Framework for Discretionary Payments to Persons with Temporary Teaching Service

1. A fund has been established and appropriated by a decision of the Cabinet to enable discretionary payments to be made to some teachers whose long service leave has been brought into line with other public sector employees following amendments to the Education Act 1972.

2. The Attorney-General will consider applications and will have the complete discretion to decide what payments will be made from the fund. There will be no access to adjusted leave in lieu of payments.

3. The Attorney-General’s decisions on applications will be a matter for his complete discretion, and will not be subject to correspondence, review or appeal.

4. An invitation to apply for a discretionary payment will be made by both public advertisement, DECD circular and a notation on successive payslips.

5. An application form will be posted on the DECD website. Applicants will be asked to provide their bank details to facilitate payment and will be invited to provide documents and information in support of an application. Applicants need not request a Statement of Service from DECD as information concerning an applicant’s service record will be collated by DECD.

6. Any person believing that they may have an entitlement may apply.

7. Applicants must:
   7.1 be a natural person (trusts, estates, corporate or unincorporated entities are not eligible to apply);
   7.2 have been a temporary relieving teacher and/or contract teacher employed under the Education Act 1972;
   7.3 have been employed as a temporary relieving teacher and/or contract teacher at some time between 28 February 1997 and 29 February 2012;
   7.4 not have had any break in service of 2 years or more between 28 February 1997 and 29 February 2012;
   7.5 have had 7 years of continuous service not interrupted by:
      7.5.1 resignation; or
      7.5.2 dismissal;
   7.6 not have been the recipient of:
      7.6.1 a targeted voluntary separation package; or
      7.6.2 a redemption payment or other settlement arising out of compensation claims under the Workers Rehabilitation and Compensation Act 1986 (SA) which accompanies termination of employment.

8. Although there are criteria to assess who is eligible for payments and how much any payments will be, the applicant may also ask the Attorney-General in considering the criteria to take into account their particular circumstances.

9. The opening and closing dates for applications will have regard to school term and vacation times.

10. Following the closing date for applications DECD will notify the Attorney-General of the number of applications received.
11. DECD will collate and prepare information for the Attorney-General to assist him to exercise his discretion. Such information will include:

11.1 whether the applicant was and/or is employed as an eligible temporary teacher;
11.2 whether the applicant is eligible to apply in accordance with the matters set out in paragraph 7 above;
11.3 the length of service of each applicant;
11.4 the difference between the monetary value of the long service entitlement accrued under the “3 months plus vacation” formula and the monetary value of the long service leave accrued under the “2 year” formula (as at the commencement of the Budget Measures Act 2014 being 23 October 2014 or as at the date the applicant last worked as a temporary teacher, whichever is the earlier);
11.5 identification of incomplete or inaccurate service records and any estimation(s) made as a consequence;
11.6 any past overpayments not recovered or overstatements of long service leave;
11.7 matters submitted by the applicant in support of their application. Applicants need not request a Statement of Service from DECD as the information on the Statement is not required for purposes of discretionary payments;
11.8 the total number of applications received;
11.9 the total number of potentially eligible applicants and the total number of ineligible applicants;
11.10 the estimated total monetary value of long service leave of all applicant’s extinguished by the amendments; and
11.11 information about each application.

12. The Attorney-General will consider this information and any other information he considers relevant to his decision-making.

13. Decisions will be made only after all applications have been considered. The Attorney-General will have complete discretion to decide what payments will be made. Each applicant will be notified of the Attorney-General’s decision. The Attorney-General’s decisions will not be subject to review or appeal.

14. The fund available for the framework for discretionary payments is capped at $15 million. All individual payments will be subject to application of a ruling from the Australian Taxation Office.