



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

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

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### 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.

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**Schedule**  
**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 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.

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**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.

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