



## Teaching Council Amendment Rules 2023

These rules are made by the Teaching Council of Aotearoa New Zealand under section 486(1) and (2) of the Education and Training Act 2020, after consulting in accordance with section 486(3).

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## Schedule 18

### New Part 3 inserted into Schedule 1

## Rules

### 1 Title

These rules are the Teaching Council Amendment Rules 2023.

### 2 Commencement

These rules come into force on 29 July 2023.

### 3 Principal rules

These rules amend the Teaching Council Rules 2016.

### 4 Rule 3 amended (Interpretation)

(1) In rule 3(1), insert in their appropriate alphabetical order:

#### **affected person—**

- (a) means a person against whom it is alleged in a report, complaint, or other matter that misconduct or serious misconduct has been committed; and
- (b) where that person is a child or young person, includes a parent or legal guardian of that person

**discloser** has the meaning given in section 8 of the Protected Disclosures (Protection of Whistleblowers) Act 2022

**protected disclosure** has the meaning given in section 9 of the Protected Disclosures (Protection of Whistleblowers) Act 2022

**Triage Committee** means the Triage Committee established under rule 11B(1)

- (2) In rule 3(1), definition of **impairment**, replace “his or her” with “their”.

#### **5 Rule 4 amended (Overview)**

In rule 4(1)(e), after “Parts 5”, insert “, 5A,”.

#### **6 New rule 4A inserted (Interpretation of rules)**

After rule 4, insert:

##### **4A Interpretation of rules**

Any person or body exercising a power or discretion, or performing a function, under these rules must have regard to, as the case requires,—

- (a) the personal circumstances of—
  - (i) any teacher who is the subject of a report, complaint, or other matter; and
  - (ii) any affected person; and
  - (iii) any witness who gives evidence before the Disciplinary Tribunal; and
- (b) the purpose in section 4 of the Act, including, in particular, to regulate an education system that honours Te Tiriti o Waitangi and supports Māori-Crown relationships.

#### **7 Rule 8 amended (Form of report or complaint)**

Replace rule 8(1)(e) with:

- (e) if possible, be accompanied by information about any action taken in response to the matter that the report or complaint is about, including any restorative justice process undertaken; and
- (f) if possible, state what action, if any, the initiator considers should be taken by the Teaching Council.

#### **8 Rule 9 amended (Criteria for reporting serious misconduct)**

- (1) In rule 9(1), replace “section 394” with “section 491”.
- (2) In rule 9(1)(e),—
  - (a) replace “; for example—” with “:.”; and
  - (b) revoke subparagraphs (i) and (ii).
- (3) In rule 9(2), replace “Misconduct” with “The conduct”.

**9 Rule 11 replaced (Investigation and referral of report or complaint by chief executive)**

Replace rule 11 with:

**11 Notification of teacher upon receipt of report or complaint**

- (1) This rule applies if the Teaching Council receives a report or complaint about a teacher.
- (2) The chief executive must, as soon as practicable,—
  - (a) notify the teacher that the Teaching Council has received a report or complaint about them; and
  - (b) invite the teacher to respond to the report or complaint; and
  - (c) give the teacher a copy of the report or complaint.
- (3) However, subclause (2) does not apply if the chief executive considers that there is good reason to keep the report or complaint confidential from the teacher (for example, because the report or complaint is subject to police investigation).

**11A Action by chief executive upon receipt of report or complaint**

- (1) This rule applies if—
  - (a) the Teaching Council receives a report or complaint about a teacher; or
  - (b) a professional practice evaluator refers a report or complaint back to the chief executive for reconsideration under rule 40(3).
- (2) The chief executive may do any or all of the following in relation to the report or complaint:
  - (a) in order to assess what further action, if any, to take,—
    - (i) request further information from any person; or
    - (ii) appoint an investigator to make an initial investigation of the report or complaint:
  - (b) refer the report or complaint, or part of the report or complaint, to—
    - (i) the teacher’s current employer; or
    - (ii) the Complaints Assessment Committee; or
    - (iii) a professional practice evaluator; or
    - (iv) the Teaching Council:
  - (c) take any other action permitted under the Act:
  - (d) take no further action.
- (3) In deciding what step to take under subclause (2), the chief executive must have regard to all relevant circumstances, including (without limitation)—

