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TEACHER REGISTRATION

ANALYSIS

Title	6. Functions of Registration Board
1. Short Title	7. Membership of Registration Board
2. Interpretation	8. Registration Board may charge fees and impose costs
3. Staff	9. Offences
4. Limited authority to teach	10. Kindergarten teachers to hold teacher's practising certificate
5. Expiry of registration	

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—This Act may be cited as the Teacher Registration Act 1995, and shall be read together with and deemed part of the Education Act 1989* (hereinafter referred to as the principal Act).

10 **2. Interpretation**—(1) Section 60 of the principal Act is hereby amended by inserting, after the definition of the term “Secretary” (as inserted by section 2 (3) of the Education Amendment Act (No. 4) 1991), the following definition:

15 “Teacher” means a teacher within the meaning of section 120 of this Act.”

(2) Section 120 of the principal Act is hereby amended by inserting, after the definition of the term “State school” (as

*1989, No. 80

Amendments: 1989, No. 136, s. 28 (1); 1989, No. 156; 1990, No. 60; 1990, No. 118; 1990, No. 134; 1991, No. 22, s. 174; 1991, No. 23, ss. 2 (2), 3 (2), 11 (2); 1991, No. 31, ss. 2 (1), 12 (2) (b); 1991, No. 43; 1991, No. 54, ss. 4 (2) (b), 7 (2) (d) (f); 1991, No. 60, s. 3 (4); 1991, No. 90; 1991, No. 135; 1991, No. 136; 1991, No. 139, s. 2 (2); S.R. 1991/294; 1992, No. 55, ss. 14 (2), 20, 21 (1); 1992 No. 107; 1992, No. 142, s. 42; 1993, No. 28, s. 129 (2); 1993, No. 51; 1993, No. 77; 1994, No. 16, s. 2; 1994, No. 148; 1994, No. 164, ss. A 1 (2), YB 1, YB 3 (1); S.R. 1994/93; S.R. 1994/258

No. 118—1

inserted by section 15 (4) of the Education Amendment Act 1989), the following definitions:

“ ‘Teacher’ means an assistant teacher, tutor, adviser, supervisor, holder of a position of responsibility, and any deputy or associate principal (however described), or any head teacher or principal, engaged in teaching or eligible for appointment to a teaching position: 5

“ ‘Teaching’ or a ‘teaching position’ is a position which involves, among other duties, responsibility for the planning, execution, and evaluation of a learning programme for learners:” 10

3. Staff—Section 65 of the principal Act (as substituted by section 3 (1) of the Education Amendment Act (No. 2) 1991) is hereby amended by adding the following subsections: 15

“(2) Except as provided in **subsections (3) to (5)** 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.

“(3) A Board may appoint to a teaching position, if no holder of a current practising certificate is available, a person who has a limited authority to teach granted under Part X of this Act. 20

“(4) Where a person with a limited authority to teach is appointed to a position, the appointment shall be deemed to have been terminated on the day specified for the limited authority to teach to expire. 25

“(5) Subject to **subsection (6)** of this section, a Board may appoint any person to a teaching position if no holder of a current practising certificate or person with a limited authority to teach is available, and the person is temporarily employed as a relieving teacher under the general supervision of the holder of a current practising certificate. 30

“(6) Where a Board has appointed any person to a teaching position under **subsection (5)** of this section, the person’s appointment shall be deemed to have been terminated as soon as the person has been employed in schools or early childhood centres for 10 days in any year that schools or early childhood centres are open. 35

“(7) Nothing in **subsections (2), (3), and (5)** of this section authorises the appointment or employment of a person— 40

“(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.”

4. Limited authority to teach—The principal Act is hereby amended by inserting, after section 125, the following section:

5 “125A. (1) Subject to **subsections (2) and (3)** of this section, the Registration Board may consider an applicant under section 121 of this Act who is not eligible for registration under section 122 or section 123 or section 124 of this Act if satisfied that the applicant—

- 10 “(a) Is of a good character; and
“(b) Is fit to be a teacher; and
“(c) Is likely to be a satisfactory teacher; and
“(d) Has suitable qualifications; and
“(e) Will be employed under the general supervision of the holder of a practising certificate.

15 “(2) Where the Registration Board approves a teacher under **subsection (1)** of this section, it shall ensure that the teacher is given a limited authority to teach.

20 “(3) Where the Registration Board is considering the approval of a limited authority to teach, each of the following provisions shall apply:

- “(a) The Registration Board shall not give a limited authority to teach unless satisfied that, in all the circumstances, it is appropriate to do so:
25 “(b) The limited authority to teach (if given) shall be approved for a period of not more than 12 months:
“(c) At any time (before or after the limited authority to teach expires) the Registration Board may issue a further limited authority to teach.

30 “(4) Subject to **subsection (5)** of this section, the Registration Board may at any time, by written notice to the teacher concerned, withdraw its approval of a limited authority to teach.

35 “(5) The Registration Board shall not withdraw an approval under **subsection (4)** of this section unless satisfied on reasonable grounds, and after taking into consideration the views of the principal or head teacher of a school or institution where the person is or was employed, that it is inappropriate for the limited authority to teach to continue in force.

40 “(6) The fact that a teacher holds a limited authority to teach does not preclude him or her from making a further application for registration under section 121 of this Act.”

5. Expiry of registration—(1) Section 127 (1) (a) of the principal Act (as substituted by section 10 (1) of the Education Amendment Act 1993) is hereby amended by omitting the

expression “2 years”, and substituting the expression “3 years”.

(2) Section 127 (5) of the principal Act is hereby amended by omitting the words “been employed continuously for 2 years in”, and substituting the words “satisfactorily completed a period of employment as a teacher for 2 years in”. 5

6. Functions of Registration Board—The principal Act is hereby amended by repealing section 128, and substituting the following section:

“128. The Registration Board has the following functions: 10

“(a) To keep a list of people for the time being registered as teachers in accordance with the criteria established in Part X of this Act:

“(b) To promote quality education and high teaching standards: 15

“(c) To consult and work with such persons, authorities, and bodies as it considers appropriate for the purpose of any of its functions:

“(d) To establish subcommittees to carry out any of its functions: 20

“(e) Such other functions as are conferred on it by this Act or any other enactment.”

7. Membership of Registration Board—Section 132 of the principal Act is hereby amended by omitting subsection (3), and substituting the following subsection: 25

“(3) In appointing members (and alternates) to the Registration Board, the Minister shall ensure that there is a balance of members (and alternates) representing teachers and those who are not teachers.”

8. Registration Board may charge fees and impose costs—(1) Section 136 (1) of the principal Act is hereby amended by inserting, after the words “practising certificates”, the words “or for granting a limited authority to teach”. 30

(2) Section 136 (1) of the principal Act is hereby further amended by adding the word “; and”, and the following paragraph: 35

“(c) For a limited authority to teach.”

(3) Section 136 (2) of the principal Act is hereby amended by inserting, after the words “practising certificate”, the words “or limited authority to teach”. 40

9. Offences—Section 137 of the principal Act is (as amended by section 3 (2) of the Education Amendment Act (No. 2) 1991) is hereby amended by adding the word “; or”, and the following paragraphs:

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

“(f) Is—

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

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

15 **10. Kindergarten teachers to hold teacher’s practising certificate**—The principal Act hereby amended by inserting, after section 314, the following section:

20 “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.

25 “(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.”