

1957/5



## THE EDUCATION (ASSESSMENT, CLASSIFICATION, AND APPOINTMENT) REGULATIONS 1957

C. W. M. NORRIE, Governor-General

### ORDER IN COUNCIL

At the Government Buildings at Wellington this 29th day of January 1957

Present:

THE RIGHT HON. K. J. HOLYOAKE PRESIDING IN COUNCIL

PURSUANT to the Education Act 1914, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

### REGULATIONS

1. (1) These regulations may be cited as the Education (Assessment, Classification, and Appointment) Regulations 1957.

(2) These regulations are divided into Parts as follows:

- Part I—Preliminary.
- Part II—Grouping of primary teachers into Divisions.
- Part III—Assessment of primary teachers.
- Part IV—Appointment of primary teachers.
- Part V—Classification of post-primary teachers.
- Part VI—Appointment of post-primary teachers.
- Part VII—Appeals against assessment or classification.

### PART I—PRELIMINARY

2. In these regulations, unless the context otherwise requires,—

“The Act” means the Education Act 1914:

“Certificated service” means service in New Zealand as a certificated teacher in any position to which the teacher has been permanently appointed, or such other service as the Director may determine whether generally by notice in the *Education Gazette* or in any special case by notice to the teacher concerned:

“Confidential notes”, in relation to any teacher who is to be issued with a personal report, means the confidential comments on the teacher’s work written by an Inspector who inspects the teacher:

“Contributing school” means a public school or a Maori school from which the pupils of the senior division have been removed to an intermediate school or to the intermediate department of a school:

“Director” means the Director of Education, and includes the Assistant Director of Education:

“District Board of Inspectors”,—

(a) In relation to the primary school service, means, in respect of each education district, the Inspectors who acting as a group assess the primary teachers in that district:

(b) In relation to the post-primary school service, means, in respect of each district defined by the Director for the purpose, the Inspectors who acting as a group classify the post-primary teachers in that district:

“Full primary school” means a public school or a Maori school providing primary instruction for pupils from primer 1 to form II; and includes the primary department of a district high school:

“Highest general assessment”, in relation to the general assessments of any group of teachers being considered for appointment, means the highest numerical assessment among the assessments on the personal reports of those teachers:

Provided that any assessment on a personal report in a higher Division shall be recognised for purposes of appointment as higher than all assessments on personal reports in lower Divisions:

“Member of the Forces” means a member of any of Her Majesty’s Naval, Military, or Air Forces, in New Zealand or elsewhere, who has been mobilised for continuous service:

“Post-primary school”—

(a) Means a school of any of the following classes, namely—

(i) A secondary school within the meaning of the Act; or

(ii) A technical school (including a technical high school) established under the Act; or

(iii) A combined school established under the Act; or

(iv) The secondary department of a district high school established under the Act; or

(v) The Technical Correspondence School; or

(vi) The secondary department of any other correspondence school established by the Minister:

(b) Does not include a school of any of the following classes, namely—

(i) Any private school registered in accordance with section 7 of the Education Amendment Act 1921–22; or

(ii) The preparatory department of any school; or

(iii) An intermediate department attached to any school:

“Post-primary teacher” means a teacher engaged or eligible to be engaged in teaching in a post-primary school, or in a manual training class:

“Primary teacher” means a teacher who holds a teaching position to which, after the prescribed date specified in section 2 (2) of the Education Amendment Act 1955, the provisions of section 9 (1) of that Act will apply, and also a teacher eligible for appointment to such a teaching position:

“Salary order” means—

(a) An order or determination made under the Government Service Tribunal Act 1948 and relating to the salaries, allowances, or wages of members of the Education service:

(b) A regulation made under the Education Act 1914 which prescribes salaries, allowances, or wages of members of the Education service:

“Scale salary” means a salary on a scale prescribed in a salary order:

“Specified date”, in relation to the groups of primary teachers specified in Part II of these regulations, means,—

(a) For teachers grouped in Division A or Division B, the 1st day of February, nineteen hundred and fifty-seven:

(b) For teachers grouped in Division C, the 1st day of February, nineteen hundred and fifty-eight:

(c) For teachers grouped in Division D, the 1st day of February, nineteen hundred and fifty-nine:

“Teacher” means a schoolmaster or schoolmistress, or an assistant schoolmaster or assistant schoolmistress, engaged in teaching or eligible for appointment to a teaching position in any public school or Maori school or correspondence school, or in a teachers’ training college, or in a post-primary school, or in an intermediate department, or engaged or eligible to be engaged as a teacher of a special subject (including manual training), or in any specialist training service, but does not include a probationary assistant, a junior assistant in a Maori school, or a student at a teachers’ training college.

