

TEACHER AND EDUCATOR INFORMATION SHEET 10

REVISED OFFER 14 APRIL 2014

This information sheet outlines the terms of the Commissioner for Public Employment's revised 'without prejudice' offer, which was made on 14 April 2014, for a new enterprise agreement to replace the Northern Territory Teacher and Educator 2010–2013 Enterprise Agreement, which nominally expired on 31 August 2013.

The revised offer replaces the previous offer of 19 November 2013 and comes following careful consideration of the Australian Education Union NT (AEU-NT) views and in light of improvements to the offer for the *Northern Territory Public Sector 2013 – 2017 Enterprise Agreement* affecting sector wide conditions. The offer is made now to ensure Teachers and Educators are not disadvantaged by protracted negotiations and do not continue to miss out on the opportunity for a pay increase.

While the Northern Territory Public Sector Wages Policy 2013-2016; the Northern Territory Government's fiscal position; and the prevailing economic conditions continue to remain key factors impacting on current negotiations; the following offer reflects advancements made in recent negotiations between the AEU-NT and the Commissioner for Public Employment ('the Commissioner').

The following improvements and concessions to the previous offer of 19 November 2013 are made in a genuine attempt to settle the negotiations and finalise bargaining and ensure employees receive the first wage increase without further delay:

- **FIRST PAY INCREASE three per cent effective from first pay period on or after reaching agreement.**

The initial salary increase of three per cent to be paid effective from the first pay period on or after reaching an agreement and the second three per cent to be from the commencement of the first pay period commencing on or after 31 August 2014. Importantly, the new offer will retain the future salary increase in line with the August dates.

- **FLEXIBLE PROFESSIONAL DEVELOPMENT DAYS**

Schools will be able to make decisions to utilise professional development days in either blocks, of a minimum of two hours, outside of working hours or as full days in the stand down periods with consultation with the AEU-NT sub-branch.

- **PRACTICAL CLASS SIZES**

The new agreement will strengthen the wording within the Class Size clauses to provide the responsibility for managing class sizes for practical classes with the principal, taking in account any special needs and safety considerations.

Further improvements and concessions have also been offered about matters that are operational in nature and not bargaining matters. The CEO of the Department of Education has offered to address the following matters through an exchange of letters or other appropriate mechanism;

- a review of non-contact time for primary school teachers;
- commitment for regular consultative committee meetings;
- agreement to consult with the AEU-NT about housing priorities for teachers;
- discussions with the AEU-NT of more effective management of relief teachers in remote areas;
- through a Memorandum of Understanding with the AEU-NT, school resourcing for additional funding for 2015-17.

The terms of this revised is set out in full below:

Enterprise agreement

The new agreement is to be in the form of an enterprise agreement made under the *Fair Work Act 2009* (Cth).

Duration

The new agreement is to have a three year, four month term that will expire on 31 August 2017.

Salary Quantum

Subject to the achievement of the efficiency measures in this offer and the approval of the agreement by the Fair Work Commission:

- an initial salary increase of three per cent to be paid effective from the first pay period on or after reaching agreement;
- a second salary increase of three per cent to be paid at the commencement of the first pay period commencing on or after 31 August 2014;
- a third salary increase of three percent to be paid at the commencement of the first pay period commencing on or after 31 August 2015; and
- A fourth salary increase of three per cent to be paid at the commencement of the first pay period commencing on or after 31 August 2016.

Work-related and expense related allowances will be adjusted consistent with the current agreement provisions.

This is a competitive offer and will ensure that Northern Territory Public Sector (NTPS) teachers and educators are amongst the best paid in Australia.

Salary increases under the new agreement will not apply to employees who cease employment with the NTPS prior to approval of the agreement by the Fair Work Commission.

Superannuation Guarantee

From 1 July 2013 Commonwealth legislation commenced which progressively increases the Superannuation Guarantee (SG) charge from the current level of 9 per cent to 12 per cent by 1 July 2019. The SG is the compulsory system of superannuation support for eligible employees, paid for by employers. The increases apply to eligible NTPS employees not already receiving the minimum SG amount through membership of a defined benefit scheme.

Some employers, including in the public sector have opted, or are considering, to off-set the cost of future superannuation contribution increases against wage increases. The Northern Territory Government has decided not to offset the salary offers against increases in the SG during the term of the agreement. This means that the superannuation increases will be paid in addition to the annual three per cent wage increases, rather than being included as part of the annual wage increases on offer.

