

1971/192



**THE TECHNICAL INSTITUTES REGULATIONS 1968,
AMENDMENT NO. 1**

ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 13th day of September 1971

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 Technical Institutes Regulations 1968, Amendment No. 1, and shall be read together with and deemed part of the Technical Institutes Regulations 1968* (hereinafter referred to as the principal regulations).

2. Interpretation—(1) Regulation 2 of the principal regulations is hereby amended by inserting, in the appropriate alphabetical order, the following definitions:

“Approved course” means any course in a technical correspondence institute recognised by the Director-General pursuant to section 91 of the Act and approved by him for the purpose of the staffing entitlement of the institute:

“Assignment” means a unit of instruction in a subject of an approved course:

“Technical correspondence institute” means a correspondence school which pursuant to section 90 (2) of the Act is deemed to be a technical institute within the meaning of Part III of the Act.

(2) Regulation 2 of the principal regulations is hereby further amended—

(a) By inserting in the definition of the expression “approved class”, after the word “institute”, the words “other than a technical correspondence institute”:

(b) By adding to the definition of the expression “technical institute” the words “and unless otherwise expressly provided, includes a technical correspondence institute:”.

3. Part II not to apply to technical correspondence institute—The principal regulations are hereby further amended by inserting in Part II of the principal regulations, after regulation 2 and the heading “Staffing Entitlement” the following regulation:

“2A. Nothing in this Part of these regulations shall apply to a technical correspondence institute; and the expression ‘technical institute’, wherever used in this Part, shall not include a technical correspondence institute.”

4. Staffing entitlement in technical correspondence institutes—The principal regulations are hereby further amended by inserting, after Part II, the following Part:

“PART IIA

Staffing Entitlement in Technical Correspondence Institutes

“5B. **Classification of approved courses**—All approved courses shall be classified into 3 groups (to be called Group I, Group II, and Group III) in a schedule notified by the Director-General to the controlling authorities of technical correspondence institutes; and the Director-General shall from time to time notify the controlling authorities of amendments to the Schedule.

“5C. **Determination of staffing entitlement of a technical correspondence institute**—(1) Except as otherwise provided in this regulation, the staffing entitlement of any technical correspondence institute for any year shall be based on the total number of weighted enrolments, the total number of weighted assignments, and the number of assignments to be revised, as assessed for the institute in accordance with regulation 5D of these regulations.

“(2) The staffing entitlement of every technical correspondence institute shall, in addition to the Principal, the Deputy Principal, and each Head of Department, be—

“(a) One tutor for each 200 weighted enrolments assessed in accordance with regulation 5D of these regulations:

Provided that if the number of weighted enrolments has increased in each of the 2 immediately preceding years, or has decreased in each of those years, the number of tutors so calculated shall be increased or decreased in direct proportion to the increase or decrease in weighted enrolments and by the same number of tutors expressed as a percentage of the number of tutors so calculated as the average annual increase or decrease in weighted enrolments for those 2 years expressed as a percentage of the average number of weighted enrolments for those years; and

“(b) One tutor for each 20 weighted assignments assessed in accordance with regulation 5D of these regulations; and

“(c) One tutor for each 25 assignments to be revised in accordance with regulation 5D of these regulations.

“(3) Notwithstanding anything in subclause (2) of this regulation, the staffing entitlement of a technical correspondence institute determined in accordance with subclause (1) of this regulation for any year shall be

increased by 0.2 of a tutor for each Course Supervisor of Grade I, and by 0.3 of a tutor for each Course Supervisor of Grade II, on the staff of the institute on the 1st day of August of the immediately preceding year, and shall be reduced by 1 tutor for each 200 students enrolled in any subject in the institute whose work in that subject was at that date being marked externally on behalf of the institute.

“(4) Notwithstanding anything in subclauses (1) to (3) of this regulation, the staffing entitlement of a technical correspondence institute may be increased by the employment of such additional tutors as the Director-General may approve if there are special circumstances which, in the opinion of the Director-General, warrant an increase in the staffing entitlement.

