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# 1 General Conditions of Employment

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## **1.1 Accommodation of Teachers**

### **1.1.1 Teacher Housing Authority of NSW (THA)**

Teachers serving in country areas of the State sometimes have difficulty in finding suitable accommodation in towns where there is a shortage of satisfactory rental housing. To assist them, the THA provides a number of houses and villa units in many country localities.

The THA charges a market rate of rental for all its dwellings. However, teachers appointed to schools in six and eight transfer point localities receive a significant rental subsidy from the Department of Education and Training if they live in THA accommodation or rent privately because they are unable to obtain a THA dwelling.

For more information about the services provided by the THA, visit their website at <https://www.service.nsw.gov.au/nswgovdirectory/teacher-housing-authority-nsw>.

## 1.2 Assessment of Teachers

The *Crown Employees (Teachers in Schools and TAFE and Related Employees) Salaries and Conditions Award 2001* indicates at *Clause 6, Teacher Quality* that the determination of efficiency of all officers shall be by way of the Teacher Assessment Review Schedule (TARS).

### 1.2.1 Introduction

Each year principals are required to complete the Teacher Assessment Review Schedule (TARS) relating to the efficiency of all teachers. District Superintendents complete an Assessment Review Schedule for all principals.

In addition, the principal will normally assume final responsibility for the report and recommendation on permanent teachers on probation and temporary teachers in their first year of service.

It should be noted that the efficiency of a teacher can be called into question at any time after the teacher has had the benefit of a formal program of support and if the principal is of the opinion that the teacher's efficiency is such that any further assistance is unlikely to bring about sufficient improvement.

### 1.2.2 Efficiency of Certified Teachers

#### 1.2.2.1 Teacher Assessment Review Schedule

Each year the principal must certify the efficiency of all teachers on the Teacher Assessment Review Schedule (TARS).

Key features of the agreed process are:

Provision of feedback on teachers' performance through the principal (or nominee) ensuring that the teacher's performance is appraised by annual review. This appraisal is based on a strengthened teacher assessment review process, which is implemented as follows:

- An officer shall be entitled to progress along or be maintained on the common incremental scale or the salary level for a promotions position after each 12 months of service subject to the officer demonstrating by means of an annual review, continual efficiency in teaching practice, satisfactory performance and professional growth.
- The officer's principal (or nominee) shall be responsible for annually reviewing the performance and development of the officer undertaking his/her work.
- For school teachers (including temporary teachers) this annual review shall be supported by:
  - conferences between the teacher and the principal (or nominee);
  - observations of educational programs;
  - review of documentation such as lesson planning, lesson material and student work, plans, evaluations and reports, as appropriate.
- In implementing the annual review the principal (or nominee) will take into account the following:
  - the level of experience of the teacher (so that less experienced teachers are given greater attention); and
  - the particular circumstances of the school.

- The annual review for teachers shall be reported by way of an amended *Teacher Assessment and Review Schedule*.

TARS is completed by recording:

- Teachers Demonstrating Continuing Efficiency in Teaching Practice.
- Teachers on Probation.
- Probationary Teachers who are on an Improvement Program or who are determined as not satisfying requirements for position held.
- Teachers who are on an Improvement Program or whose efficiency has been identified as causing concern.

The principal also certifies that documentation of policies and practices for the annual review process exist at the school.

In the case of district relief teachers, itinerant teachers and teachers operating in more than one school, the principal should consider the advice of principals of other schools serviced by that teacher before completing the schedule.

In the case of school counsellors, the principal should consider the advice of the district guidance officer and the principals of other schools to which the school counsellor is currently assigned, before completing the schedule; and in the case of district guidance officers the advice of the principal education officers in the Student Welfare Directorate is to be considered before completing the schedule.

Principals must complete the schedule for any teachers who are not on duty at the time of the submission of the TARS and where a teacher has recently arrived at the school, that is within one school term, advice should be sought from the teacher's previous principal before completing the schedule.

Teachers on leave at the time the assessment is due should be considered to have the same efficiency determination as that last determined prior to the teacher going on leave.

In relation to temporary school teachers:

- (i) only those teachers who have been engaged full-time or part-time for eight weeks or more in the school are to be included in the Schedule.
- (ii) temporary school teachers need to be included in the Schedule of one school only viz the school at which the majority of the "temporary" work is undertaken; and
- (iii) temporary school teachers who are also permanent part-time teachers are to be included in the Schedule as a permanent part-time teacher rather than as a temporary school teacher.

The original copy of TARS is to be forwarded to the district superintendent. Each district will compile a database from school returns. This database and the original copy will be submitted to Staff Efficiency and Conduct Unit. A copy is retained at the school.

#### **1.2.2.2 Teachers on Probation and Temporary Teachers in their First Year of Service**

In addition to identifying permanent teachers on probation and temporary teachers in their first year of service on the schedule principals must, at the appropriate time, submit a report on these teachers through the district superintendent.

Reports are to be submitted no earlier than the completion of two terms of service from the date of appointment.

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### 1.2.2.3 Teachers Whose Efficiency is Causing Concern

This section details the procedures and timelines which must be followed in cases where a teacher's efficiency causes concern (including principals and executive staff).

#### *Efficiency of Teachers*

The NSW Department of Education and Training is committed to ensuring that it has efficient teachers who are skilled and committed to meet the needs of students, schools and the needs of the public education system. Basic principles underpinning this commitment are:

- Students have a right to be taught by competent teachers.
- Teachers have a right to fair treatment; to receive honest, valid and constructive feedback; to be fully informed of matters which significantly affect them; to be given the opportunity to respond to statements or decisions affecting them and to have that response fully considered; and to have access to professional support and training. Teachers have the right to request a support person throughout these procedures.
- Principals are responsible for dealing promptly and fairly with instances of teacher inefficiency.
- The school is the most effective environment in which to foster teacher improvement.
- The NSW Department of Education and Training has a responsibility to take appropriate action, including dismissal, when it is evident that a teacher has failed to respond adequately to an improvement program.

#### *What is Teacher Efficiency?*

Teacher efficiency is defined as a level of performance that satisfies requirements for the position held. A teacher's efficiency can be questioned at any time.

Teacher inefficiency in schools is unacceptable, because it disadvantages the education and welfare of students. Action to improve efficiency to an acceptable standard is essential. This is a shared responsibility of the teacher concerned, executive staff and the principal. In the rare circumstance that an inefficient teacher fails to respond adequately to a structured improvement program the employment of that teacher may be terminated.

It is important to remember that teachers may have difficulties which affect their efficiency for a number of reasons including any or all of the following:

- a) professional problems including classroom management, teacher-student relationships, planning, communicating;
- b) school management, organisation and system shortcomings;
- c) personal difficulties being experienced both within and outside the school. Principals should be both sympathetic and careful to understand the reasons for personal difficulties experienced by members of their staff; and
- d) health problems. Where a teacher's poor performance appears to be directly related to a health problem, fitness to continue teaching may be determined by medical examination/health assessment.

It is necessary to distinguish between inefficiency and misconduct. Misconduct can be a single incident which can be proved or disproved. One incident of a teacher

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having difficulty does not prove that the teacher is inefficient but simply shows that he or she has experienced difficulty once. Whilst misconduct can be an isolated or specific event, inefficiency is a pattern of behaviour. Misconduct may require a prompt disciplinary response, in contrast to the process for managing inefficiency which is more comprehensive and developmental.

#### *Responsibilities of Teachers*

In performing their duties efficiently and competently, teachers have a particular responsibility to:

- assess and enhance their own performance;
- seek assistance from colleagues, including executive staff if they are experiencing difficulties;
- participate cooperatively in any program designed to assist them to improve; and
- provide assistance to colleagues experiencing difficulties, in the context of a negotiated program of assistance.

#### *Responsibilities of Principals*

Principals are responsible for the provision of quality education for all students in the school.

In fulfilling their responsibility for the leadership and management of staff in schools, including dealing with instances of inefficiency, principals have a particular responsibility to:

- monitor the performance of teaching staff and provide appropriate feedback;
- ensure that teaching staff, whose efficiency is of concern, receive guidance and support through a formal negotiated and documented program of assistance and, where there is no improvement, through an improvement program;
- properly inform teaching staff about these procedures and timelines and of any statements or decisions arising from the procedures which affect them;
- ensure that teaching staff have the opportunity to respond to statements or decisions arising from the application of these procedures and properly consider such responses; and
- prepare all relevant documentation and report, as appropriate, to the assistant director-general on a teacher's efficiency.

#### *Procedures for Dealing With Teachers Whose Efficiency is Causing Concern*

These procedures are outlined in "*Procedures for Managing Teachers Who are Experiencing Difficulties with Their Teaching Performance*" (November 1999) which is available on the Department's internet site at <http://detwww.det.nsw.edu.au/directorates/personnel/indrel/procmanteachperf.pdf> and "*Procedures for Managing Probationary Teachers* (July 2001)" which is available at <http://detwww.det.nsw.edu.au/directorates/personnel/indrel/welcome2.htm>.

### **1.2.3 Reports by Principals on Teachers on Probation and Temporary Teachers in their First Year of Service**

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**1.2.3.1 Categories of Teachers**

## a) Permanent teachers on probation

Teachers with certificate attainments who have not completed the prescribed period of probationary service for the award of a teacher's certificate issued by the Director-General in terms of the *Teaching Services Act 1980* require a report for the award of a Teacher's Certificate.

## b) Teachers employed in a temporary engagement

Teachers employed under Section 50 of the *Teaching Services Act 1980* require a report for the award of a Teacher's Certificate

## c) Re-employed teachers in their first year of service

Re-employed teachers, whether permanent or temporary, who have a New South Wales Teacher's Certificate require a report, attesting to their efficiency in their first year of re-employment

## d) Permanent part-time teachers on probation

Permanent part-time teachers with certificate attainments are eligible for the award of a Teacher's Certificate on the completion of the equivalent of one year's full-time service and require a report for the award of a Teacher's Certificate.

## e) Casual teachers

Casual teachers may seek a report leading to the award of a Teacher's Certificate provided they satisfy certain requirements. See Section 9.2 for details.

**1.2.3.2 Procedures to be Followed for all Teachers Other than Casual Teachers**

Principals should bring to the attention of teachers the criteria and procedures by which their efficiency will be assessed.

Permanent teachers on probation and temporary teachers in their first year of service will be given assistance, guidance and support to assist them to reach a satisfactory level of performance.

Reports are to be submitted no earlier than the completion of two terms of service from the date of appointment.

In the case of permanent part-time teachers reports are to be submitted no earlier than the completion of the equivalent of two terms of service from the date of appointment.

Prior to preparing a report the principal will discuss the proposed contents with the teacher. Before submitting the written report, it will be shown to the teacher who will verify having read the report by signing the original copy.

Where a teacher is considered to be not efficient, the principal is required to submit a report which clearly indicates the deficiencies in the teacher's work.

These areas of concern must have been the subject of discussion and a program of assistance.

Where there is serious cause for concern the principal may submit a report at any time.

A teacher does not have the right to request a formal assessment in lieu of a report by the principal.

### 1.2.3.3 Recommendations

A specific recommendation must be made on each report, as follows:

a) teachers on probation and temporary teachers in their first year of service.

i) Where teachers with certificate attainments satisfy requirements

“It is recommended that (teacher’s name) efficiency be determined as satisfying requirements for position held, and the award of a Teacher’s Certificate.”

**Note:** If the teacher has already been awarded a Teacher’s Certificate, e.g. for casual service, then the recommendation should read

“... efficiency be determined as satisfying requirements for the position held.”

ii) Where teachers with certificate attainments do not satisfy requirements

“It is recommended that (teacher’s name) efficiency be determined as not satisfying requirements for position held.”

iii) Teachers with specialist attainments

Teachers who are classified as specialists are not eligible for the award of a Teacher’s Certificate until the requirements of the *Teaching Services Act 1980* are met.

These are as follows:

a) the Director-General has certified that educational attainments have reached the required standard; and

b) the Director-General or his nominee has certified that the quality of the teacher’s work for two successive years, or one year in the case of persons trained for three or four or five years, merits the award.

A specialist certificate may be awarded where these requirements are not met. The appropriate recommendation will be:

“It is recommended that (teacher’s name) efficiency be determined as satisfying requirements for position held and for the award of a specialist teacher’s certificate.”

or

“... efficiency be determined as not satisfying requirements for position held.”

c) Permanent or temporary re-employed teachers

Teachers will already have a Teacher’s Certificate.

The recommendation to be made on these reports is as follows:

"It is recommended that (teacher's name) efficiency be determined as satisfying requirements for position held."

or

"... efficiency be determined as not satisfying requirements for position held."

d) Casual teachers

"It is recommended that (teacher's name) efficiency be determined as satisfying requirements for the award of a Teacher's Certificate."

### 1.2.3.4 Issue of Reports Following Determination

After the district superintendent has received a report from the principal and recorded the proposed determination, a copy of the report will be forwarded to the teacher with advice in the following form appended:

Following consideration of the above report and other evidence of your work it is proposed that your efficiency will be determined on

\* ..... as \*\* .....

\* A date set at 30 days from the date of dispatch of the report to the teacher.

