



Governing Council – Fees and Levy

31 May 2022



31 May 2022 – Zoom

- 2.00pm to 5.00pm

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Council Paper

Item 3.1
Council Meeting
31/5/2022

SUBJECT:	Fees and levy re-consultation – decision on allocation of additional savings
TO:	Members of the Teaching Council
FROM:	Clive Jones, Deputy Chief Executive Operational Services
FOR:	<input checked="" type="checkbox"/> Decision <input type="checkbox"/> Discussion <input type="checkbox"/> Information

Recommendations

It is recommended that the Council:

- i. **Notes** that feedback received from teachers during the initial consultation on proposed fees and levies included feedback on a number of proposals including the question “Do you agree with the proposal that holders of a LAT pay the same levy as registered teachers?”. The amount of the proposed levy in the consultation document was the same for teachers and holders of a LAT.
- ii. **Notes** that 27% (n=1462) of submitters agreed with the proposal that holders of a LAT should pay the same levy as registered teachers, while 42% (n=2234) disagreed and 31% (n=1624) were unsure.
- iii. **Notes** that of those opposed, submitters did not think it was fair and reasonable to charge the same amount when holders of LATs would not be required to comply with or benefit from certain functions or have a broader interest in all or some of the responsibilities covered by specific functions.
- iv. **Notes** that after considering that feedback, the Teaching Council then undertook a further review of each pou/function and its associated mandatory requirements as well as making an assessment about whether all or part of the function is of benefit to holders of a LAT. The review showed that it was arguable that holders of a LAT may not benefit from some of the functions funded by the proposed levy.
- v. **Notes** that feedback from teachers during the initial consultation on proposed fees and levies also included feedback on the need for the Council to further reduce its proposed costs to deliver its mandatory functions.
- vi. **Notes** that Council asked the Chief Executive to provide a range of options for further reductions in expenditure in addition to the \$1.251M¹ of savings included in the original proposals. Council agreed *in-principle* to further savings of \$1.501M over the 3-year cost recovery period FY2022/23 to FY2024/25.

¹ Was originally \$1.351m but subsequently reduced by \$0.100m in response to recommendations made by the Select Committee after considering submissions on the Education and Training Amendment Bill No. 2

- vii. **Notes** that the Council subsequently made the decision to undertake a period of re-consultation to provide teachers and holders of a LAT the opportunity to see the potential justification for, and financial impact of, a lower levy being paid by holders of a LAT (as this information was not included in the initial consultation document) and to have their say on whether \$1.501M of additional savings should be allocated to support reducing the proposed levy for LAT holders, shared equally by all teachers and LAT holders, or any other options that submitters might suggest.
- viii. **Notes** the period for re-consultation opened on Thursday 19 May and closed at 5pm on Wednesday 25 May and that 2,129 submissions were received including 9 written submissions.
- ix. **Notes** an extensive analysis and summary of the feedback received from teachers and holders of a LAT during the re-consultation period has been separately provided in the paper '2.3 Analysis and summary of re-consultation feedback' and that this was considered with an open mind prior to making decisions on the allocation of savings and levy payable by holders of a LAT.
- x. **Notes** that it is recommended Councillors approve option 1 below on the following grounds:
- (a) While within the scope of the Council's mandatory functions, LAT holders are not teachers and not part of the teaching profession, and therefore do not accrue the same benefits from belonging to the teaching profession as teachers.
- (b) The review showed that it was arguable that holders of a LAT may not benefit from some of the functions funded by the proposed levy. The principle of Justifiability - that recovery of costs reasonably relate to the service being charged for - supports a decision that holders of a LAT should pay a lower levy.
- (c) Section 480(6) of the Education and Training Act requires that levies imposed under subsection (1) must recover only the actual and reasonable costs incurred by the Teaching Council in performing its functions and, if holders of LAT do not benefit from some of the functions funded by the proposed levy, there is a risk the levy may not reflect the actual and/or reasonable cost of the Council's performance of its functions in relation to holders of LAT.
- xi. **Decides** one of the following two options for the allocation of the additional \$1.501M in savings over the 3-year cost recovery period FY2022/23 to FY2024/25:

Option 1		Option 2
To use some of the additional savings of \$1.501M to reduce the levy imposed on holders of a LAT issued for three years.	OR	Teachers and holders of LATs should pay the same levy with the additional savings of \$1.501M shared equally by teachers and holders of a LAT.
Outcome 1		Outcome 2
The levy charged to holders of a LAT would reduce by \$118.34 and the levy charged to teachers would reduce by \$7.84.		The levy charged to teachers and to holders of LATs under this option would be reduced by \$9.20.

