

Reprint
as at 1 July 2016



New Zealand Teachers Council (Amendment and Replacement of Rules) Rules 2004

(SR 2004/141)

New Zealand Teachers Council (Amendment and Replacement of Rules) Rules 2004: revoked, on 1 July 2016, by rule 67(a) of the Education Council Rules 2016 (LI 2016/122).

Pursuant to section 139AJ of the Education Act 1989, the New Zealand Teachers Council makes the following rules.

Contents

	Page
1 Title	1
2 Commencement	2
3 Interpretation	2
4 Requirement to consult	2
5 Notification of proposed amendment or replacement	2
6 Form of submissions	2
7 Summary of submissions to be posted on the website	3
8 Adoption of amendments and replacements	3
Schedule	4
Organisations to be provided with notice of proposed amendment and replacement	

Rules

1 Title

These rules are the New Zealand Teachers Council (Amendment and Replacement of Rules) Rules 2004.

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint. Note 4 at the end of this reprint provides a list of the amendments incorporated.

These rules are administered by the Education Council of Aotearoa New Zealand.

2 Commencement

These rules come into force on 1 September 2004.

3 Interpretation

In these rules, unless the context otherwise requires,—

Act means the Education Act 1989

rule means a rule made by the Teachers Council under section 139AJ of the Act

Teachers Council means the New Zealand Teachers Council established under section 139AC of the Act

technical amendment means an amendment to a rule that—

- (a) corrects a drafting or other minor error; or
- (b) amends the rule for consistency with another rule or a statute

website means the website of the Teachers Council.

4 Requirement to consult

The Teachers Council must consult on every proposed amendment (other than a technical amendment) or replacement of a rule.

5 Notification of proposed amendment or replacement

- (1) The Teachers Council must ensure that each of the organisations named in the Schedule is notified, by way of an electronic version and a hard copy, of every proposed amendment (other than a technical amendment) or replacement of a rule.
- (2) The Teachers Council must also ensure that every proposed amendment (other than a technical amendment) or replacement of a rule is—
 - (a) posted on the website; and
 - (b) published in the *New Zealand Education Gazette*.
- (3) Notification under this rule must—
 - (a) include advice that any person may make submissions on the proposal to the Teachers Council; and
 - (b) give the closing date for submissions, which must be a date not less than one month from the date on which notification is given; and
 - (c) provide information about what is required, under rule 6, to be included in submissions.

6 Form of submissions

- (1) Every submission must—
 - (a) be typed; and

- (b) give the name, address, and telephone number of the individual or organisation making the submission.
- (2) If the submission is made by an organisation named in the Schedule or by any other organisation, it must be signed by a person on behalf of the organisation, and the person must certify that—
 - (a) the submission reflects the views of the organisation; and
 - (b) the person signing is authorised to do so.

7 Summary of submissions to be posted on the website

- (1) As soon as practicable after the closing date for submissions, the Teachers Council must post on the website a summary of the submissions received.
- (2) The summary must indicate which submitters made what submissions.

8 Adoption of amendments and replacements

- (1) The Teachers Council may adopt an amendment or replacement that has been notified under rule 5 only after it has considered any submissions received on the proposed amendment or replacement.
- (2) The amendment or replacement adopted need not be in exactly the same form as the proposed amendment or replacement.
- (3) Every amendment to a rule forms part of the rule it amends.
- (4) Section 139AJ(4) of the Act requires that, when rules (which includes amendments (including technical amendments) and replacements) are made,—
 - (a) notice of them must be given in the *Gazette*; and
 - (b) the notice must say where copies of the rules may be obtained free of charge; and
 - (c) the notice must give the date on which the rules come into force, which must be a date on or after the date of the *Gazette* notice; and
 - (d) the Teachers Council must take all reasonable steps to ensure that those affected by the rules hear of them and are able to obtain copies of them.
- (5) For the purpose of complying with the obligation to make copies of the rules available free of charge, the Teachers Council must ensure that every rule, and every amendment to a rule, is freely available on its website.
- (6) The Teachers Council must also make available on its website, as soon as practicable after any rule is amended or replaced, a copy of an up-to-date version of the rules that incorporates the amendments or replacements.

Schedule
**Organisations to be provided with notice of proposed amendment
and replacement**

r 5

Association of Colleges of Education in New Zealand
Children's Commissioner
Early Childhood Council
Education Review Office
Federation of Early Childhood Education Organisations
Human Rights Commission
Independent Schools of New Zealand
Institutes of Technology and Polytechnics of New Zealand
Ministry of Education
Ministry of Maori Development Te Puni Kokiri
Ministry of Pacific Island Affairs
New Zealand Catholic Education Office
New Zealand Educational Institute Te Riu Roa
New Zealand Kindergarten Federation
New Zealand Kindertartens Incorporated
New Zealand Police
New Zealand Polytechnic Programmes Committee
New Zealand Post Primary Teachers' Association
New Zealand Principals' Federation
New Zealand Qualifications Authority
New Zealand School Trustees Association
New Zealand Vice-Chancellors' Committee
Privacy Commissioner
Secondary Principals' Association of New Zealand Incorporated
Te Kohanga Reo National Trust
Te Runanga Nui o Nga Kura Kaupapa Maori o Aotearoa
Te Tauihu o Nga Wananga Incorporated
Teacher Education Forum of Aotearoa New Zealand
Tertiary Education Commission

Dated at Wellington this 26th day of May 2004.

Joanna Beresford,
Chairperson of the New Zealand Teachers Council.

Explanatory note

This note is not part of the rules, but is intended to indicate their general effect.

These rules, which come into force on 1 September 2004, set out the procedure, particularly as regards consultation, to be adopted by the New Zealand Teachers Council when it amends or replaces rules made under section 139AJ of the Education Act 1989.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 3 June 2004.

Reprints notes

1 *General*

This is a reprint of the New Zealand Teachers Council (Amendment and Replacement of Rules) Rules 2004 that incorporates all the amendments to those rules as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Education Council Rules 2016 (LI 2016/122): rule 67(a)