



## Education Report: Gazette Notice for Exemption of School Camps from Donations Scheme

<b>To:</b>	Hon Chris Hipkins, Minister of Education		
<b>Date:</b>	16 October 2019	<b>Priority:</b>	High
<b>Security Level:</b>	In Confidence	<b>METIS No:</b>	1208326
<b>Drafter:</b>	Holly Jamieson	<b>DDI:</b>	s 9(2)(a)
<b>Key Contact:</b>	Alanna Sullivan-Vaughan	<b>DDI:</b>	
<b>Messaging seen by Communications team:</b>	No	<b>Round Robin:</b>	No

### Purpose of Report

The purpose of this paper is for you to agree to the publication of a *Gazette* notice to exempt school camps from the donations scheme.

### Summary

- 1 The Education (School Donations) Amendment Bill prevents boards that receive a discretionary grant from requesting any donations from parents; however, it gives the Minister the power to prescribe exemptions to this mandatory condition by *Gazette* notice, for example to allow school boards to request donations towards the cost of school camps.
- 2 This report provides the proposed wording of the exemption for school camps. If you approve this wording, the *Gazette* notice will be published as soon as practicable after Royal Assent. The guidelines for schools opting into the donations scheme can then be finalised.

### Recommended Actions

The Ministry of Education recommends you:

- a. **note** that the Education (School Donations) Amendment Bill prevents boards that opt in to the donations scheme from requesting any donations from parents; however, it gives the Minister the power to prescribe an exemption to this mandatory condition by *Gazette* notice

**Noted**

- b. **agree** to the publication of a *Gazette* notice prescribing details of the school camps exemption as soon as practicable after Royal Assent

Agree / Disagree

- c. **agree** to the content of the *Gazette* notice as drafted in this report

Agree / Disagree

#### Proactive Release Recommendation

- d. **agree** that this Education Report is not proactively released until the *Gazette* notice has been published.

Agree / Disagree



Damian Edwards  
**Associate Deputy Secretary**  
**Education System Policy**

16/10/19



Hon Chris Hipkins  
**Minister of Education**

22/10/19

## Background

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- 1 The Education (School Donations) Amendment Bill (the Bill) would prevent boards that opt in to the donations scheme (and consequently receive a discretionary grant) from requesting *any* donations from parents as a condition of receiving the funding. This would preclude boards asking for both general donations and donations towards specific curriculum-related activities. This would apply to school camps that are part of a school's curriculum.
- 2 You have advised us that you would like schools to be able to continue requesting donations towards the costs of food and travel associated with school camps. The Bill gives the Minister the power to prescribe exemptions to the donations scheme by notice in the *Gazette*. An exemption enables the board to receive any solicited voluntary payment for any student activity specified in the notice.
- 3 A notice in the *Gazette* exempting school donations for school camps would enable school boards to continue to request voluntary payments for costs associated with school camps.

## Drafting the exemption

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### Rationale for the exemption

- 4 The rationale for exempting requests for donations towards school camps is that parents would otherwise need to bear the costs of food and/or transport but for the curriculum activity.
- 5 Schools are heavily reliant on parental donations to organise school camps, which are an important means of delivering Education Outside the Classroom in the curriculum.
- 6 An inability to request donations towards school camps may result in some schools being reluctant to opt in to the scheme. Alternatively, schools may stop offering camps linked to the curriculum, meaning students potentially miss out on Education Outside the Classroom learning opportunities the school would otherwise be organising.

### Current legal position

- 7 Section 3 of the Education Act 1989 (the Act) establishes a student's entitlement to free education and enrolment. In practice this means that, where an item or activity is part of delivery of the curriculum, payment cannot be enforced or compelled, nor can a child's participation be denied for non-payment. Any parental contributions sought towards these items or activities are voluntary donations.
- 8 School camps are part of delivery of the curriculum where there is a general expectation that students must attend (for example a Year 9 induction camp), or the camp is part of course work, for example a Year 12 Outdoor Education camp that has NCEA credits attached. Any request for a payment associated with such a camp is a voluntary

donation. This has been reflected in the Ministry's guidance to schools around payments by parents for many years.

### **Scope of the exemption**

- 9 The proposed exemption will preserve the current legal position regarding school camps. School boards will continue to be able to request donations from parents toward the cost of school camps, which parents can choose to pay or not to pay. Schools cannot prevent students from attending school camps due to non-payment of a donation.
- 10 The wording of the exemption needs to be carefully considered to limit the scenarios where schools may continue to request donations, so as not to undermine the policy intent of the donations scheme to reduce pressure on parents. The proposed wording of the *Gazette* notice is attached as Annex 1. We did not receive any feedback on this wording.
- 11 The notice will also be published on the Ministry's website. The Ministry has published additional information regarding school camp donations on its website. This information will assist schools and parents in interpreting the law.

### **Process of publication**

- 12 The exemption notice for school camps should be published as soon as practicable after the Bill receives Royal Assent and comes into force. This will give school boards notice of the exemption and assist them in determining whether to opt in to the donations scheme by 14 November 2019.
- 13 Notices are usually published in the *Gazette* in two working days (26 hours) from submission, unless a later date and time is scheduled.
- 14 Updated guidelines are being finalised and will soon be available on the Ministry's website. Draft guidelines have indicated that schools who opt in to the scheme will be able to request donations towards the cost of school camps, so the *Gazette* notice will not change the content of the guidelines.

### **Annexes**

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Annex 1:      Gazette notice for school camps exemption

## Annex 1: Gazette notice for school camps exemption

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### **Notice of exemption to mandatory condition**

Under section 79AA(1) of the Education Act 1989, I prescribe an exemption to the mandatory condition in section 79A(5)(a) for all boards of trustees receiving a discretionary grant.

This exemption enables boards to which a discretionary grant is made to seek or receive any solicited voluntary payment from parents for any school camp.

A 'school camp' is any curriculum-related activity where students are expected to stay overnight as part of that activity.

This notice takes effect on the date of publication.

Dated at Wellington this [day] day of [month] 2019.

Hon Chris Hipkins, Minister of Education.

Proactively Released