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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s23 application for award or variation of award

Tasmanian Trades and Labor Council
(T12940 of 2007)
Private Sector Awards
Public Sector Awards

FULL BENCH:
PRESIDENT P L LEARY
DEPUTY PRESIDENT P C SHELLEY
COMMISSIONER T J ABEY

Wage Rates – State Wage Case 2007 – application amended - application to vary private and public sector awards – award wage rates to be increased by $22.70 per week - wage related allowances to be increased by 3.8% – meal allowance increased to $14.10 - State Minimum Wage rate determined at $527.10 - s.35(1)(b) – operative date ffpp 1 August 2007

TEACHING SERVICE (TASMANIAN PUBLIC SECTOR) AWARD

ORDER -

No. 2 of 2007
(Consolidated)

AMEND THE **TEACHING SERVICE (TASMANIAN PUBLIC SECTOR) AWARD** BY DELETING ALL CLAUSES CONTAINED THEREIN AND INSERTING IN LIEU THEREOF THE FOLLOWING; AND THE AWARD IS CONSOLIDATED:

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PART I – APPLICATION AND OPERATION OF AWARD

1. TITLE

Teaching Service (Tasmanian Public Sector) Award.

2. INDEX

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Hours of Duty 1

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Part VII – Consultation and Dispute Resolution

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Part VIII – Protective Clothing

Protective Clothing 1

3. SCOPE

This award is established in respect of employees employed under the terms of the *State Service Act 2000* in the Department of Education and who occupy positions whose duties are encompassed by the classification definitions of this award.

4. DATE OF OPERATION

This award will come into operation on the first full pay period to commence on of after 1 August 2007.

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5. AWARD INTEREST

(a) The following employee organisation is deemed to have an interest in this award pursuant to Section 63(10) of the *Industrial Relations Act 1984*,

The Australian Education Union, Tasmanian Branch,

(b) The employer deemed to be an employer organisation having an interest in this award, under Section 62(4) of the *Industrial Relations Act 1984* is;

The Minister Administering the *State Service Act 2000*.

6. SUPERSESSION

This award supersedes the Teaching Service (Tasmanian Public Sector) Award No. 1 of 2007 (Consolidated).

7. DEFINITIONS

College means a school which provides education for students in Years 11 and 12.

Department means Department of Education

Employer means the Minister Administering the *State Service Act 2000*.

Expression of interest means an application by an employee in response to a notification by the employer of the existence of a temporary vacancy within the Department

School means a worksite established by the Department for the purpose of providing instruction or support of instruction.

School and college year means the total number of working days in each calendar year that schools and colleges are open for students.

Secretary means the Head of the Department of Education and the Arts.

Special school means a school maintained by the State for the provision of special education (which is the process of providing additional services for any child or other person whose educational progress would be seriously endangered without special help).

Teaching staff means employees who occupy positions classified under this award as Teacher, Advanced skills teacher, Assistant principal, Principal, Guidance officers and Senior guidance officers.

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PART II - EMPLOYMENT RELATIONSHIP AND RELATED MATTERS

1. EMPLOYMENT CATEGORIES

Employee means a person employed under the provisions of the *State Service Act 2000.*

Part-time employee means a person other than a full-time or relief employee, engaged to work regularly in each pay period for less hours than an equivalently-classified full-time employee.

Part-time employees are entitled to pro rata conditions of employment according to the fraction of their appointment.

Relief employee means a person engaged to teach on an irregular basis by the employer as and when required but does not include any person employed on a part-time, full- time or permanent basis.

Temporary employee means a person who either:

(a) is employed to relieve a full-time or part-time employee for specific periods of leave; or

(b) is employed temporarily for specific duties over a period of time determined by the employer.

Provided the employment of a person under paragraph (a) or paragraph (b) above shall require of the employer that the period of engagement be specified as to the number of hours, days or weeks to be worked; with the further proviso that where the period of engagement is specified as twenty consecutive working days or less the terms of employment shall be the same as those defined for relief employees.

2. INSTRUCTIONAL LOAD

Instructional load means regularly timetabled face-to-face instruction of students and includes:

(a) timetabled class teacher periods when a class is together for the purpose of receiving administrative instruction and discussing problems which are common to the group;

(b) timetabled electives offered in the school curriculum;

(c) timetabled tutorial periods;

(d) timetabled pastoral care periods; and

(e) timetabled periods for recreational and sporting activity.

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PROVIDED that time spent with a class for the sole purpose of supervision shall not form part of the instructional load.

For the purpose of this definition additional activities that are voluntarily undertaken by teaching staff, and are not approved variations of their instructional load will not form part of the instructional load

The instructional load in each fortnight for a full-time teacher classified within Band 1, shall be no more than:

(a) Kindergarten to Grade 6 - 44 hours per fortnight;

(b) Grades 7-12 - 40 hours per fortnight;

(c) Every hour of instructional load (as defined) undertaken after 5.00 p.m. shall be counted as 1.5 hours towards an employee's fortnightly instructional load.

(d) Approved time spent after 5.00 pm by VET teachers on workplace visits for the purpose of student assessment will be credited at the rate of time and one half against the teacher's fortnightly instructional load.

3. NEW APPOINTMENTS AND PROMOTIONS

Except where otherwise specifically determined in this award, the commencing salary to a person or employee either on first appointment or on promotion to a position within a Band, Level, class or grade of a classification in respect of which salary scales are prescribed by this award shall be the minimum salary for that position on the appropriate scale, except in any case where in the opinion of the employer, the qualifications and practical experience of such person or employee justify a higher salary.

(a) For the purposes of this clause a promotional position means a position higher than Band 1 Level 12, and the

(b) For the purposes of this clause the promotion process means the advertising of a vacant position at the classification level of Band 2 or above, and the selection, on the basis of merit, of an employee to fill that position.

4. PROFESSIONAL DEVELOPMENT

(a) Without limiting its nature and extent professional development includes award bearing courses; agreed activities arising from the appraisal process; school/system initiated activities such as committees, seminars to introduce new curriculum, syllabus, methodology, administrative and conceptual changes; and activities for individuals or groups of staff members which have been approved by the employer.

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(b) It must be evident that the activity will provide employees with skills /knowledge which will either:

(i) enable them to better undertake their work; or

(ii) enhance their career prospects; or

(iii) multi-skill them, thus enabling them to undertake a broader range of tasks within the department.

(c) The parties agree that the establishment of professional development programs/activities shall be undertaken in consultation with employees occupying positions classified under this award.

(d) All costs associated with standard fees for prescribed courses, prescribed textbooks and materials that are incurred in connection with the undertaking of professional development will be reimbursed by the employer upon production of receipts by the employee.

Travel and accommodation costs incurred by an employee undertaking professional development in accordance with this clause that exceed those normally incurred in travelling to and from work will be reimbursed by the employer upon production of evidence of such expenditure.

For the purposes of this award, ”prescribed courses” are those professional development activities that have been approved by the employer and which the employee is required to attend.

5. TEACHER YEAR

(a) Teaching staff in schools other than colleges shall, in addition to when schools are open for students, be in attendance for:

one day prior to the students’ first school day of each year;

one day after the students’ final school day of the year, except that teachers in schools in isolated areas (as defined) shall leave on the same day as students.

(b) In respect of colleges, teaching staff shall commence and complete the teacher year one week earlier than teaching staff in schools.