Council Paper

Item 3.2
Council Meeting
31/5/2022

SUBJECT:	Fees and levy consultation –decisions in respect of proposed fees and levies
TO:	Members of the Teaching Council
FROM:	Clive Jones, Deputy Chief Executive Operational Services
FOR:	<input checked="" type="checkbox"/> Decision <input type="checkbox"/> Discussion <input type="checkbox"/> Information

Recommendations

It is recommended that the Council:

- i. **Notes** the Teaching Council has undertaken consultation with teachers on proposed fees and levies for the 3-year period FY2022/23 to FY2024/25.
- ii. **Notes** that the Council undertook a period of re-consultation to provide teachers and holders of a LAT the opportunity to see the potential justification for, and financial impact of, a lower levy being paid by holders of a LAT (as this information was not included in the initial consultation document) and to have their say on whether \$1.501M of additional savings should be allocated to support reducing the proposed levy for LAT holders, shared equally by all teachers and LAT holders, or any other options that submitters might suggest.
- iii. **Notes** that details of the activities undertaken to satisfy statutory requirements for the Council to charge fees or impose a levy are set out in the paper “2.4 Legal compliance checklist”.
- iv. **Notes** the council is satisfied that:
 - (a) the proposed fees and levy have been the subject of consultation with teachers and holders of a LAT; and
 - (b) the council has received with an open mind and considered all feedback received in the consultation and re-consultation together with all advice and analysis received; and
 - (c) the proposed fees and levy are no more than the council’s actual and reasonable costs; and
 - (d) the council does not consider it requires any further information in order to make decisions on fees and levies.

- i. **Decides** to fix new fees payable as listed below in table 1 which will come into effect no earlier than 28 days after the Minister presents the Teaching Council of Aotearoa New Zealand (fees and levies) Notice 2022 to the House.

Table 1: Fees

Consultation Proposal	For	Fee
1	Renewal of a practising certificate valid for 3 years ¹	\$128.96
1	Registration and Provisional practising certificate for graduates from an approved New Zealand Initial Teacher Education programme ²	\$128.96
1, 3	Registration and Provisional practising certificate for overseas-trained teachers ³	\$228.96
1	A Limited Authority to Teach valid for 3 years	\$128.96
1	A Limited Authority to Teach valid for 2 years	\$85.97
1	A Limited Authority to Teach valid for 1 year	\$42.99
1, 4	A teacher holding a Provisional or Full (Category Two) practising certificate applying for a Full (Category One) practising certificate valid for 3 years ⁴	\$176.96
1	Registration (only) for graduates from an approved New Zealand ITE programme ⁵	\$128.96
1	Returning to Teaching in Aotearoa New Zealand Practising Certificate valid for 3 years ⁶	\$128.96
1, 10	Late Application Fee ⁷	No Change ⁸

Agree / Agree with amendments / Disagree

¹ Applicable to any teacher renewing a current practising certificate, including Tiwhikete Whakaakoranga Tōmua | Provisional Practising Certificate, Tiwhikete Whakaakoranga Tūturu | Full (Category One) Practising Certificate, and Tiwhikete Whakaakoranga Pūmau | Full (Category Two) Practising Certificate.

² Applicable to graduates from an approved New Zealand ITE programme who apply for Kaiako Whai Rēhitanga | Teacher Registration and a Tiwhikete Whakaakoranga Tōmua | Provisional Practising Certificate valid for three years.

³ Applicable to overseas-trained teachers who apply for Kaiako Whai Rēhitanga | Teacher Registration and a Tiwhikete Whakaakoranga Tōmua | Provisional Practising Certificate valid for three years. This includes applications made under the Trans-Tasman Mutual Recognition Agreement.

⁴ Applicable to teachers who are provisionally or fully certificated teachers who hold a Tiwhikete Whakaakoranga Pūmau | Full (Category Two) Practising Certificate and who now apply for a Tiwhikete Whakaakoranga Tūturu | Full (Category One) Practising Certificate valid for three years.

⁵ Applicable to graduates from an approved New Zealand ITE programme who apply for Kaiako Whai Rēhitanga | Teacher Registration only.

⁶ Applicable to registered teachers who are fully certificated but whose practising certificate has expired, who cannot meet satisfactory recent teaching requirements, and who are not able to renew using extension to teach provisions.

⁷ Applicable to any applicant who lodges their renewal application after the expiry date of their current practising certificate. (This applies to any teacher who is currently employed in a teaching position where they do not hold a current certificate of the kind required to legally undertake that role and applies for registration or certification.)

