



Certificate III Education Support

CHC30808

Legislation



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About This Workbook

This workbook is divided into sections which will cover the competencies and skills required.

This unit has several resources:

- Legislation Workbook (this workbook): This resource provides either a self paced learning program or may be used as a reference resource.
- On-line course: Ask your school based trainer to register you in this on-line resource.

NOTE: It is mandatory that all students working through the Open Access College also complete the South Australian *Child Safe Environments: Reporting Child Abuse and Neglect* requirements. Your teacher will organise this workshop for you.

This course has been designed to appeal to differing learning styles, so the information and learning experiences are presented in different ways.

Learning Outcomes

The learning outcomes are shown at the beginning of each section. Learning outcomes match the competencies you must demonstrate to be successful in this course of study.

Learning Icons

Throughout each book icons are used to indicate the activity or purpose of the text. The icons used in this course are explained on the following page.

Assessment Summary

The assessment for this unit of competency requires case studies and reports based in a public school work environment. In Queensland, you must also hold a 'Blue Card' enabling you to work with children and youth; if you are in Queensland you must hold a Blue Card to be deemed competent in this unit.

Prerequisites

1. Sound literacy skills.
2. Sound numeracy skills.
3. Basic computer skills, e.g. able to use a mouse and limited keyboard skills

As you work through this workbook you will encounter different symbols that indicate a task for you to complete.



The introduction to the topic and overview of the units, and includes your instructions, assessment and objectives.



This symbol indicates there are Internet sites that will support your learning and provide further resources.



You are to complete the work indicated by this symbol in your notebook.



Work that is to be completed by you and returned to your teacher use this icon. You are return your work primarily through e-mail where possible, otherwise by other methods.



You may be asked to listen to or prepare a piece of audio work. Read the instructions carefully.



In some instances, your work may be returned by fax. This is indicated by the icon on the left.



A practical exercise is indicated by this symbol.



Supporting resources may be provided in CD-ROM format. Locations where these resources are to be used display this icon.



This symbol indicates “self-check” questions. Once you have completed the question you need to check your answers from the self check pages at the back of the book.



Unit Overview

This workbook supports the Unit of Competency, CHCEDS301A *Comply with legislative, policy and industrial requirements in the education environment*.

This unit provides competency-based training in understanding public policies so that a person may meet the challenges of work in the education sector. The unit is suitable for participants who are seeking work within a school as a teacher aide or other form of education support worker, i.e. as a tutor within a distance education context.

While it is acknowledged that not all teacher aides work in the public sector (i.e. state schools) the legislation affecting this vocation remains the same. It is essential, regardless of where the employment as an education support worker takes place, that there is an understanding of how to identify and comply with relevant legislative requirements and how to report incidents of non-compliance.

Similarly it is acknowledged that some person will work as education support workers (i.e. tutors) in home learning situations. It is still important for tutors to understand the legal framework in which they work as this often defines how a school operates and what is possible or not possible in a range of activities.

All persons who work in schools have a unique position of responsibility and trust with regards the communities they serve and the children in their care.

The Unit of Competency, CHCEDS301A *Comply with legislative, policy and industrial requirements in the education environment* contains the following elements and performance criteria:

Identify legislative and policy requirements

- 1.1 Access current workplace information that covers the range of legislation and guidelines relevant to the job role
- 1.2 Confirm with senior staff key requirements of relevant legislation
- 1.3 Clarify and confirm understanding of legislation to ensure consistency of interpretation and application
- 1.4 Clarify and confirm understanding of legislation integration to form a legislative framework in the education environment
- 1.5 Obtain advice from supervisor when conflicting legislative directives are found

education environments

Comply with legislative and policy requirements

- 2.1 Undertake work in accordance with requirements of legislation and organisation policies
- 2.2 Report promptly, incidents of non compliance resulting from breaches of legislation
- 2.3 Inform authorised persons or bodies of inadequacies in workplace procedures which may contribute to non compliance
- 2.4 Review own conduct and seek feedback from others to confirm continuing compliance with legislation, policy and procedures
- 2.5 Report changes to personal circumstances affecting compliance in a regulated education environment

Identify and comply with industrial instruments relating to the job role

- 3.1 Identify the industrial award relevant to the job role and identify key responsibilities
- 3.2 Source and read any relevant certified agreements
- 3.3 Clarify award conditions with appropriate personnel as required

Critical aspects of evidence

The following evidence is critical to you being judged competent in this unit:

- basic knowledge and understanding of the legislative framework regulating the conduct of the educational organisation
- demonstrated compliance with a range of legislative and policy requirements including applicable codes of conduct/ ethics
- identification of situations or circumstances with the potential to breach legislative requirements and the organisational processes for reporting same
- knowledge of the impact of industrial instruments on own work environment
- successfully completed *Child Safe Environments* workshop



Section I

Identify Legislative Requirements

On completion of this section, participants will be able to:

1. Access information on a range of workplace legislation.
2. Confirm legislative requirements and interpretations.
3. Seek advice to clarify legislative issues.



