



New South Wales

Education (School Administrative and Support Staff) Amendment (Transitional) Regulation 2006

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*.

CARMEL TEBBUTT, M.P.,
Minister for Education and Training

Explanatory note

The *Education Legislation Amendment (Staff) Act 2006 (the amending Act)* makes a number of amendments to the *Education (School Administrative and Support Staff) Act 1987 (the Principal Act)* and the *Education (School Administrative and Support Staff) Regulation 2003 (the Principal Regulation)* to provide for a new legislative framework dealing with the management of conduct and performance of school administrative and support staff employed on a permanent basis under the Principal Act. The provisions of the Principal Regulation that are repealed by the amending Act include those provisions that allow breaches of discipline to be dealt with by way of monitoring procedures. In accordance with the transitional arrangements made by the amending Act, an existing breach of discipline may continue to be dealt with under the new management of conduct and performance framework.

The object of this Regulation is to make it clear that anything done, or in the process of being done (for example, investigations, interviews or remedial programs that have not been completed), under the existing monitoring procedures in relation to a breach of discipline is taken to have been done, or be in the process of being done, for the purposes of dealing with the matter under the new management of conduct and performance framework, and accordingly does not need to be repeated.

This Regulation also makes it clear that the provisions of the Principal Regulation repealed by the amending Act that deal with charges for breaches of discipline that have not been finally determined will continue to apply in relation to those disciplinary charges.

This Regulation is made under the *Education (School Administrative and Support Staff) Act 1987*, including section 38 (the general regulation-making power) and clause 1 of Schedule 1.

2006 No 422

Education (School Administrative and Support Staff) Amendment
Clause 1 (Transitional) Regulation 2006

**Education (School Administrative and Support Staff)
Amendment (Transitional) Regulation 2006**

under the

Education (School Administrative and Support Staff) Act 1987

1 Name of Regulation

This Regulation is the *Education (School Administrative and Support Staff) Amendment (Transitional) Regulation 2006*.

2 Commencement

This Regulation commences on 4 August 2006.

**3 Amendment of Education (School Administrative and Support Staff)
Regulation 2003**

The *Education (School Administrative and Support Staff) Regulation 2003* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 3)

Clause 9A

Insert after clause 9:

9A **Transitional provisions—existing disciplinary charges and monitoring procedures**

- (1) The purpose of this clause is to make further provision consequent on the enactment of the *Education Legislation Amendment (Staff) Act 2006* (***the amending Act***).
- (2) **Existing disciplinary charges**
For the avoidance of doubt, any regulation made for the purposes of Part 6 of the Act (as in force immediately before the substitution of that Part by the amending Act) continues to apply to a breach of discipline to which clause 4 of Schedule 1 to the Act applies.
- (3) **Existing monitoring procedures**
Anything done (or in the process of being done) for the purposes of dealing with a breach of discipline to which clause 5 of Schedule 1 to the Act applies is taken to have been done (or in the process of being done) for the purposes of dealing with the breach of discipline as if it were an allegation of misconduct made under Part 6 of the Act (as substituted by the amending Act) in respect of which the Director-General decides to take remedial action.