



New South Wales

Teaching Service Regulation 2007

under the

Teaching Service Act 1980

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Teaching Service Act 1980*.

JOHN DELLA BOSCA, M.L.C.,
Minister for Education and Training

Explanatory note

The object of this Regulation is to remake, without substantial change, the *Teaching Service Regulation 2001* which is repealed on 1 September 2007 by section 10 (2) of the *Subordinate Legislation Act 1989*.

The Regulation makes provision for the following matters:

- (a) the duties and responsibilities of members of the Teaching Service,
- (b) the management of schools,
- (c) the medical examination of members of the Teaching Service to ascertain their fitness to perform their duties.

This Regulation is made under the *Teaching Service Act 1980*, including section 100 (the general regulation-making power).

2007 No 430

Teaching Service Regulation 2007

Contents

	Page
1 Name of Regulation	3
2 Commencement	3
3 Definitions	3
4 Compliance with statutory conditions of service	3
5 Compliance with directions	4
6 Scope of duties	4
7 Use and disclosure of information	5
8 Holding of local government office	5
9 Management of schools	5
10 Medical examination	6
11 Saving	6

Teaching Service Regulation 2007

under the

Teaching Service Act 1980

1 Name of Regulation

This Regulation is the *Teaching Service Regulation 2007*.

2 Commencement

This Regulation commences on 1 September 2007.

Note. This Regulation replaces the *Teaching Service Regulation 2001* which is repealed on 1 September 2007 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

member of the Teaching Service means an officer or temporary employee of the Teaching Service, whether a member of the teaching staff, administrative staff or any other staff of the Service.

school includes any school department, school faculty or school counselling team, and any other establishment at which a member of the Teaching Service is employed.

statutory conditions of service means the provisions of:

- (a) the Act, or
- (b) this Regulation, or
- (c) any determination under section 13 of the Act, that impose duties on members of the Teaching Service.

the Act means the *Teaching Service Act 1980*.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Compliance with statutory conditions of service

(1) All members of the Teaching Service must acquaint themselves with the statutory conditions of service.

2007 No 430

Clause 5 Teaching Service Regulation 2007

- (2) The Director-General is to make available to all members of the Teaching Service copies of the following documents in a reasonably accessible form:
 - (a) the Act,
 - (b) this Regulation,
 - (c) all determinations under section 13 of the Act in relation to members of the Teaching Service.
- (3) A member of the Teaching Service who is in charge of a school must report to the Director-General any breach of the statutory conditions of service that comes to the member's knowledge.
- (4) It is sufficient compliance with subclause (2) if the documents are available on the Internet or the Department's Intranet.

5 Compliance with directions

- (1) A member of the Teaching Service must immediately comply with any lawful direction given by a person who has authority under the Act or this Regulation to give the direction.
- (2) A request for the review of a direction may be made by or on behalf of one or more members of the Teaching Service by means of a notice in writing given to the person who gave the direction.
- (3) The person to whom such a notice is given must immediately send it to the Director-General or to an officer authorised by the Director-General in writing for the purposes of this clause.
- (4) The making of a request for the review of a direction does not relieve a member of the Teaching Service of his or her obligation to comply with the direction as far as is reasonably practicable.

6 Scope of duties

In addition to discharging the specific duties that the member is employed to discharge, a member of the Teaching Service:

- (a) must participate actively in all of the corporate interests of the Department and of the school in which the member is employed, and
- (b) must undertake such other duties as may be assigned to the member by the person in charge of that school or by any other person having the authority to assign duties.

7 Use and disclosure of information

A member of the Teaching Service must not use or disclose (whether directly or indirectly) any information obtained by or conveyed to the member in the course of the discharge of official duties, except:

- (a) with the express direction or permission of the Minister or the Director-General, or
- (b) in the discharge of official duties, or
- (c) as authorised or required by law.

8 Holding of local government office

A member of the Teaching Service may accept and hold the office of mayor of a local government area or chairperson of a county council, but must resign that office if, in the opinion of the Director-General, the holding of that office is incompatible with the proper discharge of his or her duties as a member of the Teaching Service.

9 Management of schools

- (1) The member of the Teaching Service who is in charge of a school must manage the school concerned in a proper, efficient, economic and equitable manner.
- (2) The obligations imposed by subclause (1) include the following:
 - (a) having well-stated policies and plans of action, clearly defined goals, a balanced, sequential and appropriate curriculum and suitable mechanisms for supervision, evaluation and documentation that ensure co-ordination of all school activities, continuity of policy and good communication,
 - (b) encouraging and assisting the professional development of members of the Teaching Service without discrimination as required by the *Anti-Discrimination Act 1977*,
 - (c) making effective and economic use of resources,
 - (d) ensuring staff and student discipline,
 - (e) encouraging members of the Teaching Service to submit suggestions for increasing the efficiency of the Teaching Service,
 - (f) training members of the Teaching Service and providing opportunities and facilities for them to improve themselves in matters connected with their official duties:
 - (i) by attendance at courses held at the school or courses organised by or for the school, and
 - (ii) at tertiary institutions,
 - (g) compliance with the *Occupational Health and Safety Act 2000*.

2007 No 430

Clause 10 Teaching Service Regulation 2007

10 Medical examination

- (1) For the purpose of ascertaining the fitness of a member of the Teaching Service to perform his or her duties or to participate in any disciplinary proceedings relating to the member, the Director-General may direct the member to submit to a medical examination by a qualified medical practitioner selected by the Director-General.
- (2) The member of the Teaching Service must comply with the direction.
- (3) If the Director-General has issued any such direction to a member of the Teaching Service, the Director-General may also direct the member of the Teaching Service:
 - (a) if on duty, to cease duty immediately, and
 - (b) not to resume duty until the medical examination is complete and the medical practitioner concerned has furnished a certificate stating that the member is fit for work.

11 Saving

- (1) Any act, matter or thing that had effect immediately before the repeal of the repealed Regulation is taken to have effect under this Regulation.
- (2) In particular, and without limiting subclause (1), clause 4A of the repealed Regulation is taken to have effect under this Regulation.

Note. The *Education Legislation Amendment (Staff) Act 2006* omitted provisions of the repealed Regulation relating to breaches of discipline by members of the Teaching Service (**the omitted provisions**) and introduced a new legislative framework. Clause 4A of the repealed Regulation is a transitional provision that makes it clear that anything done, or in the process of being done, under the monitoring procedures in the omitted provisions does not need to be repeated under the new legislative framework. Clause 4A also makes it clear that the omitted provisions continue to apply to a breach of discipline charge that was not finally determined before the omission of those provisions.
- (3) In this clause, the **repealed Regulation** means the *Teaching Service Regulation 2001*.

BY AUTHORITY