What are Legislative Requirements?

Legislation is the body of laws that are written into the various Acts of Parliament. These Acts of Parliament and the resulting laws impact on our daily life, especially when we work in schools.

All public servants are affected by legislation and teacher aides in a state school are regarded as public servants. Similar legal expectations however also apply to persons working in private or non-state education institutions, e.g. an independent school or a school that is part of the Catholic Education system.

The legislation requires that employees, in this instance teacher-aides, conduct themselves within strict guidelines. These guidelines influence how we work each day. Tutors, when working in a voluntary capacity at schools or school activities, are also subject to these guidelines.

Identify relevant legislation

Legislation provides us with laws that ensure we operate within an organised system of principles and rules. These rules and principles are designed to control and influence the conduct of individuals and groups in a way that is acceptable to our society. Legislation is created by:

- governments as part of their planned activities or intended programs.
- private member bills made by individual parliamentarians who put forward specific views of their electorates.

The process of moving an idea for a law into legislation is lengthy and detailed. At the national level this involves a number of readings to the Parliament, both upper and lower houses, before being approved by the Governor General. For details on the process check the following links:

<http://www.aph.gov.au/parl.htm>

A similar process is used in each of the states and territories when developing legislation at that level.

A glossary of legislative terms may be found at <http://www.peo.gov.au/resources/glossary.htm>.



The following link provides access to both Commonwealth and all States and Territories legislation:
<http://www.comlaw.gov.au/comlaw/comlaw.nsf/preview/othersitelinks?OpenDocument>

Activity 1.1

As a teacher-aide you may work in different situations, agencies or schools. These may include:

State Schools
Independent Schools
School administration groups
Special Education Units
Schools of Distance Education
Special Schools
Schools operated by Catholic Education authorities
Church specific schools

1. List some of the duties you may be asked to conduct in the role as a teacher-aide.
2. Brainstorm a list of legislation that would affect you in these roles.
3. Using the following websites or any other resource, identify three pieces of legislation that will influence you and your workplace:

Queensland Parliament
<http://www.legislation.qld.gov.au/OQPChome.htm>

Parliament of Australia
<http://www.aph.gov.au/index.htm>



What is Public Sector Legislation?

"Law is a rule made by Parliament. Laws made by Parliament are known as legislation. They include Acts and statutory instruments. Statutory instruments are rules, regulations, by-laws, ordinances, rules of the court or proclamations made, under certain acts."

Source: Parliament of New South Wales website: <http://www.parliament.nsw.gov.au>

Legislation will change over time so as to keep pace with the changes in our society. While the Acts may not change for many years, often an Amendment Act will be passed or the supporting statutory instruments will be updated frequently.

To perform our duties as a para-professional within a school setting we must have a clear understanding of the laws and rules (i.e. legislation) that are relevant to our positions and duties. Some of the legislation that affects people working in schools within Queensland include:

- Education (General Provisions) Act 2006
- Education (General Provisions) Regulation 2006
- Criminal Code Act 1899
- Commission for Children and Young People and Child Guardian Act 2000
- Judicial Review Act 1991
- Workplace Health and Safety Act 1995
- Workplace Health and Safety Regulation 1997
- Freedom of Information Act 1992
- Child Protection Act 1999
- Child Protection Amendment Act 2000
- Commission For Children And Young People Act 2000
- Child Care Act 2002
- Vocational Education, Training And Employment Act 1991
- Training And Employment Act 2000
- Workplace Relations Act 1997
- Public Service Act 1996
- Workplace Relations Act 1997
- Anti-Discrimination Act 1991



Conditions of your employment in a public sector school may also be detailed in statutory instruments. An example of this is the South Australian "Code of Conduct" requirements. These statutory instruments describe the expected levels of conduct or behaviour of employees, your employment rights and responsibilities and the process of recruitment and discipline.