⁸ No change to the fee of \$50 including GST Gazetted on <date> 2015

- ii. **Decides** to impose levies payable as listed in table 2 or table 3 below which will come into effect no earlier than 28 days after the Minister presents the Teaching Council of Aotearoa New Zealand (fees and levies) Notice 2022 to the House.

Table 2 – Levy Option 1

Consultation Proposal	Re-consultation Option	For	Levy
1, 2, 5, 6	1	Renewal of a practising certificate valid for 3 years ⁹	\$335.41
1, 2, 5, 6	1	Registration and Provisional practising certificate for graduates from an approved New Zealand Initial Teacher Education programme ¹⁰	\$335.41
1, 2, 5, 6	1	Registration and Provisional practising certificate for overseas-trained teachers ¹¹	\$335.41
1, 2, 5, 6	1	A Limited Authority to Teach valid for 3 years	\$224.91
1, 2, 5, 6	1	A Limited Authority to Teach valid for 2 years	\$149.94
1, 2, 5, 6	1	A Limited Authority to Teach valid for 1 year	\$74.97
1, 2, 5, 6	1	A teacher holding a Provisional or Full (Category Two) practising certificate applying for a Full (Category One) practising certificate valid for 3 years ¹²	\$335.41
1, 2	1	Returning to Teaching in Aotearoa New Zealand Practising Certificate valid for 3 years ¹³	\$335.41
1	1	Registration (only) for graduates from an approved New Zealand ITE programme ¹⁴	\$Nil

⁹ Applicable to any teacher renewing a current practising certificate, including Tiwhikete Whakaakoranga Tōmua | Provisional Practising Certificate, Tiwhikete Whakaakoranga Tūturu | Full (Category One) Practising Certificate, and Tiwhikete Whakaakoranga Pūmau | Full (Category Two) Practising Certificate.

¹⁰ Applicable to graduates from an approved New Zealand ITE programme who apply for Kaiako Whai Rēhitanga | Teacher Registration and a Tiwhikete Whakaakoranga Tōmua | Provisional Practising Certificate valid for three years.

¹¹ Applicable to overseas-trained teachers who apply for Kaiako Whai Rēhitanga | Teacher Registration and a Tiwhikete Whakaakoranga Tōmua | Provisional Practising Certificate valid for three years. This includes applications made under the Trans-Tasman Mutual Recognition Agreement.

¹² Applicable to teachers who are provisionally or fully certificated teachers who hold a Tiwhikete Whakaakoranga Pūmau | Full (Category Two) Practising Certificate and who now apply for a Tiwhikete Whakaakoranga Tūturu | Full (Category One) Practising Certificate valid for three years.

¹³ Applicable to registered teachers who are fully certificated but whose practising certificate has expired, who cannot meet satisfactory recent teaching requirements, and who are not able to renew using extension to teach provisions.

¹⁴ Applicable to graduates from an approved New Zealand ITE programme who apply for Kaiako Whai Rēhitanga | Teacher Registration only.

Table 3 – Levy Option 2

Consultation Proposal	Re-consultation Option	For	Levy
1, 2, 5, 6	2	Renewal of a practising certificate valid for 3 years ¹⁵	\$334.05
1, 2, 5, 6	2	Registration and Provisional practising certificate for graduates from an approved New Zealand Initial Teacher Education programme ¹⁶	\$334.05
1, 2, 5, 6	2	Registration and Provisional practising certificate for overseas-trained teachers ¹⁷	\$334.05
1, 2, 5, 6	2	A Limited Authority to Teach valid for 3 years	\$334.05
1, 2, 5, 6	2	A Limited Authority to Teach valid for 2 years	\$222.70
1, 2, 5, 6	2	A Limited Authority to Teach valid for 1 year	\$111.35
1, 2, 5, 6	2	A teacher holding a Provisional or Full (Category Two) practising certificate applying for a Full (Category One) practising certificate valid for 3 years ¹⁸	\$334.05
1, 2, 5, 6	2	Returning to Teaching in Aotearoa New Zealand Practising Certificate valid for 3 years ¹⁹	\$334.05
1, 2, 5, 6	2	Registration (only) for graduates from an approved New Zealand ITE programme ²⁰	\$Nil

- iii. **Decides** that the Teaching Council will not continue to explore the viability of a ‘buy now pay later’ (BNPL) instalment option for payment of fees and the levy.

Agree / Agree with amendments / Disagree

¹⁵ Applicable to any teacher renewing a current practising certificate, including Tiwhikete Whakaakoranga Tōmua | Provisional Practising Certificate, Tiwhikete Whakaakoranga Tūturu | Full (Category One) Practising Certificate, and Tiwhikete Whakaakoranga Pūmau | Full (Category Two) Practising Certificate.

