

# TERRITORY Educator

Magazine Of The Australian Education Union – NT Branch



**LOSE THE PAY**

**FREEZE**

**KEEP OUR TEACHERS**

Rethinking your  
safety at work

Boarding system  
fails remote students

# Recognising and rewarding



## Nominations open for the Arthur Hamilton Award

This is your chance to celebrate AEU members who are making an outstanding contribution to Aboriginal and Torres Strait Islander education.

The Arthur Hamilton Award commemorates the achievements of Arthur Hamilton, a Palawa man who was active in promoting social justice, fostering the voice of Aboriginal and Torres Strait Islander educators and campaigning for the rights of Aboriginal and Torres Strait Islander students to access a high quality public education.

The winner will receive a \$1500 prize and their work will be recognised by the AEU in an appropriate forum in 2022, depending on COVID advice at the time.

All nominees will receive a certificate from the AEU.

### Get nominating!

Download your nomination form at:  
[aeufederal.org.au/our-work/indigenous](https://aeufederal.org.au/our-work/indigenous)  
or, request a nomination form from  
Suzanne Lowndes: (03) 9693 1800  
[slowndes@aeufederal.org.au](mailto:slowndes@aeufederal.org.au)

**Closing date for nominations is Friday 17 December 2021**

### Find out more

Visit [aeufederal.org.au/our-work/indigenous](https://aeufederal.org.au/our-work/indigenous)  
or contact AEU Federal Secretary,  
Susan Hopgood: [aeu@aeufederal.org.au](mailto:aeu@aeufederal.org.au)

or contact AEU Federal Secretary,  
Susan Hopgood: [aeu@aeufederal.org.au](mailto:aeu@aeufederal.org.au)



The 2020 Arthur Hamilton Award joint winner, Jeanene Booth, Caulfield South Primary School.



The 2020 Arthur Hamilton Award joint winner, Kayla White, Camden Haven High School.



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Students learning on country, Dhambaliya (Bremer Island), East Arnhem

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## Moving on permanency

There will be more opportunities for permanent employment for teachers after the union secured an agreement with the Department to establish a new framework.

For nearly a decade, all classroom teachers have been initially employed on contract, often waiting years to be considered for ongoing appointment.

In 2017, the union negotiated the establishment of a permanency project which enabled teachers to be made permanent by their school after 12 months on contract. More than 700 teachers – including 135 in Term 3 this year – secured permanency through this scheme.

However, it hasn't brought down the ratio of fixed period employment and a new framework is being finalised with union input.

Under the new structure, there will be more emphasis on appointing teachers directly to ongoing status, subject to completing probation. A trial will be commenced shortly.

The permanency project will continue to operate in the short term, and by early next year we should have more detail on the new arrangements.

## Remembering Jan Perrin

We were saddened to hear of the recent death of Jan Perrin, who passed away at home in Tasmania on 17 October surrounded by family, cared for by husband Alan until the end.

Jan was the wife of long-serving former Branch Secretary Alan Perrin. She was a strong union member and respected principal throughout her teaching career. Jan was principal of Gunbalayna (Oenpelli) in



*Signing up a new student member at Nightcliff Middle*

the 1990s and then moved to Darwin as principal of Wulagi until her retirement in 2007. During the 2000s she was an NT representative on the AEU's National Principals' Committee. Jan and Alan moved to Tasmania in their retirement but remained regular visitors to the NT. There are plans to hold a memorial service in the Territory on a date to be advised.

## Executive elections

Elections for Branch Executive are now complete. Most candidates were re-elected unopposed, however there were contested elections in the Alice Springs and Katherine regions. Congratulations to the successful candidates, including the newly elected Sarah Colomb of Katherine High. Thank you to Rachel Jay, who has represented Katherine for the past several years.

Melody O'Meara and Cassandra Brown were recently elected to the positions of Women's Officer and Indigenous Councillor respectively, as new additions to Executive.

At this stage, two vacancies in Palmerston and one in Darwin remain to be filled, which will occur in the first half of 2022.

Bruce Cameron, Matt Guy and Shanelle Lee are finishing up on Executive in January due to not recontesting their positions. We thank you for your service.

## Grow to beat the freeze

We've had a late surge of membership with many educators realising only a strong and united union will be able to force the Government to abandon its four-year pay freeze.

For members and reps, now is the ideal time to encourage your colleagues to join the AEU. Don't forget to extend the invitation to support staff, who are also impacted by the freeze.

We expect there will be much more action in 2022 once the employer's offer for a new agreement is voted down.

It takes just five minutes to sign up at [aeunt.org.au/membership](https://aeunt.org.au/membership).





# Warning signs we can't ignore

*The NT Government has its head in the sand over the impact of its pay freeze, writes Jarvis Ryan*

Have you visited the Teach in the Territory website lately? It's the place where classroom teacher positions for Territory public schools are advertised.

I scan the website at least weekly as a matter of professional interest. I can't help but notice the list of advertised jobs seems to keep getting longer. Talking to principals and senior officers within education, it seems like recruitment is becoming tougher, especially for specialist positions.

Now, sometimes it's hard to distinguish between signal and noise. I get a lot of media queries at this time of year about what seem to be alarmingly large numbers of positions being advertised, especially principal roles.

But of course, everyone knows that turnover is a normal thing, and that many of these vacancies exist for good reasons: Someone has won a promotion; Someone is going on study leave or having a baby.

But once we filter out that noise and widen our perspective, there is plenty of evidence nationally telling us to listen closely to the warning signals about looming shortages.