\*\* With one of the following inserted:

- a) ..... satisfying requirements for the position held and the award of a Teacher's Certificate.
- b) ..... satisfying requirements for position held and the award of a specialist Teacher's Certificate.
- c) ..... satisfying requirements for position held.
- d) ..... not satisfying requirements for position held.
- e) For casual teachers:  
  - ..... satisfying requirements for the award of a Teacher's Certificate.

A teacher has the right to request reconsideration of the proposed determination and/or report, provided that application in writing is made to the district superintendent prior to the date on which the determination of the efficiency becomes effective.

### 1.2.3.5 Suggested Criteria for the Assessment of Probationary and Temporary Teachers in their First Year of Service

The following criteria are suggested for consideration by principals when compiling assessment reports:

#### 1. *Teaching Skills*

- a) Thoughtful, adequate lesson preparation.
- b) Capacity to cater for students' individual differences.
- c) Acceptable standards of documentation.
- d) Continuing critical evaluation of student progress. Development of sound follow-up techniques.
- e) The use of a variety of appropriate teaching methods.
- f) Ability to create and maintain students' interest and stimulate response.

- g) Capacity for effective classroom management techniques. Generation of student/teacher mutual respect.
  - h) Development of a pleasant learning environment.
2. *Interpersonal Relationships*
- a) Co-operation and responsibility in implementing school and subject policies.
  - b) Ability to work harmoniously as a member of a team.
  - c) Ability to accept and implement advice.
  - d) Punctuality to school, to class and to duties.
  - e) Rapport with students, staff and others (including parents).
  - f) Co-operation and involvement in school activities.
3. *Professional and Personal Qualities*
- a) Commitment, enthusiasm and general attitude.
  - b) Initiative, resourcefulness and self-reliance.
  - c) Creativeness and flexibility.
  - d) Self criticism and self-discipline.
  - e) Professional ethics.

The above criteria are guidelines to assist principals in the assessment of probationary teachers and teachers in their first year of service. They are a framework for the on-going professional development of all teachers and must not be used as a checklist.

#### **1.2.3.6 Suggestions on Assessment Procedures - Probationary and Temporary Teachers in their First Year of Service**

1. The principal is responsible for the report but should involve the executive staff as appropriate. The principal must sign the report form.
  2. Assessment should be directed towards professional development, rather than being a dispassionate statement of the situation at a particular point of time. Assessment will be viewed as a dynamic rather than a static concept.
  3. The type of assessment criteria to be used in evaluating teachers' work will be made known to teachers and supervising executive soon after they join the staff. Attempts should be made to encourage honest self appraisal without the possibility of such appraisal being used subsequently for the purposes of efficiency determination.
  4. Assessment should be a cumulative and continuing process based on planned and known standards.
  5. The situation should never arise in which a teacher in the first year of service receives no indication of her or his progress and effectiveness as a teacher until the official report is required.
  6. Follow up in the subsequent year should be part of the on-going process of professional development.
  7. The tenor of the report should reflect an objective and understanding approach by the principal.
  8. Particular consideration should be given to certain categories of teachers in their first year of service, e.g. mobiles, resource and relief teachers, to ensure that they are involved in the total school experience.
  9. A copy of the report will be given to the teacher before it is forwarded to district office.
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### 1.2.4 Good Teaching Practice: Agreed Statement of Principles

As a result of negotiations between the NSW Department of Education and Training and the NSW Teachers Federation on procedures relating to teacher efficiency, the parties agreed that the objectives of any procedures should be the maintenance and improvement of good teaching practice, to improve the quality of education in New South Wales schools and thus to ensure public confidence in public education. The objectives agreed to by the Department and the Federation are in the following statement.

The agreement is in the form of a broad statement of principles and procedures.

The approach taken in the agreement recognises:

- the importance of educational leadership and co-operative work practices in the delivery of quality education;
- the variety of professional, personal and systemic influences on the quality of teaching practice;
- the need for teacher development programs to be available to, and participated in, by all school staff;
- the importance of the availability of appropriate resources, including development programs and advisory, supervisory and support practices, particularly to teachers experiencing difficulties; and
- the need for principals to report annually on their schools; this is to include an overview of educational services and programs, and teaching practices, but not assessments of individual teachers.

#### **Agreed Statement of Principles**

Both the Department and the Federation believe that this agreed statement of principles will help maintain the quality of education in New South Wales schools and provide the foundation for further improvements.

This is a statement of principles agreed to by the NSW Department of Education and Training and the NSW Teachers Federation.

Between the Department and the Federation there is an agreed commitment to:

- maintain and improve good teaching practice in New South Wales schools;
- ensure that quality education is assisted and enhanced at all levels of the teaching service;
- ensure public confidence in public education and in the school system which is open and accessible to all.

#### **Schools and their Staff**

The Department and the Federation agree that the effectiveness of a school is more than an aggregate of the efficiency of all teachers within the school and is dependent upon such key factors as:

- *the culture of the school*

The culture of the school arises from a number of factors including the development and maintenance of good working relationships, the pursuit of a common purpose, and the nature of the relationship between school and community.

- *educational leadership*

The most significant component of the principal's role is educational leadership. Arising from that role the principal must ensure that resources are effectively organised to best achieve the aims and objectives of the school.

The principal is assisted in her or his role by all teachers and particularly by members of the executive staff.

Effective educational decision-making and leadership is fostered by processes of consultation at the school level and by whole school approaches to planning and functioning.

### **Responsibilities**

Teacher development is an integral part of the total school program and it is the professional responsibility of each teacher to participate in that program.

All executive staff, including the principal, have a key responsibility in any teacher development program. This includes the identification of the needs of teachers, together with guidance and support to meet those needs. The Department is responsible for ensuring that its schools have available a range of services including those needed for teacher development programs.

### **Annual School Reports**

The work of schools and principals will be monitored by the district office. Part of this process will be regular discussion by the district superintendent with the principal of the school who will submit an annual report on the school and its educational progress.

This will include an overview of the school's educational programs and teaching practice including sections submitted by executive staff on areas for which they are responsible, for example, faculties. At least once per year there will be an extended discussion between the district superintendent and the principal and executive staff.

School reports as submitted by principals will not include assessments of individual teachers.

### 1.3 Employment and Classification of Teachers (UNDER REVIEW)

#### 1.3.1 General

##### 1.3.1.1 Applications for Employment and Re-Employment

In order to be approved as a teacher you need:

- appropriate academic and professional qualifications;
- by interview to be found personally suitable for teaching;
- criminal records check;
- national check of employment status.

Applicants who have qualifications gained overseas and are of non-English speaking backgrounds need to demonstrate appropriate English language skills.

Additional information is available at all district offices. (See Chapter 12 for addresses).

- a) Persons wishing to enter the Education Teaching Service must complete an *Application for Employment as a Teacher* form which is available from district offices. Applications for employment should be submitted to the School Staffing Unit of the NSW Department of Education and Training.
- b) Persons submitting an initial application for employment must provide documentary evidence of academic qualifications, teacher training and/or other employment, birth certificate or other proof of identity and where appropriate an application for accreditation for child rearing. If applicable, evidence of Australian citizenship or permanent residence or visa permitting employment must also be submitted.
- c) Applicants for re-employment need only submit evidence of additional qualifications, child rearing, teaching and/or other employment undertaken since last employed by the Department.
- d) All supporting documents must be originals or certified copies of originals. Where the original documents are in a language other than English, certified translations must also be supplied.
- e) Where documents submitted as evidence of qualifications were awarded under a different name, the applicant must supply evidence of change of name e.g. marriage certificate, deed poll or statutory declaration.
- f) Personal suitability interviews are conducted by interviewing officers determined by the Director of Staffing Services.
- g) Applicants seeking re-employment are required to attend a personal suitability interview.  
  
Note: Teachers currently employed on a casual basis who apply for permanent full-time or permanent part-time employment are required to attend a personal suitability interview.
- h) Applicants for employment must indicate the type of employment sought e.g. permanent, permanent part-time or casual. See Section 1.3.2, Appointment of Teachers for details.



- i) Successful applicants will be issued with an approval to teach.
- j) The minimum qualifications currently required for classification are a three or four year full-time teacher education award or a three year full-time degree plus a one year full-time post graduate teacher education award which includes appropriate content and methodology.
- k) Teachers registered or recognised by the public education system of another Australian state or territory should provide official evidence of registration or recognition to assist their application.

### 1.3.1.2 Status of Teachers on Employment or Re-employment - Incremental Credit

It should be noted that leave without pay may affect salary level. For teachers who commenced prior to 28 January 2005, breaks in service from full-time teaching may also affect salary level.

The following criteria will, in general, be used to determine the commencing salary level of teachers on first appointment or on re-employment.

#### a) Credit for Completed Years of Service as a Qualified Teacher

- i) Full credit is granted for service in a full-time permanent, temporary or casual capacity at government schools, TAFE and recognised schools, including non-government schools, approved kindergartens and mission schools.
- ii) Permanent part-time service with government schools of at least one day per week and permanent part-time and part-time temporary and casual service in recognised schools of at least one day per week, is credited on a proportionate basis.
- iii) Permanent part-time service or part-time temporary or casual service with TAFE is credited on a proportionate basis.
- iv) Credit on the basis of one increment for each 203 days of temporary or casual school teacher service (whether continuous or broken), completed with the Department since January 1984 will be granted.  
  
Note: For permanent teachers employed or re-employed on or after 28 January 2005, periods of casual or temporary service with the Department (continuous or broken) of less than 203 days (including residual service of less than 203 days after credit has been granted for 203 days service) will count towards a teacher's next increment following employment or re-employment.
- v) Full credit will be granted for full-time service in a professional capacity with an affinity to teaching, e.g. lecturer, tutor or demonstrator at a recognised tertiary institution or service as an education officer with the defence forces.
- vi) Part year service with the Department and other recognised schools cannot be amalgamated for the purpose of incremental credit.
- vii) Applications for credit for qualified teaching experience in TAFE or recognised schools should accompany the application for employment.

Documentation in the form of a statement of service, to establish a teacher's entitlement to incremental credit for qualified teaching must be on the employer's letterhead and contain the following information:

- position at the school or institution;
- dates of commencement and termination of employment;
- details of any leave without pay taken. If none taken a statement to this effect must be provided;
- whether employment was on a full-time or part-time basis and must indicate the number of days per week of employment and whether employment was continuous.

Documentation of school teaching service with the NSW Department of Education and Training is not required.

**b) Credit for Non-Teaching and Unqualified Teaching Service**

- i) Full credit, less one year, for full-time teaching service as an untrained graduate with this Department.
- ii) Credit on the basis of one increment for each two years of teaching service is granted to untrained teachers employed in government schools, TAFE and non-government schools prior to teacher training.
- iii) For teachers who commenced employment prior to 28 January 2005, credit for full-time service at age 21 or more, in any paid occupation in commerce, industry or government on the basis of one increment for each completed three years, is granted to a maximum of four increments. Individually completed years of service may be aggregated to give multiples of three years.
- iv) Credit for service with the Australian Defence Forces during hostilities as follows:
  - one year but less than three years - one increment
  - three years but less than five years - two increments
  - five years or more - three increments

Any periods of this service may be aggregated to give complete years.

- v) Applications for credit for unqualified teaching and/or non teaching employment experience should accompany the application for employment. Documentation, in the form of a Statement of Service, to establish a teacher's entitlement to incremental credit must be on the employer's letterhead and contain the following information:
  - occupation;
  - dates of commencement and termination of employment;
  - details of any leave without pay taken. If none taken a statement to this effect must be provided;
  - whether employment was on a full-time or part-time basis and must indicate the number of days per week of employment and whether employment was continuous.

**c) Credit for Child Rearing**

- i) Credit for full-time child rearing is granted on the basis of one increment for each completed three years of child rearing to a maximum of four increments. Individual years may be aggregated to give multiples of three years.

- ii) Full-time child rearing commences in normal circumstances, from the date of birth of the child and continues until the child's enrolment in full-time school or until the child attains six years of age, whichever is the earlier. Only one parent may claim the benefit.
- iii) Any paid employment during normal working hours (other than as a casual or temporary teacher with the NSW Department of Education and Training and/or as a part-time teacher with the NSW TAFE) or any full-time study interrupts the child rearing period and will not attract credit.
- iv) Supporting documentation for child rearing should accompany the application for employment.

A teacher cannot be granted credit for child rearing and for casual/temporary teaching for the same period but may be granted whichever is more beneficial in terms of incremental credit.

- v) Application for accreditation for child rearing must be submitted on the *Application for Accreditation for Child Rearing* form and accompanied by photocopies of birth certificates of the child or children. A teacher may elect to provide an extract of the birth certificate indicating the details of parent and child only.

**d) Access to 4YT Salary Scale for 2YT and 3YT Teachers**

A teacher with two or three years training who has:

- substantively occupied a school based promotion position in a NSW government school; and
- relinquished the promotion position for reasons other than disciplinary action or unsatisfactory performance, and is currently employed at classroom teacher level shall be placed on the common incremental salary scale at a point equal to a 4YT teacher with the same length of service.

**e) Applications for Incremental Credit**

A Salary and Status Review Kit which includes application forms, can be downloaded from the Department's internet site at: <https://www.det.nsw.edu.au/employment/salaryallow/salstatreview/index.htm>.

Any queries regarding salary and status reviews can be directed to the Salary and Status Review Team by telephone toll free on 1300 300 498 or fax on (02) 9836 9767.

