



**THE TECHNICAL INSTITUTES REGULATIONS 1968,
AMENDMENT NO. 7**

—
ROBIN COOKE
Administrator of the Government

ORDER IN COUNCIL

At Wellington this 13th day of October 1986

Present:

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL

PURSUANT to the Education Act 1964, His Excellency the Administrator of the Government, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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ANALYSIS

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| <ol style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. Determination of staffing entitlement 4. Advertising of positions | | <ol style="list-style-type: none"> 5. Appointment of tutors at technical institutes 6. Termination of employment of temporary, part-time, and relieving tutors
Schedule |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Technical Institutes Regulations 1968, Amendment No. 7, and shall be

read together with and deemed part of the Technical Institutes Regulations 1968* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

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

“Full-time tutor’ means a tutor (other than a short-term tutor) appointed under regulation 14 (1) (a) (i) of these regulations:

“Part-time tutor’ means a tutor appointed under subparagraph (ii) or subparagraph (iii) of regulation 14 (1) (b) of these regulations:

“Proportional tutor’ means a tutor appointed under regulation 14 (1) (a) (ii) of these regulations:

“Relieving tutor’ means a relieving tutor appointed under regulation 14 (2) of these regulations:

“Short-term tutor’ means a tutor appointed under regulation 14 (1) (a) (i) of these regulations (in accordance with section 165B of the Act) to a position that the controlling authority concerned has specified may be filled by the making of a short-term appointment:

“Temporary tutor’ means a tutor appointed under regulation 14 (1) (b) (i) of these regulations:”.

(2) The principal regulations are hereby consequentially amended in the manner indicated in the Schedule to these regulations.

3. Determination of staffing entitlement—(1) Regulation 5A (1) of the principal regulations (as substituted by regulation 3 (1) of the Technical Institutes Regulations 1968, Amendment No. 5) is hereby amended by omitting from paragraph (a) the expression “14”, and substituting the expression “13B”.

(2) The said regulation 5A is hereby further amended by adding the following subclause:

“(6) For the purposes of this regulation, a proportional or part-time tutor shall be counted as the same fraction of a tutor as the fraction of the maximum annual duty hours of a full-time tutor the position the proportional or part-time tutor holds was advertised as entailing.”

4. Advertising of positions—(1) The principal regulations are hereby amended by revoking regulations 8 (as substituted by regulation 5 of the Technical Institutes Regulations 1968, Amendment No. 5) and 9, and substituting the following regulation:

“8. (1) No person shall be appointed as a full-time or short-term tutor at a technical institute unless applications for appointment to the position concerned have been invited by the controlling authority by advertisement

*S.R. 1968/108

Amendment No. 1: S.R. 1971/192

Amendment No. 2: S.R. 1972/29

Amendment No. 3: S.R. 1975/67

Amendment No. 4: S.R. (*Revoked*)

Amendment No. 5: S.R. 1981/131

Amendment No. 6: S.R. 1984/99

in the *Education Gazette*, and in any other manner the Director-General requires (generally or in any particular case), at least 14 days before a date specified in the notice as the date on which applications close.

“(2) No person shall be appointed as a proportional tutor at a technical institute unless—

“(a) The person was or will be immediately before the date on which the appointment took or will take effect a full-time tutor employed at that institute; or

“(b) Applications for appointment to the position concerned have been invited by the controlling authority by advertisement in the *Education Gazette*, and in any other manner the Director-General requires (generally or in any particular case) at least 14 days before a date specified in the notice as the date on which applications close.”

(2) Regulation 5 of the Technical Institutes Regulations 1968, Amendment No. 5 is hereby consequentially revoked.

5. Appointment of tutors at technical institutes—(1) The principal regulations are hereby amended by revoking regulation 14 (as substituted by regulation 9 of the Technical Institutes Regulations 1968, Amendment No. 5), and substituting the following regulation:

“14. (1) Subject to subclauses (3) to (5) of this regulation, the controlling authority of a technical institute may—

“(a) Permanently appoint—

“(i) Tutors who are required as a term of their appointment to work full-time;

“(ii) Tutors (other than principals, deputy principals, heads of department, and course supervisors) who are required as a term of their appointment to undertake each week work equivalent to a specified fraction of the weekly work of a full-time tutor;

“(b) Temporarily appoint tutors who are required as a term of their appointment—

“(i) To work full-time; or

“(ii) To undertake each week work that is equivalent to a specified fraction (amounting to not less than 15 hours) of the weekly work of a full-time tutor; or

“(iii) To undertake each week work of a specified number of hours (not exceeding 15).