In May this year, NSW Department of Education figures showed there were 1148 vacancies in public schools. The problem is most acute in regional areas but is also prevalent in many pockets of Sydney.

NSW faces huge challenges in coming years to deal with teacher resignations and growing student enrolments.

Modelling done for the NSW Teachers Federation projects an additional 11,000 teachers will be needed over the next decade.

The Victorian Government last year spent \$45 million to address shortages outside Melbourne. Bonuses of up to \$50,000 are being offered to teachers to relocate to hard-to-staff areas.

Most governments are downplaying these problems for political reasons – publicly at least. Privately, they're very worried. Confidential documents from the NSW Department from June last year state that, "If we don't address supply gaps now, we will run out of teachers in the next five years."

The NSW Government is worried that its supply of new teachers is drying up. The numbers of students enrolling in teaching degrees in the state plummeted by 30% over the five years from 2014-19.

Why does this all matter to the NT? Well, you don't need to be a social sciences teacher with an undergraduate major in political economy like me to understand the basics of labour market supply and demand.

The Territory's small size means we are almost entirely reliant on teachers trained elsewhere to staff our schools. Our remoteness means it's always been understood that our system needs to incentivise teachers to work here with competitive salaries and other benefits.

As the national teacher supply crunch really begins to bite in coming years, the need to retain and promote these benefits will be even greater.

Some elements don't necessarily cost government a lot, such as employing more teachers permanently. In fact, this

strategy likely saves money, by promoting workforce stability.

Our Department has belatedly realised this after a foolish seven-year dalliance with so-called school autonomy that incentivised principals to employ as many teachers as possible on short-term contracts. Thanks to continuing pressure from our union, from 2022 we will see cultural and structural change in employment practices, with greatly expanded use of permanent appointments to attract teachers.

That alone isn't enough though. Teacher salaries must remain nationally competitive. And this is where Michael Gunner's proposed four-year pay freeze comes in.

Such a dramatic measure would send Territory educators' wages from near the top of the pile to the bottom.

I don't deny that the Territory Government is fiscally strapped, or that hard decisions need to be made. But freezing the salaries of critical frontline workers like teachers will be socially and economically disastrous.

Teachers will leave in droves. It will be hard to replace them, and the quality of candidates will decline.

A scenario like this will come at great cost to our students, and to Territory society, which badly lags the nation in educational outcomes.

Has anyone in Treasury thought to model the cost of such a scenario? Surely a lot more than agreeing to a fair pay rise.



# An overdue shift on staff safety

*A much-needed rethink on tackling occupational violence should inform an improved WHS culture in schools, writes Adam Lampe*

In March this year, the NT News published a story under the headline “Teacher assault surge”, reporting that the numbers of staff reporting being hit at work had increased from 246 in 2016-17 to 369 in 2019-20 – a 50% jump in just three years.

Two weeks later, the NT Principals’ Association (NTPA) issued a media release in response to the release of 2020 data for the Australian Principal Occupational, Health, Safety and Wellbeing Survey. The NTPA made recommendations to improve the health, safety and wellbeing of school leaders in the NT, including the creation of an independent taskforce to investigate offensive behaviours occurring in schools.

In their responses to the AEU NT’s member survey held across earlier this year, more than 60% of respondents indicated that they experienced a violent incident at school at least once a week, while 23% said violence or aggression were a daily occurrence.

Another important statistic arising from the survey was the lack of knowledge as to how to lodge an incident report using the online reporting system: over 35% of members indicated that they were either not very familiar with the system or had no idea at all as to how to use it. It is likely a significant number of incidents go unreported.

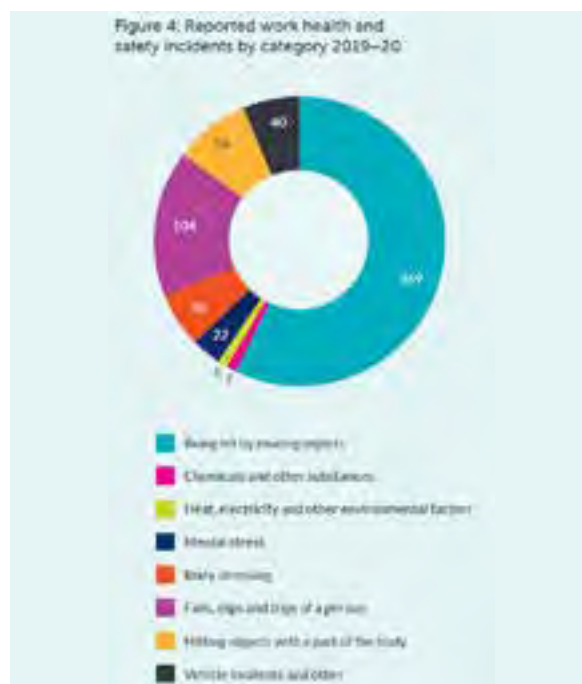
We are well and truly overdue for a culture shift in how the Department of Education and schools address the issue of occupational violence against staff.

The Department has made a definite commitment in this regard with the creation of a positive behaviour and occupational violence taskforce to supplement its work health and safety team and safety management committee. The taskforce consists of members from DoE, the NT Council of Government School Organisations, the NTPA, the Teacher Registration Board and the AEU NT.

The stated goal is to reduce the prevalence of violence and aggression in schools, quickly and decisively.

The taskforce has met more than half a dozen times to analyse a detailed breakdown of incident reports from the 2020 school year from the Department’s WHS team and member survey data provided by the AEU NT.

