

1970/58



**THE EDUCATION (ASSESSMENT, CLASSIFICATION, AND APPOINTMENT) REGULATIONS 1965, AMENDMENT NO. 4**

ARTHUR PORRITT, Governor-General

**ORDER IN COUNCIL**

At the Government Buildings at Wellington this 6th day of April 1970

Present:

THE RIGHT HON. KEITH HOLYOAKE, C.H., PRESIDING 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.

**ANALYSIS**

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| <ol style="list-style-type: none"> <li>1. Title</li> <li>2. Transfer of a Head Teacher</li> <li>3. Teachers available for transfer</li> <li>4. Filling of upgraded positions</li> <li>5. Certain Head Teachers to be deemed applicants for comparable positions</li> </ol> | <ol style="list-style-type: none"> <li>6. Applicants refusing appointment</li> <li>7. Classification of secondary teachers into groups</li> <li>8. Determination of classification</li> <li>9. Appeals against classification</li> <li>10. Revocations</li> </ol> |
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**REGULATIONS**

**1. Title**—These regulations may be cited as the Education (Assessment, Classification, and Appointment) Regulations 1965, Amendment No. 4, 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. Transfer of a Head Teacher**—Regulation 36 of the principal regulations is hereby amended by inserting, after paragraph (c) of subclause (2), the following paragraph:

“(cc) In any case where a Head Teacher’s position has fallen in status but not in salary through a fall in the grade of the school and the Head Teacher has signified to the Board his desire for a transfer:”.

\*S.R. 1965/175

Amendment No. 1: S.R. 1966/211

Amendment No. 2: S.R. 1968/222

Amendment No. 3: S.R. 1969/24

**3. Teachers available for transfer**—The principal regulations are hereby amended by revoking regulation 37, as substituted by regulation 2 of the Education (Assessment, Classification, and Appointment) Regulations 1965, Amendment No. 2, and substituting the following regulation:

“37. 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) or paragraph (cc) 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.”

**4. Filling of upgraded positions**—The principal regulations are hereby amended by revoking regulation 40, as substituted by regulation 2 of the Education (Assessment, Classification, and Appointment) Regulations 1965, Amendment No. 3, and substituting the following regulation:

“40. (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 shall forthwith notify the teacher that he may 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, if he is the holder of a current personal report, be deemed to be an applicant for the position so advertised, whether or not he applies therefor: but, if some other applicant is to be appointed, the Board shall then take the first opportunity of transferring the teacher to another position, and no appointment shall be made until the teacher has been so transferred.

“(3) If some other applicant is to be appointed and the first opportunity is to be taken, in accordance with subclause (2) of this regulation, of transferring the teacher to another position, the following provisions shall apply:

“(a) If, at any time up to 6 months from the date on which applications were invited by advertisement for appointment to the position, the Board transfers the teacher to another position, the successful applicant for the advertised position shall be appointed to that position or, if he is no longer available for the position, the Board shall make an appointment to the position from the remaining persons who were applicants for the position:

“(b) If, at any time after 6 months but not later than 12 months from the date on which applications were invited by advertisement for appointment to the position, the Board transfers the teacher to another position, the successful applicant for the advertised position shall be appointed to that position or, if he is no longer available for the position, the Board shall advertise the position as an ordinary vacancy:

“(c) If, during 12 months from the date on which applications were invited by advertisement for appointment to the position, the Board is unable to transfer the teacher to another position,

no appointment shall be made to the position which shall then be readvertised as an upgraded position to which the foregoing provisions of this regulation shall apply.

“(4) Notwithstanding anything in regulation 42 of these regulations, the following special provisions shall apply to all appointments to positions for which applications are invited by advertisement in accordance with subclause (1) or paragraph (c) of subclause (3) of this regulation:

“(a) The Appointments Committee shall recommend for appointment the teacher holding the position if no other applicant has a higher general assessment on his personal report; but in every other case the Appointments Committee shall, after having regard to the interests of the school and the claims of other applicants as well as the claims of the teacher holding the position, recommend for appointment the applicant it considers most suitable for the position:

“(b) For the purpose of enabling the Appointments Committee to have regard to the interests of the school in relation to the claims of each applicant, the Board may place before the Appointments Committee information relevant to the interests of the school, and the Board shall provide that information in any case where it is requested by the Appointments Committee to do so.”

