



Education (School Administrative and Support Staff) Regulation 2003

under the

Education (School Administrative and Support Staff) Act 1987

Her 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*.

ANDREW REFSHAUGE, M.P.,
Minister for Education and Training

Explanatory note

The object of this Regulation is to remake, without substantial changes, the *Education (School Administrative and Support Staff) Regulation 1998*. That Regulation will be repealed on 1 September 2003 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation:

- (a) specifies the manner of dealing with alleged breaches of discipline by school administrative and support staff who are employed on a permanent basis (clause 5), and
- (b) provides for the suspension of temporary employees charged with committing certain offences (clauses 6 and 7), and
- (c) specifies when a person satisfies a medical assessment of the person's health (clause 8), and
- (d) provides for the Director-General to prohibit a temporary employee from holding other jobs (clause 9), and
- (e) makes other provisions of a formal or ancillary nature (clauses 1–4 and 10).

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

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Explanatory note

This Regulation comprises or relates to 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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Clause 1 Education (School Administrative and Support Staff) Regulation 2003

Part 1 Preliminary

Education (School Administrative and Support Staff) Regulation 2003

under the

Education (School Administrative and Support Staff) Act 1987

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Education (School Administrative and Support Staff) Regulation 2003*.

2 Commencement

This Regulation commences on 1 September 2003.

Note. This Regulation replaces the *Education (School Administrative and Support Staff) Regulation 1998* which is repealed on 1 September 2003 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

In this Regulation:

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

4 Notes

Notes in the text of this Regulation do not form part of this Regulation.

Part 2 Discipline

5 Procedure: breaches of discipline by permanent employees

For the purposes of section 28 of the Act, alleged breaches of discipline by permanent employees are to be dealt with by the Director-General in the same way as alleged breaches of discipline by officers and temporary employees of the Education Teaching Service are dealt with under the *Teaching Services Act 1980*.

6 Suspension of temporary employees

- (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.

7 Remuneration of temporary employees during suspension

- (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 employee was suspended or was paid in accordance with a direction under subclause (1).
- (3) This clause has effect subject to the *Government and Related Employees Appeal Tribunal Act 1980*.

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Part 3 Miscellaneous

Part 3 Miscellaneous

8 Health assessments

- (1) For the purposes of section 10 of the Act, a person satisfies a medical assessment of 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 duties 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 Director-General.
- (4) That 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 Director-General,
 - (c) an examination by a medical practitioner, an optometrist or other appropriately qualified health care professional, approved by the Director-General, 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 Director-General is to give the health care professional providing an assessment referred to in subclause (4) (c) any requested information about the duties of the position concerned that is reasonably required for the purpose of providing the assessment.

9 Other employment: temporary employees

- (1) It is a condition of employment of a temporary employee that the employee must obey any written direction given to the employee 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.

10 Savings

Any act, matter or thing that, immediately before the repeal of the *Education (School Administrative and Support Staff) Regulation 1998*, had effect under that Regulation continues to have effect under this Regulation.