



SUBMISSION

to the

**Education and Science Select
Committee**

on

Education Amendment Bill No.2

1. About PPTA

- 1.1.** PPTA represents approximately 17,500 secondary teachers, principals, and manual and technology teachers in New Zealand; this is the majority of teachers engaged in secondary education. At least 90% of eligible teachers choose to join PPTA.
- 1.2.** Under our constitution, all PPTA activity is guided by the following objectives:
 - 1.2.1.** To advance the cause of education generally and of all phases of secondary and technical education in particular.
 - 1.2.2.** To uphold and maintain the just claims of its members individually and collectively.
 - 1.2.3.** To affirm and advance Te Tiriti O Waitangi.

2. General Comments

- 2.1.** PPTA is very concerned about aspects of this legislation, to the extent that we recently held Paid Union Meetings with our members to share our concerns with them.
- 2.2.** While we have been arguing for some years now for the NZ Teachers Council to be changed into a statutory authority from its current status as an autonomous crown entity, we do not believe that the wholesale change that will be enabled by this Bill is in any way necessary or to the benefit of students or the communities that teachers serve.
- 2.3.** Nor do we see any need for such a radical name change, and certainly not to one that we find quite objectionable.
- 2.4.** We are concerned that the purpose and functions of the new Council, rather than being the reduced list that we have always argued for, are greatly expanded and a licence for extreme “adventurism” by the new Council at teachers’ expense.
- 2.5.** Furthermore, there are functions listed in this Bill that we consider to be dangerous to the status of the teaching profession and to the credibility of the new body.

- 2.6. This, in combination with a set of provisions about membership of the Council which could result in there being no current practising teachers or principals on the Council, is very dangerous.
- 2.7. We also consider that this Bill is dangerous in its lack of specificity in some areas, while at the same time being excessively prescriptive in others. It represents a shift to a very low-trust approach to the teaching profession.
- 2.8. The Bill is very poorly drafted leaving a lack of clarity in some of its provisions.
- 2.9. Finally, the Bill threatens the longstanding goal of PPTA, which up till now we have shared with successive governments, to ensure that New Zealand has a well-trained and highly qualified teaching profession.

3. Structure of This Submission

- 3.1. Because the Bill is not structured in what we would see as a logical order, the points in this submission are not in number order of the Bill's sections and clauses, but under more general headings. We do reference the relevant sections and clauses however.
- 3.2. At the end of the discussion of particular sections and clauses, we list a set of recommendations for essential changes to the Bill before it is enacted.

4. Purpose and Functions of Council (Sections 377 and 382)

Purpose

- 4.1 The current legislation says that the purpose of the Teachers Council is "to provide professional leadership in teaching, enhance the professional status of teachers in schools and early childhood education, and contribute to a safe and high quality teaching and learning environment for children and other learners". In PPTA's view, this is already too broad, and implies that the Council has responsibilities well beyond its proper brief of overseeing the quality of initial teacher education courses that lead to registration, managing registration and issue of practising certificates,

and managing conduct and competence processes. These latter functions are the appropriate purposes of a registration body.

- 4.2 It is ludicrous to expect a registration body, whose job is a public interest one to ensure the safety of students, to be able to have an effect on the status of teaching or to have the role of leading the profession.
- 4.3 This Bill, in Section 377, goes even further in the wrong direction, with a purpose that gives a carte blanche to the new Council to venture even more widely in the whole field of education. Furthermore, the statement of purpose is syntactically faulty and illogical. How, one might ask, can “raising the status of the profession” result in ensuring “safe and high quality leadership, teaching and learning ...” [in all settings]? That is the logical flow of that sentence, because of the use of the word “through” in the final clause.
- 4.4 PPTA would like to see a much narrower purpose for this Council, one that confines it to the brief described above: initial teacher education, registration, conduct and competence. This is well described in the second half of the current Council’s purpose, i.e. “contribute to a safe and high quality teaching and learning environment for children and other learners”.

