Overview

The purpose of this document is to provide you with a summary of the TAFE Commission of NSW Teachers Related Employees Enterprise Agreement 2016.

To view or download the full list of drafting changes from the 2013 agreement, or to access a copy of the Agreement and other reference material, visit the TAFE NSW enterprise bargaining website.

The proposed TAFE Commission of NSW Teachers Related Employees Enterprise Agreement 2016 (the ‘proposed agreement’) covers all TAFE NSW staff employed in teachers and related roles.

The proposed agreement provides for a 2.5% increase to salaries, wages, and work related allowances effective from the first full pay period commencing on or after 10 May 2016 and a further increase of 2.5% to salaries, wages and work related allowances from the first full pay period on or after 10 May 2017. The proposed agreement will operate until 9 May 2018.

The proposed agreement maintains key conditions of employment in the current agreement, including all leave entitlements for all employees.
## Proposal summary

<table>
<thead>
<tr>
<th>Proposal</th>
<th>What this means for you</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary increase</td>
<td>• A 2.5% salary increase on or after 10 May 2016 and a further 2.5% salary increase on or after 10 May 2017.</td>
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<tr>
<td>Duration</td>
<td>• The proposed enterprise agreement will be of 24 months duration and will expire on 9 May 2018.</td>
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<tr>
<td>TAFE Delivery Model</td>
<td>• Embedding the successful trial roles (Head Teacher Band 3, Assessor and Educational Support Officer) into the enterprise agreement&lt;br&gt;• Adding a Trainer role to help us win new business&lt;br&gt;• A team of professionals agile enough to adapt to the changing needs of students, employers and the community.</td>
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<tr>
<td>Attendance</td>
<td>• 5 days per week attendance at campuses/colleges/delivery sites</td>
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<tr>
<td>Hours</td>
<td>• For head teachers the 5 non-teaching weeks will be converted to administrative duties for leadership responsibilities&lt;br&gt;• For full-time teachers the 5 non-teaching weeks will be converted into teaching and related duties, so that we can deliver 820 direct teaching hours annualised over 41 weeks a year&lt;br&gt;• For special program and assistance outreach coordinators the 5 non-teaching weeks will be converted into teaching and related duties, so that we can deliver 246 direct teaching hours annualised over 41 or 42 weeks a year&lt;br&gt;• For Adult Literacy Officers the 5 non-teaching weeks will be converted into teaching and related duties, so that we can deliver 369 direct teaching hours annualised over 41 weeks a year</td>
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<tr>
<td>A flexible TAFE year</td>
<td>• Free up non-teaching weeks so that TAFE NSW can better meet the needs of our students</td>
</tr>
<tr>
<td>Related duties and DOTT for part-time casual teachers</td>
<td>• Entitlement for related duties is removed&lt;br&gt;• 2.5% salary increase for duties other than teaching (DOTT) and coordination/consultancy rate</td>
</tr>
<tr>
<td>Greater job security</td>
<td>• Head Teacher Band 3, Education Support Officers and Assessors are able to be appointed to permanent positions</td>
</tr>
<tr>
<td>Time in lieu</td>
<td>• EO, SEO, CEO, PEO and Cluster Managers no longer entitled to time-in-lieu</td>
</tr>
<tr>
<td>Leave definitions</td>
<td>• Clearer definitions&lt;br&gt;• FACS criteria amended to match other Enterprise Agreements</td>
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</table>
The proposal

Following three months of bargaining meetings and consultation since July 2015 with AEU NSW Teachers Federation, TAFE NSW is proposing a new enterprise agreement.

What hasn’t changed?

The following elements haven’t changed:

- No change to the 7 weeks agreed non-attendance
- No change to the leave entitlement of 4 weeks annual leave
- No change to the weekly hours of attendance
- No change for accrual of FACs leave
- No change to the total annual hours of attendance
- No change to face-to-face hours for counsellors and senior counsellors
- No change to duties other than teaching for Part-time Teachers
- No change in teaching hours for Head Teachers

What's changed?