(c) Teaching staff in schools and colleges shall be in attendance for the equivalent of an additional five days per year. These five additional days may be utilised for such purposes as professional development, curriculum development, school planning or for such other purposes as determined by the employer.

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PART III – SALARIES AND RELATED MATTERS

1. SALARIES

A teacher employed in a classification listed in Clause 3 - Classification Definitions and Clause 4 - Salary Bands of this Part will be paid the minimum rate of salary as listed for the relevant classification and band in the table as shown below:

Classification	Safety Net Adjustment $	Salary Per Annum $
BAND 4		
Level 2	4092	85062
Level 1	4092	82416
BAND 3		
Level 8	4092	82416
Level 7	4092	79626
Level 6	4092	77316
Level 5	4092	74828
Level 4	4092	70889
Level 3	4092	66460
Level 2	4092	62581
Level 1	4092	60119
BAND 2	4092	60119
BAND 1		
Level 12	4092	56031
Level 11	4092	54388
Level 10	4092	52278
Level 9	4092	50086
Level 8	4092	48000
Level 7	4092	46012
Level 6	4092	44125
Level 5	4092	42464
Level 4	4092	40729
Level 3	4092	39779
Level 2	4092	38825
Level 1	4092	37873

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2. SALARY PROGRESSION

(a) Progression through the salary rates for a Band 1 employee will be by annual increments, having regard to the teacher acquiring skills and professional knowledge and applying these in the workplace over such a period. The skills and professional knowledge will be demonstrated by objective criteria developed through a consultative process between the Parties.

(b) The employer may defer or refuse to advance a teacher in the incremental scale if the employee does not meet the criteria, provided that the following process has been undertaken:

(i) where the performance of an employee is such as to make it probable that the next increment will not be recommended, the principal will counsel the employee and explain clearly the criteria that must be met and how the employee has failed to fulfil these criteria;

(ii) as part of this counselling the principal must provide every opportunity through mentoring, guidance and support to assist employees to meet the criteria;

(iii) the process outlined in subclauses (b)(i) and (b)(ii) of this clause must be commenced early enough to ensure the employee receives sufficient notice to enable improvement in performance to meet the required criteria. This period must be at least three months before a decision to defer or refuse an increment is taken.

(c) Where a decision is made to defer or refuse an increment, the employee will be notified as soon as possible, in writing, and the reasons for the decision will be given.

(d) An employee whose incremental advancement has been refused or deferred may seek to have the decision reviewed by lodging a written request through the dispute settling procedure in this award, Part VII, Clause 1 - Avoidance and Settlement of Disputes. If this review is successful, then the incremental advancement will be backdated to the original due date. The review process must be completed within two months of the request for the review being made.

(e) The process outlined in subclause (b) must not in any way be utilised to replace the procedures for dealing with disciplinary or inefficiency matters.

3. CLASSIFICATION DEFINITIONS

Advanced skills teacher (AST) means those positions classified at Band 2. Progress to this level is through appointment or promotion. The duties are instructional and classroom-based with employees demonstrating exemplary teaching practice. The position description will define any additional curriculum and administrative responsibilities for a particular position.

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Without limiting their nature and extent the additional responsibilities may involve the employee in advising the Principal on the management of a particular sector of the school or college; providing staff leadership and supervision; counselling and administrative duties.

Assistant principal means those positions classified at Band 3 Level 3 described as Assistant principal positions. Progress to this position is by appointment or promotion.

This position will embrace the peak classification of the advanced skills teacher concept as well as defining positions of assistant principal. The position description will define any additional curriculum and administrative responsibilities for a particular position. Without limiting their nature and extent, the additional responsibilities may involve the employee in assisting the Principal in the general management and administration of a school or college, and to act for the Principal as required.

Certificated teacher means a teacher who has satisfactorily completed an approved course of teacher training at an approved teachers' college, university, college of advanced education or institute and who is academically qualified for the award of the Tasmanian Teachers' Certificate and shall include a two, three, four or five-year trained teacher.

Education officer means an employee appointed as such who is employed in one of the service branches of the Department, who holds either:

(a) the qualifications for appointment as a three or four-year trained teacher as defined in this award; or

(b) a degree or diploma, in an approved course of study, of a recognised university, college of advanced education, technical college or institute plus a wide practical experience in the field of work in which he/she is employed, where such qualification and practical experience are deemed by the employer to be of at least equivalent standard to that of a three-year trained teacher; or

(c) specialist qualifications and practical experience in an appropriate field of work deemed by the employer to be at least equivalent of subclause (b).

Four-year trained teacher means a certificated teacher who:

(a) has satisfactorily completed a four-year course at an approved teacher training institution; or

(b) is a graduate of an approved university and in addition holds an approved Diploma of Education; or

(c) possesses qualifications deemed by the employer to be at least equivalent to either one or other of the above.

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Five-year trained teacher means a graduate of an approved university or other recognised tertiary institution who holds a degree requiring a minimum of four years full-time study, and in addition holds a Diploma of Education from an approved university or other recognised tertiary institution, or possesses qualifications equivalent thereto.

Full-time employee means a person engaged to work for the full ordinary hours prescribed.

Guidance officer means an employee who is qualified as a teacher and:

(a) is registered as a psychologist within Tasmania in accordance with the provisions of the *Psychologists Registration Act 1976*; or

(b) possesses a degree with a fourth year qualification in psychology which will enable registration following two years of supervised practice as a guidance officer.

(c) Such a person is employed to work with preschool children and students in schools and colleges.

(d) Without limiting the nature and extent of their work it may involve the employee in undertaking intellectual assessments; diagnosing learning difficulties; establishing remedial programs; counselling students; advising teachers; and liaising with parents.

Instrumental musician means an employee appointed to work with individual

Principal refers to those positions in Band 3 which are described as Principal positions and which are required to take charge of the administrative and educational programme of a school or college. Progression shall be through appointment or promotion and shall be in accordance with the classifications as set out in Clause 4 – Classification Bands of this Part.

Principal education officer means a certificated teacher who holds the requirement for appointment as an Education Officer, and who in addition is responsible for directing the activities in a service area.

Relevant superintendent means the superintendent who as part of his/her duties has been allocated the responsibility of overseeing the administrative and educational programs of a number of schools/colleges within a district.

Senior education officer means a certificated teacher classified at Band 2 who holds the requirements for appointment as an Education officer, and who in addition is responsible or the development and implementation of a particular education programme in a service area.

Senior guidance officer means an employee who progressed to this level through appointment or promotion and who:

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(a) is registered as a psychologist within Tasmania in accordance with the provisions of the *Psychologists Registration Act 1976*; or

(b) possesses a degree with a fourth year qualification in psychology which will enable registration following two years of supervised practice as a guidance officer.

(c) Without limiting their nature and extent, as well as undertaking some case work and demonstrating exemplary skills, the Senior guidance officer:

(i) is responsible for administrative and supervisory duties connected with the provision and coordination of services by Guidance officers assigned to the District support service;

(ii) providing a supportive service to schools and families who may be experiencing difficulty managing the learning, behavioural and/or emotional problems of children.

Senior superintendent means a Band 4, Level 2 employee who is responsible for the educational and administrative management and leadership of schools and colleges in a District or for the provision of specialist policy and strategic advice about a particular education sector and is appointed as such.