If approved teachers wish to claim incremental credit they should send their application to Staffing Services, Locked Bag 3003, Blacktown NSW 2148 or by fax to (02) 9836 9767.

### 1.3.2 Appointment of Teachers

The *Teaching Services Act 1980*, makes provision for the appointment of teachers on a permanent, temporary, casual or part-time basis.

#### 1.3.2.1 Permanent Appointment

- a) A teacher appointed to the permanent staff, on first appointment or following re-employment, is appointed permanent on probation.

- b) The appointment of a teacher to the permanent staff is subject to providing proof of name and age. Teachers may also be required to satisfy a medical examination.

#### 1.3.2.1.1 Probationary Period for Permanent Appointment

- a) The probationary period is for a minimum of one year.
- b) An experienced teacher, whether re-employed, transferring from the temporary to the permanent staff, or recruited from another authority, must serve a minimum probationary period of one year.
- c) Confirmation of a teacher's permanent appointment will depend upon the satisfactory complete of a performance assessment. See Section 1.2, Assessment of Teachers for details.
- d) If the efficiency of a probationary teacher is determined as unsatisfactory as a result of assessment, the period of probation may be extended or the appointment of the teacher annulled. If probation is extended, action to confirm permanent appointment is deferred until efficiency is determined as satisfactory.
- e) The probationary period may also be extended in cases where attendance has been unsatisfactory. Prior to an extension under these circumstances, teachers will be given an opportunity to explain their unsatisfactory or irregular attendance.
- f) Should a teacher take non incremental leave or maternity leave while on probation, the probationary period will be extended by a period equivalent to the period of probation not completed.

#### 1.3.2.1.2 Medical Examination/Health Assessment

- a) Teachers may be required to satisfy a medical examination or health assessment to be eligible for confirmation of permanent appointment.
  - b) Where a teacher fails the medical examination/health assessment for appointment to the permanent staff, the teacher may appeal against the decision.
- c) Teachers located in country centres required to travel to another centre for medical examination in connection with permanent appointment may be:
  - i) granted special leave to cover the time they are necessarily absent from duty;
  - ii) issued with a first class rail warrant, or if so desired, they may use their private motor vehicle, (subject to prior approval by the Director of Staffing Services or nominee) and be paid a vehicle allowance in accordance with the specified journey rate, subject to the allowance not exceeding the cost of first class rail travel;
  - iii) reimbursed meal and accommodation expenses incurred while absent from their headquarters, provided that the amount reimbursed does not exceed the allowances prescribed under Determinations 7, 23 or 28 of the *Teaching Services Act 1980*. Claims for hotel or motel accommodation must be supported by receipts.

**1.3.2.1.3 Proof of Name and Age**

- a) Proof of name and age must be submitted by providing a birth certificate or extract of birth certificate. If the teacher's name is not that on the birth certificate, then evidence of change of name must be supplied e.g. marriage certificate, statutory declaration or deed poll.
- b) In general, only birth certificates are acceptable as proof of name and age for purposes of permanent appointment. Alternative proof of name and age may be accepted, subject to the Department being satisfied that it is the best possible evidence obtainable in the individual circumstances, and to a statutory declaration being provided as to the claimed date of birth and reasons for unavailability of a birth certificate.
- c) The following documents may be regarded as acceptable alternative proof of name and age:
  - i) certificate of baptism or other evidence of similar religious ceremony;
  - ii) certificate of entry in religious records, e.g. family or parish register;
  - iii) certificate of Australian citizenship (naturalisation certificate) - individual or parental; or
  - iv) passport.
- d) In circumstances where no other proof of name and age is available, a statutory declaration alone may be accepted.

**1.3.2.1.4 Transfer of Teachers from Temporary to Permanent Status**

Those teachers who either elected to be temporary or were classified as temporary on entry to the teaching service may request to transfer from temporary status to permanent status.

- a) A teacher seeking transfer from temporary to permanent status should forward a written request through the principal to the School Staffing Unit.
- b) Verification of date of birth must be provided and if not previously sighted, evidence of change of name must be submitted. Copies of these documents, certified by the principal are acceptable.
- c) Irrespective of length of service, teachers who transfer from temporary to permanent status must serve a minimum probationary period of one year.
- d) Prior to the confirmation of permanent appointment, principals must confirm the teacher's efficiency.
- e) The requirements in respect of medical examinations outlined in Section 1.3.2.1.2 also apply in respect of teachers transferring from the temporary to the permanent staff.
- f) Permanency is confirmed as from the date the probationary period

commenced.

#### **1.3.2.1.5 Notification of Permanent Appointment**

- a) Written notification of permanent appointment on probation is sent to teachers by the School Staffing Unit and notification of appointment is published in the Education Gazette.
- b) Following confirmation of appointment to permanent status, appointments are published in the Education Gazette.

#### **1.3.2.1.6 Medical Appeals**

- a) A Medical Appeals Panel has been established to consider appeals against certain medical assessments. The panel considers appeals on the basis of available clinical evidence and if necessary arranges further clinical investigation.
- b) Appeals are limited to assessments made in respect of examinations conducted in the following circumstances:
  - i) where a satisfactory result at a medical examination is a pre-condition for permanent employment or for the award of a traineeship;
  - ii) where the fitness of an employee for continued employment is in question.
- c) Appeals must be lodged with the Secretary, Medical Appeals Panel, Department of Health, 73 Miller Street, North Sydney, 2060, within 30 days of the date the teacher is notified of the medical assessment.

#### **1.3.2.2 Temporary Appointment**

- a) At the time of completing an application for employment in the Education Teaching Service teachers may apply for temporary appointment and be employed in accordance with the provisions of Section 50 of the *Teaching Services Act 1980*.
- b) The salary and leave conditions for teachers appointed to the temporary staff are the same as for permanent teachers.
- c) Unless there are special circumstances a medical examination is not required for appointment to the temporary staff.
- d) Temporary teachers may apply for advertised promotions positions and if appointed to a promotions position must apply for transfer to the permanent staff.

#### **1.3.2.3 Permanent Part-time Appointment**

- a) Permanent and temporary teachers, and teachers approved for permanent, temporary or casual employment may apply for appointment as a permanent part-time teacher. See Chapter 7, Permanent Part-time Employment for details.

#### **1.3.2.4 Casual Appointment**

Details regarding the appointment of casual teachers and the conditions of employment for casual teachers are set out in Chapter 9.

### **1.3.3 Award of a Teacher's Certificate**

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**1.3.3.1 Requirements for the Award of a Teacher's Certificate**

A Teacher's Certificate shall be awarded to a person who satisfies requirements in respect of:

- i) educational attainments;
- ii) quality of teaching service and teaching skill; and
- iii) probationary service.

**1.3.3.2 Educational Attainments**

- a) For teachers who commenced their training in 1973 or later, the standard of educational attainments for a Teacher's Certificate shall be not less than that obtainable after the satisfactory completion of a course of teacher education of not less than three years at a tertiary institution approved by the Director-General, following satisfactory completion of the Higher School Certificate Examination or the obtaining of other qualifications considered by the Director-General to be equivalent.
- b) For teachers who completed their training prior to 1973, the standard of educational attainments for a Teacher's Certificate shall be not less than that obtainable after the satisfactory completion of a course of teacher education of not less than two years at a tertiary institution approved by the Director-General, following satisfactory completion of the Higher School Certificate Examination or the obtaining of other qualifications considered by the Director-General to be equivalent.

**1.3.3.3 Quality of Teaching Service and Teaching Skill**

The quality of teaching service and teaching skill shall be determined by the assistant director-general and shall in general be gauged upon reports of assessment. See Section 1.2, Assessment of Teachers for details.

**1.3.3.4 Service Requirement**

- a) Permanent and temporary teachers need to complete the equivalent of one school year, i.e. four schools terms, for the award of a Teacher's Certificate.
- b) Permanent part-time teachers must complete the equivalent of one year full-time service.
- c) Casual teachers who are appointed to the permanent or temporary staff may count casual service completed during the eighteen month period immediately prior to appointment to the permanent or temporary staff towards the service requirements for the award of a Teacher's Certificate.
- d) Maternity leave and non incremental leave does not count as probationary service for the award of a Teacher's Certificate.

**1.3.3.5 Conditionally Certificated or Specialist Teachers**

- a) A "conditionally certificated teacher" means a teacher classified as such and whose certification by the Director-General is conditional upon completion of educational requirements prescribed by the Director-General.
- b) At the time of approval for employment, teachers classified as holding conditional certificate, specialist conditional certificate or specialist certificate educational attainments are advised of the requirements to be met for the award of a Teacher's Certificate. Teachers who do not receive this information should

apply to the district superintendent for advice as to the requirements that must be met in order to be awarded a Teacher's Certificate.

- c) Conditionally certificated teachers can use length of service to attain certificated status instead of completing the academic requirements prescribed by the Director-General. Credit for service may be granted as follows:
  - i) eight years service - exemption from one examination subject;
  - ii) nine years service - exemption from two examination subjects;
  - iii) eleven years service - exemption from three examination subjects;
  - iv) twelve years service - exemption from all examination subjects.
- d) Specialist conditionally certificated teachers may also use length of service on the above basis to achieve specialist certificated status.
- e) Service will be recognised as follows:
  - i) service at conditionally certificated level;
  - ii) completed years of full-time service with the NSW Department of Education and Training and other education authorities and recognised non-government schools;
  - iii) service credited for casual teaching or permanent part-time teaching.
- f) Conditionally certificated teachers who become eligible for the award of a Teacher's Certificate by completing academic requirements, service requirements or a combination of service and academic requirements should apply to the School Staffing Unit for an adjustment to certificated status. If eligible, the teacher's salary will be adjusted to certificated rates and a Teacher's Certificate will be awarded from the first day of the month after completion of the academic or service requirements.

#### **1.3.3.6 Issue of a Teacher's Certificate**

- a) The Teacher's Certificate is awarded as from the date of the day following the completion of the appropriate probation period.
- b) Certificates are forwarded to eligible teachers as soon as practicable after completion of the period of probation.
- c) Certificates are only awarded and issued once. If a Teacher's Certificate is lost or destroyed, teachers may apply to the School Staffing Unit for a "statement of eligibility for the award of a Teacher's Certificate".
- d) Certificates are issued only to teachers holding certificate attainments and a document is not issued to specialist or conditionally certificated teachers.

#### **1.3.3.7 Casual Teachers - Award of a Teacher's Certificate**

Subject to meeting certain requirements casual teachers may qualify for the award of a Teacher's Certificate. See Casual Teachers, Chapter 9 for details.



## 1.4 Exchange of Teachers

### 1.4.1 General

Exchanges are arranged between New South Wales and a variety of interstate and overseas locations. Exchanges through the Teacher Exchange Program are reciprocal, simultaneous exchanges of duties.

### 1.4.2 Teacher Exchange

- a) Each year, applications are invited from eligible Department teachers to participate in interstate or overseas exchanges. Meanwhile, interstate and overseas education authorities nominate teachers who wish to serve in New South Wales schools. Qualifying New South Wales and overseas (or interstate) teachers are then selected for exchange on the basis that they hold similar qualifications and can exchange duties with each other.
- b) Applications are invited by notice published each year in the Department's Inform magazine. The notices normally appear in August/September. Further information may be obtained by contacting the Senior Project Officer, Exchange Programs from the Professional Support and Curriculum Directorate.

### 1.4.3 Conditions

#### 1.4.3.1 Eligibility

- a) To be eligible for participation in the Exchange Program, teachers:
  - i) must be full time permanent, and have not less than five years cumulative teaching service with the NSW Department of Education and Training prior to taking up the exchange;
  - ii) must have a New South Wales Teaching Certificate;
  - iii) must be at least three year trained if applying for interstate exchange.
- b) Previous exchange teachers may re-apply for exchange after completing three years service, following the previous exchange.
- c) Priority will be given to first time exchange teachers who have not been trained in, or who have not taught in, overseas countries.
- d) Teachers are ineligible if they:
  - i) will be on a protracted period of leave during the exchange;
  - ii) are temporary non school based teaching service staff without right of return to a specific school (due to difficulty in matching expertise and special requirements);
  - iii) are permanent non school based teaching service staff (an Executive Development Program is available through the Department's Professional Support and Curriculum Directorate).

#### 1.4.3.2 Teaching Assignment

- a) Exchanges are usually for an agreed period of twelve months. Extensions will not be approved. A decision taken by a teacher to return to Australia earlier or otherwise withdraw at an early date from the Exchange Program will cause inconvenience and expense to the Department and the Host Education Authority. Unless an agreement can be reached that is satisfactory to all parties

concerned, the teacher who returns or withdraws will be deemed to be on leave without pay for the balance of the Program. A teacher may, however, utilise any accrued long service leave. If the teacher has a legitimate claim for paid sick leave, such leave may also be granted. A withdrawal from the program prior to the commencement where no rematch can be located will necessitate reimbursement of the exchange counterpart's travel preparation costs.

- b) Exchange teachers to France and Germany are expected to teach English.
- c) During the exchange, teachers will work under the direction of the host education authority to which they have been exchanged.
- d) Teachers cannot enter the permanent service of the education authority to which they have been exchanged.
- e) Applicants in school executive positions may nominate to exchange to a non-executive position and be paid, in lieu of the executive salary, the amount equivalent to the maximum salary for a classroom teacher (Step 13). Applicants in executive positions who exchange to a lower executive position will be paid the reduced executive salary rate. Workers' compensation payments would be assessed on the maximum salary for a classroom teacher (Step 13) for the exchange year. Superannuation contributions and benefit payments may continue to be assessed at the executive salary rate.

