

# **Education (Breakfast and Lunch Programmes in Schools) Amendment Bill**

Member's Bill

## **Explanatory note**

### **General policy statement**

This Bill amends the Education Act 1989 to provide for the introduction of fully State funded breakfast and lunch programmes into all decile 1 and 2 schools and other designated schools in New Zealand. The meals will be available to all enrolled students in these schools free of charge, and will be required to meet Ministry of Health nutritional guidelines.

Growing levels of poverty in New Zealand have resulted in too many parents being unable to afford to provide their children with breakfast before school and/or lunch at school, or being unable to afford to provide their children with sufficiently nutritious meals before and during school. Research conducted in New Zealand and overseas has demonstrated the positive benefits to the school attendance, learning achievement, and health of children and young people when nutritious meals are provided by schools. The introduction of State led and funded food in schools programmes in low decile schools has been recommended by the Child Poverty Action Group in their 2011 report *Hunger for learning: Nutritional barriers to children's education*, and by the Children's Commissioner's expert advisory group

on child poverty in their 2012 discussion paper *Solutions to child poverty in New Zealand* as a key measure to address child poverty. Charitable organisations, businesses, and parent and school volunteers currently running or supporting food in schools programmes will be encouraged to continue to support schools in providing nutritious meals for students, and contribute to the success of the policy. The State led and funded breakfast and lunch programmes in schools policy will bring certainty to decile 1 and 2 schools, other designated schools, and the families and students that attend them. Reliance on charity is often risky and uncertain, especially in times of economic downturn.

In conjunction with the Ministry of Health, the Ministry of Education will develop a plan to monitor schools at least once every 12 months to ensure they are providing meals each day they are open for instruction and that the meals follow nutritional guidelines. An evaluation of the breakfast and lunch programmes will be conducted within the first 3 years to further develop and improve their effectiveness.

### Clause by clause analysis

*Clause 1* is the Title clause.

*Clause 2* is the commencement clause. It provides for the Bill to come into force on the day after the date on which it receives the Royal assent.

*Clause 3* provides that the Bill amends the Education Act 1989 (the **principal Act**).

*Clause 4* amends section 2 by inserting definitions of terms used in *new Part 1A*.

*Clause 5* inserts *new Part 1A*, which provides in *new section 10A* for the Secretary to designate schools as eligible for grants for funding of breakfast and lunch programmes, despite the school not being a decile 1 or 2 school, if a significant number of its students are out-of-zone students from decile 1 or 2 areas. *New section 10B* provides for the establishment of free breakfast and lunch programmes in decile 1 and 2 schools and designated schools. *New sections 10C to 10E* provide that the programmes must follow nutritional guidelines set by the Ministry of Health, be monitored at least every 12 months, and be evaluated within 3 years of *new Part 1A* coming into force.

---

*Hone Harawira*

**Education (Breakfast and  
Lunch Programmes in Schools)  
Amendment Bill**

Member's Bill

**Contents**

		Page
1	Title	2
2	Commencement	2
3	Principal Act	2
4	Section 2 amended (Interpretation)	2
5	New Part 1A inserted	2

**Part 1A**

**Breakfast and lunch programmes in schools**

10A	Secretary may designate school as eligible for funding	2
10B	Board to provide breakfast and lunch at decile 1 and 2 schools and designated schools	3
10C	Nutritional guidelines for breakfast and lunch programmes	3
10D	Monitoring	3
10E	Evaluation of operation of breakfast and lunch programmes	3

---

**The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the Education (Breakfast and Lunch Programmes in Schools) Amendment Act **2012**.
- 2 Commencement** 5  
This Act comes into force on the day after the date on which it receives the Royal assent.
- 3 Principal Act**  
This Act amends the Education Act 1989 (the **principal Act**).
- 4 Section 2 amended (Interpretation)** 10  
(1) In section 2(1), after “Parts”, insert “**1A**,” in each place.  
(2) In section 2(1), insert in their appropriate alphabetical order:  
“**breakfast and lunch programme** means a breakfast and lunch programme established under **Part 1A**  
“**decile rating**, in relation to a school, means its decile rating 15  
as determined by the Ministry  
“**designated school** means a school designated by the Secretary under **section 10A**”.
- 5 New Part 1A inserted** 20  
After section 10, insert:  
**“Part 1A**  
**“Breakfast and lunch programmes in**  
**schools**
- “10A Secretary may designate school as eligible for funding** 25  
The Secretary may, in his or her discretion, at the request of the board of a school, designate the school as eligible for funding under **section 10B(2)** for a breakfast and lunch programme at the school, if—  
“(a) the school is not a decile 1 or 2 school; and  
“(b) he or she is satisfied that a significant number of the 30  
persons enrolled at the school live—  
“(i) outside the school home zone; and

“(ii) in areas where schools have decile 1 or 2 ratings.

**“10B Board to provide breakfast and lunch at decile 1 and 2 schools and designated schools**

- “(1) The board of a decile 1 or 2 school or a designated school must provide a free breakfast and lunch to every person enrolled at the school on every day that the school is open for instruction. 5
- “(2) The Minister must make grants, out of public money appropriated by Parliament for the purpose, to the board to fund its breakfast and lunch programme.

**“10C Nutritional guidelines for breakfast and lunch programmes** 10

- “(1) The Ministry must—
- “(a) ask the Ministry of Health to provide suitable nutritional guidelines for the breakfast and lunch programmes; and
- “(b) notify boards of decile 1 and 2 schools and designated schools of the guidelines. 15
- “(2) A board must follow the guidelines when providing a breakfast and lunch programme.

**“10D Monitoring**

- “(1) In conjunction with the Ministry of Health, the Ministry must develop a plan for monitoring boards that provide breakfast and lunch programmes so as to determine whether the board is— 20
- “(a) providing the meals every day that the school is open for instruction; and 25
- “(b) following the nutritional guidelines.
- “(2) The Ministry must implement the monitoring plan in respect of each decile 1 or 2 school and each designated school at least once every 12 months.

**“10E Evaluation of operation of breakfast and lunch programmes** 30

- “(1) The Ministry must, not later than 3 years after the commencement of this **Part**,—
- “(a) review the operation of this **Part**; and

- “(b) consider the impacts of the breakfast and lunch programmes on school attendance, learning achievement, and health indicators; and
  - “(c) assess whether any changes are needed, including any amendments to this Act, to improve the effectiveness of the programmes; and 5
  - “(d) report the findings to the Minister.
- “(2) The Minister must present a copy of the report to the House of Representatives as soon as practicable after receiving it.”
- 