[Queensland Code of Conduct - Policy and Procedures](http://education.qld.gov.au/corporate/codeofconduct/index.html)

<http://education.qld.gov.au/corporate/codeofconduct/index.html>

Reliance on Other Legislation

A piece of legislation does not stand alone. Each Act relies or is interdependent upon other Acts of Parliament.

Once legislation is established, the government defines what this means (substantive policy) and how this will be administered (procedural policy).

Substantive policy outlines what the government and department plans to do and this is stated through plans of action, targets, etc. This is the highest level of goals, values and underpinning beliefs. Procedural policy relates to the operation and implementation of the policy; the how, when and by whom.



Activity 1.2

Select one piece of legislation that has an impact on the way a teacher-aide may work, (e.g. that is responsibilities or conditions of employment) in a school.

1. How would you find out the requirements of this Act?
2. How would you identify ways in which these requirements were implemented in daily work practices?
3. How do you know if the legislation (Acts and Regulations) you are reading is up to date?



Interpreting Legislation

Legislation is written in complex and legalistic language. It is often difficult to read and comprehend. An Act will often contain titles, purposes, definitions of terms, the main body often presented in many sections, schedules, regulations and often amendments. The schedules within an Act will provide lists, charges and fees in a nominal unit code, forms to be used and a range of supporting information. Regulations are the set of specific rules on practical daily work matters that interpret the intention of the Act.

People involved in law and the Public Sector spend many years training in order to interpret legislation and provide legal advice. The complexity and depth of legislation is often a hinderance in its implementation. To support the implementation of these laws, often the department or ministry responsible for and affected by the Act will develop a set of guidelines or standard operating procedures. This approach ensures there is a standard interpretation and consistent application of the law within an organization. It is vital that you always ensure that you use current and accurate guidelines, standard operating procedures or regulations.

Keeping up to date in this area is difficult but it has been made significantly easier in recent years through the use of the Internet. Often the employing agency, e.g. a state school, will have access to a site that provides the latest information on what that agency expects from its teachers. In state schools this is the Education Queensland site <http://iwww.qed.qld.gov.au> (Note that this site cannot be accessed from outside of Education Queensland's schools or offices. Some of the information is however available from the 'open' site at <http://www.education.qld.gov.au>.)

Where Internet access is not available, you may access printed copies of current directives, circulars and memorandums concerning expectations within public education from the offices of Education Queensland (EQ) or state schools. For other systems of schooling you will need to approach their relevant offices.



An example of these interpretation resources may be found within Queensland's Environmental Protection Agency. This authority's web site (<http://www.epa.qld.gov.au>) provides a range of resources that changes and at any time may include the following:

- The Acts of Parliament under which it works and manages activities
- Statements of Policy
- Initations to comment on policies, guidelines or other areas under review



Activity 1.3

Complete the following questions. You may use any resources you choose and seek assistance from others.

1. What resources do you have access to in supporting your understanding of legislation?
2. Listed below are several pieces of legislation. List the relevant guidelines, employing authority manuals or other agency means of interpreting the legislation. The first piece of legislation has some of the supporting documents provided for you as an example.

Legislation	Documents That Intrepret
Education (General Provisions) Act 2006 [Queensland]	Education Policy and Procedures Register (EPPR) Education Queensland Policies
Workplace Health & Safety Act 1995 [Queensland]	
Privacy Act 1999 [Commonwealth]	
Anti-Discrimination Act 1991 [Queensland]	



For further information on how the Department of Education and Training manages its policy responsibilities check out the website: <http://www.education.qld.gov.au>

Note: There is a difference between Education Queensland and the Department of Education and Training (DET). The department os responsible for ensuring all education occurs within the requirements of the legislation within Queensland: prive schools, indepenent schools, Catholic schools, state schools, TAFEs, private RTOs, etc.

Education Queensland is the government agency that manages the optation of state schools.



Enabling Acts

Enabling Acts are the legislation that is passed to enable the government to carry out key activities through its agencies and departments. For example the South Australian Department of Education and Children's Services has responsibility for several Acts, but the main Act that established this function is the Education Act 1972. Each public sector department or organization has its own enabling act.



You can search for and identify each piece of Queensland legislation by using the website, <http://www.legislation.qld.gov.au/Legislation.htm>.

Each Act has a title and then lists the purposes of the legislation (this is called the objects of the legislation). The objects of an Act provides an overview of what the Act allows. For example, the Technical and Further Education Act 1976 makes provision for the recognition of technical institutions (i.e TAFE and technical colleges), the accreditation of courses and qualifications and the management of students.