Exchanged principal positions specifically require the approval of the relevant district superintendent.

- g) Exchange teachers are frequently called on to give lectures on life in Australia and to address interested adult groups on our system of education. Preference is given to those who have participated fully in the cultural and civic life of their own communities, and have contributed to their own schools.

#### **1.4.3.3 Salary**

- a) Exchange does not involve any disability in respect of salary increments or service recognition. Teachers will continue to be paid their normal salary by the Department, provided the exchange position is equivalent to the position currently held. Allowances that do not constitute an inherent part of salary are not paid (e.g. year supervisor).
- b) Exchange teachers are required to make their own arrangements for transmission of salary overseas or interstate.

#### **1.4.3.4 Travel and Accommodation**

- a) Exchange teachers are required to make their own travel arrangements and are responsible for meeting their own fares, accommodation costs, and other expenses.
- b) It is a pre-condition to acceptance in the Teacher Exchange Program that teachers will have arranged:
  - i) to exchange accommodation or otherwise provide suitable accommodation for their exchange partner for the duration of the exchange, or if returning home before the completion of the exchange, then to provide suitable accommodation for the remainder of the exchange;
  - ii) such alternative to (i) as the exchange partners may desire;

- iii) the terms of i) or ii) being negotiated directly between the exchange partners and wholly their responsibility.
- c) Exchange of cars is not a requirement of exchange, and should be approached with caution.
- d) The Department is not responsible for any arrangements that exchanges may enter into concerning accommodation, travel plans or motor vehicles and other personal matters and will not be involved in any negotiations arising out of such arrangements or agreements.

#### **1.4.3.5 Medical**

Teachers accepted for exchange will need to supply a medical certificate indicating satisfactory health.

#### **1.4.3.6 Joint Applications**

Where spouses or partners are both teachers and apply for exchange, each must state that the other is applying and indicate whether the applications are to be considered jointly or individually. Although every effort will be made to facilitate leave in the event of one partner being selected for exchange, the other must not assume that leave of absence will be granted. *Teachers on leave without pay, ie, spouses or partners of exchange teachers, have right of return to their current positions immediately following the exchange period.*

#### **1.4.3.7 On Return**

- a) Under normal circumstances, teachers have right to return to their current position at the end of the exchange, but will not be entitled to return to their current position during the period of exchange unless the exchange partner agrees and/or the Department permits.
- b) Teachers accepted for exchange must agree to serve the Department for two years on completion of the exchange.
- c) During the exchange, teachers are required to prepare a report and on their return will be provided with opportunities to present their observations at a local level and in teacher development activities. These opportunities will be identified as part of a debriefing process.

#### **1.4.3.8 Orientation**

Prior to departure, exchange teachers will participate in an orientation process that provides information that will assist with exchange preparations.

#### **1.4.3.9 Promotion/Transfer**

Teachers accepted for exchange are ineligible to apply for any promotion or transfer position in the service which must be taken up during the exchange year. Where interviews are a requirement for promotion, teachers on exchange must accept that being overseas may prevent them from participating in such a selection process.

#### **1.4.3.10 Leave**

- a) Long service leave applications will be considered within existing rules, regulations and procedures. Teachers must understand that long service leave:
  - i) prior to the exchange will be considered in light of the principal's recommendation, which will be made on the basis of the teacher's obligations with respect to the school, the preparation requirements for

- the incoming exchange teacher and the teacher's reasons for seeking the leave;
- ii) during the exchange will only be considered in exceptional and unforeseen circumstances and only if satisfactory arrangements can be made with the host exchange authority;
  - iii) following the exchange will be considered on the basis that all teachers returning are under an obligation to participate in undertake a term one debriefing process and deliver their research reports.
- b) Teachers who are aware, prior to commencing their exchange, that extended periods of leave may be required during the exchange year should notify the Teacher Exchange Coordinator immediately.
  - c) Leave conditions while on exchange will be subject to agreements with relevant overseas and interstate educational authorities.

#### **1.4.3.11 Immigration**

Teachers accepted for exchange (and family members accompanying them) will need to satisfy any relevant immigration requirements involved in exchange, e.g. Canadian immigration requires that all exchange teachers and teaching spouses pass a medical examination, some locations do not allow de facto partners entry as an exchange dependent.

## 1.5 Higher Duties Allowances

### 1.5.1 General

A teacher who has satisfactorily performed the whole of the duties and assumed the whole of the responsibilities of a higher position shall be paid for this period, an allowance equal to the difference between his or her salary and the minimum salary prescribed for the higher position subject to the conditions of the qualifying period having been met (see 1.5.3.4).

There are different provisions for staff acting on a full-time basis (see 1.5.2) as opposed those acting on a part-time basis (see 1.5.3).

### 1.5.2 Teaching Service Staff Acting Full-time in Executive and Other Higher Positions

#### 1.5.2.1 Definition - Acting in a Higher Position

This applies where a teacher acts in a higher position during the temporary absence of the current occupant or where it has not been possible to appoint an officer to the promotions position.

#### 1.5.2.2 Minimum Period

No allowance will be paid for periods of acting in a higher position of less than five consecutive working days.

#### 1.5.2.3 Qualifying Period

- a) A teacher is required to act in a higher position for a minimum of four weeks in any school year before being eligible to receive the allowance to the full rate of the difference between the teachers substantive salary and the minimum salary applying to the higher position.
- b) During the qualifying period a teacher is eligible to receive an allowance for acting in a higher position.

This is limited to the rate of the difference between the teacher's substantive salary and the salary of the higher position provided the difference does not exceed \$11 530 pa (effective from 1 January 2003).

- c) Periods of five consecutive working days or more may be aggregated towards satisfying the initial four weeks qualifying period.
- d) A teacher who has acted in a higher position for at least four weeks and who, without a break in service, continues to do so in the following year, will not be required to serve a further qualifying period.
- e) While a qualifying period shall be required for each progressive step in higher office in the one school, there will be no reduction in the allowance already received.
- f) In the case of regular relieving teachers, (e.g. district relief teachers acting in a higher position), no allowance shall be paid unless the teacher has been required to act in the same higher position for a continuous or broken period in excess of thirteen weeks within a school year. The allowance will only be paid for that part of the period that exceeds thirteen weeks.

**1.5.2.4 Application for a Higher Duties Allowance**

- a) Claims for an allowance should be submitted to Teacher Services as soon as possible after the commencement of the period of relief. Claims must include an anticipated end date.
- b) All claims must be submitted no later than two months after the commencement of the period of relief or four months in the case of regular relieving teachers.
- c) Claims may be disallowed if there is evidence of undue delay by the applicant making the claim.
- d) Any variation to the application must be immediately notified, in writing, to Teacher Services.
- e) The assessment as to whether a teacher carried out the whole of the duties and assumed the whole of the responsibilities of the higher position may need to be deferred until the total period of duty has been completed.
- f) Where the period of higher duty continues into a new school year, a new claim for the allowance must be submitted.

**1.5.2.5 Payment During Leave**

- a) No allowance shall be paid in respect of any period of absence taken by an acting officer which exceeds five consecutive working days.
- b) Where the period of continuous duty is for a period of not less than two years, the allowance will continue to be paid during periods of sick, short or special leave exceeding five consecutive days.

In the case of long service leave the payment of the allowance is limited to an aggregate period of 21 days in any period of twelve months.

- c) Vacation Leave

Teachers are not eligible for payment of the allowance during a vacation period except in the following circumstances:

- i) the whole of the midsummer (Christmas) vacation where the teacher has acted in the higher position for the whole of the school year preceding the vacation.
- ii) that portion of the midsummer vacation terminating on the 31 December in any year, where the teacher has acted continuously in the higher position from the beginning of the fourth term until the commencement of the midsummer vacation; and
- iii) the whole of the Spring, Autumn and Winter vacations in any year where the teacher has acted continuously for the whole of the preceding term; or if the teacher has acted continuously for more than four weeks prior to the particular vacation and resumes duty in the higher position on the first school day after that vacation.

**1.5.2.6 Service for Incremental Progression**

- a) Where a teacher is appointed to the position in which the officer has acted or to an equivalent position, the date for incremental progression will be the anniversary of the acting appointment provided the teacher has acted continuously in the higher position immediately prior to the appointment.

- b) i) Incremental credit is limited to twelve months on a full-time basis; and
- ii) will be paid by way of allowance.

#### 1.5.2.7 Guidelines for Selection of Staff to Relieve in Higher Positions

1. In making a selection, the supervisor will consider:
  - a) the need to maintain service delivery at the highest standard;
  - b) the skills and aptitude of the person and the degree to which particular skills are required for the task (e.g. the relieving executive teacher within a student support unit may require specialist knowledge, a relieving deputy principal in a secondary school may need to have appropriate management experience etc). Some rearrangement of duties of the position could occur where this best meets the schools needs;
  - c) the opportunity this absence provides for the professional development or multi skilling of staff members, having in mind the overall efficiency of the school;
  - d) expressions of interest from staff who would like the opportunity to enhance or develop particular skills;
  - e) the exercise of equal employment opportunity principles which require that particular attention be given to encouraging and developing individuals who are under-represented at executive levels (women, teachers from non-English speaking backgrounds, Aboriginal or Torres Strait Island teachers, teachers with disabilities).
2. Authority to approve higher duties arrangements for all school executive positions, other than principal, rests with the principal.
3. The authority to approve higher duties arrangements in the case of principals' positions rests with the appropriate district superintendent. In this instance, if possible, the principal will provide a recommendation for the district superintendent's consideration.
4. Once the member of staff who will undertake the higher duties has been selected and approved by the principal, it is the supervisor's responsibility, before the period of duty begins, to discuss with that person:
  - the statement of duties of the position;
  - the objectives and responsibilities of the position;
  - those activities or specific tasks or projects which the person is expected to undertake;
  - the targets the person is expected to achieve;
  - in relation to any function delegated to the position, which of the delegations can be exercised; and
  - the amount of relieving allowance to be paid.
5. It is important that supervising officers have clearly defined reasons to justify their particular selection. The general parameters affecting the decision should be made known to those officers who may have an interest in the position.
6. Subject to the principal's or district superintendent's approval a supervisor may select one or more teachers to, in turn, act in a particular position or select different people to act in the same position on different occasions. In some instances it may be appropriate to offer the higher duties opportunity to appropriately qualified staff outside the school.

**1.5.3 Teaching Service Staff Acting Part-time in Executive and Other Higher Positions****1.5.3.1 Acting in a Higher Position on a Part-time Basis**

Acting in a higher position occurs:

- when a teacher is instructed to act in an executive or other higher position on a part-time basis and with the authority of the Director-General during the temporary absence (a minimum period of five working days in consecutive working weeks) of the current occupant; or
- where it has not been possible to appoint a teacher to the executive or other higher position; or
- where a teacher participating in an approved rehabilitation program resumes duty on a part-time basis in an executive or other higher position.

For the purposes of this section, a temporary absence means an absence occurring as a result of a teacher being granted a form of part-time leave.

**1.5.3.2 Higher Duties Allowance**

A teacher who has, on a part-time basis, satisfactorily performed the whole of the duties and assumed the whole of the responsibilities of an executive or other higher position shall be paid for this period on a pro rata basis, an allowance equal to the difference between his or her salary and the minimum salary for the executive or other higher position subject to the conditions of the qualifying period in Section 1.5.3.4 having been met.

In the case of a teacher who has, on a part-time basis, satisfactorily performed the whole of the duties and assumed the whole of the responsibilities of a chief education officer's position, the teacher shall be paid for this period on a pro rata basis, an allowance equal to the difference between his or her salary and the level one chief education officer salary, unless otherwise determined by the Director-General, subject to the conditions of the qualifying period in Section 1.5.3.4 having been met.

**1.5.3.3 Minimum Period for Payment of an Allowance**

No allowance will be paid for acting in an executive or other higher position on a part-time basis for periods of less than five working days in consecutive working weeks.

**1.5.3.4 Qualifying Period for Payment of the Allowance at the Full Rate**

- a) A teacher is required to act on a part-time basis in an executive or other higher position for a minimum of twenty working days, which includes the five day period stated above in Section 1.5.3.3, before being eligible to receive the allowance to the full rate, being the difference between the teacher's substantive salary and the minimum salary applying to the executive or other higher position. For teachers the qualifying period must be served in a school year while for teachers in non school based teaching service positions the qualifying period must be served in any period of twelve months. A school vacation does not constitute a break in service for the purposes of determining the qualifying period.
- b) During the qualifying period a teacher will receive an allowance which is limited to the rate of the difference between the teacher's substantive salary, and the salary of the executive or other higher position, provided the difference does not exceed the part-time equivalent of \$11 530. This rate is subject to review from time to time by the Director-General.