Functions

- 4.1. The long list of functions listed in Section 382 is similarly broad and enabling of wild ventures into territory that is not the proper domain of a registration body. The functions of the current Teachers Council, which were already too broad, have been further expanded. Where they are roughly the same, they are worded in more fulsome ways that purport to elevate the purpose of the body way beyond its proper brief.
- 4.2. For example, there is an entirely new function, 382(1)(b), worded as “to enhance the status of teachers and education leaders”. What, we ask, does that have to do with the work of a registration body?
- 4.3. A second example, 382(1)(c) is a huge expansion on the current “to encourage best teaching practice” into “to identify and disseminate best practice in teaching and leadership and foster the education profession’s continued development in light of research, and evidence of changes in

society and technology” (382(1)(c)). This has always been the role of the Ministry of Education, along with the Education Review Office, various professional learning initiatives, and the education research community. This is absolutely not an appropriate role for the registration body.

- 4.4.** PPTA also objects strongly to the new 382(1)(i), which requires the Council to “undertake audit and moderation of the assessment process for the issue of at least 10% of practising certificates each year”. In a Bill which is generally rather general and enabling of detailed decision-making by the Council itself, the specificity of this function stands out.
- 4.5.** We have been told by current Council staff that they already audit somewhat more than 10% of applications for practising certificates each year, but this is as a result of a targeted approach which focuses on applications that appear irregular or from schools where there is a history of poor processes. The current practising certificate application processes are a mix of high trust in schools’ ability to make judgements based on the registration criteria, combined with educative work through professional learning and development about making judgements against the criteria and teacher appraisal, and closer scrutiny where warranted.
- 4.6.** This works well, and the intention is that this mix of processes will gradually result in a steady decline in the number of applications which require further scrutiny. Under this Bill’s provision, however, the new Council would have no ability to progressively have a lighter touch, because they would have to meet this 10% target.
- 4.7.** The effect of this will be a significant increase in paper-shuffling by teachers to assemble huge portfolios of evidence in case they are captured by this 10% audit.
- 4.8.** Furthermore, the wording of this function is far from clear. Firstly, what is the difference between “audit” and “moderation” as used here? Does this imply two separate processes? Secondly, what is meant by “the assessment process”? Whose assessment process? The school’s or the Council’s?
- 4.9.** There are also big issues for PPTA with the functions that refer to standards/criteria, i.e. 382 (e), (i), and (h). These are discussed in a later section about registration.

4.10. The other function which is absolutely anathema to PPTA is 382(1)(j), and its associated expansion in Section 387. PPTA's objections to this are expanded in the next section.

5. Code of Conduct (Section 387)

5.1. The Teachers Council developed a Code of Ethics soon after it was established. It engaged an expert group to research similar codes in other jurisdictions, consulted widely with the teaching profession during the development of the Code, and held workshops that explored ethical thinking.

5.2. As a result of this process, teachers have a strong sense of ownership over their Code of Ethics. They understand clearly that this Code serves three purposes, explained by Paul Rishworth of Auckland University at a summit on the Code held in 2003: as "a shield, a sword and a guide". He explained this as follows: as a shield, it is the profession's statement of what teaching is about; as a sword, it can be used when a teacher's behaviour falls below what is acceptable; and as a guide, it assists teachers in their ethical thinking.

5.3. Ivan Snook, Emeritus Professor from Massey University who wrote the book *The Ethical Teacher*, published around that time, warned against a Code of Ethics that was too narrow and prescriptive because it would stand in the way of teachers' applying ethical thinking to situations. He said the ethical teacher: must establish appropriate close personal relationships with other teachers and with students; must work in a tightly controlled and regulated institution, which poses ethical problems; has more knowledge and authority than their students, leading to ethical issues about influence of young minds; and works in a context where the school exists for the ethical purpose of changing students' lives, and all that that entails.

5.4. All of this demonstrates that teaching is a highly complex activity which requires constant decision-making about difficult ethical issues.

5.5. Replacing the teaching profession's Code of Ethics, which respects this complexity in the teacher's role, with a Code of Conduct that sets bottom

lines about teacher behaviour, is a lowest common denominator approach and is absolutely abhorrent to PPTA.

- 5.6. Furthermore, to imagine that the current Code of Ethics can stand as the Code of Conduct on an interim basis, as envisaged in 387(6), is ludicrous and suggests a complete lack of understanding of the difference between the two on the part of the Bill's drafters.