- (a) whether the person who is the subject of the report or complaint was registered or had authority to teach at the time of the events in question:
  - (b) whether the matter that the report or complaint is about is trivial:
  - (c) whether the report or complaint is frivolous or vexatious or is not made in good faith:
  - (d) whether the report or complaint relates to a discloser who has made a protected disclosure.
- (4) Instead of taking any step under subclause (2), the chief executive may refer a report or complaint to the Triage Committee (*see* rule 11C).
  - (5) If the chief executive refers a report or complaint to the Triage Committee, the referral must be accompanied by any relevant information that the chief executive has in relation to the report or complaint (including any response from the teacher).
  - (6) This rule does not limit the power of the Teaching Council (acting through the chief executive) to investigate and refer matters of its own motion in accordance with sections 496(2) and 506(3) of the Act.
  - (7) When a matter is referred to the Complaints Assessment Committee under section 496(2) of the Act or to a professional practice evaluator for the purposes of an investigation under section 506(3) of the Act, it is to be treated as if a report or complaint had been made, subject to all necessary modifications in procedure.

### *Triage Committee*

#### **11B Establishment of Triage Committee**

- (1) A Triage Committee is established.
- (2) The Teaching Council must appoint the members of the Triage Committee.
- (3) The Triage Committee must have at least 3 members.

#### **11C Referral to Triage Committee**

- (1) This rule applies if—
  - (a) the chief executive refers a report or complaint to the Triage Committee under rule 11A(4); or
  - (b) a professional practice evaluator refers a report or complaint back to the Triage Committee for reconsideration under rule 40(3).
- (2) The Triage Committee may do any or all of the following in relation to the report or complaint:
  - (a) in order to assess what further action, if any, to take,—
    - (i) request further information from any person; or

- (ii) appoint an investigator to make an initial investigation of the report or complaint:
  - (b) refer the report or complaint, or part of the report or complaint, to—
    - (i) the teacher’s current employer; or
    - (ii) the Complaints Assessment Committee; or
    - (iii) a professional practice evaluator; or
    - (iv) the Teaching Council:
  - (c) take any other action that the chief executive would be permitted to take under the Act:
  - (d) take no further action.
- (3) In deciding what step to take under subclause (2), the Triage Committee must have regard to all relevant circumstances, including (without limitation)—
- (a) whether the person who is the subject of the report or complaint was registered or had authority to teach at the time of the events in question:
  - (b) whether the matter that the report or complaint is about is trivial:
  - (c) whether the report or complaint is frivolous or vexatious or is not made in good faith:
  - (d) whether the report or complaint relates to a discloser who has made a protected disclosure.

**10 Rule 12 replaced (Notification to teacher and current employer of referral of report or complaint)**

Replace rule 12 with:

**12 Notification to teacher and current employer of referral of report, complaint, or other matter, or decision to take no further action**

- (1) The chief executive must notify the teacher concerned if—
  - (a) a report, complaint, or other matter is referred to the Complaints Assessment Committee or a professional practice evaluator; or
  - (b) a decision is made to take no further action in respect of the report, complaint, or other matter.
- (2) For the purpose of subclause (1)(a), the notice of referral to the teacher must—
  - (a) include sufficient details so that the teacher understands the nature of the matter that the report, complaint, or other matter is about (to the extent possible from the information received by the chief executive); and
  - (b) inform the teacher—
    - (i) of the next steps in the process; and

- (ii) that the teacher may make submissions to the Complaints Assessment Committee, the professional practice evaluator, or any other person or body exercising any other power under the Act; and
  - (iii) that the teacher’s current employer is being notified of the referral of the report, complaint, or other matter, if applicable.
- (3) Unless the chief executive considers that notification is not appropriate, the chief executive must notify the teacher’s current employer and the initiator of the report, complaint, or other matter of—
- (a) any referral to the Complaints Assessment Committee or a professional practice evaluator; or
  - (b) any decision to take no further action.
- (4) A notice of referral under subclause (3)(a) to the teacher’s current employer must describe the nature of the matter that the report, complaint, or other matter is about.