Superintendent means a Band 4, Level 1 employee who is responsible for the educational management and leadership of a specific educational service project or policy component and is appointed as such.

Supervising officer means an employee who is classified at Band 2 or higher and who as part of his/her duties is responsible for overseeing the work of employee(s).

Teacher means an employee holding one or more of the following qualifications:

5-year trained;
4-year trained;
3-year trained;
2-year trained;
uncertificated;

for the purpose of teaching students Kindergarten to Grade 12 and who is classified within Band 1.

The duties are predominantly those of an instructional nature, normally classroom-based.

Three-year trained teacher means a certificated teacher who:

(a) has satisfactorily completed a three-year course of college training at an approved teachers' college, university, college of advanced education or institute; or

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(b) is a graduate of an approved university and holds in addition the education subjects for the Tasmanian Teachers' Certificate; or

(c) possesses the qualifications required for a two-year trained teacher and in addition has completed further subjects at an approved institution which are deemed by the employer to qualify such teacher for three-year status; or

(d) possesses qualifications deemed by the employer to be at least equivalent to either one or other of the above.

Training period means that period of time normally required to complete the course undertaken.

Two-year trained teacher means a certificated teacher who:

(a) has satisfactorily completed at least a two-year course of teacher training at an approved teachers' college, university, college of advanced education or institute; or

(b) holds qualifications deemed by the employer to be at least equivalent thereto.

Uncertificated teacher means a teacher who is not qualified as a Certificated teacher.

Duties of Band 1 Level 12 employees

Teacher

(a) The significant role of this position is an instructional one, classroom-based with some additional curriculum and administrative duties.

(b) The nature of the duties and responsibilities shall be determined at the school/college level by negotiation between the Band 1 Level 12 employee and the school/college planning committee. If agreement cannot be reached, the Principal shall make a determination which shall be final.

(c) Where an Band 1 Level 12 employee is allocated non-teaching duties and responsibilities, then non-contact time shall be determined at the school/college level and provided from the individual school/college allocation.

(d) Without limiting their nature and extent, the type of non-teaching duties that may be allocated are responsibility for a small subject department; coordination of the resources in a defined curriculum area; participation in the development of school policy and curriculum; and general education leadership and administrative duties.

(e) A Band 1 Level 12 employee may also be responsible for trainee teachers from tertiary institutions; assisting in the induction programs for new teachers; and teaching or assisting teachers who teach students with learning difficulties/behaviour problems.

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Guidance officer

(a) The significant role of the Band 1 Level 12 Guidance officer is case-load work involving assessment, advisory and counselling services, with some additional training, induction, professional development and administrative duties.

(b) The nature of the duties and responsibilities will be determined at the District level by negotiation between the Band 1 Level 12 Guidance officer and the Senior guidance officer and the District manager (District support service). If agreement cannot be reached, the Manager (District support service) will make the final determination.

(c) Where a Band 1 Level 12 Guidance officer is allocated non-case-load duties and responsibilities, then non-case load time shall be determined at the District level and provided.

(d) Without limiting their nature and extent, the type of non-case-load duties that may be allocated include participation in the development and implementation of District policy regarding guidance services; providing appropriate learning experiences for trainee students from Tertiary Institutions; providing an orientation/induction program for newly appointed Guidance officers; providing professional development activities for teachers and other employees; assisting schools in the District on formulation and implementation of whole-of-school strategies and policies concerning student behaviour and learning problems; coordinating and providing advice on resources to Guidance officers within the District.

4. CLASSIFICATION BANDS

An employee appointed or promoted to a classification prescribed by this award shall, subject to satisfying the criteria, prescribed in Clause 2 - Salary Progression of this Part , be paid at the salary rate determined for the relevant classification as set forth in Clause 1 – Salaries of this Part.

Band 1

Level 12	Maximum level for three, four and five year trained
Level 11	
Level 10	Three year trained spend two years on this level
Level 9	Five year trained omit this level; three year trained spend two years on this level
Level 8	
Level 7	Maximum level for employees with less than three years training
Level 6	Five year trained omit this level
Level 5	Five year trained and B. Ed. Hons., initial appointment
Level 4	Four year trained, initial appointment

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Level 3		
Level 2		
Level 1		Less than four year trained initial appointment

Band 2 Advanced Skills Teacher or Senior Education Officer or District Guidance Officer

Band 3

Level 8		Principal of a school or college with over 999 students
Level 7		Principal of a school or college with 800 to 999 students
Level 6		Principal of a school or college with 451 to 799 students
Level 5	(a)	Principal of a school or college with 301 to 450 students
	(b)	Principal education officer 2
	(c)	Manager (District support service)
	(d)	Manager (State wide support service)
Level 4	(a)	Principal of a school or college with 201 to 300 students
	(b)	Principal of a Special school with 50 or more students
	(c)	Principal education officer 1
Level 3	(a)	Principal of a Special school with less than 50 students
	(b)	Assistant principal of a school or college
	(c)	Principal (District support school)
Level 2		Principal of a school with 101 to 200 students
Level 1		Principal of a school with less than 101 students

Band 4

Level 2	Senior superintendent
Level 1	Superintendent

Employees shall be placed upon appointment, on the appropriate level according to their qualifications and previous relevant experience.

(a) **PROVIDED** that employees with no previous relevant experience shall, on commencement of employment, be placed in Band 1 on the following salary level in accordance with their qualifications:

(i) Less than four-year trained - Level 1.

(ii) Four-year trained - Level 4.

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(iii) Bachelor of Education with Honours from the University of Tasmania - Level 5.

(iv) Five or more years trained - Level 5.

(b) **PROVIDED ALWAYS** that subject to Clause 2 - Salary Progression of this Part employees in Band 1 shall progress in the following ways to the stated levels:

(i) Employees with less than three years of training shall progress to Level 7 by annual incremental steps.

(ii) Employees with three years of training shall progress to Level 9 by annual incremental steps. Further progress to Level 11 shall be by incremental steps every two years.

(iii) Employees with four years of training shall progress to Level 12 by annual incremental steps.

(iv) Employees with a Bachelor of Education with Honours shall progress to Level 12 by annual incremental steps.

(c) Employees who are at least five year trained shall progress to Level 12 by annual incremental steps. However, they shall omit Levels 6 and 9.

(i) **PROVIDED FURTHER** that a teacher in Band 1 who is less than four-year trained, who becomes qualified as a four-year trained teacher and who is in receipt of a salary less than the minimum salary available to a four-year trained teacher with no previous relevant experience, he/she shall be advanced to that minimum salary and, thereafter, receive increments in accordance with those applicable to a four-year trained teacher.

(ii) **PROVIDED FURTHER** that a teacher with less than five years of training in Band 1 who, becomes a five-year trained teacher and who is in receipt of a salary which is less than the minimum salary for a five-year trained teacher with no previous relevant experience, shall be advanced to that minimum salary and, thereafter, he/she shall receive increments in accordance with those applicable to a five-year teacher.

(iii) **PROVIDED FURTHER** that an Education officer and a Guidance officer on the determination of the employer, having regard to the tertiary qualifications and practical experience of such an employee, shall be classified within Band 1.

(iv) **PROVIDED FURTHER** that an employee classified as a District guidance officer or a Senior education officer shall be placed on Band 2 Level 3.

