



New South Wales

Education (School Administrative and Support Staff) Regulation 2018

under the

Education (School Administrative and Support Staff) Act 1987

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Education (School Administrative and Support Staff) Act 1987*.

ROBERT STOKES, MP
Minister for Education

Explanatory note

The object of this Regulation is to repeal and remake the *Education (School Administrative and Support Staff) Regulation 2013*, which would otherwise be repealed on 1 September 2018 by section 10 (2) of the *Subordinate Legislation Act 1989*.

The Regulation makes provision for the medical assessment and examination of persons seeking appointment to permanent positions within the school administrative and support staff of the Department of Education.

This Regulation is made under the *Education (School Administrative and Support Staff) Act 1987*, including sections 10 and 38 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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1 Name of Regulation

This Regulation is the *Education (School Administrative and Support Staff) Regulation 2018*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Note. This Regulation repeals and replaces the *Education (School Administrative and Support Staff) Regulation 2013*, which would otherwise be repealed on 1 September 2018 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

(1) In this Regulation:

the Act means the *Education (School Administrative and Support Staff) Act 1987*.

Note. The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

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

4 Health assessments

- (1) For the purposes of section 10 of the Act, a person satisfies a medical assessment or examination as to the person's health if the person is found to be fit to carry out the duties of the position after a health assessment under this clause.
- (2) Fitness to carry out the duties of the position includes the ability to carry out those duties without endangering the health and safety of the public, of other persons employed within the Department and of the person concerned.
- (3) The health assessment is to be in the form considered necessary by the Secretary.
- (4) The form may include (but is not limited to) any one or more of the following:
 - (a) a declaration (which may be a statutory declaration if required) provided by the person concerning any illness, disability or condition of which the person is aware that might make the person unfit to carry out the duties of the position,
 - (b) a medical examination by a medical practitioner approved by the Secretary,
 - (c) an examination by a medical practitioner, optometrist or other appropriately qualified health care professional approved by the Secretary of a particular aspect of the person's health likely to detrimentally affect the person's capacity to carry out the duties of the position.
- (5) The Secretary is to give the health care professional providing the health assessment referred to in subclause (4) (b) or (c) any requested information about the duties of

the position concerned that is reasonably required for the purpose of providing the health assessment.

5 Repeal and savings

- (1) The *Education (School Administrative and Support Staff) Regulation 2013* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Education (School Administrative and Support Staff) Regulation 2013*, had effect under that Regulation continues to have effect under this Regulation.