Activity 1.4

Obtain a copy of the current Education Act used in Queensland.

1. What is the Act's full title?
2. What are the five underpinning ideas of State Education within the Act? (Chapter 2, Part 1, Para. 12)
3. List five things within the Act that may affect how a para-professional works within a school?

(Hint: Copies of the current Act can be obtained through the Internet at no cost, each Education Queensland office or school will also have one or your local member may also be able to loan you a copy. It can be purchased from Goprint, but it is not necessary to purchase this resource unless you have other reasons to obtain it.)

Integrating Legislation Into Your Work

Regardless of where you work within an Australian public sector it is a requirement that it is managed and operated on the basis of...

Efficiency
Effectiveness
Equity of public sector activities

All of these must be achieved within the legislative framework that is provided by the Federal and State governments.

The functions of your role as an education support worker may be generalist or specialist in nature.

Generalist	Specialist
Office reception	Reading assistance
Administration	Information Technology aide
Classroom activity	Scientific duties

Your work activities will require you to understand the processes that can be carried out according to the regulations and guidelines that govern your workplace. The interpretation of these should be made available to you in the forms of policies and procedures, regulations, notices, codes of conduct or ethics, standards, manuals and service standards.

Your position description will outline your job, roles and responsibilities and positions you report to. It will define what you must do to meet the specific legislative requirements of your job.

School or employing authority handbooks, policy statements, and agency websites and manuals are the sources of information that you will regular refer to as a means of obtaining consistent information on any of the following:

- Intrepretation of legislation
Education Queensland attempts to interpret legislation through its Education Policy and Procedures Register (<http://education.qld.gov.au/strategic/eppr/index.html>)

- ❑ Equitable application of the legislation (i.s. fair and just)
- ❑ Processes of addressing government policy (standards)
- ❑ Ways in which standard requirements are to be delivered
- ❑ Persons with authority to act in defined areas
- ❑ Referrals and management activity
- ❑ Interactions between people, both employees and clients.

Seeking Advice

Be aware you must be able to access up-to-date information on legislation and supporting documents in your work setting. On some occasions you may need to seek advice on a matter of policy or interpretation of process.

Intrepreting legislation is often time consuming, complex and confusing. A wide range of supporting documentations will impact on what can occur. For example, the issue of playground duty requires the following documents to be considered: *Education Policy and Procedures Register* (<http://education.qld.gov.au/strategic/eppr/index.html>), regulations, procedures, industrial agreements, school policy and staff arrangements and legal interpretations regarding duty of care.

It is imperative that when seeking to understand an element of the legislation under which you work, you consult widely. Ensure you investigate the written support documents that underpin the legislation and discuss the issues with a range of people to ensure correct interpretation.

Activity 1.5

Previously it was mentioned that the issue of playground duty was more complex than may be initially assumed. The following is a scenario for you to consider:



Margaret is appointed to a school as a teacher-aide. She is informed she will be doing playground duty each day between 12.00 noon and 1.00pm. Though this a long term, she is informed by a colleague that it isn't too bad a job as she can do the duty sitting under the tree with the Year One's who will bring her a cup of tea to have with her lunch.

Margaret is uncertain about this.

1. What resources could Margaret call upon to check the situation and to ensure she was complying with legislation?
2. What are some of the issues Margaret would need to be concerned about?
3. List another situation in a school where a para-professional may need to have an understanding about the legislation under which he or she works?

Remember for the final word on interpreting legislation within Education Queensland always refer to the Education Policy and Procedures Register (<http://education.qld.gov.au/strategic/eppr/index.html>).

Conflicting Legislative Directions

Interpreting complex legislative requirements and their supporting documents is difficult. You may find that in some situations, the directions that are in the supporting documents appear to be in conflict.

You must seek clarification and advice. Your first point of contact must be your direct supervisor, i.e. member of the school management team, registrar/bursar, etc. By seeking clarification immediately you are able to ensure your actions remain within the requirements and ensure consistency within your school. You are better able to avoid conflict if you seek and follow the advice of your supervisor.

Activity 1.6

Select one of the following situations. These situations have the potential for a school based education support worker to come into conflict with the legislation and supervisor.

- Security of student information and the need for office persons to enter data
 - Privacy and confidentiality of professional discussions and the need for student information to be shared across staff
 - Following due process in student disciplining and maintain the rights of the students/staff
1. With the scenario you have selected, jot down the factors you should consider when seeking advice on the potential conflict.
 2. Where might you go to obtain advice? Does the source of advice remain the same for each situation or does it change?