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Part-time employees

(a) Part-time employees shall be paid such proportion of the salary of an equivalent full-time teacher as their fractional appointment bears to a full-time teacher. In arriving at this fraction, part-time employees shall perform teaching and duties other than teaching in the same proportion as do full-time teachers.

(b) Provided that in the case of part-time employees who are employed to teach exclusively after 5.00 p.m. the rate of pay will be on an hourly basis determined in accordance with the following formula:

Hourly rate = Salary per annum divided by (40 X 35)

Where salary is determined in accordance with experience and qualifications as for full-time teachers. Teachers employed in accordance with these provisions shall be entitled to be remunerated for whatever hourly period of employment has been agreed between the employer and the teacher subject to the requirement that such part-time employees shall receive one hour of additional attendance time for every hour of classroom teaching.

(c) **PROVIDED ALWAYS** that where such part-time employees are not able or willing to meet the requirement for additional attendance time, such teachers may be employed for a weekly period which includes less than one hour of additional attendance time for every hour of classroom teaching but no less than 40% of the additional attendance time normally required.

Relief employees

(a) A relief employee shall be paid a daily rate for days actually worked in accordance with the following formula:

Daily rate = Salary per annum divided by 200

where salary is determined in accordance with experience and qualifications as for full-time teachers.

(b) **PROVIDED** that a relief employee shall receive a minimum payment of two hours for each day worked. For the purpose of this provision, two hours is equivalent to 2/5ths of the daily rate applying to that teacher.

Instrumental musicians

Instrumental musicians shall be paid on an hourly basis in accordance with the following formula:

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Hourly rate = $\frac{\text{Salary per annum}}{35 \times 40}$ plus 15% casual loading.

For the purposes of this formula, salary means:

Band 1 Level 1: Not holding the Tasmanian Teaching Certificate (TTC).

Band 1 Level 5: Less than four-year trained but holding the TTC or equivalent.

Band 1 Level 7: Four-year (or more) trained, but holding the TTC or equivalent.

5. PAYMENT OF WAGES

(a) The fortnightly salary of employees shall be calculated in the following way.

(i) The employee's annual salary will be divided by the number of working days, inclusive of recreation leave and public holidays, which there are in a financial year. The answer is then multiplied by ten, which is the number of working days in a fortnight.

Consequently, the formula to be used will be:

$$\frac{\text{Annual salary x ten}}{\text{Number of working days in the financial year}} = \text{fortnightly salary}$$

(ii) The daily rate of pay is determined by dividing the fortnightly rate of pay by ten.

(iii) With the exception of relief employees, the hourly rate of pay is determined by dividing the daily rate of pay by seven.

(b) For the purposes of this clause, wages due to an employee:

are to be paid and calculated on a fortnightly basis; and

for those who are part-time, shall be an amount calculated by multiplying the hourly or daily rate of pay by the number of hours or days worked within a fortnightly pay period.

The wages due to an employee also includes any award prescribed higher duties allowance or District allowance to which s/he is entitled.

(c) Wages due to an employee shall be available to her/him at the financial institution nominated by her/him by the close of business on the designated pay day each fortnight.

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(i) An increment or an allowance, excluding those specified in subclause (b)(i) of this clause, to which the employee becomes entitled during a pay period, shall be paid to her/him no later than the end of the next pay period.

(ii) Payment of wages shall be by direct deposit into an account and financial institution nominated by the employee.

(d) The employer shall not deduct from wages due to an employee any monies unless it is authorised in writing by the employee.

(i) Where the wages due to an employee are not available by the close of business on the designated pay day, s/he shall notify the employer as soon as practicable. The reporting procedures should be known by the employees, and must allow the use of facsimile or e-mail facilities.

(ii) Following a report, as provided for in paragraph (i), the employer shall ensure that the wages due to an employee are made available to her/him within two working days of the report being made.

(e) Should the wages due to an employee not be available as provided for in paragraph (ii), and it can be demonstrated that the non-receipt of wages due can be attributed to the action or inaction of the employer, the employee shall be entitled to an allowance which shall be equal to 5% of the fortnightly wages due to her/him for each working day, or part thereof, until the wages due to her/him have been made available.

6. HIGHER DUTIES ALLOWANCE

Where an employee, at the request or direction of the employer performs temporarily the duties of an employee with a higher classification, that employee shall be paid an allowance equal to the difference between the employee's own salary and the minimum salary of the higher position.

PROVIDED that:

(a) where an employee temporarily performs such duties following the calling for expressions of interest, and the lodging of an application by the employee, then the allowance shall be payable for the full period of time that the employee undertakes such duties;

(b) where an employee temporarily performs such duties, on the recommendation of a superintendent, the school or college principal, or a supervising officer, without the calling for expressions of interest, then the allowance shall become payable on and from the eleventh day of the employee performing temporarily the duties of an employee with a higher classification.

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(c) **PROVIDED ALWAYS** that an expression of interest may be called for on a school, college, district or State-wide basis. An expression of interest shall be called for if it is anticipated that the period for which an employee will be required to temporarily perform the duties of an employee with a higher classification exceeds one school term, and in all other cases where a superintendent, principal or supervising officer is unable to recommend the appointment of a suitable available person from within the school, college, unit or section.

(d) Where an employee, at the request or direction of the employer performs temporarily a part of the duties of an employee with a higher classification, that employee shall receive an allowance established by reference to the proportion that the duties assumed bear to the duties of the higher position and the difference between the employee's substantive salary and the minimum salary of the higher position.

(e) Where an employee is promoted to a higher position in which that employee has previously been performing the duties in a temporary capacity, that employee shall receive the increment, as provided for in Clause 2 - Salary Progression of this Part, to which the employee would normally have been entitled had the employee been promoted to the position at the commencement of the period of acting duty.

(f) Where an employee continues to perform the higher duties as provided for in paragraph (a) for a period of more than twelve months an increment if provided for in the higher classified position shall be paid.

PROVIDED that no employee shall be entitled to receive any increase in salary by virtue of this paragraph unless the provisions of Clause 2 - Salary Progression of this Part, have been complied with.

(g) For the purposes of this subclause reference to employee does not include temporary employees.

(h) Where an employee receiving an allowance as prescribed in paragraph (a) proceeds on approved paid leave, sick leave or leave in lieu of overtime, the employee will continue to receive that allowance.

PROVIDED that the duties continue after the period of such leave.

(i) Payment for overtime shall be at the classification rate inclusive of the allowance provided for in paragraph (a).

7. RECREATION LEAVE ALLOWANCE

(a) During a period of recreation leave an employee shall be paid an allowance by way of additional salary, calculated at the rate of 17.5% of his/her normal salary, plus where applicable, any allowance of a permanent nature payable to such employee and deemed by the employer to be in the nature of additional salary.

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(b) **PROVIDED** that such allowance shall:

(i) be calculated on the basis of a maximum period, in any one leave year of four weeks recreation leave;

(ii) in no case where the allowance is calculated on the basis of 17.5% of normal salary shall it exceed the allowance which would be payable in respect of an administrative and clerical employee class 7, first year of service in the *Administrative and Clerical Employees Award (Tasmania), Number 1 of 1997 Consolidated, S081*, and as adjusted from time to time on and from the first day of January, in respect of all recreation leave accrued during the previous twelve months;

(iii) not apply to proportionate recreation leave accrued by an employee in the leave year of the year of termination of service where such employee voluntarily resigns or whose services are terminated for disciplinary or other good reason;

(iv) be calculated at the salary rate applicable to the employee concerned, on the day immediately prior to the leave year in which the recreation leave is credited;

(v) not be cumulative. Any balance of such allowance due to an employee at the expiration of a period of one year following the date upon which the recreation leave was credited, shall be paid to such employee as soon as is practicable after the date of the expiration of such period.

