

1968/222



**THE EDUCATION (ASSESSMENT, CLASSIFICATION,
AND APPOINTMENT) REGULATIONS 1965,
AMENDMENT NO. 2**

ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 25th day of November 1968

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Education Act 1964, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title—These regulations may be cited as the Education (Assessment, Classification, and Appointment) Regulations 1965, Amendment No. 2, and shall be read together with and deemed part of the Education (Assessment, Classification, and Appointment) Regulations 1965* (hereinafter referred to as the principal regulations).

2. Teachers available for transfer—The principal regulations are hereby amended by revoking regulation 37, and substituting the following regulation:

“37. (1) Every Education Board shall send forthwith to the Director-General the name and qualifications of any teacher in its district who, by virtue of the provisions of paragraph (a) or paragraph (b) of subclause (2) of regulation 36 of these regulations, has become available for transfer; and the Director-General shall on receipt thereof forward the name and qualifications of the teacher to every Board.

“(2) The Director-General shall send forthwith to every Board the name and qualifications of any teacher in a Maori school who has likewise become available for transfer.”

3. Filling of upgraded positions—Regulation 40 of the principal regulations is hereby amended by revoking subclauses (1) and (2), and substituting the following subclauses:

“(1) If at any time the grade of salary attached to the position of any primary teacher in a school is raised, the Education Board, or (in the case of a Maori school) the Director-General, shall forthwith notify the teacher that he is to be transferred and shall take the first opportunity to invite applications by advertisement for appointment to the position.

“(2) Notwithstanding the notice of transfer, the teacher shall be deemed to be an applicant for the position so advertised, whether or not he applies therefor; but, if some other applicant is appointed to the position, the Board, or (in the case of a Maori school) the Director-General, shall then take the first opportunity of transferring the teacher to another position.”

4. Applicants refusing appointment—The principal regulations are hereby amended by revoking regulation 41, and substituting the following regulation:

“41. (1) Except as otherwise provided in subclause (2) of this regulation, no teacher who has been an applicant for an advertised position and has afterwards refused the position when offered to him shall, unless he satisfies the Education Board, or (in the case of a teacher appointed by the Director-General) the Director-General, that there was a sufficient and proper reason for the refusal, be eligible for appointment to another position as a teacher in the service of any Board or as a teacher appointed by the Director-General for a period of 12 months from the date of his refusal, or such shorter period as the Director-General may determine.

“(2) Nothing in subclause (1) of this regulation shall apply to a teacher who has refused a position when offered to him if the teacher was, for the purposes of subclause (2) of regulation 40 of these regulations, deemed to be an applicant for the advertised position.”

5. Appointments to certain positions—Regulation 42 of the principal regulations is hereby amended by revoking subclauses (4) to (6), and substituting the following subclauses:

“(4) Notwithstanding anything to the contrary in the foregoing provisions of this regulation, in any case where appointments are to be made to any two positions in a State primary school or in a Chatham Islands school, the appointing authority may, with the approval of the Director-General given on the recommendation of the Central Advisory Committee, require that the advertisement for the positions shall indicate that the only applicants who will be considered for appointment to either position will be those who have in each case a husband or wife (as the case may be) who is an applicant for the other vacant position; and the Appointments Committee, in determining which applicants are to be recommended for the positions, shall consider only those applicants who are eligible for consideration as aforesaid and shall have regard to the requirements of subclause (5) of this regulation.

“(5) The following requirements shall apply in respect of appointments to any two positions in a State primary school or in a Chatham Islands school advertised in accordance with subclause (4) of this regulation:

“(a) Where one of the vacant positions is that of Head Teacher or a position of responsibility in the school, the wife or husband (as the case may be) of the applicant recommended by the Appointments Committee for appointment to that position shall be recommended for appointment to the other position:

“(b) If neither of the vacant positions is that of Head Teacher or a position of responsibility in the school, the following special provisions shall apply to appointments to both of those positions:

“(i) For the purpose of determining which applicant for appointment to the position has the highest general assessment, the general assessment of each applicant shall be deemed to be the total of the assessment on the applicant's personal report and the assessment on the personal report of the applicant's husband or wife (as the case may be):

“(ii) For the purpose of any application of priorities by the Appointments Committee, pursuant to paragraph (b) of subclause (1) of this regulation, the claims of each applicant for the position shall be deemed to include those of the applicant's husband or wife (as the case may be).

