

1992—No. 585

**EDUCATION (ANCILLARY STAFF) ACT 1987—REGULATION**

(Relating to temporary employees and to discipline and medical examinations  
of permanent employees)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council,  
and in pursuance of the Education (Ancillary Staff) Act 1987, has been  
pleased to make the Regulation set forth hereunder.

VIRGINIA CHADWICK,  
Minister for Education and Youth Affairs.

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**PART 1—PRELIMINARY**

**Citation**

1. This Regulation may be cited as the Education (Ancillary Staff) Regulation 1992.

**Commencement**

2. This Regulation commences on 9th November, 1992.

**Definitions**

3. In this Regulation:

“**Government Medical Officer**” has the same meaning as it has in  
the Public Sector Management (General) Regulation 1988;

“**the Act**” means the Education (Ancillary Staff) Act 1987.

**PART 2—DISCIPLINE****Procedure: breaches of discipline by permanent employees**

**4. (1)** For the purposes of section 28 of the Act, the manner of dealing with alleged breaches of discipline is that set out in clauses 45 and 46 of the Education Teaching Service Regulation 1982 as they apply to officers and temporary employees under the Teaching Services Act 1980.

**(2)** For the purposes of this clause, a reference in clause 45 of the Education Teaching Service Regulation 1982 to a prescribed officer is to be disregarded.

**Suspension of temporary employees**

**5. (1)** It is a condition of employment of a temporary employee that if the employee is charged with having committed an offence referred to in section 30 (1) of the Act, the Director-General may suspend the employee from duty until the charge has been dealt with.

**(2)** The Director-General may lift the suspension of a temporary employee at any time.

**Remuneration of temporary employees during suspension**

**6. (1)** It is a condition of employment of a temporary employee that if the employee is suspended any remuneration payable to the employee is to be withheld during the period of suspension, unless the Director-General otherwise directs.

**(2)** It is a further condition of employment that any remuneration payable to a suspended temporary employee is, unless the Director-General otherwise directs, to be forfeited if the employee is convicted of the offence, unless it was due before the suspension or was paid pursuant to a direction under subclause (1).

**(3)** This clause has effect subject to the Government and Related Employees Appeal Tribunal Act 1980.

**PART 3—MISCELLANEOUS****Medical assessment or examination**

**7. (1)** For the purposes of section 10 of the Act, the medical assessment, or examination, is one conducted by the Government Medical Officer or under that officer's direction.

(2) The standard required to satisfy the medical assessment or examination for the purposes of section 10 of the Act is that determined by the Director-General from time to time in relation to the duties of the position to which the person is seeking appointment.

### **Other employment—temporary employees**

8. (1) It is a condition of employment of a temporary employee that the employee must obey a direction given to the employee in writing by the Director-General:

- (a) forbidding the employee from engaging in, or restricting the employee's engagement in, any trade, business, profession or other remunerative employment; or
- (b) requiring the employee to resign from a specified office not connected with the duties of his or her position as a temporary employee.

(2) The direction may apply to specified matters or may apply generally.

(3) The direction does not apply to a temporary employee whose employment under the Act is part-time (whether for less than the whole of a working day or for less than 5 working days each week):

- (a) during those times when the employee is not required to be engaged in that employment; and
- (b) if the discharge of the duties of the employee under the Act is not adversely affected and if no conflict of interests arises.

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## **NOTES**

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**EXPLANATORY NOTE**

The purpose of this Regulation is to complement the Education (Ancillary Staff) Act 1987 by prescribing the following:

- (a) the type and standard of medical examination or assessment for the employment of permanent ancillary staff at schools;
  - (b) the procedure to be adopted in dealing with breaches of discipline by such permanent staff;
  - (c) disciplinary procedures for temporary ancillary staff at schools;
  - (d) a power in the Director-General to give directions to such temporary staff regarding any employment they may engage in outside their school duties.
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