(c) For the purpose of this clause:

Leave year means a period of one year from the date the employee commenced duty or the anniversary of that date.

PART IV - ALLOWANCES

In addition to the salary rates prescribed in Clause 1 - Salaries of Part III - Salaries and Related Matters, the following allowances will be paid.

1. DISTRICT ALLOWANCES

(a) The purpose of this general allowance is to compensate for excess costs necessarily incurred by an employee in an isolated area and without limiting the foregoing includes partial reimbursement for STD, freight, fuel and depreciation costs.

(b) Where a person is stationed in one or other of the following districts he/she may, on the determination of the employer be paid an allowance in accordance with the following rates.

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	Rates per annum
Category R	$
Person with dependent relatives residing with him/her	3060
Other (no dependents)	1528
Category I	$
Person with dependent relatives residing with him/her	1528
Other (no dependents)	767
Category S	$
Person with dependent relatives residing with him/her	767
Other (no dependents)	387

(i) Category R - (Remote locations) Bass Strait Islands, Maria Island and Bruny Island.

(ii) Category I - Locations under the Commonwealth Taxation Zone B prescription.

(iii) Category S - (Special locations) Gladstone, Mathinna and Redpa.

(c) **PROVIDED** that an employee with dependants, residing with him/her shall be regarded as an employee without dependants if his/her spouse, of entitlement arising from employment, is in receipt of a district allowance.

(d) **PROVIDED ALWAYS** that variations to the quantum of allowance or to the locations specified in Categories R and S above are subject to approval by the Tasmanian Industrial Commission.

2. LEAVE EXPENSES – BASS STRAIT ISLANDS

(a) Where an employee is stationed on the Bass Strait Islands and enters upon leave of absence he/she may, three times in every year, on the determination of the employer concerned, be paid the return fares reasonably incurred by him/her for himself/herself for any dependant member of his/her family, permanently resident on the Bass Strait Islands,

travelling from his/her station to the nearest seaport or airport on the mainland of this State. Such travel shall include travel via Melbourne when such indirect travel is the most expedient means of travelling to or returning from the nearest seaport or airport on the mainland of this State.

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(b) **PROVIDED** that:

(i) with the approval of the employer an employee, may, in substitution for travel to the nearest seaport or airport in this State, travel to any other seaport or airport in this State or to Melbourne;

(ii) for the purpose of obtaining emergency medical or dental treatment for an employee or dependant member of his/her family permanently resident on the Bass Strait Islands, an employee may by way of reimbursement and, with the approval of the employer, be paid the return fare reasonably incurred for travel from his/her station to the nearest centre of this State or to Melbourne, whereat such treatment can be obtained. Such reimbursement shall be in substitution for one of the return fares for the person concerned; more particularly set forth in this subclause;

(iii) the above entitlement is not cumulative, each year standing alone;

(iv) no employee shall be eligible to receive payment for the return fares, as set forth above unless such employee has first completed three months continuous service on one or other of the Bass Strait Islands.

3. SPECIAL ALLOWANCE

An employee appointed to a position specified in this subclause may, on the determination of the employer, having regard to the qualifications of such employee and the duties and responsibilities of his/her position whilst holding such position, be paid an allowance at the appropriate rate.

Location	Rate Per Annum $
Hagley Farm School Environment Centre	
Principal	4679
Teacher-in-charge	3124
Teacher	2345
Woodbridge Marine Study Centre	
Principal	4679
Teacher-in-charge	2345
Teacher	1619
Mt. Cameron Field Study Centre	
Teacher-in-charge	3124
Teacher-in charge of a special class (not including the Principal)	637

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PROVIDED that for the purpose of these allowances, no salary plus allowance payable to any teacher in a non-promotional position shall exceed the salary plus allowance (if any) payable to the Teacher-in-charge of the Centre.

4. FIRST AID ALLOWANCE

(a) An employee who has been trained to render first aid and who is the current holder of appropriate first aid qualifications such as a certificate from St. John Ambulance or similar body shall be paid an allowance at the rate per annum as $559.00 if he/she is appointed by the employer to perform first aid duty.

(b) The number of employees who shall be appointed and be eligible to receive such an allowance in any one school shall be determined by the employer.

(c) Where an employee receiving an allowance under this paragraph proceeds on approved leave, sick leave or leave in lieu of overtime, the employee will continue to receive that allowance provided that the duties continue after the period of such leave.

5 CAMP ALLOWANCE

(a) Where in the performance of his/her duties an employee is required to camp and tents or other means of accommodation are provided, and he/she is absent from his/her normal place of residence, he/she shall be paid a camp allowance in accordance with the rates specified.

	Rates per day $
Where a cook is provided	25.75
Where a cook is not provided	31.75

(b) The allowance will be inclusive of all special conditions such as the carrying of tents and equipment, travelling over rough terrain and for work performed in severe climatic conditions.

6. MEAL ALLOWANCES

(a) Where an employee is required to commence duty at his/her headquarters not less than 1.5 hours before, or to remain on duty for not less than 1.5 hours after, the normal hours of duty, and that requirement necessitates the employee obtaining a meal away from home, that employee shall, subject to this paragraph, be paid a meal allowance at the rates specified in Rate of allowance table below;

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	Rate of allowance $
(i) Breakfast	9.00
(ii) Lunch (or midday meal)	9.95
(iii) Dinner (or evening meal)	17.55
(iv) For each meal provided by the employee	3.00

PROVIDED that where an employee who is required to work on a Saturday, Sunday or public holiday, has been given prior notice thereof the previous day or earlier, he/she shall not be entitled to the payment of meal allowances but where such prior notice has not been given he/she shall attract such payment.

(b) Where the duties of an employee require travel from headquarters of more than sixty kilometres at the normal meal hour, that employee shall, subject to this paragraph, be paid:

(i) in the case of a meal purchased by the employee at any hotel, boarding house, or public eating place, a meal allowance at the rates specified in Rate of allowance table (a)(i),(ii),(iii);

(ii) in the case of a meal provided by the employee, a meal allowance as specified in Rate of allowance table (a)(iv).

(c) The meal allowances prescribed in this subclause shall not be paid unless the employer is satisfied that the employee was required to perform the duties at such a place and time that it was not reasonably practical for the employee to return to the normal place of residence for a meal, and that the employee, in the case where a meal is purchased, did in fact incur the expense claimed, and unless:

(i) in the case of breakfast, the employee was required to commence duty not less than 1.5 hours before the employee's normal hour for commencing duty; and

(ii) in the case of dinner, the employee was required to remain on duty for not less than 1.5 hours after the normal hour for ceasing duty.

(d) A meal allowance in excess of or at variance with the rates set forth in this subclause may be paid if, on the determination of the employer concerned, special circumstances existed which justified the excess or variation.

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7. TRAINING COURSE AND CONFERENCE ALLOWANCE

An employee who is required or is authorised to attend either a training course, conference or other similar function where full accommodation is provided at no cost to such employee, shall be paid an allowance for each day of such attendance at the rate specified.