## PART II—GROUPING OF PRIMARY TEACHERS INTO DIVISIONS

3. Primary teachers shall be grouped into Divisions according to the scale of salary attaching to the positions they occupy or for which they are eligible on first appointment. For this purpose—

(a) Division A shall include—

(i) All primary teachers occupying Division A positions of responsibility, being all teachers occupying positions for which salary of Scale II according to any salary order is payable, and all first assistant masters in full primary schools of Grade V<sub>B</sub> or V<sub>C</sub> or V<sub>D</sub> or in contributing schools of Grade V<sub>C</sub> or V<sub>D</sub> or VI<sub>A</sub> or VI<sub>B</sub>, and all infant mistresses in full primary schools of Grade V<sub>A</sub> or V<sub>B</sub> or in contributing schools of Grade V<sub>A</sub>; and

(ii) All other primary teachers occupying positions for which salary of Scale I according to any salary order is payable and all primary teachers occupying positions for which salary of Scale VI according to any salary order is payable:

- (b) Division B shall include all primary teachers occupying positions for which salary of Scale III according to any salary order is payable:
- (c) Division C shall include all primary teachers occupying positions for which salary of Scale IV according to any salary order is payable:
- (d) Division D shall include all primary teachers occupying positions for which salary of Scale V or Scale XII according to any salary order is payable.

4. The Head Teacher of a district high school shall be placed in such Division as the Director may determine after having regard to the total number of assistants (primary and post-primary, including probationary assistants and part time teachers) on the staff.

5. A teacher who is not for the time being permanently employed in a public school or Maori school and who wishes to be considered for appointment to such a school shall be placed in such Division as the Director may determine after having regard to the certificated teaching service of the teacher.

#### PART III—ASSESSMENT OF PRIMARY TEACHERS

6. For the triennial period commencing on the 1st day of February in the year 1957, and on that day in every third year thereafter, an assessment shall be made as hereafter provided in these regulations of the work as a teacher of every primary teacher who has applied to be assessed.

##### *Personal Reports*

7. In respect of each Division of primary teachers, the District Board of Inspectors shall, before the end of the year ending with the specified date, make a general assessment and issue a personal report to each certificated primary teacher in that Division, and every such report shall be issued for the Division in which the teacher is grouped:

Provided that where a Division A primary teacher is qualified by service in accordance with regulation 15 of these regulations for a report in a higher division or will become so qualified in the first triennial period after the commencement of these regulations, he shall, on making application therefor, be issued in addition with a report for Division B:

Provided also that where a Division B primary teacher at the end of the year following the issue of the said report is qualified by service in accordance with regulation 15 of these regulations for a report in a higher division or will become so qualified during the remainder of the said first triennial period, he shall, on making application therefor, be issued in addition with a report for Divisions C and D.

8. At the end of each triennial period a general assessment shall be made by the District Board of Inspectors of the work as a teacher of each certificated primary teacher who has applied for such a report in accordance with these regulations, and who (at a date in the third year of the triennial period to be determined by the Director) is employed in one of the positions to which, after the prescribed date specified in section 2 (2) of the Education Amendment Act 1955, the provisions of section 9 (1) of that Act will apply; and such a report shall be issued to the teacher.

9. Applications by primary teachers for personal reports shall be made on the form provided, and shall be lodged within the period specified by the Director.

10. In special circumstances, to be approved by the Director, a teacher may lodge an application for an inspection visit for a personal report outside the period specified in pursuance of regulation 9 of these regulations, but the District Senior Inspector shall be the judge of whether or not the request warrants such an inspection visit.

11. Except where otherwise provided in these regulations, each assessment and report shall be valid for three years from the date on which the report becomes effective for purposes of appointment, and assessments and reports more than three years old shall not be accepted by an Appointments Committee unless they are confirmed by the District Senior Inspector.

12. (1) Each probationary assistant, on becoming a certificated teacher, shall receive, without application, a personal report for Division A. In making this report, the District Board of Inspectors shall have regard to the report of the Principal of the Teachers' Training College and the report of the Head Teacher of the school where the probationary assistant has been employed.

