

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s23(1) application for award or variation of award

Minister administering the State Service Act 2000
(T14914 of 2022)

TEACHING SERVICE (TASMANIAN PUBLIC SECTOR) AWARD

PRESIDENT D J BARCLAY

HOBART, 30 MARCH 2022

Award variation – school psychologist - operative date from 30 March 2022

DECISION

[1] On 25 March 2022, the Minister administering the State Service Act 2000 (MASSA) lodged with the Registrar, pursuant to s 23 of the *Industrial Relations Act 1984* (the Act), an application to vary the Teaching Service (Tasmanian Public Sector) Award.

[2] At the hearing in Hobart on 30 March 2022, Ms Jo Pook appeared for MASSA and Mr Steve Smith appeared on behalf of the Australian Education Union, Tasmanian Branch (AEU).

[3] The variations related to the replacement of definitions of "school psychologist", "senior school psychologist" and "advanced skills school psychologist" and the replacement of new duties for Band 1 level 13 employees together with some associated amendments.

[4] The Applicant filed submissions in the following terms:

1. School Psychologists are assigned a classification under the Teaching Service (Tasmanian Public Sector) Award (Award).
2. Pursuant to the Award a School Psychologist can be classified at Band 1 (School Psychologist), Band 2 (School Psychologist – Behavioural) or Band 3 (Senior School Psychologist).
3. Within Band 1 there are Levels 1 to 13.
4. Currently to be appointed at or promoted to Band 3 (Senior School Psychologist) it is an essential requirement to be qualified as a Teacher and have psychology qualifications and registration (hereinafter referred to as dual qualification).
5. These two Award requirements are resulting in difficulties in recruiting new employees and retaining existing School Psychologists and Senior School Psychologists and by removing the requirement for dual registration it is expected that a larger field of candidates will be attracted to future recruitment processes.
6. It is proposed that the requirement for dual qualification be removed and a new definition for Senior School Psychologist be inserted so that the essential qualification is general registration with the Psychology Board of Australia in accordance with the provisions of the *Health Practitioner Regulation National Law (Tasmania) Act 2010*.

7. Further, it is considered that an appropriate progression point for school psychologists would be that a School Psychologist classified at Band 1 Level 12 could not progress to Band 1 Level 13 without being a fully registered (rather than provisional) Psychologist. This would be analogous with the requirement for teachers to have full teachers registration from the Teacher Registration Board in order to progress to Band 1 level 13 as a teacher.
8. In addition, a new role has been proposed of a Band 2 Advanced Skills School Psychologist (ASSP) to enable psychologists to act in senior roles and provide support to Senior Psychologists, particularly in providing general leadership and specialist school based support for students and their families. The ASSP role is differentiated from the existing Band 2 School Psychologist (Behavioural) which is an old classification that is no longer utilised within DoE.
9. DoE is looking to recruit new ASSP's as soon as practicable and in that regard additional resources will be provided through 8 ASSP's, which are to be advertised on a permanent full-time basis, to meet existing operational requirements within student support.
10. The variation to the Award to change the definition of School Psychologist will provide clarity to employees around progression within Band 1.
11. The Australian Education Union has been widely consulted around the changes to the award and the development of revised statements of duties for both proposed classification variations and agrees with the proposed changes."

[5] I was also told by Mr Smith that the amendments reflected the way in which qualifications were now attained.

[6] Both parties submitted the variations sought do not offend the public interest, do not disadvantage those employees covered by the Awards and recommended the variations to the Commission.

[7] I am satisfied that the proposed variation is consistent with the public interest requirements of the Act and does not disadvantage the Award covered employees.

[8] The application for variation is granted and pursuant to s 24 and 36 of the Act the Award is varied in accordance with the Application. The variation is operative from 30 March 2022.

[9] An order reflecting this decision will follow.



Appearances:

Ms J Pook for MASSA
Mr S Smith for AEU

Date and place of hearing:
30 March 2022 **HOBART**