The schedule of increases to Superannuation Guarantee covered by the Agreement is as follows:

Period	Superannuation Guarantee (charge percentage)
1 July 2003–30 June 2013	9.00%
1 July 2013–30 June 2014	9.25%
1 July 2014–30 June 2015	9.50%
1 July 2015–30 June 2016	10.00%
1 July 2016–30 June 2017	10.50%
1 July 2017–30 June 2018	11.00%

The effect of this offer means that an extra two per cent (under current legislation) will go to eligible NTPS employees not already receiving the minimum SG amount through membership of a defined benefit scheme over the agreement period.

Continuation of Non-Contact Time and Class Sizes Provisions

The new agreement will continue the non-contact time (clause 42) provision of the Enterprise Agreement; however, the Department of Education have committed to conduct a review of non-contact time for primary school teachers to be conducted during the life of the agreement. This review will be addressed through an exchange of letters between the Department of Education and the AEU-NT.

Furthermore the new agreement will continue with class size (clause 43) provision and strengthen provisions that principals would be responsible for decisions about practical class sizes taking into account special needs, space and safety considerations.

Teacher Responsibility Guide

The new agreement will include a provision in which the Teacher Responsibility Guide would only be changed by agreement with the AEU-NT.

Remote and Regional Initiatives

To assist in the recruitment and retention of employees in remote and regional areas it is proposed to continue the following initiatives:

Rental subsidy for remote employees

The current Category 3 - 100 per cent rental concession will continue for all eligible employees, living and working in defined remote localities (i.e. Category 1, 2 and 3) who are provided with employer supplied housing.

Satellite internet and/or TV subsidy for remote employees

The provision allowing employees in a remote location to receive a reimbursement of up to \$500 for the installation and initial subscription to a satellite internet and/or television service will continue.

Relocation allowance

The determination enabling Chief Executive Officers to grant a relocation allowance for up to a maximum of 10 fortnights, for employees transferring to or new employees recruited to Alice Springs will continue.

Remote incentive allowance

The remote incentive allowance for employees stationed in remote localities will continue and will be adjusted in line with the salary increases in the agreement.

Remote retention payment

The remote retention payment made to employees residing and providing services in remote localities will continue.

Assistant Teachers

The agreement will include an improvement to the Assistant Teacher career path by inclusion of an additional increment at the top of classification. Achievement of this incremental point would be conditional on the employee attaining a recognised advanced diploma or equivalent.

Highly Accomplished and Lead Teachers

The agreement will amend clause 23 (Highly Accomplished and Lead Teacher Scheme) and reflect current allowance rates. Furthermore the Department of Education are working closely with the Office of the Commissioner for Public Employment to expeditiously resolve the outstanding matter of payment of the once-off federal funding grants for specific teachers who have met or will meet the requirements by July 2014 through a Determination separate to the enterprise agreement.

Efficiencies

Pupil-free days for professional development

The new agreement would require the two, flexible pupil-free days for professional development to be used:

- in blocks of a minimum of 2 hours, outside of normal working hours, over the year; or
- as full days during school stand down.

Where the use of stand down days is preferred for professional development, this should be conducted through consultation with the AEU-NT sub-branch. This time may be counted towards the continuing professional learning requirements for teacher registration.

Amend clause 19 (Security of Employment)

It is proposed to delete clause 19.3 to 19.5 which deals with a CEO's ability to consider the status of fixed term employees, casuals and employees on higher duties; these are simply procedural provisions and do not create an entitlement and the provision caused confusion during change management processes. The CEO will continue to have the discretion to make submission to the Commissioner on a case by case basis.

A concession to leave the additional wording in clause 14(f) unchanged however, this does not change the Commissioner's view about the meaning and application of these clauses.

Review of Schedule 2 Northern Territory Public Sector Redeployment and Redundancy Provisions

Through recent application of the provisions it has become apparent that the wording is out-dated and difficult to follow and should be reviewed to ensure the provisions are up-to-date, readable and easily understood.

It is also proposed to remove the procedural elements and irrelevant income maintenance provisions. However, the proposed agreement will retain core entitlements and ensure the provisions take into account the minimum redundancy entitlements, and transfer of business rules of the *Fair Work Act 2009* (Cth).