Section 2

Comply with Legislative Requirements

On completion of this section, participants will be able to:

1. Identify where work practices must address legislative requirements.
2. Investigate whether own compliance to legislation is occurring.



Compliance with legislation has two major elements within a school setting. The first is where there is a need for the school to comply with the legislation that is the enabling act under which education is provided to the citizens of our state. The second is the need for all those in schools to comply with the legislation administered by others, e.g. Workplace Health and Safety, discrimination legislation.

When working in a school we are able to meet the requirements of the relevant legislation by:

- gaining knowledge of what is expected.
- being willing to apply our skills and knowledge in an appropriate manner.
- reviewing how we work and behave to ensure we are within the legislative requirements.

Appropriate Work Practices

Work practices are the way we go about carrying out our duties and tasks. There is not an expectation that everyone will do everything in exactly the same way. Rather, the expectation is that you achieve the goal or desired outcome so long as you follow the organizational policies and procedures, are effective and efficient in your work activity and meet the timelines provided by your supervisor.

It is your responsibility as an education support worker in a school as well the responsibility of your supervisor, to ensure that your work activities comply with the policies, procedures and manuals that interpret legislation.

Activity 2.1

1. What actual work practices are found in the school you work at or visit? Provide specific examples of the types of documents that attempt to set appropriate work practices that address legislative requirements.
2. In what ways can you ensure that your work practices meet the requirements of your employing authority and the legislation to which it must adhere?



Our work practices and behaviour provide clear messages to our fellow workers and supervisors in the workplace. But how do we know if what we are doing complies to legislative requirements?

Confirmation that our work practices and routines comply with the appropriate legislation is important. The consequences of you being involved in work practices and routines that not compliant to legislation can be serious and could lead to disciplinary action by your employer and possible dismissal, and in some circumstances may leave you open to civil legal action.

It is important that you regularly review your work activities to ensure that these meet the requirements of the employing organization and legislation. These review processes may include:

- performance review sessions with your supervisor
- peer feedback
- review of processes with peers and supervisor
- self review of your work practices against the set criteria of the school's policies and procedures.

Activity 2.2

Anne had been a teacher-aide in a rural state school for some years. She had a routine and carried out the same set tasks for some years. During that time there had been some change in the way the public school operated as well as several resturtures in the Department of Education and Children's Services. Anne became concerned over what she was doing at her school after attending a meeting of teacher-aides in an urban town. She was not aware of many of the changes that had occurred. Her concerns were many: Playground duty; supervising classes; the types of work she carried out.

1. Brainstorm various ways in which Anne could ensure that her work practices were compliant with the legislation?
2. What should occur in each school to ensure that staff are aware of the impact of organizational change?
3. If you have concerns about how to complete certain tasks and assigned responsibilities, how would you clarify what the requirements are?





Legislation/policy that is of particular importance to tutors/teacher-aides:

Working with Children (Blue Card)

(http://www.childcomm.qld.gov.au/employment/bluecard/general_info.html)

This policy outlines the requirements for all persons must follow to apply for approval from the Commission for Children and Young People. No person, other than the parents of children attending that school, should come in contact with students in a school without holding a Blue Card.

Note: If you wish to be competent in this course, you must hold a Blue Card.

Inclusive Curriculum

(<http://education.qld.gov.au/strategic/eppr/curriculum/crppr009/>)

This policy relates to a school's curriculum demonstrating inclusivity, i.e. participants are able to fully participate in school.

Administering Routine and Emergency Medication and Management of Health Conditions

(<http://education.qld.gov.au/strategic/eppr/health/hlspr009/>)

An education support worker must be aware of the treatment they are able to provide.

Student Protection

(<http://education.qld.gov.au/strategic/eppr/students/smspr012/>)

This is the policy that ensures co-operation with other agencies or bodies to ensure students are protected where there is reasonable cause to suspect that the child is being harmed, suffering sexual abuse or at risk of harm. You must report this to the principal or if the principal is the suspect, then to the principal's supervisor.