A full list of drafting changes and a description of each clause is available on the TAFE NSW enterprise bargaining website.

What changes are in the proposed agreement?

All employees will receive a 2.5% pay increase each year for 2 years from when the agreement is approved

Head Teachers

- An ability to use new classifications of staff to undertake important teaching and learning support functions, freeing up your teachers
- The current 5 hours offsite related duties to be worked in the workplace*
- 5 non-teaching weeks will be converted to administrative duties for leadership responsibilities
- 5 days per week attendance at campuses/colleges/delivery sites

Counsellors and Senior Counsellors

- Current face-to-face hours annualised over 45 weeks of the year
- 5 days per week attendance at campuses/colleges/delivery sites

Full-time Teachers

- Supporting roles will mean more time for teachers to do what they do best – teach
- Converting the 5 non-teaching weeks into teaching and related duties, so that we can deliver 820 direct teaching hours annualised over 41 weeks a year
• The current 5 hours offsite related duties to be worked in the workplace (campus, industry workplace or delivery site)
• 5 days per week attendance at campuses/colleges/delivery sites

Part-time Teachers

• 2.5% pay increase to ‘Duties other than teaching’ (DOTT) and coordination/consultancy rate
• Removal of entitlement to related duties

Head Teacher Band 3, Education Support Officers and Assessors

• Greater job security with the ability to appoint to permanent positions

EO, SEO, CEO, PEO, Cluster Managers

• Removal of time-in-lieu for related employees

Special Program and Assistant Outreach Coordinators

• Deliver 246 direct teaching hours annualised over 41 or 42 weeks a year
• The current 5 hours offsite related duties to be worked in the workplace (campus, industry workplace or delivery site)
• 5 non-teaching weeks converted into teaching and related duties
• 5 days per week attendance at campuses/colleges/delivery sites

Adult Literacy Officers

• Deliver 369 direct teaching hours annualised over 41 weeks a year
• The current 5 hours offsite related duties to be worked in the workplace (campus, industry workplace or delivery site)
• 5 non-teaching weeks converted into teaching and related duties
• 5 days per week attendance at campuses/colleges/delivery sites

Other all staff changes:

• Clearer definitions about when annual leave is taken
• Amended criteria for FACS leave

The bargaining process

1 June 2015 – The notice of representational rights was issued for this agreement.

21 & 22 July 2015 – The first bargaining meetings for this agreement was held. There has been a further 14 sets of bargaining meetings held since then.

20 April 2016 – TAFE NSW confirmed to bargaining representatives in writing the proposal it intended to take to employee ballot.

TAFE NSW has provided the unions and other bargaining representatives with opportunities to comment on the drafting of the proposed enterprise agreement.
Bargaining representatives

Bargaining representatives who participated in negotiations were:

- the TAFE NSW team, led by Kerry Penton, Institute Director of Riverina Institute
- Australian Education Union NSW Teachers Federation, and
- self-nominated bargaining representatives.

Frequently asked questions?

Who is covered by the Agreement?

The Agreement covers Teachers and Related Employees. Employee groups covered by the agreement include: head teachers, counsellors and senior counsellors, full-time teachers, part-time casual teachers, Head Teachers Band 3, Education Support Officers, Assessors, EOs, SEOs, CEOs, PEOs, Cluster Managers, Special Program Coordinators, Assistant Outreach Coordinators and Adult Literacy Officers. A full list of classifications covered by the agreement are included in the proposed agreement.

Where can I find the ballot copy of the Agreement?

The ballot copy of the proposed Agreement is available on the TAFE enterprise bargaining website. You can also request a hard copy from your HR representative or Manager.

Do I have to vote?

Voting is not compulsory, but participation is strongly encouraged, because the Enterprise Agreement is the basis of pay and conditions for people employed under it. It’s important that you have your say on the proposed Agreement.

What does it take to get an Agreement approved?

Employees have to endorse an agreement by voting on it. For an agreement to be made, it has to be approved by the majority of employees who vote. It then goes to the Fair Work Commission for approval. The agreement comes into effect seven days after approval by the Fair Work Commission.