**5. Certain Head Teachers to be deemed applicants for comparable positions**—The principal regulations are hereby amended by inserting, after regulation 40, the following regulation:

“40A. (1) If a Head Teacher of a State primary school has lost or is about to lose his position, or suffers a reduction in the total salary, including allowances, of his position by reason of the secondary department of a district high school being disestablished by the establishment of a secondary school or composite school, or by reason of his school ceasing to be a normal school, or by other similar circumstances to be notified from time to time by the Director-General by notice in the *Education Gazette*, the Education Board shall forthwith forward the name and qualifications of the Head Teacher to the Director-General who shall then forward the particulars to all other Education Boards.

“(2) In every such case, the Head Teacher shall, until he is appointed to another position, be deemed to be an applicant (whether or not he applies) for any comparable position which is advertised by the Education Board by which he is employed, or advertised by any other Board after receiving particulars of the name and qualifications of the Head Teacher in accordance with subclause (1) of this regulation.

“(3) For the purposes of this regulation, a ‘comparable position’ for which the Head Teacher shall be deemed to be an applicant shall be any position as Head Teacher of a State primary school of the same type and with the same maximum salary, including allowances, as the position which the Head Teacher has lost or is about to lose, or in respect of which he suffers a reduction in total salary, or any other position in the State primary teaching service which has a maximum salary, including allowances, which is the same as, or not more than \$100 per annum in excess of, the maximum salary, including allowances, of the position lost, about to be lost, or which has been reduced in total salary.”

**6. Applicants refusing appointment**—Regulation 41 of the principal regulations, as substituted by regulation 4 of the Education (Assessment, Classification, and Appointment) Regulations 1965, Amendment No. 2, is hereby amended by inserting in subclause (2), after the words “regulation 40”, the words “or of subclause (2) of regulation 40A”.

**7. Classification of secondary teachers into groups**—Regulation 56 of the principal regulations, as substituted by regulation 7 of the Education (Assessment, Classification, and Appointment) Regulations 1965, Amendment No. 2, is hereby amended by adding the following subclauses:

“(2) No teacher shall be grouped in List B unless—

“(a) He has completed at least 8 years’ service in List A and has an assessment of 8 or higher within that list; or

“(b) He has completed at least 10 years’ service in List A and has an assessment of 6 or higher within that list; or

“(c) He has completed at least 12 years’ service in List A and has an assessment of 4 or higher within that list.

“(3) No teacher shall be grouped in List C unless—

“(a) He has attained graduate status, or has any qualifications which entitle him to receive a salary of Group B1 or of a higher salary scale as determined by the Director-General in respect of secondary teachers; and

“(b) He has either completed at least 6 years’ service in List B and has an assessment of 8 or higher within that list, or he has completed at least 8 years’ service in List B and has an assessment of 6 or higher within that list.”

**8. Determination of classification**—The principal regulations are hereby amended by inserting in regulation 57, as substituted by regulation 8 of the Education (Assessment, Classification, and Appointment) Regulations 1965, Amendment No. 2, after the words “and the Director-General shall”, the words “subject to regulation 56 of these regulations”.

**9. Appeals against classification**—The principal regulations are hereby amended by revoking regulation 59, as substituted by regulation 10 of the Education (Assessment, Classification, and Appointment) Regulations 1965, Amendment No. 2, 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 and who is not debarred from classification in the immediately higher list by reason of subclause (2) or subclause (3) of regulation 56 of these regulations, may appeal against his current classification within the time and in the manner provided in Part VII of these regulations.”

**10. Revocations**—The following regulations are hereby consequentially revoked—

(a) Regulations 2 and 10 of the Education (Assessment, Classification, and Appointment) Regulations 1965, Amendment No. 2:

(b) The Education (Assessment, Classification, and Appointment) Regulations 1965, Amendment No. 3.

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 amend the Education (Assessment, Classification, and Appointment) Regulations 1965. Changes are made in the conditions and procedures for appointing teachers to the State primary schools. Requirements are specified for classifying secondary school teachers in the Lists B and C.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 9 April 1970.

These regulations are administered in the Department of Education.