

Education Standards Act Commencement Order 2001

Pursuant to section 2(2) of the Education Standards Act 2001, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

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- 1 Title**
This order is the Education Standards Act Commencement Order 2001.
- 2 Commencement of provisions of Education Standards Act 2001**
- (1) The following provisions of the Education Standards Act 2001 come into force on 1 February 2002:
- (a) sections 25 to 28:
 - (b) sections 30 and 31:
 - (c) sections 33 and 34:
 - (d) section 37:
 - (e) sections 69 to 77:
 - (f) section 82(2):
 - (g) section 83.
- (2) To avoid doubt, despite the commencement of section 37 of the Education Standards Act 2001 (which inserts a new Part 10A into the Education Act 1989 containing sections 139AA

to 139AZD), the following sections of the Education Act 1989 do not come into force until a date to be set by Order in Council made under section 76(5) of the Education Standards Act 2001:

- (a) sections 139AK to 139AZB;
 - (b) section 139AZC.
- (3) The following provisions of the Education Standards Act 2001 come into force on 22 April 2002:
- (a) section 18;
 - (b) section 60.

Marie Shroff,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order brings into force various provisions of the Education Standards Act 2001, which is an Act amending the Education Act 1989 (“the principal Act”).

The provisions being brought into force on 1 February 2002 relate to the establishment and operation of the New Zealand Teachers Council. The main operative section is section 37 of the Education Standards Act 2001, which inserts a new Part 10A into the principal Act. That Part establishes the Teachers Council and sets out its functions and powers.

However, section 76 of the Education Standards Act 2001 provides that the Teachers Council does not assume all its functions and powers immediately upon establishment, and therefore not all the sections in Part 10A come into force immediately. The functions and powers relating to mandatory reporting, teacher discipline, and complaints about competence may not be exercised until the Teachers Council has made rules about how it will deal with those matters. When the necessary rules have been made, an Order in Council will be made under section 76(5) to bring certain sections in Part 10A of the principal Act into force, along with related sections in the Education Standards Act 2001.

The provisions extending police vetting to people in non-teaching roles at schools and at early childhood centres come into force on 22 April 2002. This is to give the Teachers Council time to put in place the arrangements necessary for this extended police vetting.

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