



TASMANIAN INDUSTRIAL COMMISSION

CITATION: Variation of the Teaching Service (Tasmanian Public Sector) Award
[2023] TASIC 30

PARTIES:

Minister administering the *State Service Act 2000*

Australian Education Union, Tasmanian Branch

Tasmanian Trades and Labor Council

SUBJECT: *Industrial Relations Act 1984*, s 23(1) application for variation of Award

FILE NO: T15044 of 2023

HEARING DATE(S): 27 June 2023

HEARING LOCATION: Tasmanian Industrial Commission, Hobart

DATE REASONS ISSUED: 5 July 2023

MEMBER: Deputy President N M Ellis

CATCHWORDS: Award variation – standardised TSS clauses inserted - definitions to include fixed-term relief employee - Instructional Load Clarification – allowances - attendance pre and post school terms - salary progression adjustments – consent application - consent order issued - operative date for Part 1, clause 7, Part II, clauses 1, 2, 6 and 7, and Part III, clause 4 (Classification bands – relief Teachers) and clause 6 Higher Duty Allowance effective from 27 June 2023 - operative date for Part III - Clause 4 Classification Band is the first full pay period commencing on or after 1 March 2023 - operative date for the remaining clauses (TSS standard clauses) is from the first full pay period on or after 1 March 2023.

REPRESENTATION:

M Watson and E McCarthy for the Minister administering the *State Service Act 2000*

S Smith for the Australian Education Union, Tasmanian Branch

VARIATION OF TEACHING SERVICE (TASMANIAN PUBLIC SECTOR) AWARD [2023] TASIC 30

REASONS FOR DECISION

5 JULY 2023

[1] On 21 June 2023, the Minister administering the *State Service Act 2000* (MASSA) lodged with the Registrar, pursuant to section 23 of the *Industrial Relations Act 1984* (the Act), an application to vary the Teaching Service (Tasmanian Public Sector) Award.

[2] The application relates to award variations to contemporise and align the TSS entitlements and to include changes to a number of teacher specific entitlements as set out in the applicant's submissions:

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- (new) Definition of fixed-term relief employee (the same as the change to fixed-term casual employee in other recent TSS awards);
- improved superannuation benefits for additional employee contributions (12 months parental leave extended and any personal leave without pay over 20 days);
- improved leave entitlements for paid parental leave (including an increase to the weeks of paid parental leave for the primary and secondary caregiver);
- (new) grandparent leave (paid and unpaid leave provisions to support grandparents acting as primary caregivers);
- personal leave (to insert a new Aboriginal family relationships provision);
- bereavement and compassionate leave (to extend the entitlement to instances of miscarriage and stillbirth; and to insert a new Aboriginal family relationships provision);
- family violence leave (increase from 10 days to 20 days; and to insert a new Aboriginal family relationships provision);
- (new) Aboriginal cultural leave (5 days paid leave to enable an Aboriginal employee to be absent from work to engage in Aboriginal Cultural practices and meet Cultural expectations as an active Aboriginal community member during their employment in TSS);
- (new) disability leave (5 days per year to be used for activities (including attending appointments) associated with an employee's long-term physical or psychological disability);
- (new) foster and kinship care leave (up to 10 days per year to support foster and kinship carers);
- (new) gender affirmation leave (4 weeks paid leave and 48 weeks unpaid leave for employees affirming their gender);
- (new) surrogacy leave (6 weeks paid leave to support an employee acting as a surrogate in a formal surrogacy arrangement);
- Definitions to include fixed-term relief employee;
- Instructional Load clarification and conditions to reflect contemporary settings;
- Inclusion of attendance for three days immediately prior to first school day and one day after final school day for schools;
- Teachers registration to exclude Educational Support Specialist roles;

- Salary progression adjustments; and
- Higher Duties Allowance for five days or more.”

[3] All parties submitted the variations did not disadvantage employees covered, are in the public interest and with the consent of the parties.

[4] I am satisfied that the application is consistent with the public interest requirements in line with s 36 of the Act and does not disadvantage the Award-covered employees and is with the consent of the parties.

[5] The application for variation is granted pursuant to s 24 of the Act, with an operative date of 27 June 2023 for: Part 1, clause 7, Part II, clauses 1, 2, 6 and 7, and Part III, clause 4 (Classification bands – relief Teachers) and clause 6 Higher Duty Allowance. The operative date for Part III - Clause 4 Classification Band is the first full pay period commencing on or after 1 March 2023. The operative date for the remaining clauses (TSS standard clauses) is from the first full pay period commencing on or after 1 March 2023.

[6] An order reflecting this decision is to follow.