**11 Rule 14 amended (Referring reports and complaints to Complaints Assessment Committee and allocation to investigator)**

- (1) In rule 14(1) and (3)(a), replace “or complaint” with “, complaint, or other matter” in each place.
- (2) After rule 14(3), insert:
- (4) When exercising the discretion under subclause (3)(b), the chief executive must consider—
- (a) the particular circumstances of the teacher concerned and the initiator; and
  - (b) whether the panel requires knowledge of, or experience with, Te Tiriti o Waitangi, te reo Māori, tikanga Māori, Māori medium education, or specific approaches to teaching and learning (for example, those set out in Te Aho Matua (*see* section 202 of the Act)).

**12 Rule 15 amended (Investigator to carry out investigation)**

- (1) In rule 15(1), replace “or complaint” with “, complaint, or other matter” in each place.
- (2) After rule 15(1)(b), insert:
- (ba) consider whether a response or further information is required from the initiator or affected person; and
- (3) In rule 15(3), replace “him or her” with “them”.

**13 Rule 17 amended (Meeting of Complaints Assessment Committee regarding report or complaint)**

- (1) In rule 17(1)(a) and (b), replace “or complaint” with “, complaint, or other matter”.

- (2) Replace rule 17(5) and (6) with:
- (5) If the Complaints Assessment Committee decides that it will hear from the teacher concerned or the initiator, or another person,—
- (a) it may hear from them by telephone conference or video link, or by any other means that are necessary or convenient; and
  - (b) the person being heard—
    - (i) may have 1 person near them at the meeting to give support; or
    - (ii) with the agreement of the Complaints Assessment Committee, may have more than 1 person near them at the meeting to give support.
- (6) The Complaints Assessment Committee may, subject to the Act and these rules, regulate its own procedure in relation to meetings as it thinks fit.

#### **14 Cross-heading above rule 18 amended**

In the cross-heading above rule 18, after “*Notice of decision*”, insert “, *conditions*”.

#### **15 Rule 18 amended (Notice of Complaints Assessment Committee’s decision)**

In rule 18, insert as subclauses (2) to (4):

- (2) A decision made by the Complaints Assessment Committee must—
- (a) be signed by, or on behalf of, the Complaints Assessment Committee; and
  - (b) include the reasons for the decision; and
  - (c) be sent to the teacher concerned, as soon as practicable.
- (3) If the person who made the complaint or report, or referred the matter to the Complaints Assessment Committee, wishes to request that the Disciplinary Tribunal review all or part of that decision under section 499A of the Act, the person may seek a copy of the decision from the Complaints Assessment Committee.
- (4) For the purpose of subclause (3), the Complaints Assessment Committee may provide a copy of its decision to the person if it considers it necessary to enable the person to determine whether to request a review of the decision.

#### **16 New rule 18A inserted (Conditions imposed)**

After rule 18, insert:

##### **18A Conditions imposed**

- (1) The Teaching Council must monitor whether the teacher complies with any conditions imposed by the Complaints Assessment Committee.
- (2) The Teaching Council may refer any failure to comply with a condition to the Complaints Assessment Committee of its own motion as it sees fit.

**17 Rule 20 amended (Notice of charge or referral)**

In rule 20(1), delete “of serious misconduct”.

**18 New Part 5A inserted**

After rule 20, insert:

**Part 5A**

**Review of Complaints Assessment Committee decisions**

**20A Application of this Part**

This Part applies to a review under section 499A of the Act of any decision of the Complaints Assessment Committee.