6. Proposed Name of New Council

- 6.1. PPTA can see no valid reason for the government's choice of name for this new body, and a number of reasons against it. While we acknowledge that the change of status requires new legislation, we do not accept that it requires such a radical name change.
- 6.2. The name Teachers Council (shortened from the full name New Zealand Teachers Council) has become widely known in the profession. If the name has to be slightly different from that, it could easily be Teachers Council of Aotearoa New Zealand, which would generally be shortened to "Teachers Council", thus retaining familiarity to teachers. This familiarity would greatly assist the new body in establishing itself with teachers and the public. If this is seen as too close to the current name, it could be Teaching Council of Aotearoa New Zealand.
- 6.3. The shift from "teachers" or "teaching" to "education" is seen by our members as symbolic of a shift away from valuing the work of teachers. "Education" is a word that has a wider meaning. One source we consulted suggested that "Teaching is what teachers do. Education is what students hopefully get from being taught."¹
- 6.4. A registration body is not about the whole process of education. It is about controlling entry to and exit from the teaching profession. Throughout this submission, PPTA argues that this Bill grossly inflates what the proper role of this Council should be, and the government's choice of name for the new body reflects that.

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http://wiki.answers.com/Q/What_is_the_difference_between_education_and_teaching#slide=3&article=What_is_the_difference_between_education_and_teaching

- 6.5.** Other teacher registration bodies across the world are much more precise about their role in their choice of name: The General Teaching Council for Scotland, the Victorian Institute of Teaching, the New South Wales Institute of Teachers, the Queensland College of Teachers, and the Ontario College of Teachers, to name but a few. All of these bodies use the term ‘teachers’ or ‘teaching’ to reflect their role.
- 6.6.** We recommend that the new body be named “The Teachers Council of Aotearoa New Zealand” or “The Teaching Council of Aotearoa New Zealand”.

7. Composition of Council (Section 380 and Schedule 22)

Rationale for a Balanced Council Membership

- 7.1.** It is actually putting it mildly to say that PPTA members are outraged that the quid pro quo for having a registration body that is a statutory authority rather than an autonomous crown entity, something for which we have been asking for many years, is that the body will be entirely ministerially appointed.
- 7.2.** Secondary teachers understand that the registration body exists largely to serve the public interest rather than teachers’ interests. At the same time, they know that when the public interest in having teachers who are safe around young people and who are skilled professionals is being met, it is also in the profession’s best interest. That is why PPTA has supported compulsory teacher registration for many years.
- 7.3.** In fact, during the years in the 1990’s after a National government had abolished compulsory teacher registration (at the same time as they made registration of veterinary surgeons compulsory), PPTA was at the forefront of moves to establish a profession-led registration body, the Teaching Council of Aotearoa New Zealand. Unfortunately this was unable to get sufficient traction because it was not created by statute, and then it was superseded by the reintroduction of compulsory teacher registration under the Teacher Registration Board in the late 1990’s and then the establishment of the New Zealand Teachers Council.

- 7.4. The early years of the Teachers Council were a little rocky, but gradually it became a smoothly functioning body which won the support of the majority of teachers. This came as a result of it getting its basic processes running properly, communicating better with teachers, and engaging with the profession in a range of consultation processes and professional development projects.
- 7.5. A major contributor to this increasing credibility has been the good balance of currently practising teachers, former teachers and non-teachers on the governing Council. This balance has been achieved through the mix of elected positions, nominated positions, and ministerial appointments: the four elected positions are from early childhood, primary, secondary and principals; the three nominated positions are from School Trustees Association, PPTA and NZEI; and the four ministerial appointments include the chair. While PPTA would like to see an extra elected position for secondary principals, because secondary principal candidates have no chance of success because of the much larger numbers of primary principals, on the whole this balance has worked well.
- 7.6. There has been unfounded criticism of the union-nominated candidates as being “industrially focused”, which began in 2010 with the following statement in the Education Workforce Advisory Group’s report: “Direct representation of teacher unions on NZTC may lead to emphasis on employment conditions and industrial matters rather than professional leadership”. There was never any evidence presented to support this assertion, but has been mirrored many times over in later reports. PPTA has always been very careful in its choice of nominees for this position, selecting only people who have strong professional credibility. We have been clear that those we nominate are not beholden to the union once they become members of the Council, but must act in the best interests of the Teachers Council.
- 7.7. The purpose of the current composition of the Council was always to ensure that there were voices on the Council with a current understanding of the complexity of teaching, of the needs of the profession, and of the environment within which teachers work. These voices are balanced by people who reflect the public interest more than teachers’ interest. The

laypeople who have served on the Council over the years have provided useful perspectives to balance those of the teachers on the body.

