

INTRODUCTION COPY

Hon. Margaret Austin

TEACHER REGISTRATION

ANALYSIS

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A BILL INTITULED

An Act to provide for the compulsory registration of school and kindergarten teachers, and to amend the Education Act 1989

5 BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—(1) This Act may be cited as the Teacher Registration Act 1991, and shall be read together with and deemed part of the Education Act 1989 (hereinafter referred to as the principal Act).

10 **2. Staff**—(1) Section 65 (1) of the principal Act (as substituted by the Education Amendment Act (No. 2) 1991) is hereby amended by omitting the words “subsection (3)”, and substituting the words “subsections (3) to (12)”.

15 (2) Section 65 of the principal Act is hereby amended by adding the following subsections:

“(4) Except as provided in **subsections (5) to (7)** of this section, no Board shall appoint to or continue to employ in any teaching position any person who does not hold a current practising certificate under Part X of this Act.

20 “(5) Subject to **subsection (8)** of this section, a Board may appoint to a teaching position any person whose—

“(a) Knowledge of, skill in, and ability to—

“(i) Impart; or

25 “(ii) Encourage a knowledge of or love or respect for,—

- knowledge of and skill in te reo Maori (the Maori language); or
- “(b) Knowledge of, skill in, and ability to—
- “(i) Impart; or
- “(ii) Encourage a knowledge of or love or respect 5
for,—
tikanga Maori (Maori culture), Maori art, or Maori history,—
- is likely to be of value to students (whether Maori or not); and, 10
subject to **subsection (7)** of this section and to any provision of this Act or any other enactment to the contrary, may continue to employ that person in teaching positions.
- “(6) Subject to **subsection (8)** of this section, a Board may appoint any person to a teaching position if no holder of a current practising certificate is available, and the person is 15 temporarily employed as a relieving teacher—
- “(a) In the temporary absence of a person who is the holder of a current practising certificate, or who is employed under **subsection (5)** or **subsection (6)** of this section; or 20
- “(b) To fill a vacant teaching position until a person can be permanently appointed to it; or
- “(c) In any special case;—
- and, subject to **subsection (7)** of this section and to any provision of this Act or any other enactment to the contrary, may 25 continue to employ that person in teaching positions.
- “(7) Where a Board has appointed any person to a teaching position under **subsection (5)** or **subsection (6)** of this section without prior written approval of the Teacher Registration Board, the person’s appointment shall be deemed to have been terminated 30 as soon as in any year the person has been employed by the Board in teaching positions on 25 school days.
- “(8) Subject to **subsection (9)** of this section, a Board may appoint to a teaching position, with the approval of the Teacher Registration Board, a person who does not hold a current 35 practising certificate under Part X of this Act.
- “(9) Where the Teacher Registration Board is applied to for approval of the appointment to a teaching position of a person who does not hold a practising certificate under Part X of this Act, the following provisions shall apply: 40
- “(a) The Board shall not give its approval unless satisfied that, in all the circumstances, it is appropriate to do so:
- “(b) Subject to **paragraph (a)** of this subsection, the Board may give or withhold its approval in its absolute 45 discretion:

“(c) The approval may be given in principle, before any particular vacancy has arisen:

5 “(d) The approval (if given) shall be given to the Board concerned in writing, specifying a day (not more than 12 months from the day the approval is given) on which it expires:

“(e) On the day specified, the approval shall expire and the person’s appointment shall be deemed to have been terminated:

10 “(f) At any time (before or after the approval expires or is withdrawn) the Board may give a further approval.

“(10) Nothing in **subsection (5) to (9)** of this section authorises the appointment or employment, or the approval by the Teacher Registration Board of the appointment, of a person—

15 “(a) Whose registration as a teacher has been cancelled (whether before or after the 1st day of October 1989); and

“(b) Who has not since been registered as a teacher again.

20 “(11) Subject to **subsection (12)** of this section, the Teacher Registration Board may at any time, by written notice to the Board concerned, withdraw in respect of a specified person its approval of the appointment to a teaching position of a person who does not hold a practising certificate under Part X of this Act.

25 “(12) The Teacher Registration Board shall not withdraw an approval under **subsection (11)** of this section unless satisfied on reasonable grounds that it is inappropriate for the approval to continue in force.”

30 **3. Offences**—(1) Section 137 of the principal Act is hereby amended by adding the following paragraphs:

“(e) Is employed at a school, institution, or kindergarten, contrary to section 65 of this Act; or

“(f) Is—

35 “(i) The Board of Trustees constituted under Part IX of this Act:

“(ii) The management of an early childhood centre that is a kindergarten—

40 where a person who is not the holder of a current practising certificate under Part X of this Act is employed contrary to section 65 of this Act.”

4. Kindergarten teachers to hold teacher’s practising certificates—The principal Act is hereby amended by inserting, after section 314, the following section:

“315. (1) **Subsections (4) to (12)** of section 65 of this Act apply to every chartered early childhood centre that is a kindergarten as if all references in those subsections to a Board are references to the centre’s management.

“(2) For the purposes of **subsection (1)** of this section, an early childhood centre is not a kindergarten unless it is a free kindergarten controlled by a free kindergarten association founded for the purpose of establishing and maintaining a kindergarten or kindergartens.” 5

5. Repeal of spent transitional provisions—(1) The principal Act is hereby amended by repealing subsections (2) to (4) of section 139. 10

6. Consequential repeals—(1) Section 3 (2) of the Education Amendment Act (No. 2) 1991 is hereby consequentially repealed. 15