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- c) The initial twenty working day qualifying period may be made up of periods of five working days or more in consecutive working weeks.
  - d) A further qualifying period will not be required where a teacher:
    - i) acts in an executive or other higher position on a part-time basis for at least twenty working days and continues to do so in the following year without a break in service;
    - ii) proceeds from acting on a part-time basis in one executive or other higher position to another position at the same level without a break in service.
  - e) Should a teacher while acting on a part-time basis in an executive or other higher position then be required to act, without a break in service, in a position that is of a higher level or grade than the first acting position in the one location:
    - i) A further twenty working days qualifying period will be required in the higher graded or higher level position prior to payment of a higher duties allowance at the full rate;
    - ii) In the qualifying period identified in i) above, the higher duties allowance will continue at the rate applicable to the first (lower) graded position acted in by the teacher.
  - f) Regular relieving teachers, (e.g. district relief teachers), must act on a part-time basis in the same executive position for a minimum period of 65 working days in consecutive working weeks within a school year before being eligible for a higher duties allowance.

#### **1.5.3.5 Application for a Higher Duties Allowance**

Claims for an allowance should be submitted to Teacher Services as soon as possible after the commencement of the period of acting on a part-time basis in an executive or other higher position.

Claims must include an anticipated end date and actual days to be worked in the relieving position must be noted on the application.

All claims must be submitted no later than two months after the teacher commences to act on a part-time basis in the executive or other higher position or four months in the case of regular relieving teachers.

Claims may be disallowed if there is evidence of undue delay by the applicant making the claim.

Any variation to the application must be notified immediately in writing to Teacher Services.

The assessment as to whether a teacher carried out the whole of the duties and assumed the whole of the responsibilities of the executive or other higher position may need to be deferred until the total period of duty has been completed.

Where the period of higher duty continues into a new year, a new claim for the allowance must be submitted.

#### **1.5.3.6 Payment During Leave**

- a) Payment of a higher duties allowance to teachers who act in an executive or other higher position on a part-time basis will be made for periods of leave up to and including five consecutive working days:
    - i) in the case of teachers where the period of acting on a part-time basis is
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at least one school year; and

- ii) in the case of teachers in non school based teaching service positions where the period of acting on a part-time basis is at least twelve months.
- b) Where the period of acting on a part-time basis in an executive or other higher position equals or exceeds one school year in the case of teachers or twelve months in the case of teachers in non school based teaching service positions, the allowance may be paid for vacation(s) or recreation leave taken on retirement but will not, unless specifically approved by the Director-General be paid for long service leave or as a gratuity in lieu of long service leave on retirement.
- c) Where the period of acting on a part-time basis is continuous for a period of not less than two years, the allowance will continue to be paid during periods of sick, short or special leave and may be paid for recreation leave taken prior to retirement.

In the case of long service leave the payment of the allowance is limited to a single period of or a combined total of no more than 21 days in any period of twelve months. For any long service leave taken in excess of 21 days in any period of twelve months, payment of the higher duties allowance will not be made.

- d) Teachers who are entitled to payment on a part-time basis during a school vacation are only eligible for payment of a higher duties allowance during a vacation period in the following circumstances:
  - i) the whole of the midsummer (Christmas) vacation where the teacher has acted on a part-time basis in the executive position for the whole of school year preceding the vacation;
  - ii) the period commencing from the first day of the midsummer vacation up to and including 31 December in any year, where the teacher has acted continuously on a part-time basis in the executive position from the beginning of the fourth term until the commencement of the midsummer vacation; and
  - iii) the whole of the Spring, Autumn and Winter vacations in any year where the teacher has acted continuously on a part-time basis for the whole of the preceding term; or if the teacher has acted continuously on a part-time basis for more than twenty working days prior to the particular vacation and resumes duty in the higher position on the first school day after that vacation.

#### **1.5.3.7 Service for Incremental Progression**

- a) Where a teacher is appointed to the position in which the teacher has acted on a part-time basis or to an equivalent position, the date for incremental progression will be the anniversary of the acting appointment provided the teacher has acted continuously on a part-time basis in the executive or other higher position immediately prior to the appointment.
- b) Incremental credit will be paid by way of allowance and is limited to twelve months on a full-time equivalent basis.

- c) In the case of teachers in non school based teaching service positions:
- i) Who act continuously on a part-time basis in a position for a period of twelve months and who carry out the full functions of the higher position the officer may, where applicable, progress by way of allowance to the second year rate for the position. Absences on recreation leave, up to a maximum of four weeks during the period, will not be regarded as a break in service requiring deferment of incremental progression of the allowance.
  - ii) Absences on leave during which the allowance was not continued are to be regarded as a break in service requiring deferment of payment of the second year rate for the position. If the absence was less than six months, the service may be aggregated for progression purposes.
  - iii) Where there are broken periods of acting on a part-time basis in the higher position or positions, such periods may be aggregated, irrespective of the nature of the work of the position or positions and regarded as continuous service for the purpose of progression within the grade of the position or positions concerned, provided that:
    - each aggregation shall not extend over any break of six months or more between periods of acting in a higher position;
    - no more than the next higher incremental step is involved;
    - an officer acting on a part-time basis in the position must meet all conditions providing for the payment of a full allowance under this section.
  - iv) If the period of service during which the officer acts on a part-time basis is in a position more than one grade above that held by the officer concerned, incremental progression by way of allowance must be specifically approved by the Director-General.

## **1.6 Non School Based Teaching Service, Secondment and Temporary Release to Other Authorities**

### **1.6.1 Conditions of Employment for Teachers Appointed to Non School Based Teaching Service Positions**

[Refer to chapter 4 - Leave](#)

### **1.6.2 Arrangements for the Secondment of Teachers to the Office of the Board of Studies**

#### **1.6.2.1 Introduction**

Conditions of employment for Departmental teachers released by the Department to accept a secondment to the Office of the Board of Studies will be those applying to the relevant jobs or classifications and as provided for in the those industrial instrument(s) and policies relating to those particular jobs or classifications in the Office of the Board of Studies.

#### **1.6.2.2 Where Arrangements are made for the Secondment of Teaching Service Staff to the Service of the Office of the Board of Studies**

Teachers are required to submit a leave without pay application for the period of secondment.

Teachers will be granted leave without pay by the Department for the period of secondment. This leave will not be deducted from a teacher's career entitlement of three years leave without pay for personal reasons.

Arrangements for secondments will be determined by the Department in consultation with the Office of the Board of Studies.

Other than in exceptional circumstances approved by the Department, a teacher may be released for secondment to a position other than that of a Board Inspector to the Office of the Board of Studies for one or more periods up to a maximum of three years.

The Department will release teachers for periods of up to five years to take up temporary positions of Board Inspectors. At the conclusion of the temporary appointment, if the Board Inspector position is advertised and the teacher is successful in regaining the position through merit selection, the Department will approve additional periods of release.

The Department will not be responsible for expenses incurred as a result of teachers accepting secondment to the Office of the Board of Studies.

Teachers seconded to the Office of the Board of Studies are eligible to apply for positions appearing in Job File during the period of secondment in accordance with the provisions which apply to all applicants.

#### **1.6.2.3 Portability of Entitlements**

Seconded teachers who had an entitlement to cumulative sick leave prior to secondment may access that entitlement during the period of secondment. Subject to approval by the Office of the Board of Studies, seconded teachers can also access during the period of secondment, long service leave or recreation leave accrued prior to secondment.

In the teacher's initial year of secondment, the teacher's prior service in the Department will be recognised by the Office of the Board of Studies for the purposes of determining annual leave loading. Teachers will be eligible for payment of the full leave loading at the teacher's seconded salary rate at the Office of the Board of Studies.

There is no portability of school vacation entitlements during secondment. However, an initial credit of recreation may be granted in the first year of secondment. This will only occur in situations where the period of secondment results in the teacher incurring some loss of school vacation entitlement on initial employment by the Office of the Board of Studies.

See Section 1.6.1.10 j), *Recreation Leave (Table: Initial Credit of Leave in Lieu of School Vacation)* for recreation leave which may be credited depending on the date of secondment.

Teachers who resign, retire, or who are medically retired during the period of secondment will be entitled to receive payment of any accrued long service and recreation leave entitlements at the seconded salary rate. This would also apply in the event of the death of a teacher during the period of secondment.

A seconded teacher's prior service in the Department will be recognised for the purposes of satisfying the 40 week service requirement for paid maternity or adoption leave.

#### **1.6.2.4 Superannuation**

Teachers who demonstrate they are existing contributors to either the State Superannuation Fund, the State Authorities Superannuation Scheme or the First State Superannuation Scheme are entitled to retain their membership of those schemes as provided for in the *Superannuation Act 1916*, the *State Authorities Superannuation Act 1987* or the *First State Super Act 1992*. Superannuation provisions will be no less beneficial than those the teachers would have received had they remained in their original positions with the Department.

In the event of a teacher's retirement, medical retirement or death during the period of secondment, the teacher's exit salary rate for superannuation purposes will be deemed to be the salary rate applicable to the seconded position at the Office of the Board of Studies at the time of retirement or death.

#### **1.6.2.5 Workers' Compensation**

Teachers on secondment to the Office of the Board of Studies should submit any workers' compensation claims to the Office of the Board of Studies.

#### **1.6.2.6 Teachers Returning to the NSW Department of Education and Training Following Expiration of Secondment or on Request of a Seconded Teacher**

##### **a) Annual Leave Loading**

In the initial year of the teacher's return to the Department, the seconded teacher's period of secondment at the Office of the Board of Studies will be recognised for the purposes of determining annual leave loading. Subject to the leave loading not being paid by the Office of the Board of Studies, the teacher would be entitled to payment of the full leave loading at his or her substantive salary rate.

## b) Appointments to Late Start Schools

Where a teacher is to be appointed to a late start school at the start of a school year following the expiration of a secondment to the Office of the Board of Studies, the secondment will be deemed to expire on the last day of the Western Division midsummer vacation.

## c) Continuity of Service

On return to the Department the period of secondment will be recognised for determining leave entitlements and for incremental progression except in the following circumstances:

- i) leave without pay of five days duration or longer whilst on secondment will not count for the purposes of determining incremental progression; and
- ii) unpaid leave of six months duration or longer taken whilst on secondment will not count for determining leave entitlements, incremental progression or vacation entitlements; and
- iii) unless the teacher otherwise elects to pay the employee and employer superannuation contribution, any period of leave without pay in excess of six months taken during the period of secondment, will not count for superannuation purposes. This applies to members of the State Superannuation Fund. Members of the State Authorities Superannuation Scheme or First State Superannuation should contact the relevant section of Teacher and Administrative Staff Services for further details.

## d) Leave Following Expiration of Secondment

Teachers may be granted leave following the expiration of a secondment to the Office of the Board of Studies. In these circumstances teachers seeking leave without pay and/or long service leave must submit a leave application to Teacher and Administrative Staff Services or their previous directorate at least three months prior to the teacher's return date to the Department.

## e) Maternity and Adoption Leave

Where the balance of any period of paid maternity or adoption leave extends beyond the secondment period, the Office of the Board of Studies will be responsible for the difference in salary between the seconded teacher's substantive salary in the Department and the rate of pay whilst at the Office of the Board of Studies for the period of the leave. This does not apply if the maternity or adoption leave coincides with any other form of paid leave.

Seconded teachers are entitled to have all continuous service as at the date of secondment to the Office of the Board of Studies taken into account for the purposes of determining their entitlement to maternity, paternity or adoption leave.

## f) Recreation Leave

Teachers must expend all recreation leave prior to their return to the Department if they are appointed to a school.

Teachers should, as far as possible, exhaust all accrued recreation leave prior to returning to a non school based teaching service position. Teachers returning to a non school based teaching service position may elect to seek to transfer the balance of their recreation leave accumulated while at the service of the Office of the Board of Studies and unable to be taken prior to return to the Department.

## g) Right of Return

Right of return to a teaching service position applies only to seconded teachers who were appointed substantively to a teaching service position within the Department prior to the commencement of the secondment.

At the end of a secondment, teachers will return to a position in the Department at their previous substantive level or will be able to apply for advertised teaching service positions in the Department.

If the secondment is for a period of up to twelve months, there will be a right of return to the position to which the seconded teacher was substantively appointed prior to proceeding on secondment.

If the secondment exceeds twelve months the teacher will be placed, subject to availability, in a suitable vacancy closest to the teacher's previous school and, where applicable, to the same or equivalent promotion position the teacher held prior to proceeding on secondment.

Seconded teachers returning to school positions will be given nominated transfer status.

Seconded teachers who are due to return to school positions and who have relinquished right of return to their former position must submit an *Application for Transfer or Lateral Appointment*. The application must indicate nominated transfer status and be forwarded to the Manager of School Staffing.

A seconded teacher who was previously appointed to a substantive permanent non school based teaching service position will have right of return to the district office or state office directorate in which he or she was substantively appointed. Where it is not possible to locate a suitable position normal displaced officer procedures will apply.

Seconded teachers who have right of return to a non school based teaching service position should make written application for return to the Manager of Corporate Staffing.

A teacher may apply to return to the Department prior to the expiration of the secondment period. Each case will be considered on its merits in consultation with the Office of the Board of Studies, taking into account the teacher's reasons for seeking return, acting arrangements currently in place and/or the staffing situation in relation to appropriate vacancies.

## h) Transferred Officers' Compensation

Teachers returning to the Department following the expiration of a secondment may be entitled to the provisions of the *Transferred Officers' Compensation Determination No. 1 of 2001* or successor provision.

The provisions of *Determination No. 1 of 2001* or successor provision will apply where teachers can demonstrate that:

- they were required to move residence in order to accept the appointment;
- the appointment to a school or office was to a location other than the teacher's location prior to secondment; and
- the appointment was to the nearest suitable vacancy to the teacher's previous school.

