

## **Emergency Management Adult and Community Education (ACE) – conditions on funding**

### **EM001: Organisation to supply information to the TEC**

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

As specified in section 159ZD of the Education Act 1989, it is a condition of receiving funding under section 159ZC of the Education Act 1989 that the Organisation will supply to the TEC or the Ministry of Education any financial, statistical, or other information that the TEC or the Ministry of Education (as the case may be) requires the Organisation to supply.

#### *Organisation to supply enrolment information to the TEC*

The Organisation must supply the TEC information about each learner enrolled in Emergency Management (ACE) funded courses by completing the fields in the SDR in accordance with the SDR manual.

#### *Organisation to supply financial viability information to the TEC*

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

#### *Organisation to supply subcontracting information to the TEC*

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

#### *Organisation to supply information to the TEC in certain situations*

The Organisation 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.

### **EM002: Organisation to continue to meet specified criteria**

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

The Organisation must, during the funding period, continue to be:

- a) a university; or
- b) an institute of technology and polytechnic (ITP); or
- c) a wānanga; or
- d) a private training establishment (PTE); or
- e) a community organisation; or
- f) an employer that is an organisation as defined by section 159B of the Education Act 1989 and is recommended to receive funding by the emergency management co-ordination body appointed by the TEC.

**EM003: Organisation to continue to be quality assured**

The Organisation must, during the funding period, unless the Organisation is a community organisation or an employer, continue to be quality assured by:

- a) the New Zealand Vice-Chancellors' Committee if the Organisation is a university; or
- b) NZQA, if the Organisation is an ITP, a wānanga or a PTE.

**EM004: Organisation to ensure that learners meet criteria**

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

The Organisation must, during the funding period, ensure that each learner who is enrolled in a programme of study or training is:

- a) a New Zealand citizen or resident; and
- b) nominated to undertake the emergency management training by the emergency management co-ordination body appointed by the TEC.

**EM005: Organisation to ensure programmes meet criteria**

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

The Organisation must, during the funding period, ensure that each programme of study or training in which an eligible learner is enrolled:

- a) continues to be:
  - (i) a programme made up of unit standards and credits, which may lead to the award of a qualification on the New Zealand Qualifications Framework; or
  - (ii) a training scheme; or
  - (iii) a short award; and
- b) has been, and continues to be, recommended by the emergency management co-ordination body appointed by the TEC; and
- c) continues to be appropriate for volunteers.

**EM006: Organisation to work with groups to identify and meet EM training needs**

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

The Organisation must work with local organisations, peak bodies, groups, and communities, including other tertiary education organisations involved in ACE, Search and Rescue (ACE) or Emergency Management (ACE) provision, to identify and meet community learning needs.

**EM007: Organisation not to subcontract delivery without consent**

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

The Organisation:

- a) must not subcontract any of the activities for which the Organisation receives funding \ without the TEC's prior written consent; and
- b) must, if the TEC provides the Organisation with written consent under paragraph (a):

- (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 the activities; and
- (iii) remains accountable to the TEC for any subcontracted party's use of funding.

**EM008: Organisation not to charge fees**

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

The Organisation must not, in 2015, charge a fee to a learner for the learner's participation in an eligible Emergency Management (ACE) programme of study or training for which the Organisation receives funding. For the purpose of this condition, "fee":

- a) includes:
  - (i) tuition fees; and
  - (ii) compulsory course costs; and
  - (iii) examination fees; and
  - (iv) costs of materials; and
  - (v) costs of field trips; and
  - (vi) costs associated with the compulsory purchase of equipment or books through the Organisation; and
  - (vii) other charges associated with a course; but
- b) does not include:
  - (i) compulsory student service fees; or
  - (ii) fees for student identification cards.

**EM009: Organisation to provide necessary equipment**

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

The Organisation:

- a) must pay for any necessary equipment, infrastructure and hardware that:
  - (i) is required to deliver a particular programme; and
  - (ii) can be used by successive intakes of students; and
  - (iii) is not a personal item provided for individual learner use and that the Organisation retains for the next intake of learners; and
- b) must not require, as a condition of enrolment for learners, that costs relating to the provision of essential equipment, including computers, be met through the "course-related costs" component of the Student Loan Scheme.