- 7.8.** This Bill throws all of that delicate balance up in the air, and raises the possibility that there may be no practising teachers on the Council whatsoever.
- 7.9.** The reason this may be the case is that Schedule 22, 1(2), states “A maximum of 5 of the members must be people who are registered under section 353”. Section 353 is a new provision which would allow trained teachers who are not practising to be registered. Furthermore, the clause talks in terms of a maximum, but no minimum is stated. A maximum of 5 can, logically, be 0.
- 7.10.** PPTA’s solution to this is in 7.14 below: continue the composition of the current Teachers Council, with the improvements suggested.

A Low-Trust Composition

- 7.11.** Looking at the sections about composition, PPTA is left asking two very fundamental questions: Does this government not trust the teaching profession to have any role in governing itself? Does this government see the teaching profession as somehow inferior in professionalism to all the professions which do have a voice on their governing bodies, e.g. doctors, lawyers, and nurses? PPTA reads these sections of the Bill as a determined attack by the government on teachers’ right to have any role in self-regulation.

Teacher Ownership and Leadership Of The Profession

- 7.12.** The government’s claims about this Bill leading to “a greater sense of teacher ownership in their Council” are exposed as arrant nonsense by these parts of the Bill. The government has also claimed that this new body will provide “better leadership of the profession”, and this is also exposed as nonsense by the composition set out here. PPTA members are quite clear that they will not feel “led” by, nor have a sense of “ownership” of, a body on which there may be no practising teachers whatsoever. They will, instead, feel “controlled”.

7.13. At the same time, PPTA does not see a registration body for teachers as necessarily being a body which should engender a sense of ownership on the part of teachers, nor do we see it as a body which should lead the profession. The reason why there should be practising teachers on the body is not about leadership or ownership. Instead, they should be there because their presence will ensure that the decision-making of the body reflects an understanding of the complexity of teaching, the environment in which teachers work, and the learning needs of the profession in relation to the matters properly in the domain of the Council such as registration, ethics, and competence.

PPTA's Preferred Composition

7.14. PPTA would be happy with a composition for this Council that was largely based on the composition of the current Council, but with the addition of a secondary principal elected position. (This would require amending the current principal position on the council to be for primary principals, and then creating a second position for secondary principals.) We also believe that teacher-registered teacher educators (initial and in-service) have a right to at least one elected position to reflect their significant part in ensuring a high quality teaching workforce.

7.15. This would imply a slightly larger Council than currently, probably 13. This is by no means excessive compared with the membership of other successful teaching councils overseas. The General Teaching Council for Scotland, widely recognised as one of the most successful teacher registration bodies in the world and which has now been given full independence by the Scottish government, has 17 elected teachers, 12 nominated members, and 7 appointed lay members, a total of 36 members.

7.16. It would also not be inconsistent with the membership of other professional registration bodies in New Zealand, such as those covered by the Health Practitioners Competence Assurance Act (2003) or by other acts such as those covering the Medical Council or the Law Society. All of those bodies include a mix of members elected and/or nominated by the profession and members appointed by the relevant minister.

8. Standards/Criteria

Confused drafting

- 8.1.** This Bill contains references to extra standards/criteria, compared with the current legislation. There is also a lack of clarity as to why the word “standards” is used in one place and “criteria” in another – the drafters appear to have not known the difference between the two.
- 8.2.** Currently there are Graduating Standards which describe a minimum standard that students must reach to graduate from a course of initial teacher education, and Registered Teacher Criteria which a practising teacher must continuously meet to gain or maintain a practising certificate.
- 8.3.** Under this Bill, as outlined in section 382, there is to be a new set of criteria for registering teachers (but not issuing them with a practising certificate) (new Part 31, Section 353), which is fine. PPTA supports the idea that teachers could maintain registration even though they are not currently practising, but that access to this status needs to be controlled as envisaged by this Bill. This reflects the high status of being a registered teacher in the minds of many people who have moved into new careers, often teaching-related such as initial teacher education, professional learning provision, or education policy development. The Bill seeks to protect this status by requiring that such people must still meet various tests, which is perfectly reasonable.
- 8.4.** The Bill also refers to a set of “standards for qualifications that lead to teacher registration” which presumably refers to the current Graduating Standards as it is similar wording to the current Act.
- 8.5.** However, further confusion arises in Clause 382(1)(h) which refers to “standards for ongoing practice” and “criteria for the issue of practising certificates”. This suggests to us that the drafters envisaged two different sets of standards/criteria, rather than the current set of Registered Teacher Criteria (RTCs). The profession understands the RTCs to serve three purposes: describing the level of competence which must be reached to obtain full registration; guiding teachers’ ongoing learning; and providing a baseline for competence. While this may appear a difficult mix

of functions for a single set of criteria, in fact it works well. Schools understand that the criteria need to be interpreted contextually, i.e. in relation to the sector in which the teacher works, the context of the school, and the context of the teacher's career stage (from novice to highly experienced).