It is clear that there are fundamental problems with how schools approach WHS compliance,



The Department’s 2019-20 report showed the majority of reported WHS incidents were assaults on staff

but it has also become clear that principals need clear departmental direction in how they should promote a strong WHS culture at their schools. Furthermore, they need more individual support, considering how much violence and aggression they experience personally at work, day in and day out.

According to the most recent principal health and wellbeing survey, an independent, nationwide study coordinated through the Australian Catholic University, school leaders are subjected to threats of violence, physical violence and bullying at rates far exceeding that of the general population, with 77% of all threats of violence made by either a student or a parent.

Not surprisingly, the taskforce has identified a largely reactive WHS culture in NT schools. Instead of proactive systemic responses and leadership designed to mitigate and reduce the incidents of violence and aggression in schools, a culture of minimum compliance with WHS legislation tends to be embedded in schools.

One of the taskforce’s preliminary recommendations will be to facilitate a change in culture in schools with regards to WHS compliance and to encourage incident reporting.

The importance of the taskforce in delivering workable WHS solutions in schools has already been recognised by the Department extending the taskforce’s timeline, from the end of 2021 to the end of Term 1, 2022. The hope is we will begin to see the results of the shift in attitude in the form of improved staff health and wellbeing.

# Five decades of rich history

*Jingili Primary recently commemorated a major milestone, writes Melody O'Meara*

There are some real gems tucked away in Darwin's northern suburbs and Jingili Primary School is one of them. Featuring a now well-established kitchen garden project, the Jingili Breakfast Club where all children can access a morning meal, the CARES primary and pre-school buddy program, a rigorous play-based approach to early childhood learning combined with a strengths-based whole school literacy approach, Jingili Primary School has a lot to celebrate at this 50-year milestone.

When the school's doors first opened in 1971, little did the community expect that those doors would close so soon again in 1975 after Cyclone Tracy ripped Darwin apart. Students were accommodated for the first term of 1975 at Casuarina High and Moil Primary.

Long-term teacher and union rep Deneil Sachs attended as a student just after Cyclone Tracy and remembers the experience as "very different from how Jingili is these days. I was only young but my most vivid memory is playing in school grounds which had very little except trees that were ripped bare of any greenery! Today we are so lucky to have such a beautiful garden and welcoming environment."

She has now taught at the school for 20 years and her four children have all been educated there. Perhaps unsurprisingly, her favourite event at the celebrations was the adults only cocktail party, which proved to be "a fabulous catch-up with colleagues,

parents and past students in a relaxed and friendly environment".

Larrakia Elder and former student Richard Fejo opened week-long celebrations in June with a personal and moving Welcome to Country at each event. Families enjoyed a celebratory picnic dinner and walked the hallways to view memorabilia including photos and artefacts representing the past 50 years of history; the school's very own museum of the ages!

Jingili parent and staff member Rebecca Waltho says: "My daughter and I had a great trip down memory lane. Seeing herself in photos from eight years ago was fun!"

Principal Jemma Rust says that the walk "was inspiring for me as the new principal of Jingili Primary. I loved hearing all the stories from past students, parents and staff, it certainly built on my connections to family."

Beautiful tributes honouring the 50-year milestone were contained in speeches from past and present students at the special assembly held on 18 June. Their individual narratives of what the school means and has meant to them was complemented by some birthday entertainment from the incredible school band.

In an act representative of the school's spirit of collaboration, the cake was cut by four past principals along with current principal Jemma, who was keen to emphasise that "the community has built an amazing school that 'puts the child first', and we want to savour these milestones as we forge into the future."

The students seemed to agree as they loved their cupcakes and the colour fun run, commenting that they wanted

to do that "every Friday". Year 6 student and SRC member Bradley Peacock said it was "a blast for the teachers and students." A time capsule organised by the SRC is now ready to be opened for the school's 60th birthday and is hung with pride in the school foyer.

Assistant principal Di Sullivan poured her heart and soul into coordinating the celebrations and was supported by key members of the steering committee including Jemmina Hingston, Judy Grills, Amanda Hoepper and Lisa Dewsbury. This group was instrumental in organising the event that, in Deneil Sachs' words, was "such a great opportunity for us all to catch up with old school mates, laugh together over photos and marvel at changes over the years."



*A parent and student examine the school's history exhibit*



# Boarding focus leaves too many students behind

*Northern Territory education policy hands remote Indigenous students an impossible dilemma, write Marnie O'Bryan and Jessa Rogers*

Trent is from a community of 400 people in the Top End. Arrive by road and the first thing you see is the red dust air strip, but closer to home, great spreading trees create oases of cool in the tropical heat. Under them, ceremonies are planned, card games played, yarns shared.

Trent didn't leave his community because he wanted to. On the contrary. He went to boarding school because he, his mum and his nana value education and because he had no alternative. After a year, the Indigenous student coordinator at his school 4000km to the south described him as acutely homesick.

Trent could be from any one of 78 communities in the Northern Territory where young people face the same dilemma. Since 2015, sending teenagers away to board has been the official policy position of the Territory government. The NT's Indigenous education strategy 2015-2024 stipulates that if children want access to a high school program, it will need to be away from home.

Those who elect to remain close to country, kin, language and culture during their teenage years will have access to rudimentary "post primary literacy and numeracy", but not to a secondary curriculum. The policy was launched with a schedule of promised evaluations, but six years in, none have been made publicly available.

Despite parliamentary and other inquiries exposing the complexity of Indigenous boarding programs and calling for greater transparency, reliable data remains near impossible to access.