(2) A probationary assistant whose certification coincides with the beginning of a triennial period or with the beginning of the second year of a triennial period shall receive without application a second personal report two years after the date of certification.

(3) A probationary assistant whose certification coincides with the beginning of the third year of a triennial period shall receive, without application, a second personal report one year after the date of certification.

(4) No teacher shall receive a personal report under subclause (2) or subclause (3) of this regulation if, before a date to be fixed by the Director, he notifies the District Senior Inspector that he does not wish to receive it.

13. Personal reports and confidential notes to teachers shall be in such form and based on such criteria as the Director may approve, after consultation with the Central Advisory Committee.

14. Confidential notes shall be sent to assistant teachers through the Head Teacher, and shall not form part of the permanent records of the school.

#### *Qualification for Personal Reports*

15. A primary teacher shall qualify for a report for a higher division, as follows:

(a) In the case of a report for Division B, after nine years of certificated service:

Provided that the period of qualifying service shall be reduced to seven years in the case of a teacher who has—

(i) Completed at least two years in a Division A post of responsibility as specified in regulation 3 (a) (i) of these regulations; or

- (ii) Had two or more years of service as a member of the Forces (either before or after certification) irrespective of whether he has held a Division A post of responsibility:

Provided also that in the case of a teacher with less than two years' service as a member of the Forces, that lesser period shall be deducted from the period of nine years as specified above:

Provided further that certificated service for teachers who as students joined the Forces during their period of training shall be deemed to begin on the date they would normally have been expected to be certificated had they not joined the Forces:

- (b) In the case of a report for Divisions C and D, after three years of service in a Division B position:

Provided that no teacher may receive a report for Divisions C and D unless he has completed the period of qualifying service specified in paragraph (a) of this regulation, and three more years of certificated service:

Provided also that no report for Divisions C and D shall be valid for a Division D appointment until the teacher has completed at least three years' service in a Division C position, except in the circumstances specified in regulation 29 of these regulations.

16. (1) Notwithstanding the provisions of regulation 15 of these regulations, a primary teacher may, when making an application for a report under regulation 8 of these regulations, apply for and receive a report for a higher division if he will complete the prescribed period of qualifying service within the next triennial period.

(2) Where a teacher receives a report for a higher division under this regulation or in any other way provided for under these regulations, the report shall not be valid until the period of qualifying service has been completed.

#### *General Assessment on Personal Reports*

17. General assessments on personal reports of primary teachers shall be made on numerical scales as follows:

For Division A personal reports—1 to 9, 9 being the highest:

For Division B personal reports—1 to 7, 7 being the highest:

For Divisions C and D personal reports—1 to 5, 5 being the highest.

18. The highest general assessment which a primary teacher may receive on the first report for which he is eligible under regulation 15 or regulation 16 of these regulations shall be as follows:

For Division A—3:

For Division B—4:

For Divisions C and D—3:

Provided that in special cases, with the approval of the Director, a higher assessment may be given:

Provided also that if a teacher is eligible for a personal report for a higher division in accordance with regulation 15 of these regulations and does not apply for such a report, then the general assessment on his personal report if issued at a later triennial period shall not be limited in accordance with this regulation.

#### *Provisional Assessments*

19. A teacher entering the primary school service from other educational services, whether in New Zealand or overseas, or a teacher rejoining the primary school service, may be given a provisional assessment which shall be subject to review after such time as the District Senior Inspector may determine.

#### *Withdrawal of Personal Report*

20. The Director may, on the recommendation of the District Senior Inspector, withdraw the personal report of any teacher for gross misbehaviour or where the teacher's work is adjudged to be unsatisfactory in the sense that it has seriously deteriorated in efficiency since the report was issued, and may then direct that a new report be issued.

#### *Currency of Reports and Assessments*

21. Where a teacher with an assessment more than three years old wishes to use his report on applying for another position he shall first apply, pursuant to regulation 11 of these regulations, to the District Senior Inspector for confirmation of the assessment. The District Senior Inspector may confirm the assessment, but if he is of the opinion that the teacher's efficiency has deteriorated he may issue a new report.

#### *Uniformity of Assessments*

22. The Director shall take such steps as he considers necessary to maintain reasonably uniform standards of assessment among the various District Boards of Inspectors.

#### *Review of General Assessments*

23. A teacher may, not later than twenty-one days after the date of the issue of his personal report for a triennial period, or after the date of the issue of a new report pursuant to regulation 20 or regulation 21 of these regulations, apply to the District Senior Inspector for a review of his general assessment.

