



New South Wales

# Teaching Service Regulation 2017

under the

Teaching Service Act 1980

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

ROBERT STOKES, MP  
Minister for Education

## Explanatory note

The object of this Regulation is to remake, with minor changes, the *Teaching Service Regulation 2012*, which is repealed on 1 September 2017 by section 10 (2) of the *Subordinate Legislation Act 1989*.

The Regulation makes provision with respect to the following matters:

- (a) compliance by members of the Teaching Service with statutory conditions of service,
- (b) compliance by members of the Teaching Service with directions under the *Teaching Service Act 1980* and the review of those directions,
- (c) general duties of members of the Teaching Service,
- (d) use and disclosure, by members of the Teaching Service, of information obtained in the course of discharging their duties,
- (e) the holding of local government office by members of the Teaching Service,
- (f) the management of schools,
- (g) the medical examination of members of the Teaching Service to ascertain their fitness to perform their duties.

This Regulation is made under the *Teaching Service Act 1980*, including section 100 (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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## Teaching Service Regulation 2017

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### 1 Name of Regulation

This Regulation is the *Teaching Service Regulation 2017*.

### 2 Commencement

This Regulation commences on 1 September 2017 and is required to be published on the NSW legislation website.

**Note.** This Regulation replaces the *Teaching Service Regulation 2012* which is repealed on 1 September 2017 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

(1) In this Regulation:

***member of the Teaching Service*** means an officer or temporary employee of the Teaching Service, whether a member of the teaching staff, administrative staff or any other staff of the Service.

***school*** includes any school department, school faculty or school counselling team, and any other establishment at which a member of the Teaching Service is employed.

***the Act*** means the *Teaching Service Act 1980*.

**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 Compliance with statutory conditions of service

(1) All members of the Teaching Service must be familiar with the statutory conditions of service.

(2) The Secretary is to make available to all members of the Teaching Service copies of the following documents in a reasonably accessible form:

- (a) the Act,
- (b) this Regulation,
- (c) all determinations under section 13 of the Act.

(3) A member of the Teaching Service who is in charge of a school must report to the Secretary any breach of the statutory conditions of service that comes to the member's knowledge.

(4) It is sufficient compliance with subclause (2) if the documents are available on the Internet or the Department's Intranet.

(5) In this clause:

***statutory conditions of service*** means the provisions of any of the following that impose duties on members of the Teaching Service:

- (a) the Act, or
- (b) this Regulation, or
- (c) any determination under section 13 of the Act.

## **5 Compliance with directions and review**

- (1) A member of the Teaching Service must immediately comply with any lawful direction given by a person who has authority under the Act or this Regulation to give the direction.
- (2) A request for the review of a direction may be made by or on behalf of one or more members of the Teaching Service by means of a notice in writing given to the person who gave the direction.
- (3) The person to whom the notice is given must immediately send it to the Secretary or to an officer authorised by the Secretary in writing for the purposes of this clause.
- (4) The making of a request for the review of a direction does not relieve a member of the Teaching Service of the member's obligation to comply with the direction as far as is reasonably practicable.

## **6 General duties**

In addition to discharging the specific duties that the member is employed to discharge, a member of the Teaching Service:

- (a) must participate actively in all of the corporate interests of the Department and of the school in which the member is employed, and
- (b) must undertake any other duties that may be assigned to the member by the person in charge of that school or by any other person having the authority to assign duties.

## **7 Use and disclosure of information**

A member of the Teaching Service must not use or disclose (whether directly or indirectly) any information obtained by or conveyed to the member in the course of the discharge of official duties, except:

- (a) at the express direction or with the express permission of the Minister or the Secretary, or
- (b) in the discharge of official duties, or
- (c) as authorised or required by law.

## **8 Holding of local government office**

A member of the Teaching Service may accept and hold the office of mayor of a local government area or chairperson of a county council, but must resign that office if, in the opinion of the Secretary, the holding of that office is incompatible with the proper discharge of the member's duties as a member of the Teaching Service.

## **9 Management of schools**

The member of the Teaching Service who is in charge of a school must manage the school concerned in a proper, efficient, economic and equitable manner, including by:

- (a) having well-stated policies and plans of action, clearly defined goals, a balanced, sequential and appropriate curriculum and suitable mechanisms for supervision, evaluation and documentation that ensure co-ordination of all school activities, continuity of policy and good communication, and

- (b) encouraging and assisting the professional development of members of the Teaching Service without discrimination as required by the *Anti-Discrimination Act 1977*, and
- (c) making effective and economic use of resources, and
- (d) ensuring staff and student discipline, and
- (e) implementing and managing programs for student safety, welfare and well-being, and
- (f) encouraging members of the Teaching Service to submit suggestions for increasing the efficiency of the Teaching Service, and
- (g) training members of the Teaching Service and providing opportunities and facilities for them to improve themselves in matters connected with their official duties:
  - (i) by attendance at courses held at the school or courses organised by or for the school, and
  - (ii) at tertiary institutions, and
- (h) compliance with the *Work Health and Safety Act 2011*.

#### **10 Medical examination**

- (1) For the purpose of ascertaining the fitness of a member of the Teaching Service to perform his or her duties, to participate in any remedial action or performance improvement program or to do anything else required of them in relation to a disciplinary matter under Part 4A of the Act, the Secretary may direct the member to submit to a medical examination by a medical practitioner selected by the Secretary.
- (2) If the Secretary has issued any such direction to a member of the Teaching Service, the Secretary may also direct the member:
  - (a) if on duty, to cease duty immediately, and
  - (b) not to resume duty until the medical examination is complete and the medical practitioner concerned has confirmed in writing that the member is fit for work.
- (3) A member of the Teaching Service must comply with a direction issued to the member under this clause.

#### **11 Saving**

Any act, matter or thing that, immediately before the repeal of the *Teaching Service Regulation 2012*, had effect under that Regulation continues to have effect under this Regulation.