“(5) For the purposes of this regulation, no tutor appointed to a technical correspondence institute for the first time shall, for the purposes of determining the staffing entitlement of the institute, be deemed to be employed in that institute until he has completed 4 weeks’ service.

“5d. **Assessment of basis of determining staffing entitlement**—For the purposes of determining the staffing entitlement for any year in accordance with regulation 5c of these regulations—

“(a) The number of weighted enrolments shall be—

“(i) The total number of enrolments in any subject of a Group I course, of students actively engaged in that subject; and

“(ii) The total number of enrolments in any subject of a Group II course, of students actively engaged in that subject, increased by one-third; and

“(iii) The total number of enrolments in any subject of a Group III course, of students actively engaged in that subject, increased by one-half—

on the 1st day of August of the immediately preceding year:

“(b) The number of weighted assignments shall be—

“(i) The total number of new assignments in Group I subjects; and

“(ii) The total number of new assignments in Group II subjects increased by one-third; and

“(iii) The total number of new assignments in Group III subjects increased by one-half—

on the 1st day of August of the immediately preceding year:

“(c) The number of assignments to be revised shall be 5 percent of all assignments being undertaken on the 1st day of August of the immediately preceding year.”

5. Appointment of tutors—(1) Regulation 13 of the principal regulations is hereby amended by inserting, before the word “The”, where it first occurs in subclause (2), the words “In the case of any technical institute other than a technical correspondence institute”.

(2) The said regulation 13 is hereby further amended by inserting, after subclause (2), the following subclause:

“(2A) The total number of tutors, including part-time and full-time relieving tutors, employed in a technical correspondence institute in any

year shall not exceed the number permitted by the staffing entitlement for that year as determined in accordance with the provisions of Part IIA of these regulations.”

6. Part-time tutors—Regulation 14 of the principal regulations is hereby amended by inserting, after the words “technical institute”, the words “other than a technical correspondence institute”.

7. Part-time tutors in a technical correspondence institute—The principal regulations are hereby further amended by inserting, after regulation 14, the following regulation:

“14A. (1) Notwithstanding anything in these regulations, the controlling authority of a technical correspondence institute may in any year, after consultation with the Principal of the institute, appoint such number of part-time or relieving tutors as it thinks fit instead of the full-time tutors of various grades whom it is entitled to appoint under regulation 5c of these regulations.

“(2) Any part-time or relieving tutor appointed in accordance with subclause (1) of this regulation instead of a full-time teacher of the same grade shall, for the purposes of the staffing entitlement of the technical correspondence institute be deemed to be a full-time tutor of the same grade if he is employed for 34 hours in each of 42 weeks in the year; but, if he is employed for less than 34 hours in each of 42 weeks in the year, his assessment as a full-time tutor of the same grade shall, for the purposes of the staffing entitlement of the technical correspondence institute be reduced by the same proportion as the difference between his employment at less than 34 hours in each of 42 weeks bears to employment for 34 hours in each of 42 weeks in the year.

“(3) During the month of September in every year, the controlling authority of a technical correspondence institute shall by advertisement invite applications for permanent appointment to permanent positions in the institute in place of those positions held by part-time or relieving tutors, but no tutor shall be permanently appointed to any position so advertised until the commencement of the following year.”

8. Termination of employment of part-time tutors—Regulation 22 of the principal regulations is hereby amended by inserting, after the word “tutors”, the words “in a technical institute other than a technical correspondence institute”.

9. Termination of employment of part-time tutors in technical correspondence institutes—The principal regulations are hereby further amended by inserting, after regulation 22, the following regulation:

“22A. The appointment of a part-time or relieving tutor in a technical correspondence institute may, on disciplinary grounds, be terminated by the controlling authority without notice, but in no other case shall the employment of a part-time or relieving tutor in a technical correspondence institute be terminated without his first receiving from the controlling authority 1 month’s written notice of the termination.”