- 8.6.** There was considerable research and robust debate to arrive at this understanding of how a single set of Registered Teacher Criteria could work, and over the years of their existence schools have learned to work with them in this way and value them very highly.
- 8.7.** Clause 382(1)(h) appears to require the new council to develop further standards, and the wording seems to suggest that there would be a set for achieving full practising certificates and another set, possibly at multiple levels, for teachers in their ongoing careers. We can see no justification for this. The current professional standards in the collective agreements, which were largely imposed on the profession by the Ministry in the late 1990's, have three levels, but this has led more to confusion than clarity. PPTA has sought in industrial negotiations to have the professional standards in the STCA replaced by the Registered Teacher Criteria, because the latter are such a well-respected set of standards, and it would be simpler for schools to use the same set of standards for both registration and appraisal. To date, the Ministry of Education has not agreed to that change. Schools do not need more standards by which to judge teachers; the Registered Teacher Criteria present sufficient challenge for teachers at all levels.

Standards Need To Be General, Not Specific

- 8.8.** The idea that expectations of a teacher's performance can be perfectly encapsulated in a set of standards is a fallacy. Whatever set of words is written will still need to be interpreted by the professionals whose task it is to make judgements about teachers. Secondary teachers, perhaps more than any other teachers, understand how complex this is because they are tasked with making high stakes judgements about students' work for assessment standards that are generally written in very broad terms. They manage to do this to a high degree of accuracy (as demonstrated by

New Zealand's world-leading moderation agreement rates) only because they receive on-going training for the task, they have exemplars of student work on which to base their judgements, and they collaborate with their colleagues to ensure that their judgements on the evidence are sound.

- 8.9.** These are the kinds of processes which schools use to make judgements against the Registered Teacher Criteria. Their skills with this have steadily improved over the years that the Registered Teacher Criteria have been in existence, helped by Teachers Council PLD initiatives and published materials on the Council's website, and by teams of teachers working together in schools. PPTA has seen no valid justification for any change in this.

9. Registration (Part 31)

- 9.1.** As explained above, PPTA is happy with the introduction in this Bill (Section 353) of a right for non-practising teachers to hold registration without a practising certificate. We have advocated for this change for some years.
- 9.2.** We are also happy about Section 359, which improves the requirements about the register of people registered. In the current legislation, the Teachers Council is simply required to "keep a list of people for the time being registered as teachers" and ensure that it is accurate. In this Bill, there are additional clauses 359(3) and (4) which allow it to annotate the register to show the public (and more importantly employers) where there has been an interim suspension or a decision by a disciplinary body, and to keep those annotations up to date.
- 9.3.** In addition, the Bill requires the Council to take all reasonable steps to ensure that employers are informed of the name of every person whose practising certificate is cancelled, and may make this information public on its website (Section 362). This is also a valuable change.

Silence on Categories of Registration

- 9.4.** On the other hand, the Bill is very non-specific about categories of registration, unlike the present Act which specifies three categories of registration: provisional, full, and subject to confirmation. If the new

council were composed of an appropriate mix of practising teachers and others, as we have described above under Composition of the Council, we might be happy about this openness because it would leave scope for the new body to perhaps refine these categories in a way which worked satisfactorily for the profession and in the public interest. However, the possibility that the new council will be made up entirely of ministerial appointees and may not include any practising teachers leaves us distrustful of this degree of openness.

- 9.5.** New Zealand is noted among systems for the fact that initial teacher education is seen as carrying on into the first two or more years of teaching through the category of provisional registration, which requires schools to provide close supervision and mentoring of new teachers and not recommend that they become fully registered until they have met some high standards. The Teachers Council has recently imposed a limit on how long a teacher can continue teaching as provisionally registered, because if they have not met these high standards for full registration in three years, or in exceptional circumstances six years, they should not remain in front of students.
- 9.6.** This Bill does not retain that protection specifically, but appears to assume that the new council will continue the current Council's Rules about this. This is unsafe, in PPTA's view, while the new council does not have the kind of composition that would ensure an understanding of why such Rules are important to maintaining teacher quality.

