



New South Wales

Teaching Service Amendment (Transitional) Regulation 2006

under the

Teaching Service Act 1980

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

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 *Teaching Service Act 1980* and the *Teaching Service Regulation 2001* (***the Principal Regulation***) to provide for a new legislative framework dealing with the management of conduct and performance of officers in the Teaching Service. The provisions of the Principal Regulation that are repealed by the amending Act include those provisions that allow breaches of discipline to be dealt with by way of monitoring procedures.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This Regulation also makes it clear that the provisions of the Principal Regulation repealed by the amending Act that deal with charges for breaches of discipline that have not been finally determined will continue to apply in relation to those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 *Teaching Service Act 1980*, including section 99 (the general regulation-making power) and clause 2 of Schedule 3.

2006 No 425

Clause 1 Teaching Service Amendment (Transitional) Regulation 2006

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Teaching Service Act 1980

1 Name of Regulation

This Regulation is the *Teaching Service Amendment (Transitional) Regulation 2006*.

2 Commencement

This Regulation commences on 4 August 2006.

3 Amendment of Teaching Service Regulation 2001

The *Teaching Service Regulation 2001* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 3)

Clause 4A

Insert after clause 4:

4A 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 Division 6 of Part 4 of the Act (as in force immediately before the repeal of that Division by the amending Act) continues to apply to a breach of discipline to which clause 19 of Schedule 3 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 20 of Schedule 3 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 4A of the Act in respect of which the Director-General decides to take remedial action.