	Rate per day $
Within Tasmania	15.60
Outside Tasmania	21.95

8. EXCESS FARES

An employee who in the normal course of employment is not required to travel to different locations for the performance of his/her duties, but with the knowledge and approval of the employer, is required for short periods to attend work at a location other than his/her regular place of employment shall be paid such reasonable additional fares necessarily incurred.

PROVIDED that no employee shall be entitled to the benefits of this paragraph for more than three months in any one continuous period.

9. REQUIRED USE OF EMPLOYEE'S MOTOR VEHICLE

(a) Required user category

Where an employee is required in writing by the employer to have available on a regular basis a private motor vehicle which the employee will be required to use for official purposes, and the employee agrees in writing so to do an allowance shall be paid for such use in accordance with the following rates.

Kilometreage travelled on duty in a financial year	Cents per kilometre	
	Rate 1	**Rate 2**
First 10,000 kilometres	67.80	58.31
Any additional kilometres	35.93	31.19

PROVIDED that where the employer wishes to withdraw the requirement to provide a private motor vehicle then, except where special circumstances exist, at least one year's notice in writing shall be given, and the notice period shall be specified to end of 30 June.

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(b) Occasional user category

(i) Where an employee is not required to provide a private motor vehicle for official use as prescribed in subclause (a) of this clause but otherwise receives approval from the employer to use a private motor vehicle for official purposes on an occasional basis, an allowance shall be paid in accordance with the rates as set out.

Kilometreage travelled on duty in a financial year	Cents per kilometre	
	Rate 1	**Rate 2**
First 10,000 kilometres	45.20	38.87
Any additional kilometres	23.96	20.79

(ii) The rates shall be varied upon application subsequent to 30 March and 30 September of each year after the Hobart Transportation, Private Motoring subgroup, Consumer Price Index Numbers for the quarters ending 30 March and 30 September respectively, become available. The Rate 1 and Rate 2 variations for the first 10000 kilometres travelled shall be calculated in accordance with the formula as set out in subclause (a) and subclause (b)(i) of this clause.

(iii) An employee shall not receive an allowance for kilometres travelled in excess of 16000 kilometres in any one financial year unless authorised by the employer to travel a greater distance in that year.

(iv) In addition the allowances as specified in this table shall be paid to employees:

(1) $24.70 per month plus $9.90 per 1600 kilometres travelled on duty.

(2) $16.40 per month plus $9.90 per 1600 kilometres travelled on duty.

(3) $9.90 per month.

(4) 2.97 cents for each kilometre travelled while on duty with the trailer attached.

(5) $9.90 per month.

(6) 9.67 cents for each kilometre travelled on duty.

(7) Where stationed in Category R as provided in Clause 1 – District Allowances, subclause (b) of this Part.

(8) Where stationed in Category I as provided in Clause 1 – District Allowances, subclause (b) of this Part.

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(9) Where authorised to use a utility, four-wheel drive motor vehicle or any other special type of motor vehicle approved by the controlling authority concerned.

(10) Where authorised to use a trailer attached to the motor vehicle.

(11) Where authorised to use a motor vehicle on work involving the regular carrying of heavy equipment.

(12) Where authorised to use a motorcycle.

(c) Where an employee is required to provide a private motor vehicle in accordance with subclause (a) of this clause the distance travelled on duty in any financial year does not exceed 4000 kilometres, the employee shall be paid an allowance calculated by multiplying the appropriate rate per kilometre by the difference between the actual number of kilometres travelled on duty during that year and 4000 kilometres.

(d) Where a part-time employee is eligible for any payment under subclause (c), such allowance shall be calculated on the proportion of the total hours worked in that year by the part-time employee to the annual standard hours for a full-time employee of the same classification.

(e) Unless otherwise directed by the employer, kilometreage on duty shall be the distance travelled from an employee's place of employment to his or her destination and return to his or her place of employment.

(f) A kilometreage allowance in excess of or at variance with the rates set forth in Clause 9 – Use of Employee's Motor Vehicle of this part may be paid if, on the determination of the employer concerned, special circumstances exist which justify such excess or variation.

10. EXCESS TRAVEL – TEACHER APPOINTMENT AT TWO OR MORE SCHOOLS

(a) Where a teacher (other than a teacher appointed as a Relief Employee as defined in Clause 3 – Classification Definitions of Part III) is appointed to two or more schools and is required to attend for duty at each school on separate days, the teacher shall be entitled to receive an excess travel allowance.

(i) This allowance shall only apply where the total distance travelled from the teacher's residence to a school and return, other than the base location (as defined), is at least twenty kilometres greater than the distance travelled from the residence to the base location and return.

(ii) Excess travel shall be paid on the distance from the teacher's residence to the school other than the base location and return, less the distance travelled from the teacher's residence to the base location and return.

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(b) The allowance shall not be paid beyond the date that the employee is appointed and travels to two or more schools.

(c) The rates payable for excess travel under this subclause shall be the kilometreage allowance as set out in Clause 9 – Use of Employee's Motor Vehicle of this Part.

(d) For the purposes of this provision, the base location shall be defined as the school at which the major proportion of the appointment occurs. Where an appointment is evenly divided between two or more locations, the school nearest to the employee's residence shall be designated as the base location.

11. LIVING AWAY FROM HOME ALLOWANCES

(a) Employees travelling on duty who are required to remain away from their normal place of residence overnight shall be paid an allowance calculated in accordance with the details specified below.

		Within Tasmania	Outside Tasmania	Sydney
		$	$	$
(i)	Overnight absence from normal place of residence	89.20	124.65	145.60
(ii)	Breakfast (preceding or following an overnight absence) applicable hours 7.00 a.m.-8.30 a.m.	14.60	14.60	14.60
(iii)	Lunch (preceding or following an overnight absence) applicable hours 12.30 p.m. - 2.00 p.m.	12.95	12.95	12.95
(iv)	Dinner (preceding or following an overnight absence) applicable hours 6.00 p.m. - 7.30 p.m.)	27.65	27.65	27.65

PROVIDED that if the employee so wishes, he or she shall be allowed advance payment of the estimated allowance payable for the period of travel in question.

(b) In addition to the allowance available in accordance with paragraph (a) and provided the employer is satisfied that the employee did incur the expense claimed, an employee shall be entitled to reimbursement of reasonable expenses incurred, as a result of his or her absence from the normal place of residence, for the following purposes:

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(i) a telephone call to the employee's spouse or children each 24 hours;

(ii) dry cleaning or laundry required as the result of an extended absence.

(c) Notwithstanding the allowances specified in paragraph (a), where the employer is satisfied that no reasonable alternative accommodation is available, the employee may be reimbursed for actual expenses incurred.

(d) Where an employee travels with a Minister or in a representative capacity for the State, or on special duties as determined by the employer, and thereby incurs additional expense, the employee may be paid such travelling allowance as may be determined by the employer.

(e) Where public transport is not conveniently available and employees in the performance of their duties find it necessary to hire other forms of transport, they shall, subject to the approval of the employer, be reimbursed the actual costs incurred in the hiring of such transport.