**20B Notice of review**

(1) Subclause (2) applies if the Disciplinary Tribunal receives a written notice of an intention to request a review under section 499A of the Act from—

- (a) a teacher who is the subject of a decision by the Complaints Assessment Committee under section 497(2) or (3) of the Act; or
- (b) the person who made the complaint or report or referred the matter to the Committee under section 496 of the Act that led to the decision.

(2) The Disciplinary Tribunal must send a copy of the notice, as soon as practicable, to—

- (a) the teacher (if the notice was received from the person) or the person (if the notice was received from the teacher); and
- (b) the teacher’s current employer, if notice of the Complaints Assessment Committee’s decision was sent to the employer under rule 18(1)(c); and
- (c) the Complaints Assessment Committee.

**20C Procedure on review**

(1) A review conducted under section 499A of the Act by the Disciplinary Tribunal is to be conducted on the papers, unless the Disciplinary Tribunal otherwise directs.

(2) If the Disciplinary Tribunal decides that it will hear from the teacher concerned or the person who made the complaint or report, or referred the matter to the Complaints Assessment Committee,—

- (a) the Disciplinary Tribunal may hear from them in person, by telephone conference or video link, or by any other means that are necessary or convenient; and
- (b) the person being heard—
  - (i) may have 1 person near them at the hearing to give support; or

- (ii) with the agreement of the Disciplinary Tribunal, may have more than 1 person near them at the hearing to give support.

**20D Notice of decision**

The Disciplinary Tribunal must send notice of its decision on review, as soon as practicable, to—

- (a) the teacher concerned; and
- (b) the person who made the complaint or report, or referred the matter to the Complaints Assessment Committee; and
- (c) the teacher’s current employer, if notice of the Complaints Assessment Committee’s decision was sent to the employer under rule 18(1)(c); and
- (d) the Complaints Assessment Committee.

**19 Rule 24 amended (Disciplinary Tribunal regulates own procedure)**

After rule 24(2)(e), insert:

- (ea) regulate its procedures in relation to hearings in a way that recognises tikanga Māori; and

**20 New rule 25A inserted (Leave to withdraw proceedings)**

After rule 25, insert:

**25A Leave to withdraw proceedings**

- (1) No charge laid with, or matter referred for hearing to, the Disciplinary Tribunal may be withdrawn except with leave of the Disciplinary Tribunal.
- (2) On any application for leave to withdraw a charge, the Disciplinary Tribunal may—
  - (a) grant leave on any terms and subject to any conditions it thinks fit; or
  - (b) dismiss the application.

**21 Rule 26 amended (Power to amend charge or notice of referral)**

In rule 26(2), replace “his or her” with “their”.

**22 Rule 28 revoked (Replacement of member if conflict of interest)**

Revoke rule 28.

**23 Rule 29 amended (Persons who may be present when hearing held in private)**

Replace rule 29(e) with:

- (e) any witness presenting evidence, and any support person of the witness; and

**24 Rule 31 amended (Evidence)**

In rule 31, insert as subclause (2):

- (2) Subject to subclause (1), the Evidence Act 2006 applies to the Disciplinary Tribunal, subject to all necessary modifications, in the same manner as if the Disciplinary Tribunal were a court within the meaning of that Act.

**25 Rule 34 amended (Special protection for certain witnesses and vulnerable people)**

- (1) In rule 34(2)(a), replace “he or she has” with “they have”.
- (2) In rule 34(2)(b), replace “he or she” with “they”.
- (3) After rule 34(4), insert:
- (5) When considering whether to make an order under section 501(6) of the Act in respect of a person to whom this rule applies, the Disciplinary Tribunal may have regard to whether the person would be entitled to suppression under the Criminal Procedure Act 2011, if that Act applied.

**26 New rule 35A inserted (Conditions imposed)**

After rule 35, insert:

**35A Conditions imposed**

- (1) The Teaching Council must monitor whether a teacher complies with any conditions imposed by the Disciplinary Tribunal.
- (2) The Teaching Council may refer any failure to comply with a condition to the Complaints Assessment Committee of its own motion as it sees fit.