10. Periods of duty—Regulation 28 of the principal regulations is hereby amended by inserting, after the words “technical institute”, in both places where they occur, the words “other than a technical correspondence institute”.

11. Periods of duty in a technical correspondence institute—The principal regulations are hereby further amended by inserting, after regulation 28, the following regulation:

“28A. A technical correspondence institute may, for not more than 48 consecutive weeks in a year, be open from Monday to Friday in each week from 8 a.m. to 5 p.m. except on those days when the institute is closed in accordance with regulation 63 of these regulations; and, subject to regulation 29A of these regulations, any tutor may be required by the controlling authority of the institute to be on duty at any time when the institute is so open for not more than 44 weeks in the year:

“Provided that—

“(a) No tutor shall be required to be on duty for more than 34 hours in each of 42 weeks in any year; and

“(b) A technical correspondence institute may be open at times other than those specified if the controlling authority and the Director-General agree that special circumstances warrant it, but the attendance of tutors at those other times shall be entirely voluntary.”

12. Maximum weekly hours of duty—(1) Regulation 29 of the principal regulations is hereby amended by inserting, after the words “no tutor”, the words “in a technical institute other than a technical correspondence institute”.

(2) The said regulation 29 is hereby further amended by adding as subclause (2), the following subclause:

“(2) Subject to subclause (1) of this regulation, any tutor in a technical correspondence institute may, with the approval of the Principal of that institute, accept a part-time teaching position at any other technical institute (whether or not a technical correspondence institute). Every 2 hours in which the tutor is employed in that part-time teaching position shall count as 3 hours of the 34 and 36 hours respectively mentioned in subclause (1) of this regulation. No such employment shall be taken between 8 a.m. and 5 p.m., unless the tutor is under the direction of the Principal of the institute at which he is employed in the part-time position, and for every 3 hours during those hours no more than 2 shall be class contact hours.”

13. Maximum weekly hours of duty—The principal regulations are hereby further amended by inserting, after regulation 29, the following regulation:

“29A. Except with the prior approval of the Director-General, no tutor shall undertake more than 36 hours of duty in any week; and, unless the tutor consents, or any conditions of employment agreed to by him at the time of his appointment otherwise specify, he shall not be required

to be on duty for more than 34 hours in any week, nor in any year for more than 42 weeks if for those weeks he has been on duty for an average of not less than 34 hours in each week."

14. Total duty hours—Regulation 31 of the principal regulations is hereby amended by adding to subclause (1) the words "in any technical institute other than a technical correspondence institute".

15. Expenditure of grants for general expenses—Regulation 59 of the principal regulations is hereby amended by adding to paragraph (b) the words "or courses".

16. Vacations of tutors of technical correspondence institutes—The principal regulations are hereby further amended by inserting, after regulation 63, the following regulation:

"63A. Notwithstanding anything in these regulations, a tutor in a technical correspondence institute shall be entitled to a total of 10 weeks' vacation in a year, which shall be taken at times in keeping with the needs of the institute and which shall, except in exceptional circumstances approved by the Director-General, comply with the following requirements:

"(a) Not less than 4 weeks' vacation shall be taken during December of any year and January of the next succeeding year:

"(b) Not less than 4 weeks shall, if not also taken during the months mentioned in paragraph (a) of this regulation, be taken in periods of not less than 1 week at a time:

"(c) Any remaining period of vacation shall be taken in periods of not less than 1 day at a time."

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 Technical Institutes Regulations 1968. With certain exceptions, and subject to certain modifications, the principal regulations now apply to any correspondence schools which, pursuant to section 90 (2) of the Education Act 1964, are deemed to be technical institutes within the meaning of Part III of the Act.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 16 September 1971.

These regulations are administered in the Department of Education.