(f) Where employees in the performance of their duties are required to be stationed temporarily at any place other than their usual headquarters for a period exceeding three weeks, and are absent from their normal place of residence, and have to obtain board and lodging whilst so stationed, they shall be paid a travelling allowance at the following rates:

(i) for the first three weeks in accordance with the rates set forth in paragraph (a); and

(ii) thereafter, at such rate as the employer concerned may determine.

(g) Where the employer certifies that the duties of an employee involve systematic travelling, the employer shall determine the rate to be paid to such employee within the limits of the rates set forth in paragraph (a).

(a) Where an employee in the performance of his/her duties is required to travel:

(i) Within Australia (also including Papua New Guinea and New Zealand) - by ship, aircraft, railway train, or other means of conveyance, where he/she is provided with meals and sleeping quarters, that employee, while so travelling, shall be paid a travelling allowance at the rate specified here:

Within the State	$15.65
Outside the State	$22.00

(ii) Outside Australia, Papua New Guinea and New Zealand - that employee, while so travelling, shall be paid a travelling allowance at such rate as the employer may approve.

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PART V HOURS OF DUTY

1. HOURS OF DUTY

(a) The normal hours of attendance of teaching staff in schools and colleges shall be 70 hours per fortnight. This time shall be exclusive of time allocated for lunch breaks.

(b) Employees shall take a lunch break each working day of not less than 30 minutes and not more than one hour between the hours of 12 noon and 2.00pm.

PROVIDED that where a member of the teaching staff is rostered to perform supervisory duty during the lunch break, such time shall be included in the fortnightly hours of attendance.

(c) Members of the teaching staff at a school shall be in attendance every day at least one half hour before beginning lessons.

(d) In respect of secondary colleges teachers, the hours of duty shall be undertaken between the hours of 7.45 a.m. and 5.00 p.m. on any Monday to Friday inclusive in each week;

PROVIDED that a teacher shall not be required to be employed for more than eight hours on any Monday to Friday inclusive in each week unless the Principal of the secondary college concerned approves different hours in circumstances that the Principal considers exceptional.

PART VI - LEAVE AND HOLIDAYS WITH PAY

1. BEREAVEMENT LEAVE

(a) The employer will grant to an employee, upon application, a period of leave not exceeding three working days upon the death of a near relative.

(b) An employee will be entitled upon application to a period of ten days paid leave upon the death of the employee's parent, partner or child.

(c) The employer has the discretion of granting additional paid leave.

2. CARERS LEAVE

An employee shall be entitled to five days of paid leave per annum to care for an ill person who is a member of her/his family or household. Such leave shall be deducted from the employee' sick leave entitlement.

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3. JURY SERVICE

(a) An employee not working in a school, who is called for jury service is allowed the necessary leave of absence, on full pay, and is not to be paid jury fees but only out-of-pocket expenses allowed by the Crown.

(b) Where a school-based employee who is on recreation leave is called for jury service and elects to waive his or her right of exemption from that jury service, she/he shall not be credited with leave for the time occupied with that jury service.

(c) Where a school-based employee who is not on recreation leave is called for jury service and elects to waive her/his right of exemption from that jury service, she/he shall be treated for all purposes as if she/he were on leave without pay.

(d) An employee who is called for jury service must advise the supervising officer as soon as possible that the employee is required for jury service.

(e) Where an employee not based in a school is called upon for jury service and is on leave, she/he shall not lose the benefit of that leave, and will be credited with the time occupied with the jury service and shall be permitted to take such leave with pay at the end of the jury service or at a later date according to the exigencies of the employer.

4. MATERNITY LEAVE

(a) Application

Maternity leave is to provide a measure of employment protection to female employees in employment who become pregnant, to safeguard the health of the mother in the period before and after confinement and to enable the female employee to be absent for child care.

(b) Confinement

(i) In this clause confinement is defined in relation to a female employee who has become pregnant, at the birth of a child, or other termination of the pregnancy, that occurs not earlier than twenty weeks before the expected date of birth of the child.

(ii) A female employee is entitled to a maximum of 52 weeks leave of absence (including the period of mandatory absence and public holidays) for each confinement providing that the period of leave does not extend the term of employment of the employee.

(iii) A female employee may apply to the Head of agency to alter the dates and/or the duration of an absence at any time provided the conditions in subclause (c)(v), (vi) and (viii) of this clause are observed and the maximum of 52 weeks is not exceeded.

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(c) Entitlement

(i) An eligible female employee will be entitled to up to twelve weeks paid maternity leave.

(ii) The rate of pay for the period of paid absence will be calculated as for sick leave on full pay for that employee.

(iii) To be eligible to receive paid maternity leave, a female employee must have had twelve months' continuous employment under the *State Service Act 2000* at the time of commencing maternity leave.

(iv) To be eligible for paid maternity leave a female employee must be entitled, as a condition of their employment, to paid sick leave.

(v) Where a school based female employee is on maternity leave, any recreation leave, which that employee has accrued prior to or during the required absence, will be granted immediately the required absence concludes. If the employee applies for long service at any time after the expiration of the required absence, and is eligible for that leave, the application will be granted.

(vi) Where a female employee, who is not based in a school, is on maternity leave, applies for annual leave or long service leave after the expiration of the required absence, and that employee is entitled to such leave, the application will be granted.

(vii) A female employee who is pregnant is required to be absent from duty six weeks before the expected date of confinement until six weeks after the actual date of birth of the child, unless the employee provides a doctor's certificate declaring that the employee is fit to either continue or return to duty and the Head of agency gives permission in writing.

(viii) In cases where a female employee is confined earlier than six weeks before the expected date of birth, the required absence commences on the date of birth and continues for six weeks, with the 52 week period of maternity leave absence commencing from the date of confinement.

(ix) Periods of paid leave during maternity leave will count as service for all purposes. Periods of unpaid maternity leave will be regarded as leave without pay and will not count as service for any purpose but do not break an employee's continuity of service.

(x) A female employee will not be entitled to paid sick leave either in the paid or unpaid period of maternity leave other than during a period of annual leave or long service leave.

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(d) Return to work

(i) When a female employee returns to work after a period of maternity leave the Head of agency must provide the employee with similar duties at the same classification to those performed:

(1) if the female employee was moved to safe duties because of the pregnancy – immediately before the move; or

(2) if the female employee began working part-time because of the pregnancy – immediately before the part-time employment began; or

(3) otherwise – immediately before the employee commenced maternity leave.

(ii) If those duties no longer exist, the Head of agency must allocate other appropriate duties to the employee at the same classification.

5. RECREATION LEAVE (NON SCHOOL BASED EMPLOYEES)

(a) Recreation leave shall be credited to employees at the end of each leave year.

(b) Employees who were employed prior to 1985 and who continue to occupy the same position shall be credited with recreation leave in advance at the beginning of each leave year.

(c) Recreation leave shall be twenty working days per year, which shall include any days, not being Holidays on which State public offices are closed during the period commencing on Christmas Day and ending on the day after New Year's Day.

(d) Employees who were entitled to 25 working days recreation leave, plus those which are not holidays during the Christmas - New Year office closure, prior to 1985, and who continue to occupy the position held at that time, shall continue to retain that entitlement until or unless their classification is changed.

(e) Employees do not accrue recreation leave during any period of absence of, or exceeding, 90 days in the aggregate in any leave year, except when the employees are on long service leave, recreation leave, leave taken as a result of disease or injury arising out of, and in the course of, the employment of the employees, or sick leave.