**1.6.3 Conditions for Teachers Temporarily Appointed to Bradfield College****1.6.3.1 Introduction**

Conditions of employment for Departmental teachers temporarily appointed to Bradfield College will be those applying to the relevant position and as provided for in the industrial instrument(s) relating to those particular positions in Bradfield College.

**1.6.3.2 Conditions for Teachers Accepting an Appointment to Bradfield College**

Teachers must submit a copy of the offer of appointment to Bradfield College. The teacher does not need to apply for leave.

The term of employment for employees engaged to work at Bradfield College will be for a period of up to three years with the possibility of reappointment for a further period(s).

During their period of service at Bradfield College teachers are eligible to apply for positions appearing in Job File in accordance with the provisions which apply to all applicants.

**1.6.3.3 Portability of Entitlements**

A teacher carries across all accrued leave entitlements to Bradfield College. This includes cumulative sick leave and long service leave entitlements.

In the initial year of service with Bradfield College, the teacher's prior service in the Department will be recognised for the purposes of determining the annual leave loading. The teacher will be eligible to receive the full leave loading at the salary rate applicable to the teacher's position at Bradfield College.

**1.6.3.4 Superannuation**

Teachers who demonstrate they are existing contributors to either the State Superannuation Fund, the State Authorities Superannuation Scheme or the First State Superannuation Scheme are entitled to retain their membership of those schemes as provided for in the *Superannuation Act 1916*, the *State Authorities Superannuation Act 1987* or the *First State Super Act 1992*. Superannuation provisions will be no less beneficial than those the teachers would have received had they remained in their original positions with the Department.

In the event of a teacher's retirement, medical retirement or death during the period of temporary appointment to Bradfield College, the teacher's exit salary rate for superannuation purposes will be deemed to be the salary rate applicable to the position to which the teacher has been temporarily appointed at Bradfield College at the time of retirement or death.

**1.6.3.5 Workers' Compensation**

Teachers temporarily appointed to Bradfield College should submit any workers' compensation claims to Bradfield College.

**1.6.3.6 Teachers Returning to the NSW Department of Education and Training at the Expiration of their Employment with Bradfield College**

The following conditions apply to teachers employed at Bradfield College on a full-time basis.

- a) Annual Leave Loading

Teachers returning to the Department will be paid an annual leave loading in

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accordance with the conditions contained in the *Teachers Handbook*. In the initial year of the teacher's return to the Department the teacher's prior service at Bradfield College will be recognised for the purpose of determining the annual leave loading. The full leave loading will be paid at the teacher's substantive salary rate in the Department.

b) Continuity of Service

The period of service at Bradfield College will be recognised for determining leave entitlements and incremental progression except in the following circumstances:

- i) leave without pay of five days duration or longer will not count for the purposes of determining incremental progression;
- ii) unpaid leave of six months duration or longer taken during the period of the appointment to Bradfield College will not count for determining leave entitlements, incremental progression or vacation entitlements; and
- iii) unless the teacher otherwise elects to pay the employee and employer superannuation contribution, any period of leave without pay in excess of six months taken during the period of service with Bradfield College, will not count for superannuation purposes. This applies to members of the State Superannuation Fund. Members of the State Authorities Superannuation Scheme or First State Superannuation should contact the relevant section of Teacher and Administrative Staff Services for further details.

A teacher's leave entitlements (with the exception of recreation leave which is covered separately in 1.6.3.6 d)), accrued at Bradfield College, will be transferred upon the teacher's return to the Department.

The period of service with Bradfield College will be taken into account for the purposes of determining the teacher's entitlement to maternity, paternity and adoption leave.

c) Leave Following the Expiration of Employment with Bradfield College

Teachers may be granted leave following the expiration of employment at Bradfield College. In these circumstances teachers seeking leave without pay and/or long service leave must submit a leave application to Teacher and Administrative Staff Services or their previous directorate at least three months prior to the teacher's return date to the Department.

d) Recreation Leave

Teachers must expend all recreation leave prior to their return to the Department if they are appointed to a school.

Teachers should, as far as possible, exhaust all accrued recreation leave prior to returning to a non school based teaching service position. Teachers returning to a non school based teaching service position may elect to seek to transfer the balance of their recreation leave accumulated while at the service of Bradfield College and unable to be taken prior to return to the Department.

e) Right of Return

Right of return to a teaching service position applies only to teachers who were appointed substantively to a teaching service position within the Department prior to the commencement of service with Bradfield College.

Teachers returning to the Department will be given nominated transfer status.

Teachers are entitled to return to a position in the Department at the same level as the position occupied in the Department at the time immediately prior to appointment at Bradfield College and will be placed in a suitable vacancy closest to the teacher's previous school.

f) Transferred Officers' Compensation

Teachers appointed to a promotions position that is higher than their substantive position held prior to their period of service with Bradfield College will be eligible for benefits provided for in clause 9 of the *Transferred Officers' Compensation Determination No. 1 of 2001* or successor provision. See Sections 1.7.2.6 and 1.7.2.7 for further details.

**1.6.3.7 Casual Employees of Bradfield College Seeking Employment as Teachers with the NSW Department of Education and Training**

a) Annual Leave Loading

A casual employee appointed as a classroom teacher in a Departmental school will be paid an annual leave loading in accordance with the conditions contained in the *Teachers Handbook*.

b) Continuity of Service

Casual employees at Bradfield College who are appointed to full-time positions in the teaching service are entitled to have prior service with Bradfield College recognised for the purposes of determining salary status, long service leave and cumulative sick leave entitlements.

Departmentally approved casual teachers who undertake casual teaching at Bradfield College are eligible to have this service recognised and accredited by the Department on the basis that each six hours of paid attendance shall be equivalent to one day's attendance at a school.

c) General

A casual teacher is defined as a teacher employed at Bradfield College and paid on an hourly basis.

For the purposes of this section a casual employee does not necessarily have to have been a previous employee of the Department.

An employee at Bradfield College who was on the Department's waiting list prior to their period of service at Bradfield College will remain active on the waiting list and will be considered for appropriate appointment to substantive teaching vacancies within the teaching service in line with current policy.

Casual employees at Bradfield College are eligible to apply for classroom teacher positions appearing in *Job File*.

d) Recreation Leave

A casual employee must expend all recreation leave prior to their appointment to a school position in the Department.

Teachers should, as far as possible, exhaust all accrued recreation leave prior to returning to a non school based teaching service position. Teachers may elect to seek to transfer the balance of their recreation leave accumulated while at the service of Bradfield College and unable to be taken prior to return to the

Department.

e) Right of Appointment

Casual employees of Bradfield College who were temporary employees of the Department (temporary/casual teachers) and who are selected for a second period of engagement at Bradfield College (i.e. for a period of six years) will be appointed to a position in a Departmental school anywhere in NSW at the expiration of the second period of engagement provided that:

- i) the teacher's efficiency as determined by the Director of Bradfield College is satisfactory on exit from Bradfield College;
- ii) the teacher does not gain a further period of engagement at Bradfield College;
- iii) the teacher has not declined a position offered whilst they were on the Department's waiting list.

Casual employees of Bradfield College are only eligible to be appointed to classroom teacher positions regardless of the category of the position held at Bradfield College.

f) Transferred Officers' Compensation

Casual employees are not entitled to any assistance upon appointment to a school in terms of the *Transferred Officers' Compensation Determination No. 1 of 2001* or successor provision.

#### **1.6.4 Conditions for Teachers Released to Accept Temporary Appointments in NSW Universities**

##### **1.6.4.1 Introduction**

Conditions of employment for Departmental teachers released by the Department to accept temporary appointments in NSW universities will be those applying to the relevant position and as provided for in the industrial instrument(s) relating to those particular positions in NSW universities.

##### **1.6.4.2 Teachers Seeking Release to Accept a Temporary Appointment in a NSW University**

Teachers are required to submit a leave without pay application for the period of the temporary appointment.

The leave without pay will not be deducted from a teacher's career entitlement of three years leave without pay for personal reasons.

Subject to approval by the Department a teacher may be released to accept a temporary appointment in a NSW university for a period of up to three years.

All costs incurred by teachers as a result of accepting a temporary appointment, including removal to another residence or work location will be the responsibility of the individual teacher making such applications.

Teachers released to accept a temporary appointment in a university are eligible to apply for positions appearing in *Job File* during the period of the temporary appointment in accordance with the provisions which apply to all applicants.

**1.6.4.3 Portability of Entitlements**

There is no portability of leave entitlements unless specified by the university.

**1.6.4.4 Superannuation**

The Department is not responsible for the payment of the employer contribution to superannuation during the teacher's service with a university. The Department will also not be responsible for the employer's liability for superannuation for additional units, if any, attracted by the salary the teacher receives while in its employ. This will only occur in the event of emergence of pension entitlement through retirement.

**1.6.4.5 Workers' Compensation**

Teachers released to accept a temporary appointment in a university should submit any workers' compensation claims to that university.

**1.6.4.6 Teachers Returning to the Department Following Expiration of the Release or on Request of a Teacher****a) Annual Leave Loading**

The period of the temporary appointment will not count for the purposes of determining annual leave loading.

**b) Continuity of Service**

The period of the temporary appointment will not, in general, count as service for any purpose other than incremental progression. The exception to this is long service leave where the receiving university accepts responsibility for the payment of long service leave accrued while the teacher is in its employ.

**c) Recreation Leave**

Teachers must expend all recreation leave accrued during the temporary appointment, prior to reappointment to a position in the Department.

**d) Right of Return**

Right of return to a teaching service position applies only to teachers who were appointed substantively to a teaching service position within the Department prior to the commencement of the temporary appointment.

If the period of temporary appointment is up to twelve months, there will be right of return to the position the teacher was substantively appointed to prior to proceeding on temporary appointment.

If the temporary appointment exceeds twelve months the teacher will be placed, subject to availability, in a suitable vacancy closest to the teacher's previous school and, where applicable, to the same or equivalent promotion position the teacher held prior to proceeding on the temporary appointment.

Teachers who were previously appointed to a substantive permanent non school based teaching service position will have right of return to the district office or directorate in which they were substantively appointed. Teachers should make a written application for return to the Manager of Corporate Staffing. Where it is not possible to locate an appropriate position existing displaced officer procedures will apply.

All teachers who are due to return to the Department and who have relinquished right of return to their former position must submit an *Application for Transfer/Lateral Appointment* to the Manager of School Staffing.

In the absence of a suitable vacancy the teacher may elect to proceed on leave without pay for personal reasons while awaiting a suitable vacancy.

Teachers may apply to return to the Department prior to the expiration of the temporary appointment. Each case will be considered on its merits in consultation with the relevant university, taking into account the teacher's reasons for seeking return, relieving arrangements currently in place and/or the staffing situation in relation to appropriate vacancies.

e) Transferred Officers' Compensation

Teachers are not entitled to assistance upon reappointment to a school position in the Department in terms of transferred officers' compensation.

### **1.6.5 Conditions for Teachers Released to Accept Temporary Appointments in Other Government Agencies**

#### **1.6.5.1 Introduction**

Conditions of employment for Departmental teachers released by the Department to accept temporary appointments in other government agencies will be those applying to the relevant position and as provided for in the industrial instrument(s) relating to those particular positions in the other government agencies.

#### **1.6.5.2 Teachers Seeking Release to Accept a Temporary Appointment to Another Government Agency**

Teachers are required to submit a leave without pay application for the period of the temporary appointment.

The leave without pay will not be deducted from a teacher's career entitlement of three years leave without pay for personal reasons.

Subject to approval by the Department a teacher may be released to accept a temporary appointment to another government agency for a period of up to three years.

Teachers released on temporary appointment are eligible to apply for positions appearing in *Job File* during the period of the temporary appointment in accordance with the provisions which apply to all applicants.

#### **1.6.5.3 Portability of Entitlements**

The period of temporary appointment will count for the purposes of determining incremental progression, long service leave, family and community service leave and cumulative sick leave entitlements in accordance with public service mobility provisions.

There is no portability of school vacation entitlements during a period of temporary appointment. For the purpose of vacation entitlements the teacher, on return to the Department, will be regarded as a new appointment.

**1.6.5.4 Superannuation**

The Department will not be responsible for the payment of the employer contribution to superannuation during the teacher's period of temporary appointment. The Department will also not be responsible for the employer's liability for superannuation for additional units, if any, attracted by the salary the teacher receives while in its employ. This will only occur in the event of emergence of pension entitlement through retirement.

**1.6.5.5 Workers' Compensation**

Teachers released to accept a temporary appointment in another government agency should submit any workers' compensation claims to that agency.

**1.6.5.6 Teachers Returning to the NSW Department of Education and Training Following Expiration of a Temporary Appointment****a) Annual Leave Loading**

In the initial year of the teacher's return to the Department, the teacher's period of temporary appointment will be recognised for the purposes of determining annual leave loading. Subject to the leave loading not having been paid by the other agency the teacher would be entitled to payment of the full leave loading at his or her substantive teaching salary rate.

