

**Reprint
as at 4 June 2004**



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

(SR 2004/141)

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

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

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These rules are administered by the New Zealand Teachers Council.

Rules

1 Title

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

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

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Organisations to be provided with notice of proposed amendment and replacement

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 Kindergartens 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 Taihū 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 Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 3 June 2004.

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Notes

1 *General*

This is a reprint of the New Zealand Teachers Council (Amendment and Replacement of Rules) Rules 2004. The reprint incorporate all the amendments to the rules as at 4 June 2004, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, *see* <http://www.pco.parliament.govt.nz/legislation/reprints.shtml> or Part 8 of the *Tables of Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*