“(6) Notwithstanding anything to the contrary in the foregoing provisions of this regulation, where either one or both of the positions to which a husband and wife have been appointed in accordance with the provisions of subclauses (4) and (5) of this regulation become subsequently vacant, the following provisions shall apply:

“(a) If both positions become vacant, the appointing authority shall invite applications for the positions separately, but shall in the advertisement calling for applications for each position indicate that, if it is unable to fill both positions from the applications received other than by the appointment of a husband and wife, appointments are to be made to both positions as if they were positions to which subclause (5) of this regulation applied, and in the event of both positions being able to be filled only by the appointment of a husband and wife, the appointments shall be made accordingly:

“(b) If only one of the positions becomes vacant, the appointing authority shall indicate in the advertisement calling for applications for that position that applications are also invited for both positions from applicants who are husband and wife and that such applications will only be considered in the event of no application being received for the vacant position from a person able to be recommended by the Appointments Committee for appointment to that position and of the other position becoming vacant as a result of notice of transfer being given to the holder of that position. If the appointing authority is unable to fill the vacant

position because no person able to be recommended by the Appointments Committee has applied for the position, it shall then—

“(i) Give notice of transfer to the teacher holding the other position and transfer that teacher to some other position at the first opportunity:

“(ii) Make appointments to both positions as if they were positions to which subclause (5) of this regulation applied.

“(7) The power of transfer conferred on the appointing authority by paragraph (b) of subclause (6) of this regulation shall be regarded as being exercised in accordance with the provisions of paragraph (b) of subclause (2) of regulation 36 of these regulations.

“(8) The provisions of subclauses (4) to (6) of this regulation relating to applications for positions by persons who are husband and wife shall apply to persons who are not husband and wife at the time of application for the positions as if they were husband and wife where the Appointments Committee is satisfied that they will be husband and wife at the time of taking up the appointments; but in any case where any such persons have been recommended for appointment by the Appointments Committee and have been appointed to the positions by the appointing authority, the appointments shall lapse if, at the time of taking up the appointments, they are not husband and wife.

“(9) Notwithstanding anything to the contrary in the foregoing provisions of this regulation, the Appointments Committee shall not, except as otherwise provided in this subsection, recommend any applicant for appointment to a position if he holds a personal report for a lower division than that in which the position has been advertised, or if he holds a personal report for the division in which the position has been advertised and that report has not become effective, or (in the case of a position advertised in Division D) if he has not, after obtaining a personal report for Divisions C and D, completed the additional qualifying service prescribed for appointment to a Division D position:

“Provided that the Appointments Committee may recommend any such applicant where it is unanimous that no applicant, who is qualified for appointment by reason of the fact that he holds an effective report for the division in which the position is advertised and has also (in the case of a Division D position) completed the additional qualifying service prescribed for appointment to that division, is acceptable for the position, or where no applicant so qualified for appointment has applied for the position.”

6. Classification of secondary teachers—The principal regulations are hereby amended by revoking regulation 54, and substituting the following regulation:

“54. (1) Every teacher who is employed as a full time assistant in any secondary school, or in a manual training class, shall be classified by the Director-General in accordance with this Part of these regulations as a secondary teacher:

“Provided that the classification of a recently appointed assistant teacher whose work at the time of the publication of the classification list has not been seen by an Inspector appointed to inspect secondary schools shall be provisional.

“(2) Except as otherwise provided in this regulation, the classification of any teacher shall be determined biennially by the Director-General.

