

# Teaching Service Regulation 2001

[2001-668]



New South Wales

## Status Information

### Currency of version

Repealed version for 4 August 2006 to 31 August 2007 (accessed 28 July 2024 at 4:39)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Previously named**  
Education Teaching Service Regulation 2001
- **Repeal**  
The Regulation was repealed by sec 10 (2) of the [Subordinate Legislation Act 1989 No 146](#) with effect from 1.9.2007.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 1 September 2007

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# Teaching Service Regulation 2001



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## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Teaching Service Regulation 2001*.

### 2 Commencement

This Regulation commences on 1 September 2001.

#### Note—

This Regulation replaces the *Teaching Services (Education Teaching Service) Regulation 1994* which is repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

(1) In this Regulation:

**Department** means the Department of Education and Training.

**Director-General** means the Director-General of the Department.

**disciplinary authority** means:

(a) the Director-General, or

(b) a person who is a prescribed officer as referred to in section 82 of the Act.

**member of staff** 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** means a government school established under the *Education Act 1990*, and includes any school department, school faculty or school counselling team.

**statutory conditions of service** means such of the provisions of:

(a) the Act, or

(b) this Regulation, or

(c) any determination under section 13 of the Act,  
as impose duties on members of staff.

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

(2) The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

#### **4 Savings provision**

Any act, matter or thing that, immediately before the repeal of the *Teaching Services (Education Teaching Service) Regulation 1994*, had effect under that Regulation is taken to have effect under this Regulation.

#### **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.

## **Part 2 Duties of members of staff**

#### **5 Compliance with statutory conditions of service**

- (1) All members of staff must acquaint themselves with the statutory conditions of service.
- (2) The Director-General is to make available to all members of staff 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 in relation to members of staff.
- (3) The person in charge of a school or establishment must report to the Director-General

any breach of the statutory conditions of service that comes to the person's knowledge.

## **6 Compliance with directions**

- (1) A member of staff 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 staff by means of a notice in writing given to the person who gave the direction.
- (3) The person with whom the request is lodged must immediately send it to the Director-General or to an officer authorised by the Director-General 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 staff of his or her obligation to comply with the direction as far as is reasonably practicable.

## **7 Scope of duties**

In addition to performing the specific duties attached to the position to which the member is appointed, a member of staff:

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

## **8 Disclosure of information**

- (1) A member of staff must not, except in the discharge of official duties, use any information gained by or conveyed to the member in the course of those duties.
- (2) A member of staff must not, without the express direction or permission of the Minister or the Director-General, disclose (whether directly or indirectly) any such information.

## **9 Holding of local government office**

A member of staff 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 Director-General, the holding of that office is incompatible with the proper discharge of his or her duties as a member of staff.

## **10 Management of schools**

- (1) A member of staff who is in charge of a school or establishment must manage the school or establishment concerned in a proper, efficient, economic and equitable manner.
- (2) The obligations imposed by subclause (1) include the following:
  - (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,
  - (b) encouraging and assisting the professional development of members of staff without discrimination, as required by the [Anti-Discrimination Act 1977](#),
  - (c) making effective and economic use of resources,
  - (d) ensuring staff and student discipline,
  - (e) encouraging members of staff to submit suggestions for increasing the efficiency of staff,
  - (f) training members of staff and providing opportunities and facilities for them to improve themselves in matters connected with their official duties:
    - (i) by attendance at courses organised by or for the school, and
    - (ii) at tertiary institutions.

## **11 Medical examination**

- (1) For the purpose of ascertaining the fitness of a member of staff to perform his or her duties or to participate in any disciplinary proceedings relating to the member, the Director-General may direct the member to submit to a medical examination by a qualified medical practitioner selected by the Director-General.
- (2) The member of staff must comply with the direction.

## **Part 3**

### **12-20 (Repealed)**