



**THE EDUCATION (1997 AREA SCHOOL STAFFING) ORDER
1996, AMENDMENT NO. 1**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 9th day of December 1996

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 91H (1) of the Education Act 1989, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1. Title and commencement—(1) This order may be cited as the Education (1997 Area School Staffing) Order 1996, Amendment No. 1, and shall be read together with and deemed part of the Education (1997 Area School Staffing) Order 1996* (hereinafter referred to as the principal order).

(2) This order shall come into force on the 28th day after the date of its notification in the *Gazette*.

2. Interpretation—Clause 2 (1) of the principal order is hereby amended by inserting, before the definition of the term “Secretary”, the following definition:

“ ‘Salary unit’, in relation to the holder of a teaching position at an area school, means an entitlement to a salary element in addition to the salary otherwise payable to the holder, allocated to the holder by the Board for the purpose of reward, responsibility, recruitment, or retention.”.

3. Limitation on appointment and employment of other regular teachers in area schools—Clause 21 (b) of the principal order is hereby amended by omitting the expression “19”, and substituting the expression “20”.

4. Limitation on employment involving salary units—The principal order is hereby amended by revoking clauses 22 and 23, and substituting the following clause:

“22. (1) Subject to subclause (3) of this clause, there shall not be employed at an area school at any time in 1997—

“(a) Regular teachers holding F2, F3, F4, FTFR1 (fixed-term position of responsibility 1), or FTFR2 (fixed-term position of responsibility 2) positions; or

“(b) Regular teachers to whom salary units have been allocated (whether permanently, or for an indefinite or fixed period that includes that time); or

“(c) Regular teachers of both those kinds,—
whose employment taken together is equivalent to the employment of teachers to whom there have been allocated a total number of salary units greater than a number calculated for the school in accordance with subclause (2) of this clause.

“(2) The number referred to in subclause (1) of this clause shall be calculated for an area school by—

“(a) Subtracting 1 from its entitlement staffing (referred to in clause 20 of this order); and

“(b) Multiplying the resulting remainder by 0.96; and

“(c) Adding 2 to the resulting product; and

“(d) If the resulting sum is not a whole number, correcting it to the nearest whole number.

“(3) For the purposes of subclause (1) of this clause,—

“(a) The employment of 1 teacher holding an F2 or FTFR1 position is the equivalent of the employment of a teacher to whom there have been allocated a number of salary units greater by 1 than the number of salary units (if any) in fact allocated to the teacher:

“(b) The employment of 1 teacher holding an F3 or FTFR2 position is the equivalent of the employment of a teacher to whom there have been allocated a number of salary units greater by 2 than the number of salary units (if any) in fact allocated to the teacher:

“(c) The employment of 1 teacher holding an F4 position is the equivalent of the employment of a teacher to whom there have been allocated a number of salary units greater by 3 than the number of salary units (if any) in fact allocated to the teacher.”

5. Exemptions—The principal order is hereby amended by revoking clause 26, and substituting the following clauses:

“26. **Protection of positions of responsibility**—The Secretary shall, in exempting the Board of an area school from the limitation imposed by subclause (1) of clause 22 of this order, have regard to—

“(a) Whether the calculation for the school under subclause (2) of that clause of a number of salary units has been (or but for the exemption would be) affected by a re-organisation, change in

attendance, closure, amalgamation, or change in class, of the school; and

“(b) Whether it is desirable to exempt the Board from the limitation in order to protect the holder of a position of responsibility (that is to say a F2, F3, F4, FTPR1, or FTPR2 position) at the school.

“26A. **Protection of teachers allocated salary units**—The Secretary shall, in exempting the Board of an area school from the limitation imposed by subclause (1) of clause 22 of this order, have regard to—

“(a) Whether the calculation for the school under subclause (2) of that clause of a number of salary units has been (or but for the exemption would be) affected by a re-organisation, change in attendance, closure, amalgamation, or change in class, of the school; and

“(b) Whether it is desirable to exempt the Board from the limitation in order to preserve the continued allocation of a salary unit or salary units to the holder of a teaching position at the school.”

6. Consequential revocation—The Schedule to the principal order is hereby consequentially revoked.

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force 28 days after notification in the *Gazette*, amends the Education (1997 Area School Staffing) Order 1996. That order prescribes limitations on the numbers, kinds, and descriptions, of regular (that is to say non-relieving) teachers who may be employed at area schools in 1997.

The amendments have 3 effects.

First, they reflect certain elements of the recently concluded collective employment contract for secondary teachers, in particular, the newly agreed system involving allocating “salary units” to teachers.

Secondly, all direct limitations on the employment of deputy principals are removed. In future, the employment of deputy principals will be indirectly limited by the limitations imposed on the allocation of salary units.

Thirdly, an erroneous cross-reference is corrected.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 12 December 1996.

This order is administered in the Ministry of Education.