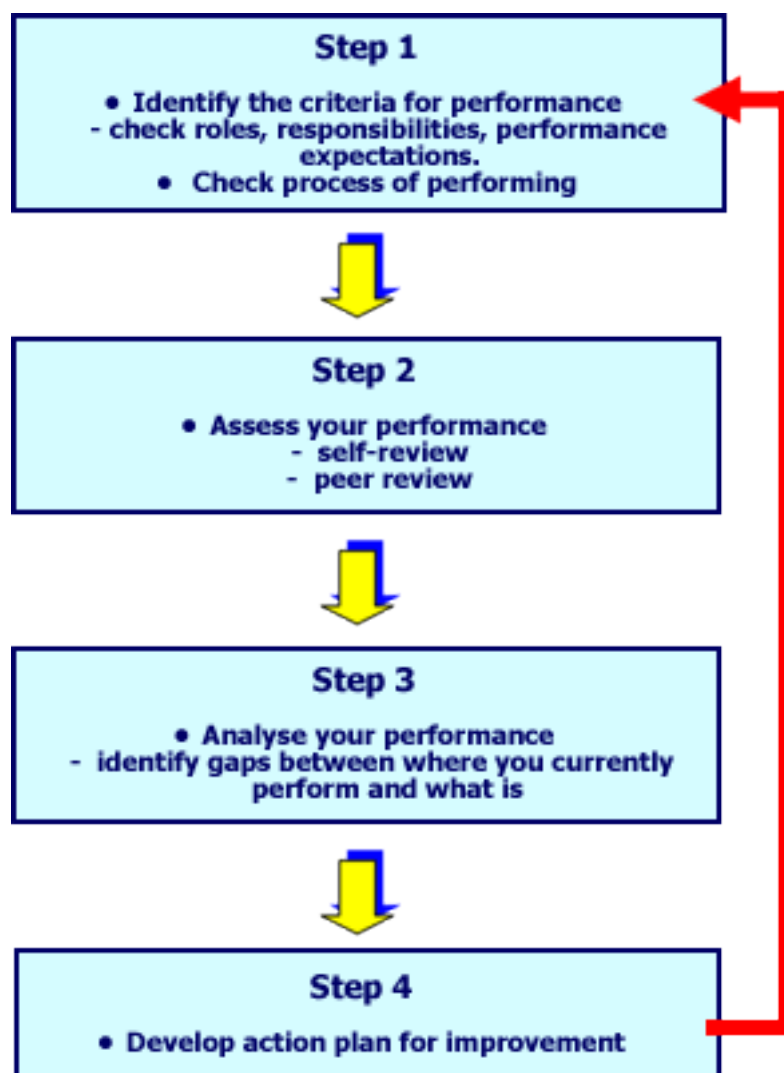
Child Protection cause to suspect that the child is being harmed, suffering sexual abuse or at risk of harm. You must report this to the principal or if the principal is the suspect, then to the principal's supervisor.

Reviewing Your Responsibilities

A review process involves comparing your performance against a set of criteria. This enables comparisons to be made between what is required and what is provided. Often the criteria will include:

- time
- specific targets or outcomes
- the processes to be used to achieve an outcome

To be effective, review processes must establish the criteria to be used before the process commences. A standard process for reviewing performance is outlined below:





Section 3

Reporting Non-compliance

On completion of this section, participants will be able to:

1. Seek advice when they have identified suspect breaches of legislation.
2. Report breaches of legislation to the appropriate authority or person.



It is an expectation that as an education support worker you will provide effective and efficient service to the clients of your school. Conversely, there is also an expectation that public funds are used in a responsible and reasonable manner.

Reporting Breaches of Legislation

If you are faced with a breach of the legislation how do you react?

First off you must seek clarification regarding your perceived inappropriate conduct. It is difficult to be certain about other's motives or behaviour and sometimes you will just need to talk through the circumstances with others to become clearer in your own understanding of the situation. If the situation, you believe, is about a breach of legislation and/or inappropriate conduct, it would be important for you to seek advice on your future action:

- a person you regarded as a mentor or experienced in education
- your supervisor
- an appropriate member of the employing authority's district or regional staff
- employee assistance service



If you are a public servant you are protected if you make disclosures that concern corrupt conduct or unreasonable, unjust or improper discriminatory behaviour. This is part of the legislation under the *Whistleblowers Act of 1994*. This Act can be found at the site:

http://www.austlii.edu.au/au/legis/qld/consol_act/wpa1994322/index.html

Also in Queensland, individuals have the right to contact the Queensland Ombudsman .
(Website: www.qgd.qld.gov.au/nma/nma008.html)

The Ombudsman investigates complaints about the conduct of the public authorities and public servants. Anyone who feels they have been treated unfairly by a government school or Education Queensland authority may lodge a complaint with the Ombudsman. Generally he/she will only investigate the complaint when the person has tried all avenues within that particular government agency to have the matter resolved.



