

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s55(2) application for approval of an industrial agreement

Minister administering the State Service Act 2000

and

Australian Education Union, Tasmanian Branch

(T14918 of 2022)

TEACHERS AGREEMENT 2021

PRESIDENT D J BARCLAY

HOBART, 8 APRIL 2022

Industrial agreement – application approved – agreement operative from 20 September 2021 until 19 September 2022 - forwarded to registrar for registration

DECISION

[1] On 5 April 2022, the Minister administering the *State Service Act 2000* (MASSA) lodged with the Registrar, pursuant to Section 55(2) of the *Industrial Relations Act 1984* (the Act), for the approval of the Teachers Agreement 2021 (the Agreement) and the cancellation of the Teachers Agreement 2019 and the Teachers Agreement 2019 (No2) (the Previous Agreements).

[2] At the hearing in Hobart on 8 April 2022, Mr Mark Watson and Ms Kiralee Gates appeared on behalf of MASSA and Mr Brian Wightman appeared on behalf of the Australian Education Union, Tasmanian Branch (AEU).

[3] The Agreement, to a substantial extent, adopted the Previous Agreements save that two clauses relating to matters required to be finalised during the currency of those agreements had been dealt with and were no longer relevant and therefore not included in the Agreement.

[4] The Agreement provides for a salary increase of 2.35%. The other main change is a provision relating to additional Instructional Load as a result of COVID 19. Clause 27 is the relevant clause and sets up a regime for staff to accept Additional Instructional Load up to an agreed maximum. Where they do they will be paid at the rate of 182% of their ordinary rate. However if the employee is a senior teacher (for example an assistant principal) they will be paid 182% of Band 1 level 13 rather than their ordinary rate of pay.

[5] I raised one issue in respect to the Dispute Settlement Procedure. That clause preserves the right for an employee to seek redress in respect of a “grievance” under the *State Service Act 2000* or the *Industrial Relations Act 1984*. It is not intended that the reference to grievance in the clause (32.2) is limited. The clause enables an employee to peruse a matter under either of those acts should they wish to do so.

[6] I was told by Mr Wightman that 94% of employees consented to the terms of the Agreement via a union run ballot.

[7] I have considered the Agreement and I take into account the submissions of the parties.

[8] I am satisfied that the Agreement is consistent with the public interest requirements of the Act, does not disadvantage the employees concerned, and the term of the agreement does not exceed 5 years. I am satisfied that there is genuine consent to the Agreement by the parties to it. I am satisfied that the cancellation of the Previous Agreements is appropriate in that no employee will be disadvantaged by their cancellation. I so order cancellation of those agreements.

[9] Pursuant to s55(4) the Agreement is approved with an operative date of 20 September 2021 until 19 September 2022. The file will now be referred to the Registrar for registration of the Agreement in accordance with the requirements of s56(1) of the Act.



Appearances:

Mr Watson and Ms Gates for MASSA
Mr Wightman for AEU

Date and place of hearing:

2022
8 April
Hobart