**b) Continuity of Service**

On return to the Department the period of temporary appointment will be recognised for determining leave entitlements and for incremental progression except in the following circumstances:

- i) leave without pay of five days duration or longer whilst on temporary appointment will not count for the purposes of determining incremental progression; and
- ii) unpaid leave of six months duration or longer taken whilst on temporary appointment will not count for determining leave entitlements, incremental progression or vacation entitlements; and
- iii) unless the teacher otherwise elects to pay the employee and employer superannuation contribution, any period of leave without pay in excess of six months taken during the period of temporary appointment, will not count for superannuation purposes. This applies to members of the State Superannuation Fund. Members of the State Authorities Superannuation Scheme or First State Superannuation should contact the relevant section of Teacher and Administrative Staff Services for further details.

**c) Leave Following Expiration of Temporary Appointment**

Teachers may be granted leave following the expiration of a temporary appointment to another government agency. In these circumstances teachers seeking leave without pay and/or long service leave must submit a leave application to Teacher and Administrative Staff Services or their previous directorate at least three months prior to the teacher's return date to the Department.

**d) Recreation Leave**

Teachers must expend all recreation leave prior to their return to the Department if they are appointed to a school.

Teachers should, as far as possible, exhaust all accrued recreation leave prior to returning to a non school based teaching service position. Teachers returning to a non school based teaching service position may elect to seek to transfer the balance of their recreation leave accumulated while at another government agency.

e) Right of Return

Right of return to a teaching service position applies only to teachers who were appointed substantively to a teaching service position within the Department prior to the commencement of the temporary appointment..

At the end of the temporary appointment, teachers will return to a position in the Department at their previous substantive level or will be able to apply for advertised teaching service positions in the Department.

If the temporary appointment is for a period of up to twelve months, there will be a right of return to the position to which the teacher was substantively appointed prior to proceeding on the temporary appointment.

If the temporary appointment exceeds twelve months the teacher will be placed, subject to availability, in a suitable vacancy closest to the teacher's previous school and, where applicable, to the same or equivalent promotion position the teacher held prior to proceeding on temporary appointment.

Teachers who were previously appointed to a substantive permanent non school based teaching service position will have right of return to the district office or directorate in which they were substantively appointed. Teachers should make a written application for return to the Manager of Corporate Staffing. Where it is not possible to locate an appropriate position existing displaced officer procedures will apply.

All teachers who are due to return to the Department and who have relinquished right of return to their former position must submit an *Application for Transfer or Lateral Appointment* to the Manager of School Staffing.

In the absence of a suitable vacancy the teacher may elect to proceed on leave without pay for personal reasons while awaiting a suitable vacancy.

Teachers may apply to return to the Department prior to the expiration of the temporary appointment period. Each case will be considered on its merits in consultation with the other government agency, taking into account the teacher's reasons for seeking early return, relieving arrangements currently in place and/or the staffing situation in relation to appropriate vacancies.

Subject to the appropriate on costs being met by the other government agency, the period of the temporary appointment will be recognised for determining leave entitlements and for incremental progression except in the following circumstances:

- i) leave without pay of five days duration or longer will not count for the purposes of determining incremental progression; and
- ii) Unpaid leave of six months duration or longer taken whilst on temporary appointment will not count for determining leave entitlements, incremental progression or vacation entitlements.

f) Transferred Officers' Compensation

Teachers returning to the Department following the expiration of a temporary

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appointment may be entitled to the provisions of the *Transferred Officers' Compensation Determination No. 1 of 2001* or successor provision.

The provisions of *Determination No. 1 of 2001* or successor provision will apply where teachers can demonstrate that:

- they were required to move residence in order to accept the appointment;
- the appointment to a school or office was to a location other than the teacher's location prior to secondment; and
- the appointment was to the nearest suitable vacancy to the teacher's previous school.

## 1.7 Transferred Officers' Compensation

These notes should be read in conjunction with the *Transferred Officers' Compensation Determination 1 of 2001*.

### 1.7.1 Eligibility

#### 1.7.1.1 General

- a) The Determination does not apply to casual or temporary teachers.
- b) Generally, to be eligible to benefit under the Determination, a teacher must satisfy the requirements of location, basis of transfer or service as specified at Clause 1 (u) of the Determination.
- c) A statement appears on a teacher's appointment notice which indicates whether the transfer meets the requirements. This statement, however, refers to general eligibility and does not mean that the transferred teacher will necessarily be entitled to any or all of the benefits provided in the Determination.

Teachers should contact the personnel support officer in the district office at their new location for advice on their entitlement to the provisions of the Determination.

- d) The benefits of the Determination do not apply to permanent teachers on first employment or re-employment. A relocation subsidy is payable to eligible teachers appointed to schools in specific areas of the State. See Section 1.7.1.4 for details.

#### 1.7.1.2 Location

- a) The reference to 'location' refers to the location of a teacher's school not place of residence.
- b) Benefit is not generally available to teachers who transfer within a metropolitan area or country centre or when a change of residence is not necessary in order for the teacher to take up the new appointment.
- c) Consideration may be given to payment of benefits when a teacher is transferred within the metropolitan area and particular hardship will occur if the teacher does not move residence to the new location.
- d) A teacher is not generally entitled to benefits under the Determination when transferring from a country town to the metropolitan area, or vice versa, if the school to which the teacher is appointed is located within 50 kilometres of the teacher's residence.



- e) A teacher who moves residence while on maternity leave and then seeks to resume duty at the new location is not eligible to benefits.
- f) Distance will be determined having regard to the shortest practicable route.

#### 1.7.1.3 Basis of Transfer and Service

- a) Teachers will be considered to have met the service requirements of the Determination if:
  - i) they have served for not less than two years in a school located in Schedule A or three years in a school located in Schedule B of the Determination or five years in any other school; or
  - ii) they are promoted; or
  - iii) they are a nominated transfer.
- b) Aggregation of service is permitted where the service is in two or more schools in any one country centre or two or more schools in the Sydney metropolitan area, provided that no benefits under the Determination were paid during the preceding two, three or five years as appropriate.
- c) Teachers appointed to a non school based teaching service position or who are on a temporary release with another authority should see Section 1.6 for further details.
- d) For the purpose of fulfilling the service requirement in the definition of a "transferred officer" under the Determination, appointment to a school which occurs at any time up to the first day of second term shall be deemed to have occurred on the first day of term 1. In the case of permanent part time teachers the time period would be up to the first week of second term.

#### 1.7.1.4 Relocation Subsidy on First Employment or Re-employment

On first employment or re-employment, teachers are not eligible for the provision of the *Transferred Officers' Compensation Determination*. Permanent and temporary teachers appointed to schools in specific areas of the State may be entitled to a relocation subsidy when it is necessary to leave their existing residence and take up a new residence which is more than 150 kilometres from their existing residence. Further information can be obtained from the teacher's district office.

- a) Relocation of residence 151 to 200 kilometres - travel assistance at 12 cents per kilometre for total distance.
- b) Relocation of residence 201 kilometres or more - travel assistance at 12 cents per kilometre and assistance with the cost of removal of personal and household effects at the rate of \$1 per kilometre for the total distance.
- c) Teachers are required to sign an undertaking to repay any amounts received if they do not serve for a complete school year or in the case of temporary teachers, the temporary engagement is terminated early at the instigation of the temporary teacher.

#### 1.7.2 Entitlements

- a) A statement appears on a teacher's appointment notice which indicates whether the appointment meets the service requirements of the Determination. This statement refers to the teacher's general eligibility only. Each benefit under the Determination has its own provisions and time constraints.

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- b) Additional advice on eligibility for benefits can be obtained from the district office in a teacher's new location.
  - c) Procedures and forms for applying for the various benefits are provided in the Transferred Officers' Information Kit. This is available from district offices and on the Department's intranet site at:  
<http://detwww.det.nsw.edu.au/directorates/personnel/pteach/empcond.htm>.
  - d) These procedures should be read carefully, in conjunction with the Determination, before entering into any relocation arrangements.

#### 1.7.2.1 Leave

- a) Special leave may be available to teachers transferred at the Department's expense. See Section 4.14, Special Leave for details.
- b) Teachers granted special leave to seek accommodation are also eligible to claim assistance with overnight accommodation and meal expenses. Reimbursement, in accordance with rates as set from time to time, is payable to the teacher and one family member.

#### 1.7.2.2 Removal Costs

- a) Transferred officers may be entitled to reimbursement of reasonable costs incurred in removing personal and household effects to their new location.
- b) The removal of personal and household effects is managed by a contractor. The Department advises the contractor of teachers eligible for removal expenses. The contractor then contacts the teacher to arrange removal.
- c) Removal expenses shall include the cost of insuring personal and household effects while in transit up to an amount of \$38 000.

If the insured value exceeds \$38 000 the application together with a copy of the teacher's current household contents policy should be referred to the district superintendent for consideration.

- d) Where a teacher, who uses a private vehicle for the purposes of official business, finds it necessary to transport another private vehicle maintained by the teacher, the teacher shall be allowed the option of being paid:
  - i) the cost of transportation by either rail or road transport; or
  - ii) where the vehicle is driven to the new location, a motor vehicle allowance at the specified journey rates as prescribed from time to time.

#### 1.7.2.3 Storage of Furniture

- a) Where a transferred officer is unable to secure suitable accommodation at the new location and is required to store furniture while waiting to secure a residence, reasonable costs of storage and cartage to and from the store may be refunded.
- b) The cost of insurance of furniture while in storage is payable on the same basis as under 1.7.2.2.
- c) Reimbursement of storage costs is limited to the time required for suitable accommodation to become available or for a period of 26 weeks whichever is less, except where the teacher is transferred to a metropolitan area in which case the maximum limit is thirteen weeks.

#### 1.7.2.4 Cost of Personal Transport

Depending on the particular circumstances, the Determination makes provision for payment of personal transport.

- a) A transferred officer will be entitled to reimbursement of the cost of first class rail travel or for the use of his or her private motor vehicle on the following basis:
  - i) for the teacher and one member of his or her family when on special leave to seek accommodation;
  - ii) for the teacher and all members of his or her household where special leave has been approved to allow for travel to enter on duty in the new location. Where the teacher's family does not travel at the time special leave is taken, entitlement to costs for their personal transport will be deferred until they travel to take up residence at the teacher's new location;
  - iii) for the teacher to return to their former location to visit their family when new accommodation has not been secured.
- b) There are two types of motor vehicle allowance rates:
  - i) *Official Business Rate*

This rate is applied in situations where:

    - the teacher is travelling to enter on duty at the new location; and/or
    - a teacher has been granted permission to maintain a car primarily for travelling on official business.
  - ii) *Specified Journey Rate*

This rate will apply in all other circumstances.
- c) Payment of motor vehicle allowances are subject to the teacher meeting Departmental requirements relating to the use of private motor vehicles on official business (see Section 1.8.1.1).
- d) Motor vehicle allowances paid in respect of travel will not exceed the cost of first class rail travel to which the teacher might otherwise have been entitled.
- e) Where an overall saving would eventuate, a teacher and one member of his or her family may be entitled to economy class air fare in lieu of first class rail travel or motor vehicle allowances.

This applies only where the teacher is travelling to the new location to seek accommodation and is subject to the policy for use of air travel as determined by the Premier.

#### 1.7.2.5 Compensation for Depreciation and Disturbance

Under the Determination, an allowance, as determined from time to time, is payable to compensate for the accelerated depreciation of personal and/or household effects removed to a new location.

The disturbance allowance is currently \$1 126 and is based upon the Department being satisfied that the teacher has removed a substantial portion of normal household furniture, furnishings and fittings of not less value than \$7 037. A pro rata amount is payable where the value is less.

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**1.7.2.6 Conveyancing and Other Costs**

- a) The Determination provides for reimbursement of certain expenses where a teacher sells a residence at the former location and buys a residence or land upon which to erect a residence at the new location. These expenses include stamp duty, mortgage fees, commissions and where appropriate solicitors' professional costs and disbursements in respect of such transactions.
- b) The maximum amounts which may be reimbursed for conveyancing and other costs shall be limited to the amounts which would be payable had the sale and purchase prices of the properties involved been \$315 000 in each case.
- c) The benefits of the Determination may be denied if:
  - i) the sale of the former residence commences more than six months before the actual transfer;
  - ii) both the sale and purchase transactions are not completed within four years of the actual transfer (except as provided in the Determination);
  - iii) a teacher owning a residence at location A and who has taken up rented accommodation on transfer to location B then moves on transfer or promotion to location C and;
    - a period of more than eight years has elapsed since the teacher's transfer from A to B;
    - the sale transaction of the residence at A occurs earlier than six months prior to the transfer from A to B and more than four years after transfer from B to C;
    - the purchase is made earlier than six months prior to or more than four years after the transfer from B to C.
  - iv) the property is capable of earning an income;
  - v) the property sold or purchased is a caravan or mobile home; or
  - vi) the property sold was not the teacher's immediate preceding residence.

**1.7.2.7 Refund of Stamp Duty**

Where a teacher who is transferred at the Department's expense, does not sell an existing residence at their previous location but within fifteen months of transfer to a new location, purchases a residence or land on which to erect a residence, the following may be reimbursed:

- i) an allowance to cover the whole of the stamp duty paid on the contract and mortgage; and
- ii) the cost of registration fees on transfer and costs.