In 2019, a study was conducted in Trent's community by researchers at the Australian National University. It is the only in-depth investigation of the NT's Indigenous education strategy. Over a 10-year period, this community's 100 young people had been sent to 38 different schools in towns and cities all over Australia. 90% dropped out, more than half in their first year. In 2019, 22 of 80 secondary aged kids were enrolled in 10 boarding schools spanning five states.

For the 58 who elected to remain at home, their only option was to attend the local primary school, but that school only received funding for 11 students, which begs the question of what

investment was being made in the other 47. None, as it turns out.

Indigenous boarding programs attract significant media attention. Typically, articles celebrating a young person's enrolment or completion of school are accompanied by photos featuring smiling faces and crisp new uniforms. Narratives of courage, hope and opportunity.

We all want Indigenous students to flourish in education, and it is right and proper to acknowledge individuals' efforts and achievements. But support for the Indigenous boarding industry cannot come at the cost of the invisible majority of children in remote Australia in whom no investment is currently being made.

Our respective research projects reveal how complex the experiences of First Nations boarders are, and this is borne out in Trent's community. Some young people had tried two, three and even four new schools, but none had lasted a full year in their subsequent school.

When Covid-19 hit, all boarders came home. Border closures and different state and territory regulations made the operation a logistical nightmare.

Six of the 22 returning boarders presented at the local primary school gates. They were welcomed in, provided with breakfast and lunch, included in school activities and supervised in their learning. This strained staff and a system already woefully under-resourced. The six came with a range of learning profiles but with no funding or resource allocation to ensure their needs were met.

Similar stories are emerging from across Australia. We know of one young woman attending a boarding school in Melbourne when the pandemic hit. She returned home to her Aboriginal community in far north Queensland.

The local shire website notes her town has chronically low internet speeds and black spots. Her family has no computer or iPad and she is struggling to complete year 11 on her mother's prepaid mobile phone. This has eaten into data allowance which the family relies on to complete all banking and Centrelink transactions, to connect with social services and, most importantly, to communicate with family.

Here too, there is no high school, and the local primary school, already struggling with high staff turnover and low internet reliability, has had to pick up the slack with no additional funds to help.



Students graduating from Gunbalanya School in West Arnhem Land in January 2017. However, due to lack of government support, local secondary pathways like these are the exception. Credit: AAP Image/Gunbalanya School

In the 2021-22 budget, the federal government announced that \$16.6m would be spent to assist boarding schools with high numbers of Indigenous boarders to remain financially sustainable during recovery from the Covid pandemic.

Propping up the Indigenous boarding industry is one thing. Ensuring the money is spent where it is really needed is another.

Covid has not created an education crisis in remote Australia. It has exposed one. Some visitors to remote communities laugh when they see little kids running around in discarded private school hats, shirts, bags. These are artefacts of a broken system that fails to serve remote community needs.

Far too often, boarding schools are no more than a revolving door: community students enter, are chewed up and spat out, rapid fire, with no alternative to pick them up. The vast majority lose faith with the education system and never return to school. Support for the Indigenous boarding industry cannot come at the cost of silencing their stories.

The pandemic has exposed the real cost of failing to develop place-based and culturally responsive education in remote Australia.

The United Nations Declaration of the Rights of Indigenous Peoples (2007) provides that states shall provide the means for Indigenous peoples, particularly children, to access education which supports their culture and language. The federal government adopted the declaration in 2008. How will our nation now seek to honour it?

*Reprinted courtesy of Guardian News and Media Ltd*

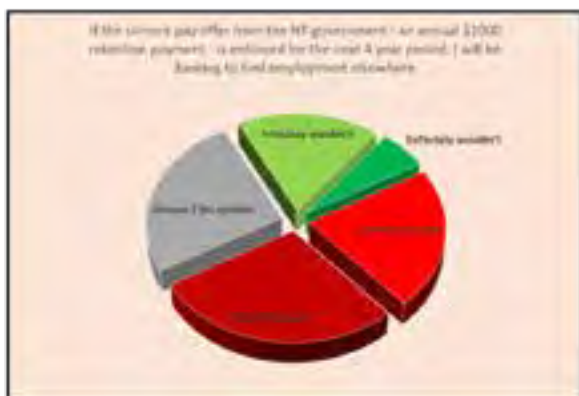


Residents of Gängan homeland in East Arnhem with AEU Federal President Correna Haythorpe in 2015. For too long, governments have ignored requests from members of remote communities and homelands for more support for secondary education provision.

*Dr Marnie O'Bryan is a research fellow at the Centre for Aboriginal Economic Policy Research at the Australian National University and co-chair of the Indigenous Literacy Foundation. Her book *Boarding and Australia's First Nations: Understanding how residential schooling shapes lives* will be released by Springer later this year. Dr Jessa Rogers is a proud Wiradjuri educator, consultant, researcher and board director. Her PhD *Boarding School Business: The Voices of Aboriginal Girls Attending Boarding Schools* focused on the experience of Aboriginal students in boarding schools in Australia and New Zealand. Jessa is the First Nations Senior Research Fellow at QUT's Digital Media Research Centre and managing director of Baayi Consulting.*

# Why you should **REJECT**

*Teaching staff can vote on whether to accept the Gunner Government's four-year pay freeze. Here are five big reasons you should vote NO*



*Our member survey showed half of all respondents definitely or probably would be looking for work elsewhere*

## 1. It will cost you in salary

A four-year pay freeze will cost a CT9 \$28,323 in accumulated salary over those years compared to a 2.5% annual increase.

## 2. It will cost you in super

A freeze will also impact on your super accumulation. For a CT9, the estimated loss equates to \$3117. This lost super will also have a long-term compounding effect on your retirement savings.

