

TEACHER AND EDUCATOR INFORMATION SHEET 3/2013

REVISED OFFER 27 AUGUST 2013

This information sheet outlines the terms of the Commissioner for Public Employment's revised 'without prejudice' offer, which was made on 27 August 2013, for a new enterprise agreement to replace the Northern Territory Teacher and Educator 2010–2013 Enterprise Agreement, which is due to expire on 31 August 2013.

The revised offer replaces the previous offer of 15 May 2013 (see [Teacher and Educator Bargaining Information Sheet 1/2013](#)) and is made based on the parameters of the [Northern Territory Public Sector Wages Policy 2013-2016](#), the rising budget deficit for which the Northern Territory Government has had to implement a tight fiscal strategy, and the recently handed down budget.

The total overall cost of an agreement outcome (including the cost of salary and allowances, salary restructuring, changes to conditions etc) is capped at 3 per cent per annum and is subject to the efficiency measures set out below being achieved.

The revised offer contains the following improvements and concessions which have been made in a genuine attempt to settle the negotiation and finalise bargaining prior to the expiry date of 31 August 2013. This is to ensure employees do not miss out on any back adjustment of salary, and receive the increase in a timely manner.

- **RETRACTION of the proposal to restrict personal leave without a medical certificate to two consecutive days, within the five day limit allowed each year.**

It is proposed to retain the current provisions where within that 5 days up to 3 days may be consecutive without a medical certificate.

- **REVIEW of the proposal to remove clauses 14.4(f) and 19.1 that deal with involuntary redundancies and job losses.**

It is proposed to retain these clauses subject to revising the words to reflect the employer's long-understanding of the current provisions.

- **INCLUSION of new clauses that deal with the phase out of the Teachers of Exemplary Practice scheme and the implementation of the Highly Accomplished and Lead Teacher scheme.**

The Commissioner proposed to include clauses in the new agreement to ensure greater clarity around the phase-out of the Teachers of Exemplary Practice scheme and the implementation of the Highly Accomplished and Lead Teacher scheme.

- **AGREEMENT to the claim for a review of Determinations 1014, 1015 and 1016 of 1997 during the life of the proposed agreement.**

The Commissioner has also considered the other elements of the AEUNT claim in relation to Prison Educators including a review of the listed Determinations which relate to the employment of prison educators employed in the Department of Correctional Services within the life of the proposed agreement.

- **REVIEW the Senior Education Officer positions**

It is proposed to review the Senior 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 *Public Sector Employment and Management Act* (PSEMA) or other appropriate instrument.

Further, in addition to the key concessions outlined above the Chief Executive Officer (CEO) of the Department of Education and Children's Services (DECS) has prepared an undertaking to the Australian Education Union NT (AEUNT) in response to issues arising from the union's claims. This undertaking will be through an exchange of letters in relation to the following:

- establishment of a regular consultative committee to include the Deputy Chief Executive School Operations, Executive Directors and the AEUNT to discuss issues of mutual interest regarding teacher working conditions;
- inclusion of provisions into the Teacher Responsibility Guide that acknowledge that schools make local decisions about classroom teacher workloads, timetable structures and specialist programs to suit their communities and that set out matters that should be considered when determining appropriate class sizes;
- commitment to consult with the AEUNT about any proposed changes to the Teacher Responsibility Guide during the life of the new agreement;
- agreement to consult with the AEUNT 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 AEUNT 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 2013.

The revised offer 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 four year term that will expire 12 months after the final salary increase paid under the agreement. In the current environment of change across the NTPS, this proposed term provides employees with stability for the next four years.

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 beginning of the first pay period commencing on or after the parties reach

final agreement on all matters, or on the first pay period on or after 31 August 2013, whichever is the later;

- a second salary increase of three per cent to be paid at the commencement of the first pay period commencing on or after a period of 12 months after the initial salary increase;
- a third salary increase of three percent to be paid at the commencement of the first pay period commencing on or after a period of 12 months after the second salary increase; and
- A fourth salary increase of three per cent to be paid at the commencement of the first pay period commencing on or after a period of 12 months after the third salary increase.

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 Fair Work Commission.

Superannuation Guarantee

From 1 July 2013 Commonwealth legislation commences which will progressively increase the Superannuation Guarantee (SG) charge from the current level of 9 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 effect of the NTPS offer means that an extra two per cent will go to eligible NTPS employees not already receiving the minimum SG amount through membership of a defined benefit scheme over the agreement period:

| Period | Superannuation Guarantee (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% |

| Period | Superannuation Guarantee (Percentage) |
|--------------------------|--|
| 1 July 2017–30 June 2018 | 11.00% |

Continuation of Non-Contact Time and Class Sizes Provisions

The new agreement will continue the non-contact time (clause 42) and class sizes provisions (clause 43) of the current agreement. As noted above the CEO of DECS has proposed the inclusion of provisions into the Teacher Responsibility Guide that acknowledge that schools make local decisions about classroom teacher workloads, timetable structures and specialist programs to suit their communities and that set out matters that should be considered when determining appropriate class sizes.

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 provision enabling CEOs 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 the classification. Achievement of this

incremental point would be conditional on the employee attaining an Advanced Diploma in Education.

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 school stand down. It would allay public concern with the requirement to make childcare or supervision arrangements around the use of pupil-free days.

Review of clauses 14.4(f) and 19

It is proposed now to retain clauses 14.4(f) and 19 that deal with involuntary redundancies and security of employment but to amend the provisions to ensure they clearly reflect the long-standing understanding of them as follows.

14.4(f) / 19.1 While recognising that reorganisation and changes to staff numbers arising from various factors are occurring within the NTPS, the Parties agree that there will be no involuntary redundancies and no job losses arising directly from the implementation of this Agreement. For the avoidance of doubt, this commitment relates solely to the effects of the costs of the salary and allowance increases in the Agreement and at the time they are paid. It does not include changes that can arise from machinery of government changes (e.g. agency restructuring), budget savings measures and the like that arise out of policy decisions of the Northern Territory Government from time to time.

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 outdated 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, retain core entitlements and ensure the provisions take into account the *Fair Work Act 2009* (Cth) minimum redundancy entitlements, and transfer of business (the latter to be addressed under clause 46).

The current provision to invite employees to consider a voluntary retrenchment prior to notifying of a redundancy in the first instance remains unchanged. A voluntary retrenchment provides for a payment based on length of service. Only where an employee does not take up an invitation of a voluntary retrenchment may the Commissioner consider issuing a formal notice for a redundancy. It is proposed to reduce the formal notice periods for redundancies to 20 weeks or, 40 weeks for employees over 45 years or with 20 years' or more service. This proposal is a far more generous provision overall than the minimum *Fair Work Act* entitlements.

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 the Commissioner is now

proposing 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.

New agreement

Structure and Content

The agreement's provisions have 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

Although it is not a matter for inclusion in the new agreement, the DECS will continue to use the Teacher Responsibility Guide that was developed in conjunction with the AEUNT.

Given the circumstances, this is a fair package that provides an appropriate balance of maintaining wages and introducing efficiencies for the NTPS and these concessions show the Commissioner's commitment to reach agreement prior to the expiry of the agreement so employees are not disadvantaged.