¹⁶ Applicable to graduates from an approved New Zealand ITE programme who apply for Kaiako Whai Rēhitanga | Teacher Registration and a Tiwhikete Whakaakoranga Tōmua | Provisional Practising Certificate valid for three years.

¹⁷ Applicable to overseas-trained teachers who apply for Kaiako Whai Rēhitanga | Teacher Registration and a Tiwhikete Whakaakoranga Tōmua | Provisional Practising Certificate valid for three years. This includes applications made under the Trans-Tasman Mutual Recognition Agreement.

¹⁸ Applicable to teachers who are provisionally or fully certificated teachers who hold a Tiwhikete Whakaakoranga Pūmau | Full (Category Two) Practising Certificate and who now apply for a Tiwhikete Whakaakoranga Tūturu | Full (Category One) Practising Certificate valid for three years.

¹⁹ Applicable to registered teachers who are fully certificated but whose practising certificate has expired, who cannot meet satisfactory recent teaching requirements, and who are not able to renew using extension to teach provisions.

²⁰ Applicable to graduates from an approved New Zealand ITE programme who apply for Kaiako Whai Rēhitanga | Teacher Registration only.



iv. **Decides** that the Teaching Council will continue to explore the viability of options to pay fees and the levy by instalment, in regular, small amounts.

Agree / Agree with amendments / Disagree

v. **Decides** that the fees fixed, and levy imposed will be for the three-year period July 2022 to 30 June 2025 and will include an allowance for inflation over the period.

Agree / Agree with amendments / Disagree

vi. **Decides** that the fees fixed, and levies imposed are payable in full to the Teaching Council at the time of making any application for registration or a practising certificate or a limited authority to teach (manner of payment).

Agree / Agree with amendments / Disagree

vii. **Delegates Authority** to the Chair to sign the completed fees notice under section 480 of the Education and Training Act 2020 reflecting the Council's decisions to fix fees and impose levies for the 3-year period FY2022/23 to FY2024/25 and for the Chief Executive to submit the completed notice to the Parliamentary Council Office (PCO) for publication in the Gazette.

Addendum

Note the following depicts the total amount payable under each levy option. All figures include GST:

For	Levy Option 1	Levy Option 2
Renewal of a practising certificate valid for 3 years ²¹	\$464.37	\$463.01
Registration and Provisional practising certificate for graduates from an approved New Zealand Initial Teacher Education programme ²²	\$464.37	\$463.01
Registration and Provisional practising certificate for overseas-trained teachers ²³	\$564.37	\$563.01
A Limited Authority to Teach valid for 3 years	\$353.87	\$463.01
A Limited Authority to Teach valid for 2 years	\$235.91	\$308.67
A Limited Authority to Teach valid for 1 year	\$117.96	\$154.34
A teacher holding a Provisional or Full (Category Two) practising certificate applying for a Full (Category One) practising certificate valid for 3 years ²⁴	\$512.37	\$511.01
Returning to Teaching in Aotearoa New Zealand Practising Certificate valid for 3 years ²⁵	\$464.37	\$463.01
Registration (only) for graduates from an approved New Zealand ITE programme ²⁶	\$128.96	\$128.96

²¹ Applicable to any teacher renewing a current practising certificate, including Tiwhikete Whakaakoranga Tōmua | Provisional Practising Certificate, Tiwhikete Whakaakoranga Tūturu | Full (Category One) Practising Certificate, and Tiwhikete Whakaakoranga Pūmau | Full (Category Two) Practising Certificate.

²² Applicable to graduates from an approved New Zealand ITE programme who apply for Kaiako Whai Rēhitanga | Teacher Registration and a Tiwhikete Whakaakoranga Tōmua | Provisional Practising Certificate valid for three years.

²³ Applicable to overseas-trained teachers who apply for Kaiako Whai Rēhitanga | Teacher Registration and a Tiwhikete Whakaakoranga Tōmua | Provisional Practising Certificate valid for three years. This includes applications made under the Trans-Tasman Mutual Recognition Agreement.

²⁴ Applicable to teachers who are provisionally or fully certificated teachers who hold a Tiwhikete Whakaakoranga Pūmau | Full (Category Two) Practising Certificate and who now apply for a Tiwhikete Whakaakoranga Tūturu | Full (Category One) Practising Certificate valid for three years.

²⁵ Applicable to registered teachers who are fully certificated but whose practising certificate has expired, who cannot meet satisfactory recent teaching requirements, and who are not able to renew using extension to teach provisions.

²⁶ Applicable to graduates from an approved New Zealand ITE programme who apply for Kaiako Whai Rēhitanga | Teacher Registration only.