



New South Wales

# Teaching Service Regulation 2024

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*.

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is to repeal and remake, with minor changes, the *Teaching Service Regulation 2017*, which would otherwise be repealed on 1 September 2024 by the *Subordinate Legislation Act 1989*, section 10(2).

This regulation provides for the following—

- (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) the prohibition of the 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 determine fitness to perform duties.

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.

## Contents

	Page
1 Name of regulation	2
2 Commencement	2
3 Definitions	2
4 Compliance with statutory conditions of service—the Act, s 100(1)(b)	2
5 Compliance with directions and review—the Act, s 100(1)(b)	3
6 General duties—the Act, s 100(1)(b)	3
7 Use and disclosure of information—the Act, s 100(1)(b)	3
8 Holding of local government office—the Act, s 100(1)(g)	3
9 Management of schools—the Act, s 100(1)(h) and (i)	4
10 Medical examination—the Act, s 100(1)(b) and (g)	4
11 Repeal and savings	5

## Teaching Service Regulation 2024

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### 1 Name of regulation

This regulation is the *Teaching Service 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**Note**— This regulation repeals and replaces the *Teaching Service Regulation 2017*, which would otherwise be repealed on 1 September 2024 by the *Subordinate Legislation Act 1989*, section 10(2).

### 3 Definitions

In this regulation—

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

**school** includes the following establishments at which a member of the Teaching Service is employed—

- (a) a school department,
- (b) a school faculty,
- (c) a school counselling team,
- (d) another establishment.

**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.

### 4 Compliance with statutory conditions of service—the Act, s 100(1)(b)

- (1) A member of the Teaching Service must be familiar with the statutory conditions of service.
- (2) The Secretary must make copies of the following documents available to members of the Teaching Service in a reasonably accessible form—
  - (a) the Act,
  - (b) this regulation,
  - (c) determinations made under the Act, section 13.

**Example**— a publicly accessible website or a website administered by the Department
- (3) The person in charge of a school must report to the Secretary a breach of the statutory conditions of service that the person becomes aware of.
- (4) In this section—

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

- (a) the Act, or
- (b) this regulation, or
- (c) determinations made under the Act, section 13.

**5 Compliance with directions and review—the Act, s 100(1)(b)**

- (1) A member of the Teaching Service must, as soon as reasonably practicable, comply with a 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 for 1 or more members of the Teaching Service by giving a written notice to the person who gave the direction.
- (3) The person to whom the notice is given must, as soon as reasonably practicable after receiving the notice, send a copy of the notice to—
  - (a) the Secretary, or
  - (b) an officer authorised by the Secretary in writing for the purposes of this section.
- (4) A member of the Teaching Service who makes a request for the review of a direction, or on behalf of whom a request for review is made, is not relieved of the member's obligation to comply with the direction.

**6 General duties—the Act, s 100(1)(b)**

A member of the Teaching Service must, in addition to discharging the duties of the position in which the member is employed—

- (a) participate actively in all the corporate interests of—
  - (i) the Department, and
  - (ii) the school in which the member is employed, and
- (b) undertake other duties assigned to the member by—
  - (i) the person in charge of the school, or
  - (ii) another person with authority to assign duties.

**7 Use and disclosure of information—the Act, s 100(1)(b)**

A member of the Teaching Service must not use or disclose, whether directly or indirectly, information obtained by or given 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—the Act, s 100(1)(g)**

- (1) A member of the Teaching Service must not, without the permission of the Secretary, accept and hold the office of—
  - (a) mayor of a local government area, or
  - (b) chairperson of a county council.

- (2) If a member fails to obtain the permission of the Secretary and accepts an office referred to in subsection (1), the Secretary may dismiss the member from the Teaching Service.

**9 Management of schools—the Act, s 100(1)(h) and (i)**

The person in charge of a school must manage the school in a proper, efficient, economic and equitable manner, including by—

- (a) having the following—
  - (i) well-stated policies and plans of action,
  - (ii) clearly defined goals,
  - (iii) a balanced, sequential and appropriate curriculum,
  - (iv) suitable mechanisms for supervision, evaluation and documentation to ensure coordination 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 wellbeing, and
- (f) encouraging members of the Teaching Service to give suggestions for increasing the efficiency of the Teaching Service, and
- (g) providing training, other opportunities and facilities for self-improvement to members of the Teaching Service in matters connected with official duties—
  - (i) by attendance at courses held at the school or organised by or for the school, or
  - (ii) at tertiary institutions, and
- (h) complying with the *Work Health and Safety Act 2011*.

**10 Medical examination—the Act, s 100(1)(b) and (g)**

- (1) This section applies in relation to—
- (a) the performance of duties and responsibilities of members of the Teaching Service, and
  - (b) the training, certification and classification of members of the Teaching Service.
- (2) The Secretary may direct a member of the Teaching Service to submit to a medical examination by a medical practitioner selected by the Secretary to determine the fitness of the member to—
- (a) perform the member’s duties, or
  - (b) participate in remedial action or performance improvement programs, or
  - (c) do anything else required of the member in relation to a disciplinary matter under the Act, Part 4A.
- (3) If the Secretary issues a direction to a member of the Teaching Service, the Secretary may also direct the member—
- (a) if on duty—to stop duty immediately, and
  - (b) not to resume duty until—

- (i) the medical examination is complete, and
- (ii) the medical practitioner gives written confirmation that the member is fit for work.

**11 Repeal and savings**

- (1) The *Teaching Service Regulation 2017* is repealed.
- (2) An act, matter or thing that, immediately before the repeal of the *Teaching Service Regulation 2017*, had effect under that regulation continues to have effect under this regulation.