If you seek information about national privacy issues, then the website <http://www.privacy.gov.au> provides information on the *Commonwealth Privacy Act 1988* as well as state and territory legislation. The Privacy Commissioner provides people with the avenue of complaining where they believe a public sector agency has misused their personal information. If they are still unsatisfied after the decision of the Privacy Commissioner then they make a further appeal to the Administrative Decisions Tribunal.

The privacy requirements of the legislation only apply to personal information, that is the information that can be related to an identifiable person. The legislation not only covers traditional forms of stored information such as files, etc. but also information of non-traditional types such as genetic material, electronic records, digital images, video recordings, fingerprints, etc.

The *Public Service Act 1996* (<http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/P/PublicServA96.pdf>) contains important principles that underpin public administration and services. It also contains an ethical code that is expected to be followed by all public servants (including teacher-aides). They must act legally and ethically by:

- acting within their set limits of authority
- acting within the expectations and spirit of the law
- following lawful and reasonable directions
- protecting official information and resources
- ensuring government services and resources are used correctly.

Inadequate Work Procedures

As government policy and the expectations of your employing authority change, it may occur that existing procedures or work expectations become outdated and fail to take into account current legislation and expectations. As you will be working routinely with many elements affected by legislation, it is important that you are consciously aware of any potential omissions or errors in current work practices.

The best time to raise difficulties in work practices is in the early stages before they cause problems for you, the team you are part of or the school in which you work.

By identifying and reporting non-conforming work practices you are able to assist the school fix the problem and ensure it is operating within legislation.

When you raise an issue an investigation will take place. This is

often not a lengthy or difficult process, but one that is handled by your supervisor in a routine manner. Investigating a potential inadequate work practice will reveal one of the following:

- the work practice is inadequate
- the work practice is satisfactory
- there is an incorrect interpretation of the relevant legislation
- there is an incorrect interpretation of the policies and procedures
- inadequate training of the staff
- problems with the school processes
- other factors

The investigation's results should be documented.

Recommendations will be made for possible changes where appropriate and these will occur at the direction of your supervisor. Effective changes ensure your work practices remain within legislation and serve to meet the goals of the school. During any change, it should be expected that monitoring of work procedures occurs so as to ensure staff follow the new practices and that the changes achieve the intended outcome.



Activity 3.1

1. What type of corrective actions have you observed in your workplace when work procedures have been inadequate?
2. What do you think the main purpose of 'preventative actions' might be?

Forms of Communication

The effective use of a range of communications (oral and written) means that continuous improvement in work practices can be maintained and managed. Within your school there will be a range of communication mediums used, e.g. memorandums, staff notices, staff meetings, daily diaries, emails, etc.

You are able to categorise communication into three groups - nonverbal, verbal (using either spoken or written forms) and graphic. Each is used within the school setting to direct work procedures, encourage staff to conform to the school's goals and procedures and to convey expectations to all within the grounds of the school.

Examples of verbal communication within a school include staff meetings, staff notices and emails. These involve sharing information, giving directions and enabling groups to discuss issues and resolve problems.

Graphic communication relies on the use of symbols to convey meaning, e.g. signs.



Activity 3.2

Provide four examples of graphic communication found around your school setting.

It is the collective responsibility of all members of a staff to use effective communication. It is not just your supervisor's responsibility; it is also your responsibility to use good communication to improve work practices.



Activity 3.3

The Registrar/Bursar of your school knows it is her responsibility to inform the support staff of the school's and education authority's procedures. Given that there is a new principal and significant changes within the employing authority the changes are happening very fast. Each week, the registrar would issue a staff notice and place this in the pigeonhole of each support staff member. Beth, the Registrar/Bursar, anticipated that the staff would read and act of these requirements by ensuring changes in their work routines.

One Tuesday, a significant problem arose. One of the newer teacher-aides did not conduct her playground duties in the assigned area as recently directed by the principal. During this lunch, a young child was injured while playing in an unsupervised area. The child has been transported to hospital for treatment and the parent is anger over the injury. The principal now faces an very emotional parent as well as a threatened legal action over the incident.

1. Who could be at fault in this instance?
2. What could Beth have done to ensure all staff followed through with the changing requirements and responsibilities of support staff?
3. What preventative steps should the teacher-aide have carried out to avoid this situation?
4. Now that the incident has occurred, what records should be compiled as quickly and accurately as possible to deal with the possible legal action?
5. How do the schools you have worked in communicate changesto work practices, role responsibilities and accountabilities to its support staff?