**27 Rule 38 replaced (Application of this Part)**

Replace rule 38 with:

**38 Application of this Part**

This Part applies to a report, complaint, or other matter concerning a teacher’s competence.

**28 Rule 39 revoked (Process before investigation)**

Revoke rule 39.

**29 Rule 40 amended (Investigation by professional practice evaluator)**

- (1) Revoke rule 40(1).
- (2) In rule 40(2), replace “The” with “When investigating a report, complaint or other matter referred to them by the chief executive or the Triage Committee, a”.
- (3) In rule 40(2)(a), after “teacher’s competence”, insert “, having regard to any applicable standards established under section 479 of the Act”.

- (4) Revoke rule 40(2)(d).
- (5) After rule 40(2), insert:
- (3) A professional practice evaluator may refer a report or complaint back to the chief executive or Triage Committee (as the case may be) for reconsideration.
- (4) The chief executive or Triage Committee (as the case may be) must take into account relevant findings of any investigation already undertaken by the professional practice evaluator when reconsidering the report or complaint.

**30 Rule 41 amended (Report prepared by professional practice evaluator)**

After rule 41(3), insert:

- (3A) Before finalising the report, the professional practice evaluator must—
  - (a) provide an opportunity for the teacher to comment on the report and provide evidence that may be relevant to the assessment under subclause (2); and
  - (b) include in the report any comment or evidence provided by the teacher under paragraph (a).

**31 Rule 42 revoked (Actions following report prepared by professional practice evaluator that recommends conditions be imposed)**

Revoke rule 42.

**32 Rule 43 replaced (Actions following report prepared by professional practice evaluator that makes other recommendations)**

Replace rule 43 with:

**43 Actions following report prepared by professional practice evaluator**

- (1) If a professional practice evaluator prepares a report under rule 41 that includes—
  - (a) an assessment that the teacher has attained the required level of competence, then the professional practice evaluator must refer the report to the chief executive; or
  - (b) an assessment that the teacher has not attained the required level of competence, then the professional practice evaluator must refer the report to the Competence Authority.
- (2) If the chief executive receives a referral under subclause (1)(a), the chief executive may only—
  - (a) decide to take no further action; or
  - (b) refer the report to the Competence Authority.

**33 Rule 45 amended (Meeting of Competence Authority)**

- (1) In rule 45(1), after “professional practice evaluator”, insert “or the chief executive (*see* rule 43)”.
- (2) After rule 45(4), insert:
- (5) The following people may be present at a meeting of the Competence Authority:
  - (a) members of the Competence Authority;
  - (b) any administrative officers that the Competence Authority considers are necessary;
  - (c) the teacher and their counsel or another representative, if any;
  - (d) any support person of the teacher (*see* subclause (9));
  - (e) the teacher’s current employer, if the Competence Authority considers that their attendance is desirable;
  - (f) any legal advisor to the Competence Authority;
  - (g) any other person expressly authorised by the Competence Authority to be present.
- (6) If the Competence Authority considers that the attendance of the teacher’s current employer is desirable, it must notify the teacher of its intention to contact the employer for the purpose of requesting the employer’s attendance.
- (7) The teacher may request to be heard by any means that would be permitted under subclause (4).
- (8) A request under subclause (7) must not be unreasonably refused.
- (9) The teacher—
  - (a) may have 1 person near them at the meeting to give support; or
  - (b) with the agreement of the Competence Authority, may have more than 1 person near them at the meeting to give support.

**34 Rule 46 revoked (Replacement of member if conflict of interest)**

Revoke rule 46.

**35 Rule 47 replaced (Conditions imposed)**

Replace rule 47 with:

**47 Conditions imposed**

- (1) The Teaching Council must monitor whether a teacher complies with any conditions imposed by the Competence Authority.
- (2) The Teaching Council may refer any failure to comply with a condition to the Complaints Assessment Committee of its own motion as it sees fit.

