



## The Teaching Council, teacher registration fees, and pedagogic incursions: funding control through taxation?

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The Teaching Council of Aotearoa New Zealand (hereafter Council) is only nominally a teachers' council: it is a partially elected governing body<sup>i</sup> – established by and then separated from the Ministry of Education – that increasingly encroaches on teacher and school autonomy. Recent moves also signal an increasing interest by the Council to capture the ideological space determining the kinds of conversations and directions that the education sector can explore. Most registered teachers only interact with the Council once every three years when it comes time to renew teacher registration. While ongoing teacher appraisals engage with a Council<sup>ii</sup> (2017) publication, *Our Code, Our Standards - Ngā Tikanga Matatika, Ngā Paerewa*, actual interactions between teachers and Council only occur in certain instances during this process. This is due to the legislated function of the Council, under the Education and Training Act (2020), to “ensure safe and high-quality leadership, teaching, and learning for children and young people in early childhood, primary, secondary, and senior secondary schooling in English-medium and Māori-medium settings through raising the status of the profession” (s.478). As an institution established to ensure safe and high-quality education, the Council's role is a regulatory one. It regulates access to, and standards and expectations within, the profession. When necessary, it disciplines teachers who fall short of its standards and expectations. The Council has recently been in the headlines as it redraws its relationship with the Ministry of Education and with the teachers it regulates. Here, we consider the change in funding for the Council and its intended incursion into professional development.

In June this year, the Council increased the registration fees it charges for teachers to retain their practicing certificate in the early childhood and compulsory education sectors. This increase is substantial: more than 100% to cover a three-year registration period. The Council previously had a significant portion of its funding provided by the Ministry of Education. However, the Ministry no longer funds the Council, stating that the Council should be an independent and profession-owned body. It is the second time that the increase to teacher registration fees has been announced. First announced in 2021, it was successfully opposed through legal action by the Post Primary Teachers Association (PPTA), the union covering the secondary education sector

nationally. The High Court blocked the Council's plans to raise fees and move to annual registration renewal on the grounds that consultation had never genuinely held potential to influence the Council's decision (Gerritson, 2021). The Council re-instigated consultation, and on the first of June 2022 emailed registered teachers their decision – almost identical to the first in terms of the fees increase. There was a small win for a small group in this new decision, however. Between the initial consultation and the revised consultation, the Council had made savings of \$1.5 million. In their June decision, the Council used this money to reduce the registration fees for one group of unqualified teachers in the compulsory sector – holders of a Limited Authority to Teach (LAT).

The questions that need to be raised here are: Is this increase reasonable? And should only one subset of unqualified teachers benefit from Council's fiscal savings? Teacher unions have been clear on both points in their submissions to the Council during consultation phases, with an unequivocal 'no'<sup>1</sup>. Unions argue that the scale of the increase is not clearly justified within consultation documents from the Council. There is also no variation to registration fees for teachers in the Early Childhood Education sector despite a significant pay gap with teachers in Kindergartens and compulsory education. Every teachers' and principals' union opposed the extent of the fees increase. In addition, these unions argued against providing levy relief to holders of LATs, based on the view that holding a LAT should not be aspirational for the profession. LAT holders should not benefit from a registration fee structure that may encourage an increase in unqualified teachers across the compulsory sector. In spite of this feedback during the consultation rounds, the Council's announcement this June increased the fees to almost the same point as their 2021 announcement, and reduced the levy for LAT holders. In a step that unions have noted as problematic, the Council has also moved that this registration fee can increase in line with inflation over the coming years. Unions have rightly pointed out that teachers cannot tie their future pay to potential increases in costs, and such a move by the Council is unreasonable.

In addition to an increase in fees teachers must pay to the Council, there is another significant issue at work. The Council is intending to develop a Leadership Centre which will provide professional development to the profession. In their view, the Council Board "intends for the Centre to take a new approach to leadership that will provide all teachers with the opportunity to develop capable, adaptive and inspirational leadership - regardless of role or position" (Council, 2020, para. 3). Perhaps this is a worthy goal. Perhaps this is not. Examination of this view of teachers is certainly worth full exploration elsewhere. The underlying issue with such a development is that the profession's regulatory body is firming up structures through which to become a provider of professional development. The conflict of interest is palpable. As the PPTA illustrated:

Any work pertaining to the professional development of teachers – not just in the leadership space but any form – should not be undertaken by the Teaching Council...We see a fundamental conflict of interest that the body responsible for conduct and competency proceedings

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<sup>1</sup> Union submissions to the Council can be accessed here: <https://teachingcouncil.nz/news-advocacy/news/fee-and-levy-announcement>

should also be the body administering teachers' professional development. (2022, p. 1)

According to Bernstein's (2000) notion of the evaluative rule, assessment of a set of ideas or beliefs is central to ensuring their uptake, and a key step in positioning those ideas or beliefs as hegemonic. Regulating the profession through standards and codes of practice is one way in which Bernstein's evaluative rule is realised. The institution setting out the evaluative rule holds considerable ideological control over the kinds of conversations and directions that a sector can have. The step by the Council towards undertaking a pedagogic role for the profession, *in addition to* its regulatory function, positions it as a highly powerful ideological institution nationally. As Cobb (2019, p. 28) highlights, any step into pedagogy "is not neutral...it functions as a carrier of social biases, allowing ideologies and structuring conditions to selectively differentiate the transmission of knowledge". Elsewhere, Couch, Devine, and Stewart (2022) have examined problematic Council incursions into the assessment functions of Initial Teacher Education (ITE) providers' programmes. ITE providers require Council approval of programmes to ensure graduates' qualifications will be recognised. However, rather than approving as a regulator, Council's recent work has also set requirements for ITE programme content and even assessment structures – aspects of work that squarely fall into the pedagogic sphere. The establishment of a Leadership Centre, and the push towards delivering professional development, represents an ongoing and intentional shift from a regulatory institution towards a regulatory *and* pedagogic one. If the Council becomes at once a pedagogic *and* regulatory institution, its control over the hegemonic educational space will become extremely difficult to challenge.

Yet who can stop the Council? They have demonstrated that they will not listen to the teachers who now own the regulatory institution, nor the tens of thousands of voices represented by the unions. By being financially cast off from the Ministry of Education, the Council can tell the Ministry to mind its own business. The Council has found itself, by purpose or accident, as a unique institution within the educational landscape of Aotearoa New Zealand: one that appears to expand its mission, including incursions into pedagogic spaces, and which will only be regulated by itself. This developing unquestioned monopoly on power in and over the sector, as any monopoly should, raises concerns. There is an alternative, however. Now wholly owned by the teachers paying for registration, registered teachers have far more power collectively over the Council than the Council holds individually over each teacher. Within this reality lie pathways for collective action that could return the Council to its important regulatory function, and leaves teaching to teachers, and professional development to the many educational institutions already providing this service.

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<sup>i</sup> A previous version of this Editorial indicated that the Council is not an elected body. Seven of 13 Board Members are elected, and the remaining six members are appointed by the Minister of Education.

<sup>ii</sup> A previous version of this Editorial indicated that this publication was a joint publication with the Ministry of Education. It is a Council publication.