“(3) Before determining the classification of any teacher in accordance with this Part of these regulations, the Director-General shall take into consideration any recommendation or report made in relation to the classification of the teacher by the Principal or Headmaster of the school in which the teacher is or was last employed as an assistant teacher.

“(4) The classification of teachers in accordance with this Part of these regulations (hereinafter referred to as the general classification) shall take place before the end of the year in which the classification is due, and shall come into force on the 1st day of February of the following year, and shall then, except as otherwise provided in this regulation, remain in force until the coming into force of the next biennial classification of the teachers.

“(5) The classification of any teacher may be altered by the Director-General at any time on the production of satisfactory evidence of an improvement in academic status.”

7. Grouping for classification purposes—The principal regulations are hereby amended by revoking regulation 56, and substituting the following regulation:

“56. For the purposes of classification, secondary teachers shall be grouped into lists, namely List A, List B, and List C, of which List C shall be the highest. Every teacher who is grouped in List A or List B shall be assessed for classification purposes within his group on a numerical scale from 1 to 9, of which 9 shall be the highest.”

8. Determination of classification—The principal regulations are hereby amended by revoking regulation 57, and substituting the following regulation:

“57. The Director-General shall from time to time announce by notice in the *Education Gazette* the various factors which are to be taken into account in determining the classification of secondary teachers, and the Director-General shall have regard only to those factors in determining the list in which any secondary teacher is to be grouped and, where the teacher is to be grouped in List A or List B, his assessment within that List.”

9. General classification list—The principal regulations are hereby amended by revoking regulation 58, and substituting the following regulation:

“58. The Director-General shall cause to be compiled annually a general classification list showing the current classification of all full time assistant teachers classified in accordance with this Part of these regulations, and shall arrange for the publication of the list in the *Gazette* or in such other manner as the Minister may direct.”

10. Appeals against classification—The principal regulations are hereby amended by revoking regulation 59, and substituting the following regulation:

“59. A teacher who is dissatisfied with his current classification when that classification appears for the first time in the general classification list may appeal therefrom within the time and in the manner provided in Part VII of these regulations.”

11. Transitional provisions—The principal regulations are hereby amended by inserting, after regulation 59, the following regulation:

“59A. (1) Notwithstanding anything in the foregoing provisions of this Part of these regulations, every teacher employed as a full time assistant in any secondary school, or in a manual training class, in the year 1968 who was classified at the end of the immediately preceding year in accordance with regulations then in force governing the classification of teachers shall be classified by the Director-General for the year 1968 in accordance with the provisions of the scheme for the translation of teachers from the former to the new classification published by the Director-General in the *Education Gazette*.

(2) Every teacher classified for the year 1968 in accordance with subclause (1) of this regulation who will complete in the year 1969 an odd number of years of service as a teacher for classification purposes shall be classified in accordance with regulation 54 of these regulations in the year 1969 and in every second year thereafter.

(3) Every other teacher who is classified in the year 1968 in accordance with subclause (1) of this regulation shall be classified in accordance with regulation 54 of these regulations in the year 1970 and in every second year thereafter.”

12. Appointment of Principal of secondary school—Regulation 61 of the principal regulations is hereby amended by omitting from subclause (3) the words “Grade V”, and substituting the words “List C”.

13. Appointment of Principal of composite school—Regulation 62 of the principal regulations is hereby amended by omitting from the proviso thereto the words “Grade V”, and substituting the words “List C”.

14. Appointment to position of responsibility in secondary school—Regulation 64 of the principal regulations is hereby amended by adding to subclause (2) the following additional proviso:

“Provided also that, where the controlling authority proposes to appoint to a position of responsibility an applicant who is not at that time employed in a permanent teaching position in a secondary school, the Director-General may require, as a condition of his approval to the appointment, that the applicant shall be provisionally appointed; and the provisions of regulation 64A of these regulations relating to provisional appointments to positions of responsibility shall then apply if the controlling authority appoints that applicant.”

