



**THE EDUCATION AUTHORITIES EMPLOYMENT REGULATIONS  
1982, AMENDMENT NO. 2**

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PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 5th day of December 1988

Present:

THE RIGHT HON. DAVID LANGE PRESIDING IN COUNCIL

PURSUANT to sections 165D and 203 of 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.

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REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Education Authorities Employment Regulations 1982, Amendment No. 2, and shall be read together with and deemed part of the Education Authorities Employment Regulations 1982\* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

**2. Interpretation**—Regulation 2 of the principal regulations (as amended by regulation 2(1) of the Education Authorities Employment Regulations 1982, Amendment No. 1) is hereby amended by revoking the definition of the term “employee”, and substituting the following definition:

“ ‘Employee’ means, in relation to an Education Authority, any person employed by that Authority other than—

“(a) A person who is employed to advise teachers; or

“(b) A person who is employed as—

“(i) A teacher; or

“(ii) A teacher aide employed in a primary school; or

“(iii) A teacher aide, teacher-assistant, library-assistant, laboratory-assistant, audio-visual technician, or nurse aide in a secondary school or composite school; or

“(iv) A technical assistant in a teachers college; or

“(v) An occupational therapist, physiotherapist, or speech therapist; or

“(vi) A community worker; or

“(vii) A pre-school worker; or

“(viii) A caretaker, cleaner, or groundsman; or

“(ix) A school bus driver; or

“(x) A school secretary in a primary school or a secondary school.”

**3. Application**—The principal regulations are hereby amended by revoking regulation 3, and substituting the following regulation:

“3. These regulations shall apply to every employee of an Education Authority to the extent that the conditions of employment of that employee are not for the time being fixed by—

“(a) An award registered by the Arbitration Commission under the Labour Relations Act 1987; or

“(b) An agreement registered under the Labour Relations Act 1987; or

“(c) An apprenticeship order made pursuant to section 33 of the Apprenticeship Act 1983; or

“(d) Any order or determination made under the State Services Conditions of Employment Act 1977 and deemed by section 96 (1) (b) of the State Sector Act 1988 to be an award or an agreement registered under Part VII of the Labour Relations Act 1987.”

**4. Classification and grading**—(1) Regulation 22 of the principal regulations is hereby amended by revoking subclause (1) (as substituted by regulation 7 of the Education Authorities Employment Regulations 1982, Amendment No. 1), and substituting the following subclause:

“(1) The Grading Committee shall place every position in a grade or range of grades in one of the occupational classes determined by the Director-General or by an award or agreement registered under Part VII of the Labour Relations Act 1987.”

(2) Regulation 22 (3) of the principal regulations is hereby amended by omitting the words “issued under the State Services Conditions of Employment Act 1977”, and substituting the words “or by an award or agreement registered under Part VII of the Labour Relations Act 1987”.

**5. Revocations**—Regulations 2 (1) and 7 of the Education Authorities Employment Regulations 1982, Amendment No. 1 are hereby revoked.

MARIE SHROFF,  
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 amend the Education Authorities Employment Regulations 1982.

*Regulation 2* revokes the definition of the term "employee", and substitutes a new definition. Subject to certain specified exceptions, the term means, in relation to an Education Authority, any person employed by that Authority. The list of exceptions is extended so that the term does not include—

- (a) A school bus driver; or
- (b) A school secretary in a primary school or a secondary school.

*Regulation 3* changes the application of the principal regulations. The change is related to the passing of the State Sector Act 1988.

The principal regulations, as made in 1982, did not apply to any employee whose conditions of employment were fixed by an award of the Arbitration Court, by any agreement registered under the Industrial Relations Act 1973, or by any order made pursuant to section 13 of the Apprentices Act 1948.

The new provision is positive. It provides that the principal regulations apply to every employee of an Education Authority to the extent that the conditions of employment of that employee are not for the time being fixed by—

- (a) An award registered by the Arbitration Commission under the Labour Relations Act 1987; or
- (b) An agreement registered under the Labour Relations Act 1987; or
- (c) An apprenticeship order made pursuant to section 33 of the Apprenticeship Act 1983; or
- (d) Any order or determination made under the State Services Conditions of Employment Act 1977 and deemed by section 96(1)(b) of the State Sector Act 1988 to be an award or an agreement registered under Part VII of the Labour Relations Act 1987.

*Regulation 4* amends regulation 22 of the principal regulations (which is related to classification and grading). The amendments (which are consequential on the passing of the State Sector Act 1988) recognise that an occupational class or the salary for a position or an occupational class may be fixed by an award or agreement registered under Part VII of the Labour Relations Act 1987.

*Regulation 5* effects consequential revocations.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 8 December 1988.

These regulations are administered in the Department of Education.