(f) Employees

(i) Who are regularly required to perform duties outside normal working hours; or

(ii) whose services are on call outside working hours;

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may be granted recreation leave in addition to that provided for in subclause (c) of this clause.

(g) The total number of days of recreation leave an employee may have accumulated at the end of a leave year shall not exceed the recreation leave that the employee is entitled to for two leave years.

However, if such an entitlement is exceeded due to the requirements of the employer, the employer shall make arrangements for that leave during the next leave year, and the employee shall take that leave.

(h) Where an employee is injured or becomes ill while on recreation leave, the employer, on receipt of a written application by or on behalf of the employee, shall deem the leave to be sick leave, and credit the employee with the same number of days as recreation leave.

PROVIDED that any application by or on behalf of the employee is accompanied by a certificate by a legally qualified medical practitioner in relation to the injury, or illness.

6. SICK LEAVE

A full-time employee is entitled to accumulative paid sick leave on the following basis: twenty working days for the first year of service and ten working days for each subsequent year of service.

(a) Sick leave shall be credited to an employee at the beginning of each leave year.

(b) Leave of absence for sick leave shall only be approved for periods of three days or longer, if the application for leave is accompanied by a certificate from a legally qualified medical practitioner which certifies that the leave was necessary.

(c) If an employee has had at least five days absence due to sick leave, in any one leave year, without a certificate from a legally qualified medical practitioner, all subsequent applications for sick leave within that leave year, must be accompanied by such a certificate.

(d) The employer may grant to an employee leave of absence for sick leave without pay for such periods, not exceeding one year in the aggregate as the employer thinks necessary.

(e) Employees in schools who contract a communicable disease or illness specified in The Department's Human Resources Handbook shall absent themselves from duty and be granted leave with pay, without prejudicing or affecting their sick leave entitlements.

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(i) The illnesses or diseases listed in the Handbook are classified as specified communicable diseases. Other diseases or illnesses may be added for the duration of a particular epidemic:

(ii) Applications for Communicable diseases leave must be clearly marked to that effect, and accompanied by a medical certificate from a qualified medical practitioner which identifies the disease or illness.

(iii) The employer must consult with the Union prior to providing written notice to employees of an intention to vary the list of diseases in the Handbook.

7. SPECIAL LEAVE

The employer may grant to an employee leave with pay:

(a) in the event of the serious illness of a near relative for a period not exceeding three working days; This leave is in addition to Carers leave as provided for in Clause 2 – Carers Leave of Part VI.

(b) for the purpose of representing the State in a sport for a period not exceeding five working days in any year;

(c) for the purpose of representing Australia in a sport for a period not exceeding ten working days in any year;

(d) to attend any court of law when subpoenaed;

(e) to participate in emergency service activities authorised by the employer

8. HOLIDAYS WITH PAY

Employees are entitled to the following as holidays with pay:

(a) New Year's Day, Australia Day, Labour Day, Good Friday, Easter Monday, Easter Tuesday, Anzac Day, Queen's Birthday, Show and Cup Day holidays (as gazetted for the particular localities), Hobart Regatta Day (South of Oatlands), Recreation Day (where Hobart Regatta Day is not observed), Christmas Day and Boxing Day;

(b) or such other days as may be deemed to be publicly observed as the abovementioned holidays with pay .

Further if any other day is by State Act of Parliament or State proclamation, substituted for any of the above mentioned holidays with pay, the day so substituted will be observed.

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(c) Notwithstanding the provisions contained in paragraph (a) employees may be required to attend work during any such holiday with pay, if the employer believes that it is in the public interest to open the agency or any section of it for the day or a portion of the holiday with pay.

Further this clause does not affect the right to pay employees a loading in lieu of holidays with pay in accordance with award provisions to that effect.

PART VII – CONSULTATION AND DISPUTE RESOLUTION

1. AVOIDANCE AND SETTLEMENT OF DISPUTES

(a) In the event of a dispute arising in the workplace, the procedure to be followed to resolve the matter will be as follows:

(i) The teacher and his or her supervisor will meet and confer on the dispute matter; and

(ii) If the dispute is not resolved at that meeting, the parties will arrange for further discussions between the teacher plus his or her nominated representative, if any, and senior management.

(iii) At any time during (a)(i) and (a)(ii), the teacher may choose to be represented by the relevant union delegate/official or other employee representative.

(b) If the dispute matters cannot be resolved by the procedure prescribed by subclause (a), discussions will be held between representatives of the Chief Executive and the Union or another nominated representative for the teacher.

(c) If the dispute matter cannot be resolved as prescribed by subclause (a) and (b) it may be referred to the Tasmanian Industrial Commission.

(d) While the parties attempt to resolve the matter, work will continue as normal unless a teacher has a reasonable concern about an imminent risk to his or her health and safety.

2. PLANNING COMMITTEE

A planning committee may be established in a school/college to advise and assist the Principal with strategic planning within that school/college. The committee shall consist of members of the teaching staff elected by the school/college teaching staff. The Principal or his/her nominee shall also be a member.

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3. WORKPLACE REPRESENTATIVE TRAINING

A workplace representative shall be entitled to and the employer shall grant, up to two days' leave with pay each year, non-cumulative, to attend courses on the following conditions:

(a) the scope, content and level of the courses are directed to the enhancement of the operation of the settlement of dispute/dispute resolution procedure;

(b) reasonable notice is given by the union and the workplace representative;

(c) the taking of leave is arranged having regard to the operational requirements of the employer;

(d) the workplace representative taking such leave shall be paid at the rate they would be paid had they not attended such training;

(e) leave of absence granted pursuant to this clause shall count as service for all purposes of this award.

4. FLEXIBILE WORKING ARRANGEMENTS

(a) Notwithstanding anything contained in this award, but subject to the provisions of this clause, an agreement may be entered into between the employer and all or some of the employees engaged by the employer.

(b) An agreement shall be subject to the following requirements:

  (i) The majority of employees affected by the change must genuinely agree to the change.

  (ii) The agreement taken as a whole shall not confer a lesser benefit to any employee than is available under the award.

  (iii) The Australian Education Union shall be advised by the employer of an intention to commence discussions with employees on an agreement under this clause.

  (iv) The AEU must be a party to the agreement.

  (v) The AEU shall not unreasonably oppose any agreement.

(c) An enterprise agreement shall be signed by the parties, being the employer and the union and contain the following:

  (i) The term of the agreement.

  (ii) The parties covered by the agreement.

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(iii) The classes of employees covered by the agreement.

(iv) The means by which a party may retire from the agreement.

(v) The means by which the agreement may be varied.

(vi) Where appropriate the means by which any dispute arising in respect to the agreement may be resolved.

(d) Any agreement that seeks to vary a provision of this award shall be referred to the Tasmanian Industrial Commission.

PART VIII PROTECTIVE CLOTHING

1. PROTECTIVE CLOTHING

Where, on the determination of the employer, an employee's official duties are such as to necessitate the wearing of protective clothing including wet weather gear, the employer shall provide that employee with an allowance.

(a) The allowance shall be paid upon appointment and as required following that appointment.

(b) The employer and the majority of employees will, by agreement, formulate a list of appropriate protective clothing items, for each category of employees and the allowance will be sufficient for the employee to purchase the items on that list.

James P Mcalpine
COMMISSIONER

31 July 2007