

Reprint
as at 1 August 2020



**Education (Registration of Early Childhood Services
Teachers) Regulations 2004**
(SR 2004/236)

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 9th day of August 2004

Present:

Her Excellency the Governor-General in Council

Pursuant to section 69(2) of the Education Standards Act 2001, Her Excellency the Governor-General, acting on the recommendation of the Minister of Education and on the advice and with the consent of the Executive Council, makes the following regulations.

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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 regulations are administered by the Ministry of Education.

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Regulations

1 Title

These regulations are the Education (Registration of Early Childhood Services Teachers) Regulations 2004.

2 Commencement

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

3 Interpretation

- (1) In these regulations, unless the context otherwise requires,—

Act means the Education and Training Act 2020

declared early childhood service means an early childhood service (as defined in section 10(1) of the Act) that is declared by regulation 4(1) to be an early childhood education and care service for the purposes of the Act

teaching position has, for the purposes of the transition plan set out in these regulations, the meaning given in regulation 6.

- (2) In these regulations, unless the context otherwise requires, terms defined in the Act and used, but not defined, in these regulations have the same meaning as in the Act.

Regulation 3: replaced, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

4 Early childhood services declared early childhood education and care services

- (1) Every early childhood service within the meaning of the Act (other than an early childhood service that is specified in subclause (2)) is declared to be an early childhood education and care service for the purposes of the Act.
- (2) The early childhood services to which the declaration in subclause (1) does not apply are—
- a free kindergarten that is an early childhood service whose licence permits no child to attend for a period of more than 4 hours on any day;
 - playcentres affiliated to the New Zealand Playcentre Federation Inc;
 - kōhanga reo affiliated to Te Kōhanga Reo National Trust Board.

Regulation 4(1): replaced, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Regulation 4(2)(a): substituted, on 17 May 2006, by section 17(2) of the Education Amendment Act 2006 (2006 No 19).

5 Transition plan in relation to declared early childhood services

These regulations set out a transition plan for bringing under Schedule 3 of the Act declared early childhood services and persons employed in teaching positions at declared early childhood services.

Regulation 5: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

6 Meaning of person employed in teaching position

For the purposes of these regulations, **teaching position**, as defined in section 10(1) of the Act, is modified to mean,—

- (a) in relation to an early childhood education and care centre, and to a licensed hospital-based education and care service, a person responsible (as defined in regulation 3 of the Education (Early Childhood Services) Regulations 2008); and
- (b) in relation to a licensed home-based education and care service, a person responsible (as defined in regulation 3 of the Education (Early Childhood Services) Regulations 2008).

Regulation 6: replaced, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

7 Provisions of transition plan

- (1) The transition plan is—
 - (a) that there be a transition period at the end of which declared early childhood services and persons employed in teaching positions at declared early childhood services must be brought under Schedule 3 of the Act; and
 - (b) that the setting out of the transition plan in these regulations be the means by which notice of the transition period is given to—
 - (i) declared early childhood services; and
 - (ii) persons who, at the beginning of the transition period, are employed in teaching positions at declared early childhood services; and
 - (iii) persons who, in the transition period, become employed in teaching positions at declared early childhood services; and
 - (iv) persons who wish to be employed after the end of the transition period, or to continue to be employed after the end of the transition period, in teaching positions at declared early childhood services; and

- (c) that, in relation to persons who, at the beginning of the transition period, are not registered as teachers under the Act but are employed in teaching positions at declared early childhood services, the transition period gives to those persons a period of time within which to obtain registration as teachers under the Act; and
 - (d) that, throughout the transition period, Schedule 3 of the Act must continue not to apply to declared early childhood services and persons employed in teaching positions at declared early childhood services; and
 - (e) that the transition period begins with the date of the coming into force of these regulations; and
 - (f) that, subject to subclause (2), the transition period ends with the close of 31 December 2004.
- (2) If, as at the close of 31 December 2004, regulation 9 applies to a declared early childhood service and to a person employed in a teaching position at that declared early childhood service, the transition period ends,—
- (a) in relation to the declared early childhood service, at the time at which regulation 9 ceases, under regulation 9(2), to apply to that declared early childhood service; and
 - (b) in relation to the person employed in a teaching position at that declared early childhood service, at the time at which regulation 9 ceases, under regulation 9(3), to apply to that person.