### **EM010: Organisation not to receive other Crown funding**

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

The Organisation:

- a) must not (without the TEC's prior written consent) seek or obtain funding from any Crown source other than the TEC to fund the provision of any activities for which the Organisation receives funding; and
- b) must notify the TEC immediately if it becomes aware of any circumstances that might result in a breach of this condition.

### **EM011: Organisation to use funding responsibly**

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

The Organisation must use the 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.

### **EM012: Organisation to repay over-funding**

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

If the Organisation receives funding that is greater than it should have been, or that it was not entitled to receive, the Organisation must treat the amount of the 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 Organisation.

### **Funding greater than it should have been**

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

### **EM013: Organisation to repay funding if funding approval revoked**

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

If the TEC suspends or revokes some or all of the Organisation's funding in accordance with section 159ZF of the Education Act 1989, any funding that the TEC has paid to the Organisation that the Organisation has not used or contractually committed towards the provision of the activities:

- a) must be treated by the Organisation as a debt due to the Crown; and
- b) is repayable to the TEC on demand; and
- c) may be set-off against all or any funding, or any sum of money payable by the TEC to the Organisation.

**EM014: Organisation to make records available for inspection**

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

If required by the TEC, the Organisation must provide the TEC with access to the Organisation's premises, employees and information for the purposes of:

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

**EM015: Tertiary education institutions to maintain enrolment records**

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

If the Organisation is a tertiary education institution, the Organisation must keep accurate and up-to-date records of enrolments in accordance with the requirements developed by the TEC.

**EM016: Organisation to meet performance commitments**

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

The Organisation must undertake the activities:

- a) throughout the funding period; and
- b) in accordance with the conditions set out in the Organisation's funding letter and all applicable laws and regulations; and
- c) in a manner acceptable to the TEC and that meets any minimum performance commitments agreed with the TEC.

**EM017: Organisation to notify the TEC of any issues**

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

The Organisation must notify the TEC of any issues that may affect its ability to comply with the conditions in the Organisation's funding letter.

**EM018: No promise of further funding from the TEC**

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

The Organisation acknowledges and agrees that:

- a) the TEC has not made any promise (express or implied) that it will contract with the Organisation for any further funding, during or after the expiry of the funding period; and
- b) the Organisation has no expectation that the TEC will do so.

**EM019: Organisation (other than an institution) to keep records**

Under section 159ZE(1) of the Education Act 1989, an Organisation (other than an institution) must ensure that:

- a) it keeps records, in a form consistent with that required by the TEC, for the funding period, that fully and fairly show:

- (i) the transactions, assets, liabilities, and funds of the Organisation that are or were affected by the funding; and
  - (ii) whether any conditions on which the funding was made have been complied with; and
- b) the records are available for inspection by the TEC at all reasonable times.

**EM020: Organisation to remain financially viable**

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

The Organisation must, during the funding period, continue to be financially viable and be able to demonstrate its financial viability if requested by the TEC.

**EM021: Organisation (other than an institution) to provide financial reports**

Under section 159ZE(2)-(3) of the Education Act 1989, an Organisation (other than an institution) must, as soon as practicable after 31 December in any year in which it receives funding, provide the TEC with:

- a) a financial report of the Organisation for that year that includes the Organisation's audited accounts, a statement of financial performance, a statement of financial position, a statement of movements in equity, a statement of cash flows, and a statement of service performance that compares the performance of the Organisation with the outcomes as measured by any Performance Commitments agreed with the TEC; and
- b) any financial reports, or statistical or other information, required by the TEC; and
- c) any information necessary to demonstrate compliance with the conditions set out in the Organisation's funding letter.

The report described in paragraph (a) must be prepared in accordance with generally accepted accounting practice and audited by an independent chartered accountant.