24. The review shall be made, if possible, by the Inspector who originally inspected the teacher and by one other Inspector nominated by the District Senior Inspector. Any change of general assessment recommended by a reviewing Inspector shall be considered by the District Board of Inspectors who shall decide whether or not the assessment is to be altered.

25. A teacher may appeal against his general assessment within the time and in the manner provided in Part VII of these regulations.

## PART IV—APPOINTMENT OF PRIMARY TEACHERS

26. The provisions of regulations 27 to 33 of these regulations shall apply only to appointments made after the prescribed date specified in section 2 (2) of the Education Amendment Act 1955.

*Priorities*

27. The priorities to be applied by Appointments Committees pursuant to section 9 (1) (b) of the Education Amendment Act 1955 shall be:

- (a) The total length of certificated service; or
- (b) Where applicants cannot be separated on that ground, the total length of country service, taking into account (to such extent as may be required by the Director after consultation with the Central Advisory Committee) the degree of remoteness of the school or schools in which the country service was performed; or
- (c) Where applicants cannot be separated on any of the grounds specified in the foregoing provisions of this regulation, the academic or other professional qualifications in addition to those which may have been specified in the advertisement for the position.

28. In making recommendations for positions as Division A assistants, being positions which are not posts of responsibility (as defined in regulation 3 (a) (i) of these regulations) and where no particular type of experience or qualification is called for in the advertisement, the Appointments Committee shall, in accordance with section 9 (1) (b) of the Education Amendment Act 1955, apply the priorities specified in regulation 27 of these regulations, unless the Committee is of the unanimous opinion that one of the applicants is more suitable for the position than others with the same general assessment.

29. In any case where a primary teacher has a personal report for any division but has not the qualifying service for a report in a higher division, or in any case where a primary teacher holds a report for a higher division which is not yet effective, or in any case where a primary teacher has a report for Divisions C and D but has not the qualifying service for a Division D position, the teacher may apply for a position in the higher division, using his current personal report. The Appointments Committee may recommend such an applicant only when it is unanimous that there is no acceptable applicant holding a report for the division in which the position is classified, or (in the case of a Division D position) where there is no acceptable applicant who has completed the qualifying service.

30. A report for any division shall not be valid if submitted in support of an application for a position in a lower division. Any primary teacher who wishes to apply for a position in a lower division shall apply to the District Senior Inspector for a report for that division.

31. No teacher shall be appointed to a Division B position unless the country service requirement for the salary of the position as provided for in the salary order has been complied with, unless the position is in a country service school.



*Interviews*

32. The Appointments Committee may select such applicants as it thinks fit for interview before making recommendations for appointments to the following positions, namely, senior positions in Division D, being Head Teachers of intermediate schools, normal schools, and district high schools; posts of responsibility in normal schools; the posts specified in paragraphs (f), (g), (h), and (i) of regulation 34 of these regulations; and such other posts as may from time to time be approved for the purpose by the Director.

33. Applicants called for interview by the Appointments Committee shall be reimbursed for the expenses incurred in attending the interview on such basis as the Director may determine.

*Special Positions*

34. For the purposes of sections 8 (6) and 10 (b) of the Education Amendment Act 1955, an appointment shall be deemed to be made in a special case if the appointment is to any of the following special positions, namely—

- (a) Infant Mistresses in schools of Grade IVB and higher:
- (b) Head Teachers and assistants in normal schools:
- (c) Head Teachers in district high schools:
- (d) Head Teachers and assistants in intermediate schools or intermediate departments:
- (e) Positions in physical education, art and crafts, and nature study services, and other positions for teachers appointed to assist the schools in the teaching of particular subjects:
- (f) Positions in special classes or schools for children who are mentally or scholastically backward, physically handicapped or delicate, deaf or partially deaf, or have only partial sight or suffer from defects of speech; teaching positions in child welfare institutions; teaching positions in prisons; positions in the psychological service, including area organisers and assistant area organisers of special classes:
- (g) Organising teachers:
- (h) Visiting teachers:
- (i) Resident teachers of any correspondence school established by the Minister.