“(2) The controlling authority of any technical institute may temporarily appoint any tutor to fill a vacancy caused by the temporary absence of any other tutor employed at the institute.

“(3) No proportional tutor shall be appointed to a position entailing a fraction of less than 0.5 or more than 0.8 of the maximum hours of a full-time tutor.

“(4) No person shall be appointed a short-term tutor at a technical institute—

“(a) For any period shorter than 12 months; or

“(b) For any period longer than 3 years; or

“(c) In the case of a person who is already employed at that institute as a short-term tutor,—

“(i) For any period that, when added to the person’s continuous past service (calculated immediately before the appointment takes effect) as a short-term tutor at that institute, exceeds 6 years; or

“(ii) If the person’s current period of service as a short-term tutor is the person’s third consecutive period of service as a short-term tutor at the institute.

“(5) No person shall be appointed a temporary or part-time tutor at a technical institute for any period exceeding 12 months.”

(2) Regulation 14A of the principal regulations (as inserted by regulation 7 of the Technical Institutes Regulations 1968, Amendment No. 1) is hereby consequentially amended by revoking subclauses (1) and (2), and substituting the following subclause:

“(2) For the purposes of the staffing entitlement of a technical correspondence institute—

“(a) A tutor employed for an average of 34 hours or more in each of 42 weeks of the year shall be deemed to be a full-time tutor; and

“(b) A tutor not so employed shall be deemed to be a fraction of a full-time tutor bearing the same relationship to one as the average hours the tutor works per week for 42 weeks bear to 34.”

(3) Subclause (3) of the said regulation 14A is hereby consequentially amended by omitting the words “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”, and substituting the words “appointment as full-time, short-term, or proportional tutors of persons to replace temporary and part-time tutors employed there; but no such tutor shall be appointed”.

(4) Regulation 9 of the Technical Institutes Regulations 1968, Amendment No. 5 is hereby consequentially revoked.

6. Termination of employment of temporary, part-time, and relieving tutors—(1) The principal regulations are hereby amended by revoking regulations 22 and 22A (as inserted by regulation 9 of the Technical Institutes Regulations 1968, Amendment No. 1), and substituting the following regulation:

“22. The employment of a temporary, part-time, or relieving tutor at a technical institute may be determined by the controlling authority—

“(a) Where the determination is on disciplinary grounds, without notice:

“(b) In every other case, by 2 weeks’ written notice.”

(2) Regulation 9 of the Technical Institutes Regulations 1968, Amendment No. 1 is hereby consequentially revoked.

SCHEDULE

Reg. 2 (2)

CONSEQUENTIAL AMENDMENTS

Provisions Amended	Amendment
Regulation 13 (2) (as substituted by regulation 8 of the Technical Institutes Regulations 1968, Amendment No. 5)	By inserting in paragraph (a), after the expression "full-time", the words "or short-term".
Regulation 17	By inserting in paragraph (b), after the expression "full-time", the words ", short-term, or part-time".
Regulation 20 (1) (as substituted by regulation 11 of the Technical Institutes Regulations 1968, Amendment No. 5)	By omitting the words "full-time or part-time".
Regulation 20 (5) (as substituted as aforesaid)	By omitting the words "tutor appointed for the first time to a permanent teaching position in an institute", and substituting the words "tutor permanently appointed at a technical institute for the first time".
Regulation 20A (1) (as substituted as aforesaid)	By omitting the words "appointed for the first time to a permanent teaching position in an institute", and substituting the words "serving a probationary period at a technical institute under this regulation".
Regulation 20A (1) (as substituted as aforesaid)	By inserting, after the words "full-time tutor", the words ", short-term, or proportional,".

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 amend the Technical Institutes Regulations 1968, and have 2 effects. First they provide for the employment of temporary tutors and proportional tutors in technical institutes and technical correspondence institutes. Proportional tutors are permanent part-time tutors, and have the same rights as permanent full-time tutors. Secondly, they clarify the limitations on the employment of short-term tutors (who are full-time tutors appointed for a specified period rather than indefinitely).

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 16 October 1986.

These regulations are administered in the Department of Education.