Regulation 7(1)(a): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Regulation 7(1)(c): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Regulation 7(1)(d): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

8 Date of application of teacher registration provisions

In relation to a declared early childhood service (other than a declared early childhood service to which regulation 9 applies) and to persons employed in teaching positions at a declared early childhood service (other than persons employed in teaching positions at a declared early childhood service to whom regulation 9 applies), these regulations set 1 January 2005 as both—

- (a) the date on which there is brought under Schedule 3 of the Act—
 - (i) every such early childhood service; and
 - (ii) persons employed in teaching positions at every such early childhood service; and
- (b) the date from the commencement of which the provisions of Schedule 3 of the Act apply to both—
 - (i) every such early childhood service; and

- (ii) persons employed in teaching positions at every such early childhood service.

Regulation 8(a): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Regulation 8(b): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

9 Extended transition period

- (1) This regulation applies to a declared early childhood service and a person employed in a teaching position at that declared early childhood service as at the close of 31 December 2004 if that person—
 - (a) was appointed to that position, whether before or after the commencement of these regulations, but not later than 31 December 2004; and
 - (b) held, on 4 December 2000, an early childhood teaching qualification that was recognised by the Ministry of Education or the New Zealand Qualifications Authority as equivalent to a Diploma of Teaching; and
 - (c) does not hold, as at the close of 31 December 2004, a qualification recognised by the Teaching Council of Aotearoa New Zealand for the purposes of registration under Schedule 3 of the Act.
- (2) The time at which this regulation ceases to apply to a declared early childhood service is the earlier of—
 - (a) the close of the date on which that early childhood service ceases to employ in a teaching position any person who satisfies the criteria in subclause (1); or
 - (b) the close of 31 December 2007.
- (3) The time at which this regulation ceases to apply to a person who satisfies the criteria in subclause (1) is the earlier of—
 - (a) the close of the date on which that person ceases to hold the teaching position that that person held, as at the close of 31 December 2004, at a declared early childhood service; or
 - (b) the close of 31 December 2007.

Regulation 9(1)(c): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Regulation 9(1)(c): amended, on 29 September 2018, by section 12(1) of the Education (Teaching Council of Aotearoa New Zealand) Amendment Act 2018 (2018 No 35).

10 Date of application of teacher registration provisions in relation to extended transition period

- (1) In relation to a declared early childhood service to which regulation 9 applies, and to persons employed in teaching positions at any such declared early childhood service to whom regulation 9 applies, these regulations set the date specified in subclause (2) as both—

- (a) the date on which there is brought under Schedule 3 of the Act—
 - (i) that declared early childhood service; and
 - (ii) those persons employed in teaching positions at that declared early childhood service; and
 - (b) the date from the commencement of which the provisions of Schedule 3 of the Act apply to both—
 - (i) that declared early childhood service; and
 - (ii) those persons employed in teaching positions at that declared early childhood service.
- (2) The date specified for the purposes of subclause (1), in relation to a declared early childhood service to which regulation 9 applies, and to persons employed in teaching positions at any such declared early childhood service to whom regulation 9 applies, is the day immediately following the time at which regulation 9 ceases to apply to that declared early childhood service.

Regulation 10(1)(a): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Regulation 10(1)(b): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Diane Morcom,
Clerk of the Executive Council.

Reprints notes

1 *General*

This is a reprint of the Education (Registration of Early Childhood Services Teachers) Regulations 2004 that incorporates all the amendments to those regulations 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 and Training Act 2020 (2020 No 38): section 668

Education (Teaching Council of Aotearoa New Zealand) Amendment Act 2018 (2018 No 35): section 12(1)

Education Amendment Act 2006 (2006 No 19): section 17(2)