



# Education and Training (Teaching Council Fees, Levies, and Costs) Amendment Act 2021

Public Act 2021 No 47  
Date of assent 19 November 2021  
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

### 1 Title

This Act is the Education and Training (Teaching Council Fees, Levies, and Costs) Amendment Act 2021.

## 2 Commencement

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 and Training Act 2020.

# Part 1

## Teaching Council fees, levies, and costs

### 4 Section 479 amended (Functions of Teaching Council)

- (1) In the heading to section 479, replace “**Functions**” with “**Functions and powers**”.
- (2) In section 479(1), replace “functions of the Teaching Council are as follows” with “functions that the Teaching Council must perform are as follows”.
- (3) Replace section 479(1)(a), (b), and (c) with:
  - (a) to provide direction for teachers:
  - (b) to enhance the status of teachers:
  - (c) to identify and disseminate best practice in teaching and foster the teaching profession’s continued development in light of research and evidence of changes in society and technology:
- (4) Replace section 479(2) with:
  - (2) The functions that the Teaching Council may perform, with the written approval of the Minister, are as follows:
    - (a) to provide leadership to the education profession:
    - (b) to enhance the status of education leaders:
    - (c) to identify and disseminate best practice in education leadership.
  - (3) The Teaching Council may, by written notice to a governing body, require the governing body to give the Teaching Council, within a time specified in the notice, any information specified in the notice, and the governing body must within that time give the Teaching Council in writing all information so required that is reasonably necessary or desirable for the Teaching Council to have for the proper administration of this subpart.
  - (4) The Teaching Council has and may exercise all other powers conferred by this Act or reasonably necessary for the purpose of performing its functions.
  - (5) For the purposes of subsection (3), **governing body** means the board of a State school or a service provider that operates any licensed early childhood service or any certified playgroup, or the managers of a private school.

- (6) When performing its functions and exercising its powers, the Teaching Council must act in accordance with the rules of natural justice.
- (5) In section 479, replace the compare reference with:  
Compare: 1989 No 80 ss 382, 383(6)–(8)

## 5 Section 480 replaced (Powers of Teaching Council)

Replace section 480 with:

### 480 Teaching Council fees, levies, and costs

- (1) The Teaching Council may, by notice,—
- (a) fix fees payable for—
    - (i) registration as a teacher;
    - (ii) the issuing of a practising certificate;
    - (iii) the granting of a limited authority to teach;
    - (iv) any other matter associated with those matters (for example, inspection of the register of registered teachers or supplying a copy of an entry in the register);
  - (b) impose a levy payable by registered teachers, holders of a limited authority to teach, and applicants for registration as a teacher or a limited authority to teach for the purpose of funding the Teaching Council's functions set out in section 479(1).
- (2) A notice under subsection (1) may fix different fees or provide for different amounts of levy payable—
- (a) by registered teachers, holders of a limited authority to teach, and applicants for registration as a teacher or a limited authority to teach; and
  - (b) for registration effected in different circumstances; and
  - (c) for practising certificates of different kinds.
- (3) Fees fixed and levies imposed under subsection (1) are payable in the manner (for example, by instalments) prescribed in the notice and are recoverable as a debt due to the Teaching Council.
- (4) Before issuing a notice under subsection (1), the Teaching Council must—
- (a) consult registered teachers and holders of a limited authority to teach on any proposed fees or levies; and
  - (b) receive the views presented to it with an open mind and give those views due consideration when making a decision on the proposed fees or levies.
- (5) The Teaching Council may also charge a fee for any goods or services it provides in accordance with its functions under section 479(1).

- (6) Fees fixed and levies imposed under subsection (1) and any fees charged under subsection (5) must recover only the actual and reasonable costs incurred by the Teaching Council in performing its functions set out in section 479(1).
- (7) Despite anything in this Act, the Teaching Council may refuse to register a person as a teacher, issue a practising certificate, or grant a limited authority to teach until the appropriate fee or levy has been paid in the manner prescribed by the notice.
- (8) If the Teaching Council cancels a teacher's registration or limited authority to teach, it may, by written notice to the teacher or person concerned, require the teacher or person to pay the Teaching Council any reasonable costs specified in the notice that were incurred by the Teaching Council in dealing with the proposal to cancel the registration or authorisation, or with the cancellation itself.
- (9) A notice made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1989 No 80 ss 364, 372, 383(1), (2), (5)

**Legislation Act 2019 requirements for secondary legislation made under this section**

<b>Publication</b>	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	LA19 s 74(1)(aa)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

**6 Schedule 3 amended**

In Schedule 3, repeal clauses 13 and 22.

**Part 2**

**Validations and other transitional provisions**

**7 Schedule 1 amended**

In Schedule 1,—

- (a) insert the Part set out in the Schedule of this Act as the last Part; and
- (b) make all necessary consequential amendments.

## Schedule

### New Part 3 inserted into Schedule 1

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### Part 3

#### Provisions relating to Education and Training (Teaching Council Fees, Levies, and Costs) Amendment Act 2021

#### 73 Interpretation

In this Part,—

**2015 fees** means fees fixed or purportedly fixed by the Education Council of Aotearoa New Zealand Fees for Registration, Practising Certificates and Limited Authorities to Teach notice published in the *Gazette* on 25 June 2015, 2015-gs3644

**2020 fee** means a fee fixed or purportedly fixed by the Teaching Council of Aotearoa New Zealand Fees for Registration, Practising Certificates, and Limited Authorities to Teach notice published in the *Gazette* on 22 May 2020, 2020-gs2144

**commencement** means the commencement of the Education and Training (Teaching Council Fees, Levies, and Costs) Amendment Act 2021

**former Council** means any predecessor of the Teaching Council.

#### 74 Validation of specified fees

- (1) This clause applies to the 2015 fees and any previous fees fixed by a former Council for registration as a teacher, the issuing of a practising certificate, or the granting of a limited authority to teach (**specified fees**).
- (2) The specified fees, and all actions of a former Council in fixing the specified fees, are valid and declared to be and to always have been lawful.
- (3) All money received by the Teaching Council or a former Council in payment of the specified fees is to be treated as having been lawfully paid to, and received by, the Teaching Council or the former Council.

#### 75 Recovery of unpaid 2015 fees

Any 2015 fee, or part of a 2015 fee, that applies to a person and that has not been paid before commencement—

- (a) is declared to be lawfully payable to the Teaching Council; and
- (b) may be recovered by the Teaching Council on and after commencement as if the 2015 fee had always been lawfully payable by the person.

**76 Payment of 2020 fees**

- (1) This clause applies to a person who has paid a 2020 fee to the Teaching Council on or after 1 February 2021.
- (2) The payment must be treated on and after commencement as a part-payment of the appropriate 2015 fee payable by the person.

**Legislative history**

9 August 2021	Introduction (Bill 60–1)
12 August 2021	First reading and referral to Education and Workforce Committee
10 September 2021	Reported from Education and Workforce Committee (Bill 60–2)
19 October 2021	Second reading
9 November 2021	Committee of the whole House (Bill 60–3)
16 November 2021	Third reading
19 November 2021	Royal assent

This Act is administered by the Ministry of Education.