## 3. It will cost your school

The Gunner Government's proposed \$1000 annual payment comes directly out of schools' already stretched budgets, as does the increase in the superannuation guarantee. Our estimate is that about \$6 million will have to be reallocated to meet these costs. This means the meagre package on offer comes at the expense of existing educational resources.

## 4. It will cost our system

The freeze will lead to a brain drain from our system. More than one in five members told us in our survey earlier this year they would look for work elsewhere if the pay freeze is enforced. We will lose many good teachers and recruitment will become even more difficult.

## 5. We can demand better

Voting NO is the clearest way right now we can send a message to government that this offer is unacceptable. A big NO vote empowers our union to fight for a better deal.

- The employee electronic ballot opens on 29 November and closes on 5 December.
- Every employee covered by the teacher and assistant teacher enterprise agreement can vote in this ballot - this includes all NTPS classroom teachers, senior teachers, assistant teachers and ongoing principals.
- The AEU NT encourages all employees to vote NO.





# the pay freeze

## Opposition stretching from Alice to Alawa

Across the Territory, members have come out in numbers to show their opposition to the pay freeze



Alice Springs Language Centre



Centralian Senior College



Manyallaluk



Alawa Primary



Katherine members



Yirrkala



Rallying in Darwin



Rallying in Alice Springs



Branch Executive members at a Darwin rally

# No jab means **NO JOB**

*The Gunner Government's broad vaccine directive has proved controversial. Peter Cairns explains the legal basis of the mandate and the consequences for non-compliance*

On 13 October, the Northern Territory's Chief Health Officer (CHO) issued a public health direction that amounted to a mandate for most NT workers, including all staff working in schools, to be vaccinated against COVID-19.

During the current state of emergency, a public health order issued by the NT CHO carries the same legal weight as any other law in the Territory. Contravention of a legally binding health order, including a vaccine mandate, is thus a breach of the law.

This has obvious implications for employees, who could be subject to sanction by both government and employer for failing to comply with the directive.

As well as preventing employees from attending the workplace after 13 November if they have not received at least one vaccine dose (with the second dose due by 24 December), the directive also places a legal requirement on employers to prevent unvaccinated workers from attending the workplace if they have not complied with the order, including providing proof of vaccination status.

## Member attitudes

The AEU NT has fielded numerous member enquiries on this issue. A recent member survey showed that the mandatory vaccination is an emotive topic for many. Whilst 83% of the more than 600 respondents said they were either vaccinated or intending to be, approximately 17% of respondents said they did not intend to be vaccinated. Most members supported mandatory vaccination of school-based employees, with 56% of respondents in favour, compared to 33% opposed (and 11% unsure).



It should be noted this survey was conducted in late September – before the mandate was announced. At that stage a mandate looked likely but was not certain. Now the choice is more stark: agree to vaccination, or risk being unemployable.

Whatever views one has on this issue, it is important for members to understand what non-compliance with this mandate will mean for your employment.

## WHS compliance

In our member survey several respondents pointed out that a public health order mandating vaccination is simply a way of indirectly forcing educators to get vaccinated. Effectively, while an employee cannot be forced to be vaccinated, if an order is in effect, they cannot earn a wage unless they do so.

On the other side of the equation, governments and employers can mount a legitimate case that a vaccine mandate is a reasonable step to comply with work health and safety legislation. It is a requirement under WHS laws for an employer to take any necessary steps to ensure a safe workplace for all staff (and by extension in the school sector, students, parents and other visitors).

The implications are that staff may be prevented from attending a workplace since, if unvaccinated, they could pose a health and safety risk to others, notably children under the age of 12, who are not at this time eligible for COVID-19 vaccination.

## Discrimination?

The prospect of mandatory vaccination has led some to question whether this approach may be discriminatory or a breach of human rights. It is worth noting here that there is no Charter or Bill of Human Rights in Australia. According to the Australian Human Rights Commission (AHRC), Australia is one of the only western democracies without one.

The implication is that there are many rights and freedoms that Australian citizens may expect, that are not specifically protected by Australian law.

In the Territory, the NT Anti-Discrimination Commission deals with discrimination complaints as specified in the Anti-Discrimination Act.



This Act allows for discrimination, given certain circumstances. Specifically, Section 53 of the Act provides an exemption for discrimination in cases where such conduct is required to comply with legislation. The federal Disability Discrimination Act (DDA) provides that it is lawful for an employer to discriminate against a person on the grounds of the person's disability if the person is unable to carry out the inherent requirements of a particular job. Additionally, Section 48 of the DDA can also make it lawful to discriminate against an employee if their disability is an infectious disease — or arguably the potential to acquire an infectious disease — and such discrimination is “reasonably necessary” to protect public health.

However, it is still possible to allege discrimination based on compliance with public health orders at the NT Anti-Discrimination Commission, but as mandatory vaccinations are an emerging issue, this is yet untested. Notwithstanding the fact that some people will have valid health reasons for refusing vaccination, the issues around mandating vaccination are more complex when protected attributes are involved, such as pregnancy and disability.

The interplay between discrimination based on attributes protected under law and the extent that the government can exempt itself from discrimination is, as mentioned, untested. Inevitably, any complaint that is raised by a school employee will be determined through the Anti-Discrimination Commission.

For some, there is a higher principle at stake, namely whether the NT government has gone beyond what is lawfully reasonable with such a broad mandate. As has occurred in other parts of the country, some individuals believe their jurisdiction's government has overstepped what is permissible under health orders in a declared state of emergency and have made challenges in court. In the NT, along with those cases elsewhere, this is a “question of law” that can only be appealed in the Supreme Court.

