



New South Wales

Education (School Administrative and Support Staff) Regulation 2024

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*.

PRUE CAR, MP
Minister for Education and Early Learning

Explanatory note

The object of this regulation is to repeal and remake, with minor changes, the *Education (School Administrative and Support Staff) Regulation 2018*, which would otherwise be repealed on 1 September 2024 by the *Subordinate Legislation Act 1989*, section 10(2).

This regulation provides for the medical assessment or examination of persons seeking appointment on a permanent basis as members of the school administrative and support staff of the Department of Education. This regulation comprises or relates to matters set out in the *Subordinate Legislation Act 1989*, Schedule 3, namely—

- (a) matters of a machinery nature, and
- (b) matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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1 Name of regulation

This regulation is the *Education (School Administrative and Support Staff) Regulation 2024*.

2 Commencement

This regulation commences on the day on which it is published on the NSW legislation website.

Note— This regulation repeals and replaces the *Education (School Administrative and Support Staff) Regulation 2018*, which would otherwise be repealed on 1 September 2024 by the *Subordinate Legislation Act 1989*, section 10(2).

3 Definition

In this regulation—

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

Note— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this regulation.

4 Health assessments

- (1) For the Act, section 10, a person satisfies a medical assessment or examination if the person is found to be fit to carry out the duties of the position after a health assessment under this section.
- (2) The health assessment must be in the form approved by the Secretary.
- (3) The form may include the following—
 - (a) a declaration or a statutory declaration given by the person concerning an illness, disability or condition that the person is aware might make the person unfit to carry out the duties of the position,
 - (b) a medical examination by a medical practitioner approved by the Secretary,
 - (c) an examination 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 and performed by—
 - (i) a medical practitioner, or
 - (ii) an optometrist, or
 - (iii) an appropriately qualified healthcare professional approved by the Secretary.
- (4) The person carrying out the health assessment referred to in subsection (3)(b) or (c) may make a request to the Secretary for information that—
 - (a) relates to the duties of the position concerned, and
 - (b) is reasonably required to carry out the health assessment.

- (5) The Secretary must give the requested information to the person.
- (6) In this section—
 - fit to carry out the duties*, for a position, includes the ability of a person to carry out the duties without endangering the health and safety of—
 - (a) the person, or
 - (b) the public, or
 - (c) other persons employed in the Department.

5 Repeal and savings

- (1) The *Education (School Administrative and Support Staff) Regulation 2018* is repealed.
- (2) An act, matter or thing that, immediately before the repeal of the *Education (School Administrative and Support Staff) Regulation 2018*, had effect under that regulation continues to have effect under this regulation.