Partnership Schools

- 9.7.** PPTA finds it deeply concerning that this Bill continues to exclude the employees of partnership schools from the requirement to be registered and hold a current practising certificate, in Sections 349 and 350, for example. If registration matters for the safety of students, and is an assurance of quality of teaching, then it should apply to all schools. If it does not matter, and it should simply be up to the judgement of the school leaders who they employ as teachers, then there is no need for this legislation at all.

9.8. It clearly undermines the status of teachers if people can be employed to teach without any training or registration, which flies in the face of the purpose of this Bill.

10. Definition of a Teaching Position (Section 348)

10.1. We are disappointed that the opportunity has not been taken in this Bill to revise the interpretation of the phrase “teaching position”. Instead, it has just perpetuated the antiquated and inappropriate definition of the current Act, that a “teaching position means a position in the general education system that (a) requires its holder to instruct students; or (b) is the professional leader, deputy professional leader (however described), or assistant principal of a school; or (c) is the professional leader of an early childhood service or other educational institution”.

10.2. In the Teachers Council’s work on revising the registration framework over the last few years, there was much discussion about the limitations of this definition. Because of the Act, the Council had to provide an interpretation as follows: “The Council interprets ‘instruct students’ as the person in the teaching position having responsibility for teaching and learning. A person is considered to have responsibility for teaching and learning if their job description expects them to:

10.2.1. Cause learning (either as an individual or a member of a teaching team) and

10.2.2. To act autonomously and without day to day supervision.”

10.3. The term “instruct students” is an American term, where teachers are often called “instructors” and the act of teaching is called “instruction”. In American states teachers are often very restricted as to the curriculum materials they can use and the amount of personalisation of teaching they can provide. Here in New Zealand we have, as encapsulated in our New Zealand Curriculum, a much broader understanding of teaching and learning as a process that involves a teacher in a partnership with the learner, articulated in Maori by the term “ako”, which has been used by the Teachers Council in many of its documents.

10.4. This definition in Section 348 represents a lost opportunity to remedy a problem with the current Act.

11. Limited Authorities to Teach (Sections 365-372)

Opening the Floodgates to Unregistered Teachers

11.1. PPTA, along with the rest of the teaching profession, was appalled at the proposal floated in a recent consultation that instead of Limited Authorities to Teach (LATs) there would be an Authority to Educate which would be provided to individuals who could teach anywhere at any time regardless of any evidence of staffing shortages that necessitated the employment of an untrained and possibly unqualified teacher.

11.2. In PPTA's response to the consultation, we described it as "a completely unnecessary 'solution' to a non-existent problem". We argued that the Teachers Council had been very successful in reducing the number of unqualified people employed in teaching positions from 3,500 in 2005 to 1200 currently. The vast majority of LATs (70%) are currently held by Itinerant Teachers of Music working, usually part-time, to support Music programmes in secondary schools. We have detected no call from principals to be able to employ more unqualified people for longer periods. They instead bemoan the failure of the Ministry of Education to adequately plan for teaching workforce supply, and the fact that because of this failure they sometimes have to temporarily employ unqualified people in teaching positions.

11.3. This Bill, while it does not introduce an Authority to Educate in name, does so in practice. The current provisions for LATs are greatly loosened. Perhaps we should not be surprised by this from a government that has exempted charter schools from having to employ registered teachers at all.

11.4. In Section 365, the Bill does refer to the use of LATs being "to enable employers to have access to skills that are in short supply", which is a useful reference to LATs filling shortages not in the current Act, but it also continues the current idea of enabling "those with specialist skills but not a

teaching qualification to teach". The current Act restricts the LAT to "a particular institution" but this is missing from the Bill. Any person can apply for a LAT, and the Council is not required under Section 368, as they are currently, to consider the purpose of the LAT.

11.5. Also, oddly, in Section 368(1)(a) the Council is required to take into account "the views of the professional leader ... at which the person has been employed", in other words they can be employed before they have been granted the Authority. Yet under the Act, nobody can be employed in a teaching position unless they are either registered or authorised. We consider this to be faulty drafting that needs fixing.