**1.7.2.8 Incidental Costs on Change of Residence**

- a) Teachers who qualify for conveyancing and other costs associated with the sale and purchase of a residence as outlined in Section 1.7.2.6 and 1.7.2.7 may be eligible for:

- i) Reimbursement of any council or other local government rates which are levied during a period when the former residence is of necessity left vacant. This would occur when a teacher takes up duty in a new location and the previous residence has not been sold. The reimbursement of rates would apply from the date the teacher entered on duty in the new location, having vacated the former residence, until the date the previous residence is sold;
- ii) Reimbursement of survey and pest certificates;
- iii) Reimbursement of costs incurred in respect of reconnection of gas and/or electricity supplies and the cost of telephone reconnection;
- iv) Reimbursement of the fee charged by Australia Post for the redirection of mail for one month.

#### **1.7.2.9 Education of Children**

- a) The Determination makes provision for payment of an allowance to assist with the cost of board and lodging in cases where a teacher has dependent children who have to continue their secondary education in Year 12 at the teacher's previous location because elected subjects are not available at the new location.
- b) The Determination also makes provision for reimbursement of the cost of essential school clothing which must be replaced or purchased where a change of school has resulted from the teacher's transfer to a new location. The reimbursement is only made in respect of each child who is continuing in primary or high school, not entering either for the first time.

#### **1.7.2.10 Relocation on Retirement**

- a) On retirement, or medical retirement, teachers may be refunded reasonable costs incurred in the removal of personal and household effects to a location of their choice, together with the cost of insurance against damage in transit as provided in Section 1.7.2.2. Payment of this benefit is subject to the following:
  - i) the maximum amount of reimbursement is limited to the amount that would be payable had the teacher moved to the place of original recruitment to the Education Teaching Service; and
  - ii) the relocation occurs within twelve months of retirement; and
  - iii) the teacher has completed ten years service and has been transferred at the Department's expense at least once during their service.
- b) Subject to meeting the requirements as set out in (a) above, benefit may be paid to a teacher's dependent spouse when a teacher dies while still in the service. Special consideration may be given to payment of benefit to children or dependent relatives of a deceased teacher in similar circumstances.

## 1.8 Travel and Accommodation Expenses

These notes should be read in conjunction with the *Crown Employees (Teachers and Related Employees) Salaries and Condition Award and Determinations 23 to 40*.

### 1.8.1 Travel Expenses

- a) Except where authorised, teachers are responsible for meeting costs incurred in travel between their residence and usual place of work.
- b) Teachers may be authorised to use their private vehicle for travel on official business where other modes of travel are unsuitable or unavailable and provided the vehicle is comprehensively insured.
- c) Payment, on a case by case basis, will be considered for private vehicle usage by casual teachers who are required and authorised to use their private vehicle in the performance of their duties.
- d) Teachers who wish to use their private vehicle for travelling on official business must make application to the district office using the *Application to Use Private Motor Vehicle on Official Business* form.
- e) Claims for expenses must be submitted within one month of incurring the expense.

#### 1.8.1.1 Private Motor Vehicle Used for Official Business

- a) There are two types of allowances payable for travel on official business by private vehicle - official business rate and specified journey rate.
- b) The official business rate is paid to authorised teachers who are required to travel regularly on official business as specified at section 1.8.1.1.1 below and the specified journey rate is paid to authorised teachers who travel intermittently on official business (see section 1.8.1.1.2).
- c) The rates are adjusted in line with those in the public sector and are advised by circular. [Click here to view the latest rates.](#)

##### 1.8.1.1.1 Official Business Rate

- a) The official business rate is payable where the use of a teacher's private motor vehicle on official business is authorised and the teacher is required to travel on official business using his/her motor vehicle on a regular basis of at least once per week throughout the school year or travel a minimum of 400 kilometres during the school year, except where:
  - i) an official vehicle is available;
  - ii) for all or specific days of travel, public transport is obviously available, suitable, and does not result in a loss of the teacher's professional time and/or restriction in the performance of the teacher's duties and professional responsibilities.
- b) Where a teacher commences duty other than at the start of the school year the minimum period of 400 kilometres to be travelled will be adjusted proportionately.
- c) The rate paid is based on the distance travelled on official business, engine capacity of the vehicle and distance between home and headquarters for which a daily deduction is made.

**1.8.1.1.2 Specified Journey Rate**

- a) This rate is payable to teachers who are authorised to use their private motor vehicle to travel on official business intermittently as opposed to regular use for which the official business rate is paid, except where:
- i) an official vehicle is available;
  - ii) for all or specific days of travel, public transport is obviously available, suitable and does not result in a loss of the teacher's professional time and/or restriction in the performance of the teachers duties and professional responsibilities.
- b) Circumstances where teachers, who are not authorised for reimbursement at the official business rate, may be given approval to use their private vehicle on official business at the specified journey rate include travel to attend staff development courses, selection committee interviews, GREAT appeals and hearings.

**1.8.1.1.3 Payment of 2 700 cc or More Motor Vehicle Rate**

- a) Where the teacher's normal duties are performed within the Sydney Region (as defined by Planning NSW) the maximum per kilometre rate payable will be the 1 600 to 2 700 cc rate.
- b) Where the official travel, in whole or in part, is outside the Sydney Region, consideration will be given to payment of the over 2 700 cc rate in respect of a vehicle with an engine capacity above 2 700 cc. Such consideration will be related to the total annual distance travelled by the teacher on official business, the terrain and other factors advanced by the teacher as relevant.
- c) Provided that the provisions of 1.8.1.1.3 a) and b) will not apply to teachers who have an existing approval for payment of the over 2 700 cc rate arising from clause 4(b)(i) of *Industrial Agreement 7036 of 1983*.

**1.8.1.1.4 Daily Deduction**

- a) On days when a teacher is required to travel on official business and travels to and from home, whether or not the teacher visits headquarters, a deduction shall be made from the total distance travelled from home to home as follows:

<b>Distance Home to Headquarters (One Way) Kilometres</b>	<b>Deduction Kilometres</b>
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
11-29	10

<b>Distance Home to Headquarters (One Way) Kilometres</b>	<b>Deduction Kilometres</b>
30 or more	10 plus 2 km for each km above 29 km from home to headquarters

Provided that when the above deduction has been effected, the officer will add to the number of kilometres claimed the kilometres shown in the follow schedule:

<b>Distance Home to Headquarters (One Way) Kilometres</b>	<b>Add Kilometres</b>
29-35	1
36-40	2
41-45	3
46-50	4
51-55	5
56-60	6
61-65	7
66 and over	8

- b) This daily deduction discounts the normal one-way distance travelled from home to headquarters for which teachers will not be paid.
- c) Where a teacher is on duty at his/her headquarters on a particular day and the teacher elects to travel to the headquarters in his/her private motor vehicle, no payment will be made for such travel.

If, on such a day, the teacher is directed to travel from his/her headquarters in an emergency situation, the teacher may be granted approval to use his/her own motor vehicle and claim the normal kilometre rate for the distance from headquarters to the emergency centre and return.

- d) Where a teacher has approval to use his/her private motor vehicle on official business and is directed to have the vehicle at headquarters on each day, or particular days, in order to have available a ready means of transport, payment will be made for the distance from home to headquarters and return for each day of duty the care is required to be available (on official business), less the daily deduction.
- e) A claim for travel allowance cannot be made where the headquarters and another centre visited are on the same or adjacent sites.
- f) The daily deduction is not applied where a teacher is required to use his or her private motor vehicle from his or her home after working hours on official business or when the teacher is required to stay away from home overnight on official business.

#### **1.8.1.1.5 Insurance Requirements**

No motor vehicle allowance will be paid to a teacher who uses a private motor vehicle on official business unless certain insurance requirements are met. These requirements are:

- a) The motor vehicle must be covered by a policy as required by the



*Motor Vehicles (Third Party Insurance) Act 1942*; and

- b) The teacher must have in force, at the time the vehicle is being used on official business, a comprehensive policy or policies of insurance or indemnity, to an amount and in a form approved by the Director-General, providing insurance or indemnity against:
  - i) liability of the Crown and the teacher to pay for loss or damage to property arising out of the use of the vehicle by the teacher; and
  - ii) liability of the Crown to pay for loss or damage to the vehicle.

These insurance requirements are consistent with conditions applying throughout the public sector.

#### **1.8.1.2 Teaching In More Than One School**

Teachers required to teach in more than one school may be paid for excess time occupied in travelling from home to school and/or from school to home in accordance with Clause 24 and Schedule 8, Part A of the *Crown Employees (Teachers and Related Employees) Salaries and Conditions Award*.

#### **1.8.1.3 Travel to Temporary Headquarters**

- a) Where a teacher is required to take up an appointment at temporary headquarters away from normal headquarters, approval may be given to travel by private motor vehicle and to be paid an allowance at the official business rate for the first journey to, and last journey from the temporary headquarters.
- b) Subsistence allowance in accordance with *Determination 23 or 24* is also paid for the first journey to, and the last journey from the temporary headquarters back to substantive headquarters.
- c) The initial period of travel does not form part of the 35 day count (as referred to in *Determination 23*) which starts from the time the teacher arrives at the temporary headquarters.

#### **1.8.1.4 Return Home at Weekends from Temporary Headquarters**

- a) A number of alternative arrangements are available for teachers who elect or are required to return home at weekends from temporary headquarters which are as follows:

- i) Teachers who elect to travel home at weekends

Generally, where teachers are receiving subsistence allowance for travel up to or over 35 days and it is convenient for them to return home at weekends by travel outside of working hours then they may do so and the Department will:

- reimburse the cost of first class rail travel; or
- pay the specified journey rate for travel by private vehicle limited to the cost of rail travel, provided that travel costs do not exceed the value of subsistence allowance saved. Any additional costs are the responsibility of the teacher.

- ii) Teachers who are required to travel home at weekends
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Teachers who are paid subsistence allowance up to 35 days may be required to return home at weekends outside of working hours where a saving of a least \$30 in subsistence costs is achieved after deducting:

- subsistence costs payable for the time spent travelling;
- compensatory leave for excess travelling time; and
- travel costs for the weekend journey provided transport enables the teacher to arrive home no later than 10.30 pm on the Friday evening and to depart from home no earlier than 5.45 pm on the Sunday afternoon.

Travel costs met by the Department are the same as in i) above.

iii) Teachers who can only travel home during working hours

Where it is not possible for teachers to return home by travelling outside of working hours, then they may be granted special leave to enable them to spend two consecutive days and nights at their residence. To qualify for special leave teachers must be absent from their headquarters initially for a continuous period of three weeks. Thereafter, leave may be granted every four weeks. Such leave is limited to the minimum time necessary for the journey.

In respect of the travel cost the Department will:

- reimburse the cost of first class rail travel; or
  - pay the specified journey rate for travel by private vehicle limited to the cost of rail travel.
- b) Entitlement to subsistence allowance ceases when the teacher arrives home and recommences from the time that he or she leaves home to return to the temporary headquarters.

#### **1.8.1.5 Travelling Expenses when Attending Examinations**

- a) Teachers are assisted with travelling expenses incurred where they are required to travel to another centre to attend examinations for which special leave has been approved.
- b) Teachers may be reimbursed for the cost of first class rail travel or paid the specified journey rate for travel by private vehicle limited to the cost of first class rail travel for the journey.
- c) Teachers may be granted the cost in excess of \$12 to cover the cost of meals reasonably and necessarily incurred while absent from their headquarters.
- d) Where it is necessary for a teacher to proceed to the examination centre on the evening prior to the examination as the examination is held in the morning, the cost of overnight accommodation may be allowed. The assistance granted will be the actual cost of meals and accommodation, less in respect of each overnight stay, the amount of \$12.
- e) Claims for hotel or motel accommodation and meal expenses must be supported by receipts.

#### **1.8.2 Meals and Accommodation Expenses**

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**1.8.2.1 General**

The provisions in respect of payment of subsistence allowances for meals and accommodation for teachers required to travel on official business are set out in *Determinations 23 to 40*.

- a) The amount of the allowance paid depends mainly on the period of absence from headquarters. There are three categories which are:
  - i) one day trips - where there is no overnight stay and only meal costs are involved;
  - ii) absence from headquarters for up to 35 days - where either a set allowance is paid or actual costs of meals or accommodation are refunded; and
  - iii) absences from headquarters in excess of 35 days - where a lower allowance is paid after 35 days.

Allowances payable under (i), (ii) and (iii) differ depending on the location to which the teacher is travelling.
- b) The rates of allowances are adjusted in line with those in the public sector and are notified by circular. [Click here to access the latest rates.](#)
- c) All claims for meals and actual expenses must be accompanied by receipts.

**1.8.2.2 Accommodation Expenses for Itinerant Teachers**

- a) Irrespective of their period of absence from headquarters, itinerant teachers in country districts whose duties necessitate their overnight absence from headquarters may claim the rates prescribed in *Determination 24*, i.e. rates after 35 days.
- b) If the actual cost of accommodation necessarily incurred exceeds the allowance payable, payment of the additional amount will be considered on production of receipts and an assurance that cheaper, reasonable accommodation was not available.
- c) An itinerant teacher who is required to be absent from headquarters overnight for the purpose of giving demonstrations to other teachers may claim an allowance in terms of *Determination 23*.

**1.9 Claims for Damage to Private Motor Vehicles and Loss or Damage to Personal Property**

Information in relation to claims for loss of or damage to personal property and use of private motor vehicle by staff, parents and students is available on the Department's internet site. [Click here](#) to access the appropriate Legal Issues Bulletin.