

## DETERMINATION UNDER THE TEACHING SERVICE ACT 1980

### DETERMINATION NO. 1 OF 2022

1. In accordance with section 13 of the *Teaching Service Act 1980 (TS Act)*, I, Simone Walker, R/Secretary of the Department of Education, fix as a condition of employment of Specified Persons employed in the service of the Crown under the TS Act, that to be employed, or remain employed:
  - (a) A Specified Person, other than a person to whom paragraph (2) below applies, must have had at least 2 doses of a COVID-19 vaccine.
  - (b) A Specified Person must, on request by their employer, produce vaccination evidence.
2. This determination does not apply to a Specified Person who:
  - (a) is unable, due to a medical contraindication, to be vaccinated against COVID-19, and
  - (b) presents to their employer a medical contraindication certificate issued to the employee.
3. The Secretary may determine that a Specified Person or class of Specified Person is exempt from this determination.
4. In this determination, the following terms are defined as follows:

**approved COVID-19 vaccine** means a vaccine approved by the Therapeutic Goods Administration of the Commonwealth for use in Australia as a vaccine against COVID-19,

**COVID-19 vaccine** means:

- (a) an approved COVID-19 vaccine, or
- (b) a vaccine, other than an approved COVID-19 vaccine, recognised by the Therapeutic Goods Administration of the Commonwealth as an appropriate vaccine against COVID-19 for incoming travellers to Australia, and

**employer** includes a person who exercises employer functions for the person who employs an employee,


**medical contraindication certificate** means a certificate issued by a medical practitioner:

- (a) in a form approved by the Chief Health Officer from time to time or, if no such form exists, a form that approved by the Secretary of the Department of Education from time to time for the purposes of this determination, and
- (b) certifying that because of a specified medical contraindication, the employee cannot have any approved COVID-19 vaccine available in New South Wales,

**Specified Persons** means the persons employed under the TS Act and specified in Schedule 1 to this determination, and

**vaccination evidence** means evidence from the Australian Immunisation Register kept under the *Australian Immunisation Register Act 2015* (Cth) that the GS Employee has had the required doses of a COVID-19 vaccine.

- 5. This determination takes effect at 12.01am on Monday 1 August 2022 and remains in force until rescinded.
- 6. This determination will be reviewed before the date that is 12 months after the date this direction takes effect or earlier if required.
- 7. The Secretary's determination dated 18 October 2021 (Determination 1 of 2021) ends on the date this determination takes effect.

Signed:   
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Simone Walker  
**R/SECRETARY**  
**DEPARTMENT OF EDUCATION**

Date: 17 July 2022

## **Schedule 1**

The follow persons are Specified Persons for the purposes of this determination:

Any person employed under the TS Act who, in the course their employment works:

- (a) at any School for Specific Purposes unless the school at which they work is exempt, or
- (b) on sites that are operated by other employers and are subject to a vaccination requirement, including but not limited to hospital schools.