The new provisions for Redeployment and Redundancy were drafted in consultation with union representatives during negotiations for the NTPS (General) Enterprise Agreement. The union representatives were supportive of the redraft. These new provisions have been incorporated into a new Schedule 2 Redeployment and Redundancy Entitlements and [Employment Instruction 14 \(Redeployment and Redundancy Procedures\)](#), subordinate legislation under the PSEM Act.

Accessing personal leave during the first 52 weeks of unpaid parental leave

It is proposed to remove the provision that provides an employee on the first 52 weeks of unpaid parental leave access to personal leave. This would ensure consistency with the principle that there is no access to personal leave during any periods of unpaid leave that do not count as service. Employees will continue to have access to their accrued

recreation leave and long service leave entitlements and it is now proposed to remove the current limitation under the Agreement which restricts access to such accrued entitlements during the period 24 months from time of birth or date of placement of the child.

Replacement of the Extended Leave Scheme

The current Extended Leave Scheme is complex and difficult to administer due to salary variations and difficult leave accrual arrangements. The consequences of this are that the scheme is administratively resource intensive and there are high error risks. It is proposed to grandparent (keep in place) any existing employee arrangements until they are finalised, but replace the current scheme with advanced notice of leave without pay. This will provide employees and agencies with the ability to plan for extended leave requests (up to one year off) up to four years in advance of the proposed leave. This will be addressed under the current clause 38 (Work Life Balance) of the agreement.

New agreement

The agreement has generally operated well during the term of the agreement. However, there are some remnants of policy and procedure that could be better placed in the *Public Sector Employment and Management Act* (PSEMA) instruments or general policy which would provide the parties the ability to address process matters through consultation during the term of the agreement. There are also some conditions whose application could be improved through clarification and/or streamlined provisions.

Therefore it is proposed to:

- remove matters better dealt with through policy and procedure and place under PSEMA or general policy;
- remove references to other legislation which are better dealt with specifically under that legislation and inclusion in the agreement is unnecessary when the other legislation provides for the entitlement or provision; and
- review and/or amend provisions where possible to improve performance and streamline administration.

Furthermore, it is also necessary to consider the following factors when drafting a new agreement:

- compliance with the *Fair Work Act 2009* and the NTPS Wages Policy 2013-2016;
- consistency in common provisions across NTPS Agreements for core conditions (for example, parental leave, personal leave); and
- retention of current relevant provisions.

Other Matters

Bargaining is an appropriate forum to consider changes to current terms and conditions however operational matters and those related to the implementation of terms and conditions are better addressed in the consultative committee sphere as provided for in Schedule 3 (Education Consultative Committee).

Some matters raised by AEU-NT during bargaining were about general sector wide policy issues and not bargaining matters, and the Commissioner has recommended such

matters be raised through the Public Sector Consultative Council or directly with the Department of Education. The Department of Education have expressed a strong desire to resolve these operational matters expeditiously.

The CEO of the Department of Education has offered to address the matter of school resourcing through a Memorandum of Understanding with the AEU-NT for additional funding of approximately \$17 million in 2015 – 2017 school years.

Furthermore, CEO of the Department of Education has also offered to address the following matters through an exchange of letters;

- a review of non-contact time for primary school teachers;
- commitment for regular consultative committee meetings to include the Deputy Chief Executive School Operations, Executive Directors and the AEU-NT to discuss issues of mutual interest regarding teacher working conditions;
- agreement to consult with the AEU-NT about housing priorities for teachers and to take practicable steps to seek a resolution from the Department of Housing with respect to maintenance and other matters of concern; and
- discussion with the AEU-NT of more effective management of relief teachers in remote areas, which may include the implementation of a relief teacher pool, with the aim of finalising these discussions by the end of 2014.

Furthermore, in relation to matters pertaining to Prison Educators, the CEO for the Department of Correctional Services has committed to:

- agree to review of Determinations 1014, 1015 and 1016 of 1997 during the life of the proposed agreement; and
- offer a completion of the review of the Senior Education Officer positions with a view to a completion date within 12 months of the commencement of the proposed agreement, with any agreed outcomes being given effect through a determination under the PSEMA or other appropriate instrument.

The Commissioner believes the offer is fair and reasonable in all the circumstances, and that these improvements, including the referencing of the Teacher Responsibility Guide in the enterprise agreement, the strengthening of the class size clause and the shorter duration of the agreement, will be positively received. This offer has been made in a commitment to reach agreement as soon as possible.