A board that receives a discretionary grant must take all reasonable steps to ensure that all conditions of the grant are complied with.	25
(7) In this section and section 79AA ,—	
parent , in relation to any student, means a person who is the student’s mother, father, or guardian	
solicited voluntary payment from parents , for a board, means a payment that is—	30
(a) to be made or made by or on behalf of a parent, or parents, of any student, or students, likely to be enrolled or enrolled at any school administered by the board; and	
(b) a payment that the parent has, or that those parents have, no legal obligation to make; and	35
(c) sought in any way, directly or indirectly, from the parent or those parents, by or on behalf of the board.	

79AA Minister may prescribe exemptions to mandatory condition

- (1) The Minister may, by notice in the *Gazette*, prescribe exemptions to the condition in **section 79A(5)(a)**.
- (2) Exemptions prescribed by a notice given under this section enable any board, or class or classes of boards, specified in the notice to which a discretionary grant is made or to be made to seek or receive any solicited voluntary payment from parents for any student activity or student activities specified in the notice.

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79AB Application of Legislation Act 2012

A notice given under **section 79A(5)(b) or 79AA** or both and applying to any class or classes of boards is not a legislative instrument, but is a disallowable instrument, for the purposes of the Legislation Act 2012, and must be presented to the House of Representatives under section 41 of that Act.

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79B Effect of non-compliance with earlier discretionary grants

- (1) In determining for the purposes of section 79 or **79A** the amount of any grant, supplementary grant, or discretionary grant payable to a board in respect of a school in or for a financial year, the Minister—
- (a) must have regard to the extent to which the board has, in any 1 or more earlier financial years, in respect of the school, failed to comply with all or any conditions of a discretionary grant paid to the board in respect of the school in or for those 1 or more earlier financial years; and
- (b) may, after consulting the board, determine for the grant, supplementary grant, or discretionary grant an amount that is less than it would otherwise have been.
- (2) However, the total of all reductions (if any) made under **subsection (1)(b)** because of non-compliance with all or any conditions of a discretionary grant paid to the board in respect of the school in or for those 1 or more earlier financial years must not exceed the amount of that discretionary grant.

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Part 2**Consequential amendments**

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5 Section 79 amended (Grants for boards)

- (1) In the heading to section 79, after “**Grants**”, insert “**and supplementary grants**”.
- (2) In section 79(1), replace “Subject to subsection (2), in each” with “In or for a”.
- (3) After section 79(1), insert:
- (1A) Subsection (1) is subject to subsections (2) and (3) and **section 79B**.
- (4) In section 79(2),—

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- (a) replace “foreign” with “international”; and
- (b) delete “or institution”.

Legislative history

30 May 2019	Introduction (Bill 147–1), first reading and referral to Education and Workforce Committee
9 August 2019	Reported from Education and Workforce Committee (Bill 147–2)
22 August 2019	Second reading
12 September 2019	Committee of the whole House (Bill 147–3)