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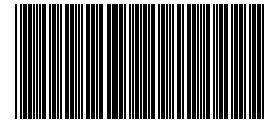
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**Industrial Relations
Commission**
of New South Wales

McRobert Alison
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Your Ref:



D0001SKZ2Y

25 October 2023

NOTICE OF ORDERS MADE

Case number 2023/00320061
Case title Public Service Association and Professional Officers' Association Amalgamated
Union of New South Wales v Industrial Relations Secretary on behalf of the
Department of Education

On 25 October 2023 the following orders (and/or directions) were made:

The Commissioner made the following directions:

1. The matter be listed for in-person report back at 9:30 am on 20 November 2023.
2. The parties have liberty to apply.

Registrar

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

CORAM: COMMISSIONER WEBSTER

25 October 2023

Matter No 2023/00320061

Notification under section 130 filed by Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales v Industrial Relations Secretary on behalf of the Department of Education

RECOMMENDATION

RECOMMENDATION IN CONCILIATION:

1. The Commission recommends that all necessary steps to seek revised bargaining parameters in respect to the remuneration applicable to those engaged in classifications under the Crown Employees (School Psychologists – Department of Education) Salaries Award 2022 be taken expeditiously, to maintain pay parity with school counsellors engaged under the Crown Employees (Teachers in Schools and Related Employees) Salaries and Conditions Award 2022.

BACKGROUND:

2. The Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales (“notifier”) is in dispute with the Industrial Relations Secretary on behalf of the Department of Education (“respondent”), in respect of the salary parity between school psychologist classifications employed under the Crown Employees (School Psychologists - Department of Education) Salaries Award 2022 (“Psychologists' Award”) and school counsellors, (including promotional positions) employed under the Crown Employees (Teachers in Schools and Related Employees) Salaries and Conditions Award 2022 (“Teachers' Award”).
3. Effective from 9 October 2023, school counsellors, (including promotional positions) being employed under a new salary structure, by an agreed variation to the Teachers' Award, will confer a salary increase above 4% provided by the Fair Pay Policy depending upon the classification. The same increase does not apply to school psychologists who, is relevantly an equivalent classification to school counsellors. Traditionally, there has been a practice of fixing the salary rates of school psychologists to the rates of school counsellors. The Department has not said that it intends to abandon this practice.
4. On 5 October 2023, the respondent replied to the notifier’s letter seeking an immediate increase to school psychologists’ wages stating, inter alia that it was in the process of obtaining revised bargaining parameters, as a consequence of the new school counsellor

salary structure proposed under the agreed variation to the Teachers' Award. The consent application to vary the Teachers' Award is currently before the Commission and the pay increase has been paid by administrative action.

5. The respondent has indicated today that it does not have control over the processes in the approval of bargaining parameters, but it estimates it will need between 3-4 weeks for this matter to progress. In the meantime, the school counsellors are receiving more money than the school psychologists' and this is impacting on morale and causing industrial unrest as evidenced by this dispute.

REASONS FOR RECOMMENDATION:

6. It is not in dispute that the work undertaken by the school psychologists is the same classification as the work undertaken by school counsellors. There is an obvious unfairness in the work of the equivalent classification being undertaken by employees being paid different wages. Accordingly, I consider that the making of this recommendation is consistent with s 3(a) of the *Industrial Relations Act 1996* (NSW) ("Act") which provides that the objects of the Act include to provide a framework for the conduct of industrial relations that is fair and just.
7. I am concerned that if the issue of the pay disparity is not resolved quickly industrial disputation may worsen. Given the public interest in the work undertaken by school psychologists this is of concern. The swift resolution of this matter is consistent with s 3 (g) of the Act which provides that the objects of the Act includes the resolution of industrial disputes by conciliation, and if necessary, by arbitration in a prompt and fair manner and with a minimum of legal technicality.
8. In making this recommendation the respondent has submitted that it has acted quickly, and it will continue to do so. I have not made this recommendation because I have formed a contrary view. I have decided it is appropriate to make the recommendation to make clear the Commission's view of the importance of the quick resolution of the matter to retain industrial peace between the workforce of school psychologists and the respondent.

COMMISSIONER WEBSTER

25 OCTOBER 2023