*Appointment by Transfer*

35. Where pursuant to section 8 (3) (a) of the Education Amendment Act 1955, a teacher is required to be transferred because of a change in grade of a school, the procedure shall be as follows:

- (a) The Education Board shall first ascertain whether any member of the staff of the school desires a transfer:
- (b) If no teacher desires a transfer, the Board shall transfer the teacher occupying one of the positions specified in regulation 3 (a) (ii) of these regulations who was last appointed to the school:
- (c) If two or more teachers have the same length of service in the school and were the teachers last appointed to the school, the Board shall refer the matter to the Appointments Committee, which shall then decide on the ground of hardship which of those teachers it will recommend to the Board for transfer.

## PART V—CLASSIFICATION OF POST-PRIMARY TEACHERS

36. (1) Every teacher who on the 31st day of October in any year is employed as a full time assistant in any post-primary school, or in a manual training class, shall (not later than the 31st day of December of that year) be classified by the Director in accordance with this Part of these regulations as a post-primary 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 for the purpose shall be provisional.

(2) Before determining the classification of any teacher in accordance with this Part of these regulations the Director 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 he is or was last employed as an assistant teacher.

(3) The classification of teachers in accordance with this regulation (hereinafter referred to as the general classification) shall come into force on the 1st day of February of the following year.

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

37. (1) Any person who is not for the time being employed as a full time assistant in any post-primary school may, on application to the Director, be provisionally classified in accordance with this Part of these regulations:

Provided that the Director shall not classify any person under this regulation unless he is satisfied, on the production of such evidence as he may require, that the applicant is qualified for appointment as an assistant teacher in a post-primary school, that he is of good moral character, is of sound health and good constitution, and has no defects of person or of character that would, in the opinion of the Director, be incompatible with efficiency in teaching.

(2) A provisional classification under this regulation may be altered at any time, or may be confirmed, or withdrawn by the Director.

(3) Subject to subclause (2) of this regulation, a provisional classification under this regulation shall continue in force until the next general classification comes into force, or, as the case may require, until the classification has been altered or confirmed by the Director on the report of an Inspector, and shall then expire (whether or not the person provisionally classified is included in the general classification).

38. For the purposes of classification, there shall be five separate grades, numbered respectively I to V, of which Grade V shall be the highest.

39. In determining the grade of any assistant teacher or other person to be classified, the Director shall have regard only to:

- (a) His ability in the art of teaching:
- (b) His academic, technical, practical, or other relevant qualifications:
- (c) His length of service in the teaching profession:
- (d) In the case of a teacher who has had practical experience in the work of any other profession, or in connection with any business, trade, occupation, or calling, the extent and nature of that experience.

40. The Director shall cause to be compiled annually a general classification list showing the grading of all full time assistant teachers graded in accordance with regulation 36 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.

41. A teacher who is dissatisfied with his classification in the general classification list may appeal therefrom within the time and in the manner provided in Part VII of these regulations.

#### PART VI—APPOINTMENT OF POST-PRIMARY TEACHERS

42. (1) Except as provided by section 2 of the Education Amendment Act 1954, no appointment shall be made to a full time permanent position in any post-primary school 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 fourteen days before a date to be specified in the advertisement as the date of the closing of applications.

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

#### *Appointments of Principals*

43. (1) Where applications have been invited for appointment to the position of the Principal of a secondary, technical, or combined school, the controlling authority shall submit to the Director a list of the names of all the applicants, together with a statement of their several qualifications as appearing in their applications.

(2) At any time within fourteen days after the date on which the list of applicants has been received by him, the Director 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:

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

(3) If the applicant selected by the controlling authority is classified in Grade V, the controlling authority may then proceed to make the appointment, but in any other case shall not make an appointment except with the approval of the Minister.

#### *Appointment of Full Time Permanent Assistants*

44. (1) Where applications are invited in accordance with regulation 42 of these regulations, or in accordance with the provisions of the Act, for appointment to a position as a full time permanent assistant, the advertisement of the vacancy shall specify the special qualifications (if any) that are required and the special duties that are entailed.

(2) No applicant for appointment to any position referred to in subclause (1) of this regulation whose post-primary classification has not been confirmed shall be appointed, unless his qualifications for appointment to that position have been approved by the Director.

45. (1) In the case of the appointment of an assistant teacher to any position referred to in this Part of these regulations, the controlling authority shall, before making a selection, consult the Principal as to the suitability of the several applicants.

(2) Subject to subclause (1) of this regulation and to subclause (2) of regulation 44 of these regulations, the controlling authority shall appoint the applicant who in its opinion is, by reason of his qualifications, most suitable for appointment to the position, and if there is no suitable applicant shall invite further applications by advertisement in accordance with regulation 42 of these regulations:

Provided that an appointment to a position of responsibility may be made only with the prior approval of the Director.

