

Search and Rescue Adult and Community Education (ACE) – conditions on funding

SAR001: TEO to supply information to the TEC

This condition is imposed under section 159YC(1) and 159YD of the Education Act 1989.

As specified in section 159YC(1) of the Education Act 1989, it is a condition of a TEO receiving funding that the TEO will supply to the TEC, from time to time as required by the TEC, and in the form specified by the TEC, any financial, statistical, or other information that a TEO is required to supply.

TEO to supply enrolment information to the TEC

The TEO must supply the TEC information about each student enrolled in SAR (ACE) funded courses by completing the fields in the Single Data Return (SDR) in accordance with the SDR manual.

TEO to supply SAR (ACE) expenditure report

The TEO must supply the TEC with a report showing a break-down of all revenue and expenditure relating to the delivery of SAR (ACE)-funded courses for the period 1 January to 31 December, no later than 31 March of the following year.

TEO to supply financial viability information to the TEC

The TEO must supply to the TEC information relating to the financial viability of the TEO, if the TEC notifies the TEO that the TEC requires that information.

TEO to supply subcontracting information to the TEC

The TEO must supply to the TEC information about its subcontracting arrangements when the TEC requests it.

TEO to supply information to the TEC in certain situations

The TEO must notify the TEC immediately if:

- a) any record required to be kept under the Education Act 1989 has been lost or damaged; or
- b) it is no longer able to comply with a condition of funding.

SAR002: TEO to continue to meet specified criteria

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

The TEO must, at all times during the funding period, continue to be:

- a) an institute of technology and polytechnic (ITP);
- b) a wānanga; or
- c) a private training establishment (PTE).

SAR003: TEO to continue to be quality assured

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

The TEO must, at all times during the funding period, continue to be quality assured by the New Zealand Qualifications Authority.

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SAR004: TEO to ensure that learners meet criteria

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

The TEO must ensure that each learner enrolled in an eligible programme or course of SAR training:

- a) is a New Zealand citizen, or a permanent resident; and
- b) has been nominated to undertake the SAR training by New Zealand Search and Rescue (NZSAR), or by a SAR organisation approved by NZSAR.

SAR005: TEO to ensure programmes meet criteria

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

The TEO must ensure that a programme or course of SAR training in which an eligible learner is enrolled is, and continues to be, less than 40 credits on the New Zealand Qualifications Framework.

SAR006: TEO to work with groups to identify and meet SAR training needs

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

The TEO must work with local organisations, peak bodies, groups, and communities, including other TEOs involved in SAR (ACE) provision and Emergency Management (ACE) provision, to identify and meet community learning needs.

SAR007: TEO not to subcontract delivery

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

The TEO:

- a) must not subcontract the provision of any activities for which the TEO receives SAR (ACE) funding without the TEC's prior written consent; and
- b) must, if the TEC provides the TEO with written consent:
 - (i) comply with any conditions imposed by the TEC on the TEC's consent to subcontract; and
 - (ii) ensure that the subcontracted party does not further subcontract any provision; and
 - (iii) remain accountable to the TEC for any subcontracted party's use of SAR (ACE) funding.

SAR008: TEO not to charge fees

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

The TEO must not charge a fee to any eligible learner participating in a programme of study or training for which the TEO receives SAR (ACE) funding.

For the purposes of this condition, the term "fee" includes: tuition fees; compulsory course costs; examination costs; costs of materials; cost of field trips; costs associated with the compulsory purchase of equipment or books through a TEO; and other charges associated with a course. The term "fee" does not include compulsory student services fees or fees for student identification cards.

SAR009: TEO to provide necessary equipment

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

The TEO must pay for the necessary equipment, infrastructure and hardware required to deliver a particular programme. The TEO must not require the costs of essential equipment, including computers, to be met through the “course-related costs” component of the Student Loan Scheme.

For the purposes of this condition, “equipment, infrastructure, and hardware”:

- a) means items that can be used by successive intakes of learners; and
- b) does not include personal items that are provided for individual students' use and that the TEO does not retain for the next intake of learners.

SAR010: TEO not to receive other Crown funding

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

The TEO must:

- a) not (without the TEC's prior written consent) seek or obtain funding from any Crown source other than the TEC to fund provision that is funded under the Determination of Design of Funding Mechanism: Adult and Community Education, dated 5 August 2014; and
- b) notify the TEC immediately if it becomes aware of any circumstances that might result in a breach of paragraph (a) of this condition.

SAR011: TEO to use funding responsibly

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

The TEO must use the SAR (ACE) funding:

- a) lawfully, responsibly, and for the purposes for which it is provided; and
- b) in a manner consistent with the appropriate use of public funds.

SAR012: TEO to repay over-funding

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

If the TEO receives SAR (ACE) funding that is greater than it should have been, or that it was not entitled to receive, the TEO must treat the amount of over-funding as a debt due to the Crown that:

- a) is repayable on demand; and
- b) may be set-off against all or any funding, or any sum of money payable by the TEC to the TEO.

Funding greater than it should have been

For the purposes of this condition, the TEC will consider that a TEO received funding that was greater than it should have been if it delivered less SAR (ACE) provision (at a course level) than it received funding for. In that situation, the TEC will recover the difference between the TEO's actual delivery and 100% of the SAR (ACE) funding received by the TEO.

SAR013: TEO to repay funding if funding approval revoked

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

If the TEC suspends or revokes some or all of a TEO's SAR (ACE) funding under section 159YG of the Education Act 1989, before that funding has been used or contractually committed towards the purposes for which it was provided, then the TEO must treat the unexpected or uncommitted portion of the funding as a debt due to the Crown that:

- a) is repayable to the TEC on demand; and
- b) may be set-off against all or any funding, or any sum of money payable by the TEC to the TEO.

SAR014: TEO to make records available for inspection

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

The TEO must provide the TEC with access to its premises, employees, and information for the purposes of:

- a) inspecting the records that the TEO must keep; or
- b) auditing the TEO's compliance with conditions of funding and requirements in the Education Act 1989.

SAR015: TEI to maintain enrolment records

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

This condition applies to a TEI that receives SAR (ACE) funding.

The TEI must keep accurate and up-to-date records of enrolments in accordance with any requirements developed by the TEC.