What part(s) of the agreement apply to me?

The structure of the proposed agreement mirrors the structure in the 2013 agreement.
## Documents referenced in the proposed enterprise agreement

<table>
<thead>
<tr>
<th>Clause reference</th>
<th>Policy / Procedure / Guideline</th>
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<tbody>
<tr>
<td>12.1.3 Teacher Quality</td>
<td>Crown Employees (Teachers in Schools and TAFE and related Employees) Salaries and Conditions Award (327 I.G. 582)</td>
</tr>
<tr>
<td>33.10.1 Casual Education Support Officers, Assessors and Trainers – Long Service Leave</td>
<td>Long Service Leave Act 1955 (NSW)</td>
</tr>
<tr>
<td>41. Implementation of Education Support and Leadership Roles</td>
<td>Education support and leadership roles in TAFE NSW Procedures</td>
</tr>
<tr>
<td>42.7 Leave – Education Support Officers, Assessors and Trainers</td>
<td>Public Holidays Act 2010 (NSW)</td>
</tr>
<tr>
<td>44. Leave for matters arising from domestic violence</td>
<td>Crimes (Domestic and Personal Violence) Act 2007 (NSW)</td>
</tr>
<tr>
<td>Schedule 3, 5.1.2</td>
<td>Teaching Service Act 1980 (NSW)</td>
</tr>
<tr>
<td>Schedule 9,</td>
<td>Crown Employees (Teachers in Schools and Related Employees)</td>
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</tbody>
</table>
| 20. Remuneration | Salaries and Conditions Award 2009  
TAFE Commission of NSW Teachers and Related Employees Enterprise Agreement 2013, [2013] FWCA 8282  
| Schedule 9 28. Community Service Leave | TAFE Policy – Special Leave  
| Schedule 9 32. Other Leave | Trade Union Activities, TAFE Commission Gazette No. 4 of 1993  
Special Leave, TAFE Commission Gazette No. 4 of 1993  
Military Leave, TAFE Commission Gazette No. 10 of 2004  
(https://detwww.det.nsw.edu.au/admin/gazette/Archive90to94/1991/gzr9131.htm,  
https://detwww.det.nsw.edu.au/admin/gazette/Archive90to94/1991/gzr9136.htm,  
| Schedule 9, Schedule D – Bradfield College Excess Travel and Compensation for Travel on Official Business | Australian Taxation Office Determination No. 2015/14  
(http://law.ato.gov.au/atolaw/view.htm?docid=%22TXD%2FTD201514%2FNAT%2FATO%2F00001%22) |

Legislation referred to in the agreement can be accessed at:

**Next steps**
### 1. Employees consider the Agreement

- Employees have 7 days to review the proposed new Agreement from the day the Managing Director notifies that the formal access period begins **on 27 April 2016**.
- This gives you the chance to check out the website, ask questions and get the information you need to cast an informed vote.

### 2. Employees vote

- Employees are being asked to support the proposed Agreement by voting for it.
- The ballot opens on **5 May 2016** and will close on **10 May 2016**.
- For the Agreement to be approved by employees, the majority of employees who vote must vote 'yes'.
- That means, 50% +1 vote = 'yes'
- CorpVote, an independent company with expertise in managing independent and secure voting processes, is managing the electronic balloting process.

### 3. Implementation

- If the Agreement is supported by the majority of employees, then it will be filed with the Fair Work Commission for approval.
- The new Agreement will come into effect 7 days after the Commission approves it.
- The increase will be paid effective from the first pay period after 10 May 2015 following approval of the Agreement by the Fair Work Commission.

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**Want to know more?**

If you have any questions about the *TAFE Commission of NSW Teachers and Related Employees Enterprise Agreement 2016*, or you'd like to get a copy of the ballot copy of the Agreement and a full explanation of changes you can:

- Visit the enterprise bargaining [website](#)
- Email the [TAFE Bargaining team](#)
- Speak to your HR representative or Manager.