### Exemptions from vaccination

There may be valid permanent or temporary exemptions from being vaccinated, such as for a person undergoing major surgery or a hospital admission for serious illness. The Federal Government has listed the reasons that

a person can be exempted on the Services Australia website. However, the grounds for permanent medical exemptions are very narrow and anecdotal reports suggest that medical practitioners are unwilling to provide exemptions due to the legal ramifications of doing so.

Those who are stridently opposed to receiving the COVID-19 vaccination on philosophical grounds will find it very difficult, perhaps impossible, to obtain an exemption on medical grounds.

### Potential disciplinary action

The employer has recourse to disciplinary action under the Public Sector Employment and Management Act (PSEMA) for any employee who fails to abide by a lawful directive – namely, to produce evidence of vaccination status in line with the CHO's order and not to enter the workplace without providing such proof. The employer can enforce this directive because failure to do so would leave the employer in breach of law.

### Summary

The implications of a public health order from the CHO for education in the NT are serious, both for individual employees and for the entire school system. As detailed above, a refusal to obey a lawful direction from the CHO will likely both breach the law and be considered a breach of discipline under PSEMA. This will leave the Chief Executive Officer and the Department with several options.

A transfer to a non-teaching role with no contact with those deemed vulnerable by the directive seems unlikely, both from a practical point of view as well as the political thrust of the government's “road map” strategy and its prioritisation of vaccination.

There may be some scope to negotiate leave or alternative arrangements in the short term, however it is difficult to imagine this being extended into 2022. This means nearly all workers in the Northern Territory will be required to comply with the mandate to continue working.

*This is an edited version of advice provided to AEU NT members in October 2021. The full version is available at our website or on request.*



# Engaged and empowered

*Members from across the Territory gathered for the AEU Federal Women's Conference for an inspiring day of workshops and panels, writes Women's Officer Melody O'Meara*

Held Saturday 9 October, the usually in-person conference presented the opportunity for AEU NT members from remote communities, Katherine, Alice Springs, Darwin and even those on holidays interstate to attend.

The theme of the day was Engaging AEU Women in Campaigns. There was no doubt that communication, confidence and capacity building opportunities along with camaraderie and conversation are the keys to engaging and inspiring women to become actively involved in union campaigns.

Lively and robust workshop discussions around engagement and communication strategies were interspersed with panels showcasing the work being done by AEU women across the country. The day culminated in a powerful keynote address from ACTU Secretary, activist and feminist Sally McManus, emphasising the importance of seizing the moment for change that is upon us and supporting the next generation of fearless feminists.

Contact Melody via [womensofficer@aeunt.org.au](mailto:womensofficer@aeunt.org.au) to share your ideas for how we can further engage and empower all our women members. With women comprising approximately 75% of AEU membership both nationally and at a Territory level, we have the numbers to make a difference!

Thank you to all 13 members for giving up your Saturday morning at the close of the holidays to participate. We also appreciate the many hours of work put in by AEU Women's Officers around the country to organise the event.



Val Gray, Sarah Colomb, Justina Cross, Erin Lucas, Rebecca Kopke-Bennett and Michelle Corera enjoyed the conference in person at our Darwin office

## Members talk about their experience

*"I relished the opportunity to speak and listen to comrades. I gained confidence and shared some of my stories which I truly don't believe I would have otherwise."*

*"I felt safe and respected."*

*"This was a most powerful day for me. It has impacted me not only as an educator but as a woman."*

**Justina Cross, Anula Primary School sub-branch president**

*"I was blown away by the stories of women across the country who are working to support other women on a state and national level."*

**Deb Lamb, Nightcliff Middle School sub-branch president**

*"I really thrived being in a small group with other inspiring women. The conference gave me the opportunity to hear from and relate to other female educators. It was also particularly pertinent having discussions about how to best support and improve access and communication for all our students. It was similarly inspiring hearing about the activism and courage of women from many culturally and linguistically diverse backgrounds."*

**Michelle Corera, Anula Primary School sub-branch and Darwin Regional Council secretary**

*"I loved the way narrative was featured – time was given for people to tell their story in the breakout groups. It was great to hear the real-life stories of the women who were featured."*

**Denyse Bainbridge, Hearing Team, Student Wellbeing & Inclusion**

*"I left feeling energised and wanting to create opportunities to talk and share with other women within my school (members and non-members) to increase engagement."*

**Erin Lucas, Rosebery Primary School member**

*"Women need space to collaborate and talk about the issues they face. In smaller schools it can be difficult to speak up to these issues...it's vital for women to know that others have similar experiences and the Federal Women's Conference provides that platform."*

**Courtney Lynch, Nyirripi sub-branch president**

*"The depth and breadth of activism around the country and the importance of shared work to continue the fight for parity in the workplace where teaching (as a feminised profession) is valued [was my take-away]."*

**Rebecca Kopke-Bennett, Darwin High School member**

# Desert dream

*Marg McHugh reflects on the rewards of a long career in the central desert – as told to Melody O'Meara*

Stretching back to 1973, Marg McHugh's career is notable for the way it privileged the needs of others. Her selfless approach supported countless students to seek out rewarding experiences and achieve their potential. Education in the Territory is certainly the better for it and it was with gratitude and a little sadness that we bade her farewell following her retirement from Centralian Senior College last year.

Marg's Territory story begins in the mid-1970s after a few years in NSW at Maroubra Girls High. She took a chance on remote education, choosing Lajamanu over Borroloola based on the all-weather airstrip which allowed her to fly to Alice or Darwin during the wet season.