Section 4

Industrial Requirements

On completion of this section, participants will be able to:-

1. Understand the role industrial agreements have within the educational workplace.
2. Are aware of their industrial rights and responsibilities.
3. Understand the current industrial agreement they are working or may work under.



Industrial Agreements

Certified Agreements

Certified agreements can be made for employees in the same workplace and engaged in similar types of work. Certified agreements can cover a single workplace or be made to cover a group of associated employers. The agreement can cover some or all of your employment conditions.

A certified agreement may be negotiated between the employer and:

- employees working at the time; or
- union/s entitled to represent employees who will be covered by the agreement

A certified agreement will also cover employees who commence employment after the agreement is made.

What can be included in a certified agreement?

The actual content and scope of a certified agreement is up to the negotiating parties to decide. However, it generally focuses on such things as productivity, wages, work conditions and overtime. It is open to any area that is agreed upon and generally deals with work arrangements which cater for the needs of both the business and the employees.

When developing a certified agreement, all parties - employer, employees and unions - are responsible for ensuring the content of the agreement meets all the legal requirements as set down for Queensland.

The current South Australia regulations governing this form of industrial agreement requires that all certified agreements must include:

- a dispute-resolution procedure; and
- a nominal expiry date for the agreement (it cannot exceed three years after the date from which the agreement starts)

In addition to this, it is required that a certified agreement must not include provisions that are:

- discriminatory; or
- inconsistent with the Act's provisions relating to equal remuneration for work of equal or comparable value, dismissals or freedom of association, or orders or injunctions

Negotiating a certified agreement

The actual negotiations to make a certified agreement can take place between:

- the employer and the relevant unions
- the employer, the employees and the unions requested to negotiate on behalf of member employees
- the employer and the employees
- the employer and a representative employee committee

When negotiating the terms of a future certified agreement, the parties to the agreement must negotiate in good faith for example:

- agreeing to meet at reasonable times proposed by another party
- attending meetings that the party had agreed to attend
- complying with negotiation procedures agreed to by the parties

Understand the terms of a certified agreement

Employers must take reasonable steps to ensure that employees understand the terms and conditions of any proposed certified agreement that will cover their employment before approving the agreement.

The terms of the agreement override award conditions relating to similar issues, although they must comply with certain conditions in State awards, such as occupational health and safety provisions.

Before the South Australian authorities certifies an agreement it will check that the proposed agreement meets a ‘no disadvantage’ test. This means that on balance an employee will be no worse off under the agreement than if covered by a federal award.

To be approved the certified agreement must also satisfy particular requirements. For example, it must:

- have been negotiated/made in accordance with the specific requirements under the *Industrial and Employee Relations Act 1994*
- have the genuine approval of a ‘valid majority’ of the employees to be covered by the agreement
- pass the no-disadvantage test (i.e. a comparison of the entitlements and protections for employees under the certified agreement with those under the relevant award).

Once approved, certified agreements are binding on all the parties,

i.e. the employer, existing employees and employees hired after the agreement is approved and the unions with which the agreement has been made.

A certified agreement can 'stand alone' by setting out all conditions and provisions of employment thereby effectively replacing the relevant award or it can operate in conjunction with the relevant award. For example, a certified agreement may only provide for a wage increase or change the hours, overtime and shift work conditions and the remainder of the relevant award would continue to apply.

Where there is any inconsistency between the provision of an award, an industrial agreement or an apprenticeship/traineeship order and those stated in the certified agreement, then the certified agreement prevails.

For a certified agreement to be legally binding it must be approved by the Queensland Industrial Relations Commission (QIRC) .



Activity 4.1

Visit the secure Education Queensland site on Awards and Agreements at <http://iwww.qed.qld.gov.au/workdept/hr/er/keyawrds.htm> If you are unable to access this site contact your teacher for a copy of the current award/agreement.

Download a copy of the current certified award under which you would work if you were a teacher-aide in a state school.

Using this document, answer the following questions:

1. What are the four points under which bus and playground duty may be taken by teacher-aides?
2. If you were a teacher aide working in a Special School and Special Education Unit and you were classified at 002 or 003, what level of special allowance would you receive?
3. What is the arrangement that has been agreed upon regarding the use of teacher-aides and Virtual Schooling Service?