(3) Where a teacher has been an applicant for any such position as aforesaid and has afterwards refused the position when offered to him he shall not, unless he satisfies the Director that there was a sufficient and proper reason for his refusal, be eligible for appointment to another position in any school to which this Part of these regulations applies for a period of twelve months from the date of his refusal, or such shorter period as the Director may determine.

46. If any applicant for appointment as a full time permanent assistant in any school to which this Part of these regulations applies has produced evidence in his application that he has lost his last position or is about to lose his position as a post-primary teacher by reason of a fall in the attendance at the school or by reason of the reorganisation of the school, he shall be entitled to be appointed to the position for which he has applied unless some other applicant having the same ground for appointment is appointed to the position, or unless, in any other case, the controlling authority, before making any appointment, satisfies the Minister that the applicant is not suitable for appointment to the position.

#### PART VII—APPEALS AGAINST GENERAL ASSESSMENT OR CLASSIFICATION

47. Any teacher who considers he has good grounds for objecting to his general assessment or classification may, before a date fixed by the Director after notification of the assessment or classification, lodge an appeal in writing with the Director of Education, Wellington, and every such appeal shall be dealt with as hereafter provided in these regulations:

Provided that appeals from teachers in the New Zealand Teachers Register and employed in Western Samoa, the Cook Islands (including Niue), Fiji, and Tonga, may be accepted if they have been posted to the Director by the next outgoing mail following the date for the closing of appeals fixed by the Director.

48. All the appeals that are not subsequently withdrawn shall be sent to an Appeal Board, which shall consist of—

- (a) A Chairman, who shall be appointed by the Minister of Education, and who shall not be an officer in the Education service;

- (b) A representative of the Department of Education, who shall not be a member of a District Board of Inspectors;
- (c) A representative appointed by the New Zealand Educational Institute, in the case of appeals by primary teachers against assessment; or by the New Zealand Post-primary Teachers' Association, in the case of appeals by post-primary teachers against classification.

49. (1) The New Zealand Educational Institute and the New Zealand Post-primary Teachers' Association shall each select four representatives, two for the North Island and two for the South Island, and these shall sit on the Appeal Board as arranged by the Institute or Association which appointed them:

Provided that in no case shall any such representatives sit on the Appeal Board on any appeal presented by a teacher on the staff of the school in which the representative is teaching or by a teacher with whom the representative has had close association.

(2) Every representative appointed by the said Institute or Association shall hold office for a term of three years, but may from time to time be reappointed; and any such representative may at any time be removed from office by the Institute or Association which appointed him on the ground of disability or insolvency or neglect of duty or misconduct proved to the satisfaction of that Institute or Association:

Provided that a representative appointed in place of any such representative who has died or resigned or been removed from office shall hold office only for the unexpired portion of the term of office of his predecessor.

50. (1) Every appeal shall, unless the Appeal Board otherwise determines, be made on a form supplied by the Department, and shall contain a complete and definite statement of the grounds on which the appeal is based.

(2) The Director shall forward a reply to the appeal received from each appellant, who may then withdraw or proceed with his appeal.

51. (1) Unless the Board in its discretion otherwise determines, either generally or in any particular case, the procedure to be followed by the Appeal Board shall be as follows:

- (a) An appellant may—
  - (i) Conduct his own appeal before the Appeal Board, or may delegate this duty to an advocate who is a teacher;
  - (ii) Be called as a witness by his advocate;
  - (iii) Arrange for the attendance of any witness who may be willing to appear on his behalf;
- (b) The evidence on behalf of the Director shall be given by a member of the District Board of Inspectors; and the Inspector or Inspectors who assessed the work of the teacher or a representative of that Inspector or those Inspectors may be present and may give evidence in support of the assessment or classification:

