

State Service Act 2000



Ministerial Direction No. 15

Title: Replacement Teachers Within The Department of Education

Date of issue:
6 March 2006

Date of effect:
1 March 2006

Purpose

This Direction specifies administrative procedures in relation to employees who are assigned to the position of Replacement Teacher (as defined in this Direction) where such persons are subject to the *Teaching Service (Tasmanian Public Sector) Award 2002*.

Legislative basis and related documents

Section 14 of the *State Service Act 2000*;
Section 11 of the *Teachers Registration Act 2000*; and
Teaching Service (Tasmanian Public Sector) Award 2002.

Application

This Direction applies to certain employees subject to the *Teaching Service (Tasmanian Public Sector) Award 2002*.

Directive

Pursuant to section 14(1) of the *State Service Act 2000*, I direct that the following administrative provisions shall have effect.

1. Interpretation

“Department” means the Department of Education.

“Employee” means a person appointed under the *State Service Act 2000* and who is registered under Section 11 (1)(a) or 11 (1)(b) of the *Teachers Registration Act 2000*.

“Operational Branch” means the Southern, Northern or North-Western Branch within the School Education Division of the Department.

“Replacement Teacher” means an employee having completed six continuous and complete school terms of satisfactory teaching as a fixed term employee in a school or schools, and who:

- a) has, or has been converted to, permanent status in accordance with the State Service Commissioner’s Direction No. 1: and
- b) has agreed to undertake the assignments of a Replacement Teacher as provided in Clause 2 of this Direction.

Provided that continuous satisfactory employment as a fixed term employee will include:

- a) a break in fixed term employment in circumstances where a subsequent appointment is immediately made to a fixed term teacher position that is established as a direct result of the first term census: or
- b) a period of continuous employment as a relief teacher provided that such employment is immediately followed by fixed term employment in the same position at the same school for the same reason.

“Schools” means schools, colleges and clusters of schools.

2. Assignments of a Replacement Teacher

A Replacement Teacher undertakes assignments that are required:

- a) to cover permanent teachers on approved leave, for example, long service leave, leave without pay, or maternity leave; or
- b) to cover teachers temporarily assigned to another position; or
- c) to cover fixed term teaching vacancies arising from the resignation, retirement or promotion of a permanent teacher; or

- d) to temporarily cover a new teaching position that has been created as a result of increased enrolments; or
- e) to meet work peaks associated with the activities of the Department; or
- f) for projects that are not part of the continuing activities of the Department and which have a specified duration or outcome.

A Replacement Teacher shall be formally advised of the reason for the vacancy to which he/she is assigned.

3. Conditions of Appointment

A Replacement Teacher:

- a) will be assigned to schools located in the Operational Branch where the majority of his/her fixed-term employment occurred in the six continuous school terms preceding appointment as a Replacement Teacher; and
- b) will be assigned fortnightly hours based on the average of the fortnightly hours actually worked in the preceding six consecutive school terms, provided that an employee who has already received a fixed-term appointment prior to 1 September 2005 will continue at the fortnightly hours for that placement until the end of the appointment, whereupon he/she will receive assignments based on the average of the fortnightly hours actually worked in the preceding six consecutive school terms; and
- c) will undertake assignments described in Clause 2 for a period of twelve consecutive school terms that immediately follow his/her appointment as a Replacement Teacher: provided that where an employee who becomes a Replacement Teacher has served more than six continuous terms as a fixed-term teacher he/she shall only be required to serve such time as a Replacement Teacher that would ensure he/she will work no more than a total of 18 continuous terms as both a fixed-term and a Replacement Teacher; and

- d) may be assigned, as and when required, to a school, within 70 kilometres of her/his place of residence, in the Operational Branch where the majority of employment as a fixed-term teacher occurred in the preceding six consecutive school terms.

4. Completion of assignment

The assignment of a Replacement Teacher ceases:

- a) upon the completion of the period prescribed in Clause 3, following which the employee becomes subject to the transfer procedures and processes under *Schedule 2 - Teacher Transfers of the Teaching Service (Tasmanian Public Sector) Salaries and Conditions of Employment Agreement 2004*; or
- b) in circumstances where the employee is successful in obtaining a vacant permanent position.

The assignment of a Replacement Teacher is suspended for the period during which the employee is temporarily absent from the role of Replacement Teacher, for example, while on maternity leave or acting in a higher position.

This direction will come into effect on 1 March 2006.

Issued by authority of the Minister administering the *State Service Act 2000* pursuant to Section 14(1).

Date: March 2006

Paul Lennon MHA
**Minister administering the
*State Service Act 2000***