"The Warlpiri community made us very welcome. I was given a skin name Nampitjinpa by a student when we went hunting with the women." She enjoyed bush trips out to the headwaters of the Victoria River then over to Wave Hill and cannot speak highly enough of the value of being immersed in a different culture.

She spent a few years in post-cyclone Darwin but couldn't say no when an offer of work at Yirara College (a boarding school for remote Indigenous students) came up in 1980. She loved reconnecting with past students from Lajamanu, Yuendumu, Papunya and Alekarenge whilst getting to know her new home group from Neutral Junction and Tennant Creek.

After maternity leave and several part-time jobs, she returned to full-time teaching at Braitling Primary in 1990 in a special education role. Marg remembers the regional support available then and feels fortunate to have worked alongside psychologists, speech therapists and occupational therapists.

Later, at Alice Springs High, Marg taught additional needs students and was also heavily invested in cross-curricular activities including debating and eisteddfods.

She enjoyed working with InCite Youth Arts as a board member for 10 years. She is proud that her involvement directly contributed to getting performing arts education into schools in the form of dance. Many of the students performed in the Desert Music Festival and other public events as a result.



*Marg pictured with Branch President Jarvis Ryan and former Centralian Senior College principal Tony Collins*

Marg describes the Alice Springs Language Centre as "a wonderful asset to public education" and hosted Indonesian exchange teachers for four years as well as a Japanese exchange student from Tokyo. She found these times "a wonderful sharing of ideas, friendship, culture and language." One of the teachers from Ambon even attended the AEU NT Branch Conference in Katherine in 2010 and found it a great experience.

The shift to senior secondary education from 2015 catapulted Marg into the world of LAPs, Performance Standards and the SACE curriculum, which she describes as "a steep learning curve" she made it through with the support of her special ed team.

Marg maintains that "the most rewarding part of special education is working very closely with parents and carers... it is very special seeing students change from Year 10 to Year 12 graduates and to see others transition into work."

Not surprisingly, Marg has been interested in the Transitions to Work program, viewing it as a critical part of the program for students with additional needs.

Marg is one of the AEU NT's longest-term members and sees the most important parts of her union role as "working for better conditions, salaries and funding for public schools." She reminds us of how much many hard-won improvements are now taken for granted, such as release time for primary teachers that "took decades to achieve" along with school counsellors in secondary schools being "a relatively new achievement."

Marg is a past Alice Springs Regional Council President, a valued sub-branch rep and has attended many conferences. We applaud all that she has done working for the betterment of public education in the Territory.



# Handling a health hazard

*Peter Cairns provides advice on what workplace bullying is and how to address it*



We all have the right to be treated with dignity and respect at work. Likewise, we all have a responsibility to behave appropriately in the workplace and treat others fairly, equitably and with proper courtesy and consideration.

Disagreements are a normal part of life and while simply being upset over workplace conflict does not constitute bullying, when such behaviours are repeated and unreasonable, they meet the definition of workplace bullying.

According to the *Fair Work Act*, workplace bullying occurs when an individual or group of individuals repeatedly behaves unreasonably towards a worker or a group of workers at work, and the behaviour creates a risk to health and safety.

Within the NT Public Sector, the parameters of appropriate workplace conduct and bullying are defined in Employment Instruction Number 13 (EI 13). The instruction and accompanying guideline set out the types of behaviours that may constitute bullying. They also specify that certain types of

reasonable management action do not constitute bullying, such as disciplinary action or addressing unsatisfactory work performance.

EI 13 stipulates that all public officers in the NTPS treat their colleagues in a respectful, fair, and courteous manner, consistent with the NTPS Code of Conduct. It also requires all agencies to develop policies and procedures to deal effectively with inappropriate workplace behaviour.

## What steps can I take to stop bullying?

In instances of potential bullying or harassment, it is important to follow these steps:

### Step 1: Record what happened

The importance of keeping a written record of each occurrence of bullying behaviour cannot be overstated. These records form a vital component of any formal process you may decide to take later on. They are crucial in establishing a pattern of behaviour. Every record should include:

- Where and when it occurred
- Who was present
- What happened
- How it made you feel

### Step 2: Notify your sub-branch rep or Health and Safety Rep (HSR)

Bullying presents a threat to the mental, emotional and physical wellbeing of a worker and is dealt with under the same health and safety laws that cover physical dangers. As a result, if your workplace has an HSR, they may be able to assist you.

A union sub-branch rep may also be able to provide support and if necessary, refer you to the union office.

### Step 3: Contact the AEU Office

It is important to obtain independent and impartial advice. Bullying concerns is a common reason for members requesting assistance. Our team of industrial officers have the experience and ability to provide advice on the best course of action.

### Step 4: Make a formal complaint

There are several ways to formalise a complaint about bullying in your workplace. Your AEU NT industrial officer will be able to advise you of the best course of action. Any complaint should be directed to your line manager or principal in the first instance. Where this is not possible (as the person bullying you is your manager or supervisor), you should direct your complaint to their line manager. It is important to also note that if you have not attempted to resolve the issue at the local level first, that your complaint will likely be redirected.

If you are not satisfied with the outcome of your complaint, you may lodge a grievance with the Office of the Commissioner for Public Employment. At any time, an application can be lodged through the Fair Work Commission to make orders, however, the FWC may not hear your matter unless you have first attempted to resolve it using the steps listed above. In all instances, it is imperative that you seek advice first from the AEU NT team.