- 36 Rule 48D revoked (Replacement of members if conflict of interest)**  
Revoke rule 48D.
- 37 Rule 52 revoked (Validity of proceedings)**  
Revoke rule 52.
- 38 Rule 56 revoked (Validity of proceedings)**  
Revoke rule 56.
- 39 Rule 58C revoked (Validity of proceedings)**  
Revoke rule 58C.
- 40 Rule 59 amended (Powers of investigators and competence assessors)**  
In the heading to rule 59, replace “competence assessors” with “professional practice evaluators”.
- 41 Rule 60 amended (Investigators and professional practice evaluators not personally liable and indemnity)**  
In rule 60, replace “his or her” with “their” in each place.
- 42 Cross-heading above rule 61 amended**  
In the cross-heading above rule 61, replace “and Competence Authority” with “, Competence Authority, or Registration Panel”.
- 43 Rule 61 amended (Term of appointment to disciplinary body, Competence Authority, or Registration Panel)**
- (1) In rule 61(2), replace “or the Competence Authority” with “, the Competence Authority, or the Registration Panel”.
  - (2) In rule 61(2)(b)(i),—
    - (a) replace “his or her” with “their”; and
    - (b) replace “him or her” with “them”.
  - (3) After rule 61(2)(b)(i), insert:
    - (ia) their knowledge of, or experience with, Te Tiriti o Waitangi, te reo Māori, tikanga Māori, Māori medium education, or specific approaches to teaching and learning (for example, those set out in Te Aho Matua (*see* section 202 of the Act)); and
  - (4) In rule 61(2)(b)(ii),—
    - (a) replace “his or her” with “their”; and
    - (b) replace “he or she is” with “they are”.
  - (5) In rule 61(2)(c), replace “or the Competence Authority” with “, the Competence Authority, or the Registration Panel”.

**44 Rule 62 amended (Ceasing to hold position on disciplinary body or Competence Authority)**

- (1) In the heading to rule 62, replace “or Competence Authority” with “, Competence Authority, or Registration Panel”.
- (2) In rule 62(1),—
  - (a) replace “or the Competence Authority” with “, the Competence Authority, or the Registration Panel”; and
  - (b) replace “he or she is” with “they are”.
- (3) In rule 62(4),—
  - (a) replace “or the Competence Authority” with “, the Competence Authority, or the Registration Panel”; and
  - (b) replace “he or she has” with “they have”; and
  - (c) replace “his or her” with “their”.
- (4) In rule 62(6), replace “or the Competence Authority” with “, the Competence Authority, or the Registration Panel”.

**45 Cross-heading above rule 63 amended**

In the cross-heading above rule 63, after “*Conflicts of interest*”, insert “, *validity of proceedings*,”.

**46 Rule 63 replaced (Conflict of interest)**

Replace rule 63 with:

**63 Conflict of interest**

- (1) The rule applies if a matter is allocated to a relevant panel under these rules or the Act.
- (2) A person must not be a member of the relevant panel if—
  - (a) the person was an initiator of the matter; or
  - (b) the person otherwise has a conflict of interest.
- (3) If the chief executive considers that a person is a member of a relevant panel in breach of subclause (2), the chief executive must—
  - (a) remove the person from the panel; and
  - (b) provide a replacement member if necessary to ensure the panel consists of the required number of members.
- (4) In this rule, **relevant panel** means—
  - (a) a panel of a disciplinary body; or
  - (b) a panel of the Competence Authority; or
  - (c) the Registration Panel.

**47 New rule 63A inserted (Validity of proceedings)**

After rule 63, insert:

**63A Validity of proceedings**

- (1) The validity of proceedings or a decision of the Complaints Assessment Committee, Disciplinary Tribunal, Competence Authority, Registration Panel, or a panel of any of the preceding bodies is not affected by—
  - (a) a defect or deficiency in the appointment of a member; or
  - (b) the temporary absence from a hearing or meeting, as the case may be, of a member who is conducting the hearing or meeting.
- (2) However, all members must be present during any deliberations.