Default Timeframe Should Be 1 Year

11.6. Further, the default timeframe for a LAT moves under this Bill from the current one year to three years. The Teachers Council's current policy allows 3-year LATs only to those who are qualified to at least Level 6 in their specialist role and are either part-time, itinerating, or guidance counsellors. We would be very concerned to see 3-year LATs being granted to untrained people other than these.

11.7. At the same time, we are pleased to see that in Section 367 the Council has an obligation to ensure that employers are informed of the names of people whose LATs have been cancelled.

11.8. PPTA, along with successive governments, has worked for years to raise the minimum standards for entry into teaching qualifications. While only a couple of decades ago there were many secondary teachers with no subject degree and only two-year teaching diplomas, that is not the case now. We have a secondary teaching workforce that is almost entirely made up of people with at least graduate qualifications, and usually a subject degree at graduate or post-graduate level plus a graduate diploma in teaching.

11.9. It seems bizarre to us that this government, which talks constantly about wanting to raise the quality and status of teaching in New Zealand, would set out in this legislation to open the gates to greater numbers of unqualified teachers.

12. Discipline and Competence

12.1. PPTA is supportive of strengthening the discipline and competence functions of the Council.

12.2. In the main, there are no surprises for PPTA in these sections of the Bill, and we are generally happy with the detail of the relatively small number of changes being made.

13. Governance of Tertiary Institutions

13.1. PPTA notes that the Bill, along with removing any right of teachers to elect people to the Teachers Council, also removes the right of university and wananga students and staff to be on their institutions' councils.

13.2. This move is consistent with this Bill's anti-democratic positioning. It reflects this government's distrust of professionals' ability and commitment to make good decisions that are in the public interest.

13.3. There is an assumption that seems to underpin this Bill that governance is something that can only be done by people with experience in running companies or major public institutions. PPTA rejects this assumption and recommends that the current provision for student and staff representatives on university and wananga councils be retained.

Summary of Recommendations for Amendment

1. Throughout the Bill, change the name of the body to “Teachers Council of Aotearoa New Zealand”.
2. Amend purpose statement (Section 377) as follows: “The purpose of the Teachers Council of Aotearoa New Zealand is to ensure a safe and high quality teaching and learning environment for children and other learners.”
3. Delete from Section 382 the following functions: 1(a), 1(b), 1(c), 1(i) and 1(j).
4. Amend Section 382 (h) to read: “to determine standards for the issue of practising certificates”.
5. Amend Section 380 to reflect Section 139AD of the Education Act 1989, except with the following changes:
 - 5.1. Change 11 members to 13 members
 - 5.2. Change the stem of (1)(b) to “6 elected members”
 - 5.3. Change “1 principal, elected by principals” to “1 principal representing the primary sector and 1 principal representing the secondary sector”
 - 5.4. Add to (b), “1 teacher educator, elected by registered teachers working in the fields of initial and ongoing teacher education”.
6. The changes in 5 above would require significant consequent changes in Schedule 22.
7. If the composition of the body is not changed by an amendment, then we recommend increased specificity about categories of practising certificate, as in the current Act Section 130.
8. Amend Section 348’s interpretation of “teaching position” to the following: “**teaching position** means a position in the general education system that requires the person in the teaching position to have responsibility for teaching and learning. A person is considered to have responsibility for teaching and learning if their job description expects them to (a) cause learning (either as an individual or a member of a teaching team) and (b) to act autonomously and without day to day supervision”.
9. Amend Section 365 to read “The purpose of granting a limited authority to teach **in a particular institution** is to enable the employer to have access to skills that are in short supply and to enable those with specialist skills required **in a particular institution** but not a teaching qualification to be able to be

employed to teach.” (This is to avoid having roving LATs, and to limit their employment to particular schools that have an identified need not able to be fulfilled by any available trained and qualified teachers.)

10. Amend Section 368 (1) new (a) to read “the purpose of the limited authority to teach”, and amend the current 369(1)(a) (renumbered as (b) to read “the views of the professional leader of the school, early childhood service, or other educational institution at which the person **is being considered for employment**” (to get rid of the anomaly, also present in the current Act, which seems to suggest that someone can be employed **before** being granted a LAT).
11. Amend Section 370 to read “(1) Subject to subsection (2), a person’s authorisation expires after 12 months. (2) Notwithstanding subsection (1), the Teaching Council may grant the authorisation for a period of up to 3 years.”