



THE EDUCATION (ASSESSMENT, CLASSIFICATION, AND APPOINTMENT) REGULATIONS 1976, AMENDMENT NO. 2

---

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 18th day of December 1978

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 and commencement**—(1) These regulations may be cited as the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 2, and shall be read together with and deemed part of the Education (Assessment, Classification, and Appointment) Regulations 1976\* (hereinafter referred to as the principal regulations).

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

**2. New regulations substituted**—The principal regulations are hereby amended by revoking regulation 81, and substituting the following regulations:

“81. **Preference in appointments**—(1) Where—

“(a) A person holding a position that is a senior position within the meaning of regulation 76 (1) of these regulations or a position as a principal loses or is about to lose that position because of a change in its status resulting from the administrative reorganisation of the school concerned caused by a change in attendance at that school; and

“(b) That position is advertised at its new status; and

“(c) He applies for that position; and

“(d) He has not in the meantime been permanently appointed to any other position in the Education Service,—  
he shall be appointed to that position.

“(2) Subject to subclause (1) of this regulation, where any position in a secondary school or manual training centre is advertised and one or more of the applicants for that position is a person—

“(a) Who has produced evidence in his application that he—

“(i) Has lost or is about to lose his position as a full-time permanently or provisionally appointed teacher in a secondary school, or as a full-time permanently or provisionally appointed manual training teacher in a manual training centre (being a position of a status equal to or higher than the status of the position applied for) by reason of a change in the attendance at, or a reorganisation of, that school or centre; or

“(ii) Has completed the full term of a contract of service at a school established pursuant to section 106A (1) (b) of the Act and, immediately before the term of that contract, held a position as a full-time permanently or provisionally appointed teacher in a secondary school, or a full-time permanently or provisionally appointed manual training teacher in a manual training centre (being a position of a status equal to or higher than the status of the position applied for); and

“(b) Who is suitably qualified for appointment to that position; and

“(c) Who has not in the meantime been permanently appointed to any other position in the Education Service, and

“(d) In respect of whose appointment to that position the Minister has neither—

“(i) Indicated to the controlling authority concerned that he is satisfied that that person is not suitable for appointment; nor

“(ii) Indicated to the controlling authority that he is satisfied that the appointment of that person would result in the termination of the appointment of some other permanently or provisionally appointed teacher,—

the controlling authority shall appoint that person, or, if more than one such person has applied, one of those persons, to that position.

“(3) Subject to subclauses (1) and (2) of this regulation, where any position in the Education Service is advertised and one or more of the applicants for that position is a person—

“(a) Who produces evidence in her application that—

“(i) She was a permanently appointed teacher, whether married or single, who resigned from a position in the Education service of a status equal to or higher than the status of the position applied for, in accordance with the Teachers Leave of Absence Regulations 1951\*, because of pregnancy; and

“(ii) A period of not more than 12 months has elapsed since the termination of that pregnancy; and

“(b) Who is suitably qualified for appointment to that position; and

“(c) Who has not since that resignation been permanently appointed to any other position in the Education Service; and

“(d) In respect of whose appointment to that position the Minister has neither—

“(i) Indicated to the controlling authority concerned that he is satisfied that that person is not suitable for appointment; nor

“(ii) Indicated to the controlling authority that he is satisfied that the appointment of that person would result in the termination of the appointment of some other permanently or provisionally appointed teacher,—

the controlling authority shall appoint that person, or, if more than one such person has applied, one of those persons, to that position.

“(4) This regulation shall have effect notwithstanding any other provision of these regulations.

**“81A. Supernumerary positions—**(1) Notwithstanding anything in these regulations, where, at the date on which the loss of his position takes effect, a person to whom regulation 81 (2) (a) (i) of these regulations applies has not been appointed to any other position in the Education Service, he shall, subject to subclause (2) of this regulation, continue to be employed at the same school or manual training centre at the same salary level.

“(2) The employment of any person under subclause (1) of this regulation shall cease—

“(a) When that person leaves that employment, whether by reason of his appointment to some other position in the Education Service or otherwise; or

“(b) Three months after the receipt by that person of notice in writing from the Director-General that the Director-General is satisfied that that person has not made adequate efforts to obtain a new position,—

whichever is the sooner:

“Provided that the Director-General shall not give notice as aforesaid to any person within 15 months of the date on which the loss of the position concerned took effect.

“(3) Notwithstanding anything in any regulations in force under the Act, a person whose employment at any school or manual training centre is continued under subclause (1) of this regulation shall not be counted for the purpose of determining the number of teachers at that school or centre.”

P. G. MILLEN,

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 add to those persons who are to receive preference when applying for positions in the Education Service persons who lose senior positions because of a change in status of a school, and persons returning from positions at overseas schools established under the Education Act 1964.

In addition, it is provided that all those teachers who lose their positions because of a change in the attendance at, or a reorganisation of, their school are to continue to be employed in supernumerary positions until either they find new positions or, no sooner than 15 months after losing their positions, those supernumerary positions are terminated because the Director-General is satisfied that inadequate efforts have been made to find new positions.

---

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 21 December 1978.

These regulations are administered in the Department of Education.