**48 Rule 64 amended (Confidentiality)**

- (1) In rule 64(1), replace “competence assessor” with “professional practice evaluator”.
- (2) In rule 64(2)(a), replace “his or her” with “their”.

**49 Rule 65 amended (Procedures for Police vetting of applicants)**

In rule 65(2)(a) and (3), replace “his or her” with “their”.

**50 Schedule 1 amended**

In Schedule 1,—

- (a) insert the Part set out in the Schedule of these rules as the last Part; and
- (b) make all necessary consequential amendments.

## Schedule

### New Part 3 inserted into Schedule 1

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#### Part 3

##### Provisions relating to Teaching Council Amendment Rules 2023

##### 5 Reports, complaints or matters before 29 July 2023

- (1) This clause applies to a report, complaint, or other matter under the rules that—
  - (a) was begun before 29 July 2023; and
  - (b) is yet to be determined or completed on 29 July 2023.
- (2) The report, complaint, or other matter must be determined or completed in accordance with the rules in force immediately before 29 July 2023.

Dated at Wellington this 26th day of June 2023.

Robyn J. Baker,  
Chairperson of the Teaching Council of Aotearoa New Zealand.

#### 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 29 July 2023, amend the Teaching Council Rules 2016 (the **principal rules**) to—

- require any person or body exercising a power or discretion, or performing a function, under the principal rules to have regard to the personal circumstances of certain persons and to the purpose in section 4 of the Education and Training Act 2020;
- require a report or complaint about a teacher to be accompanied by certain additional information, if possible;
- alter the powers of, and impose additional duties on, the chief executive of the Teaching Council in relation to a report or complaint about a teacher;
- establish a Triage Committee that the chief executive of the Teaching Council (the **chief executive**) can refer reports or complaints to and that has the same powers as the chief executive:

- require the chief executive to notify the teacher concerned if a decision is made to take no further action in respect of a report, complaint, or other matter about the teacher:
- require the chief executive, when deciding the composition of a panel of the Complaints Assessment Committee, to consider whether the panel requires knowledge of, or experience with, Te Tiriti o Waitangi, te reo Māori, tikanga Māori, Māori medium education, or specific approaches to teaching and learning (for example, those set out in Te Aho Matua):
- allow a party to a meeting or hearing to have a support person present and, with the agreement of the relevant decision-maker, to have more than 1 support person present:
- make provision about the procedures for carrying out a review under section 499A of the Education and Training Act 2020 of any decision of the Complaints Assessment Committee:
- give the Disciplinary Tribunal power to grant leave to withdraw any charge laid with, or matter referred for hearing to, the Disciplinary Tribunal:
- provide that the Evidence Act 2006 applies to the Disciplinary Tribunal, subject to certain provisions and to any necessary modifications, in the same manner as if the Disciplinary Tribunal were a court within the meaning of that Act:
- allow a professional practice evaluator to refer a report or complaint back to the chief executive or the Triage Committee for reconsideration:
- require a professional practice evaluator preparing a report about a teacher to give the teacher concerned an opportunity to comment on the report and provide relevant evidence before it is finalised:
- require a professional practice evaluator to refer their report about a teacher to the chief executive or the Competence Authority, depending on the assessment made in the report:
- remove the ability of a professional practice evaluator to—
  - reach agreement with the teacher to impose conditions on the teacher’s practising certificate or authority to teach:
  - refer a teacher to an impairment process:
- require the Teaching Council, before appointing a person to a disciplinary body or the Competence Authority or the Registration Panel, to consider the person’s knowledge of, or experience with, Te Tiriti o Waitangi, te reo Māori, tikanga Māori, Māori medium education, or specific approaches to teaching and learning (for example, those set out in Te Aho Matua):
- make certain changes to the rules regarding conflicts of interest, including providing that the rules apply to the Registration Panel:
- make certain other changes to the process for making and considering a report, complaint, or other matter about a teacher:

- make certain incidental, consequential, and miscellaneous changes.

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 29 June 2023.

These rules are administered by the Teaching Council of Aotearoa New Zealand.