# Together in Tennant Creek

*Trilokesh, Liv and Alisha have formed an effective sub-branch team at Tennant Creek High*

## What was your pathway into education?

**Trilokesh:** I started as a teaching assistant in 2017 and became qualified as a teacher through the Teach for Australia (TFA) program. Now I teach English plus HASS and have built some amazing connections within the community. For all its challenges, moving remote was one of the best choices I've ever made.

**Liv:** I started teaching in 2020, definitely a turbulent year to move from advertising into education, not to mention moving from Melbourne to Tennant Creek! Having said that though, I could not have landed in a more supportive community. Now I teach Senior English and Creative Arts.

**Alisha:** I started teaching in 2019, moving back to Australia from Madrid where I was an English Language Assistant. I am now in my third year at the school teaching Health and English to both middle and senior years in addition to running the school's literacy program.

## What attracted you to education and what makes it a rewarding vocation?

**Trilokesh:** Public schooling is about building good citizens. I feel very privileged to be a part of that process.

**Liv:** I wasn't exactly a model student, so a big part of getting into teaching was providing that sense of understanding to students who need it most.

I don't think I could find a job where I spend more of the day smiling than I do here.

**Alisha:** School equips students with the tools that allow them to have choices in life. Helping students develop the skills they need to enable them to follow whatever path they want after school is amazing to be part of.

## Collectively, how do you view your respective roles within your sub-branch?

We view the union as simply another channel of communication. At the end of the day, teachers know students better than anyone else working in education, so when we sit down and find consensus on an issue, we're providing valuable information which administrators can use to improve the school. It's our job as union reps to find this consensus and communicate it clearly.

## What aspects of being sub-branch reps do you enjoy?

Our sub-branch currently has 100% membership of teaching and leadership staff! This means when our sub-branch makes a request, we can confidently say that it has been heard

and supported by a majority. We're very proud of the collegiality this provides in such a challenging work environment.

This year we've also had a few major wins which saw tangible improvements to our working conditions in the areas of staffing, meeting times and school-wide processes. Offering members chances to have their voices heard is invaluable, and we enjoy creating a space for this at our school.

## What tips do you have for new sub-branch reps?

Remember, what is good for staff is also usually good for students. With this in mind, it is much easier to push for school improvement in a non-confrontational fashion.

Don't wait for members to approach you, reach out. Staff should feel supported by the sub-branch reps and the union more broadly, so approaching teachers and organising regular meetings helps create an effective union sub-branch and a positive staff culture.



*Alisha, Trilokesh and Liv lead a 100% union workplace*

# All above board?

*The Teacher Registration Board can impact your ability to work by imposing conditions on your registration. Make sure you understand your compliance obligations, writes Jarvis Ryan*

There is often confusion among teachers about the disciplinary powers of the NT Teacher Registration Board (TRB) and how these differ from those exercised by an employer.

The TRB is governed by its own Act: the Teacher Registration (Northern Territory) Act. This Act governs the make-up and decision-making process of the Board and gives the Board a range of powers in relation to a registered teacher in the NT (or someone seeking to be).

The Board's powers do not always relate directly to a teacher's employment, rather to their capacity to be registered as a teacher. However, a decision by the Board to cancel, suspend or impose conditions on a teacher's registration will have implications for that person's employment.

If the Board cancels or suspends a teacher's registration, or imposes certain conditions, this could potentially lead to termination of employment, if a person employed as a teacher is unable or unwilling to be redeployed to other suitable work.

It is therefore important to understand what is required to comply with the Board's requirements to maintain your registration, and to respond effectively if you are referred to the Board for scrutiny.

For teachers who are referred to the Board, the process can feel like double jeopardy, because a referral is often triggered by the employer commencing disciplinary or



*A TRB disciplinary process can be like finding your way through a maze*

inability proceedings. They are in fact separate processes, governed by different legislation, although the evidence relied on may be very similar.

The Board applies a "fit and proper" person to determine whether a person can be or remain registered as a teacher. While there is no one-size-fits-all definition of this concept, broadly it means the Board must be satisfied that a teacher will be able to carry out their role competently and professionally, maintaining the confidence of the community and their colleagues.

Under this test and the provisions of the Act, conviction of a serious criminal offence would almost certainly be disqualifying. Most referrals to the Board are less clear cut and therefore the members of the Board, usually acting on recommendations from the Director and TRB staff, must use their judgment on what course of action to take.

The Board has several options available for each matter before it. In some cases, the Board may dismiss the matter if it deems there are not sufficient grounds for further investigation or action, or because the matter has already been appropriately resolved.

In most instances, the Board will authorise a preliminary investigation to gather more information about the matter. The teacher under investigation must be notified in writing

and given the opportunity to make submission, which includes providing supporting documentation such as character references and witness statements.

At the conclusion of the investigation, the Board may impose conditions on a teacher's registration or take no further action. If the matter is more serious and in the opinion of the Board warrants potential temporary cancellation of registration or total disqualification, an inquiry may be held. This is a more formal process than an investigation and is chaired by a legal practitioner. The subject of the inquiry must be notified and given a right to defend themselves.

At the conclusion of any disciplinary process, if a teacher wishes to remain registered, or reapply for registration in the event their registration has been suspended, the teacher must abide by any conditions imposed. Failure to do so could lead to further penalties.

For any teacher referred to the Board, the experience can be stressful and akin to navigating a labyrinth. Fortunately, the experienced industrial team at the AEU NT and our lawyers are there to support members every step of the way through the process.

It's yet another example of why you'd be foolish to step foot inside a classroom without the protection of union membership.

Hall Payne Lawyers proud to be in partnership with the AEU NT



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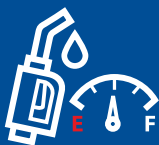
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