- (c) At the hearing of an appeal against a primary assessment the evidence given by any Inspector shall be confined to an elaboration of the data in the teacher's personal report and the confidential notes; and neither the appellant nor any Inspector may cite the personal reports or confidential notes of other teachers:
  - (d) The Appeal Board may waive any informality in an appeal, but in general shall consider only such grounds of appeal as have been furnished in sufficient time to receive the consideration of the assessing or classifying officers:
  - (e) No evidence shall be heard by the Appeal Board except in the presence of the appellant or his advocate, but the deliberations of the Board when determining its decision shall in every case take place without any such persons being present:
  - (f) In all appeals against primary assessment or post-primary classification, the onus shall be on the appellant to prove to the Appeal Board that the general assessment on his personal report or his classification, as the case may be, is not a correct assessment of the quality of his work as a teacher:
  - (g) In exceptional circumstances the Appeal Board may summon any witness to give evidence before it, and every such witness shall receive actual and reasonable travelling expenses as approved by the Director:
  - (h) The Appeal Board may either allow or dismiss the appeal; and if it allows the appeal (in the case of a primary teacher) it shall direct the District Senior Inspector to issue to the appellant a new personal report containing an amended general assessment, or (in the case of a post-primary teacher) it shall alter the classification:
  - (i) All appeals that have been received after the due date but comply in other respects with these regulations shall be submitted to the Appeal Board, which may, in exceptional circumstances, decide to hear any such appeal:
  - (j) The decision of the Appeal Board shall be recorded in writing on a form provided for the purpose.
- (2) The decision of the Appeal Board shall be communicated to the appellant by the Director, and shall in every case be final.
- (3) No evidence heard by or information given to the Appeal Board during the hearing of any appeal shall be published either directly or indirectly, or otherwise communicated to any person or persons who were not present at the hearing of the appeal, except with the approval of the Director.

52. In any case where the appellant or his representative is requested by the Director to appear at the hearing of an appeal at a place other than the usual place at which appeals are heard from teachers in the district in which the appellant or his representative resides, a refund of the actual and reasonable expenses incurred by the appellant or his representative in attending at the hearing of the appeal may, with the approval of the Director, be paid to the appellant or his representative as the case may be.

53. In all cases in which the assessment or classification has been altered by the Appeal Board, the alteration shall be notified to the teacher as soon as possible after the hearing of all appeals is concluded, and the assessment or classification thus amended shall then be current.

54. (1) The Appeal Board is hereby declared to be a Statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There shall be paid out of money appropriated by Parliament for the purpose to the Chairman of the Appeal Board remuneration by way of fees, salary, or allowances, and to both the said Chairman and the teachers' representatives on the Appeal Board travelling allowances and expenses. All such payments shall be made in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

55. The regulations specified in the Schedule to these regulations are hereby revoked:

Provided that, in relation to primary teachers, the provisions of those regulations, other than those in the Regulations for Special Appointments in Public Schools,\* shall continue to apply until the specified date notwithstanding the revocation thereof.

\**Gazette*, 1933, Vol. III, page 1502

## SCHEDULE

### REGULATIONS REVOKED

Reg. 55

Title or Subject-matter	Reference
	<i>Gazette</i>
Regulations for Appeals of Teachers against their Classification or Grading	1921, Vol. II, page 1583
Regulations for Appeals of Teachers against their Classification or Grading	1921, Vol. III, page 2491
Part V of the Amended Regulations under the Education Act 1914	1922, Vol. II, page 1940
Amended Regulations under the Education Act 1914	1923, Vol. III, page 2806
Part II of the Schedule to the Amended Regulations under the Education Act 1914	1927, Vol. II, page 2743
Regulation 1 of the Amended Regulations under the Education Act 1914	1933, Vol. I, page 483
Regulations for Special Appointments in Public Schools	1933, Vol. III, page 2502

SCHEDULE—*continued*REGULATIONS REVOKED—*continued*

Title or Subject-matter	Reference
The Appeals of Teachers (Classification and Grading) Regulations 1921, Amendment No. 6	Statutory Regulations S.R. 1938/13
The Education (Grading of Public School Teachers) Regulations 1948	S.R. 1948/63
The Education (Grading of Public School Teachers) Regulations 1948, Amendment No. 1	S.R. 1950/144
Regulations 28 and 29 of the Education Amending Regulations 1950	S.R. 1950/182
The Education (Grading of Public School Teachers) Regulations 1948, Amendment No. 2	S.R. 1951/237
The Teachers' Appeals against Classification or Grading Amending Regulations 1952	S.R. 1952/182
The Education (Grading of Public School Teachers) Regulations 1948, Amendment No. 3	S.R. 1954/249

T. J. SHERRARD,  
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 the grouping of primary teachers into Divisions and for their assessment and appointment; also for the classification and appointment of post-primary teachers, and for appeals against assessment or classification.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 31 January 1957.

These regulations are administered in the Department of Education.