15. Provisional appointments—The principal regulations are hereby amended by inserting, after regulation 64, the following regulation:

“64A. (1) The controlling authority may, with the concurrence of the Director-General, confirm or terminate a provisional appointment to a position of responsibility at any time after the appointment has been made.

“(2) Where any such appointment has not been confirmed or terminated in accordance with subclause (1) of this regulation before the expiry of twelve months from the date on which it was made, the controlling authority shall then, if the Director-General so requires, terminate the provisional appointment, but shall otherwise confirm that appointment.

“(3) Where the controlling authority confirms the appointment of any person provisionally appointed to a position of responsibility, the confirmation of the appointment shall take effect forthwith; but where the controlling authority terminates the appointment of any such person, it shall advise him in writing of its decision and the reasons therefor, and the termination of the provisional appointment shall not take effect until three months from the date of receipt of that notice.

“(4) For the purposes of subclause (1) of regulation 16 of the Education (Salaries and Staffing) Regulations 1957*, any person who has been provisionally appointed to a position of responsibility shall, while holding that provisional appointment, be deemed to be a teacher holding a permanent position; and, if his appointment to that position is terminated, he shall, if he transfers to another position in the Education service, be deemed to have been obliged to transfer to that position through no fault of his own.”

16. Appointment of teachers in certain composite schools—The principal regulations are hereby amended by inserting after Part VI the following Part:

“PART VIA—APPOINTMENT OF TEACHERS IN CERTAIN COMPOSITE SCHOOLS

“65A. Notwithstanding anything in the foregoing provisions of these regulations relating to the appointment of teachers, all appointments to full time permanent positions as teachers in those composite schools which provide a full course of instruction from Infants classes to Form V or Form VI shall be made in the manner set out in this Part of these regulations.

“65B. (1) Except as provided by section 154 (1) of the Education Act 1964, no appointment shall be made to a full time permanent position in any composite school providing a full course of instruction from Infants classes to Form V or Form VI unless applications for appointment to the position have been invited by the controlling authority by advertisement published in accordance with subclause (2) of this regulation at least 14 days before a date to be specified in the advertisement as the date for the closing of applications.

“(2) Every such advertisement shall be published in the *Education Gazette* and in such other manner (if any) as the Director-General may in any case require.

“65C. (1) Where the controlling authority of any such composite school invites applications for appointment to the position of Principal or to any position as a full time permanent assistant in that school, it

shall submit to the Director-General a list of the names of all the applicants of the position, together with a summary of their qualifications as appearing in their applications.

“(2) At any time within 14 days after the date on which the list of applicants has been received by him, the Director-General may make to the controlling authority such comments as he thinks proper as to the fitness or otherwise of the several applicants for appointment to the position, and the controlling authority shall not select any applicant for appointment before it has considered any comments received by it from the Director-General:

“Provided that, if no comments have been received within the aforesaid period of 14 days, the controlling authority may then proceed to select an applicant for appointment to the position.

“(3) Where an appointment has been made to the position of Principal of any such composite school, the controlling authority shall not select any applicant for appointment to a position as a full time permanent assistant in that school before consulting the Principal as to the suitability of the several applicants.

“(4) Notwithstanding anything in the foregoing provisions of this regulation, an appointment to the position of Principal or to a position of responsibility in any such composite school shall be made by the controlling authority only with the prior approval of the Director-General”.

P. J. BROOKS,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations provide for changes in the existing procedures for notifying teachers available for transfer, for the filling of upgraded positions, and for the making of appointments where any two positions become vacant in a State primary school. They also provide for a new method of classifying secondary teachers; provide for persons appointed to positions of responsibility in secondary schools to be provisionally appointed if they come from outside the secondary teaching service; and prescribe a new procedure for making appointments to teaching positions in certain composite schools.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 28 November 1968.

These regulations are administered in the Department of Education.