

**IN THE EMPLOYMENT COURT
WELLINGTON**

**[2013] NZEmpC 241
WRC 28/12**

IN THE MATTER OF proceedings removed in full from the
Employment Relations Authority

BETWEEN NZ POST PRIMARY TEACHERS'
ASSOCIATION
First Plaintiff

AND ROBERT GRAY
Second Plaintiff

AND SECRETARY FOR EDUCATION
First Defendant

AND CAMBRIDGE HIGH SCHOOL
Second Defendant

Hearing: (on the papers by way of a joint memorandum dated 12
December 2013)

Counsel: Tanya Kennedy, counsel for the plaintiffs
Antoinette Russell and Tessa Bromwich, counsel for the
defendants

Judgment: 13 December 2013

JUDGMENT OF JUDGE A D FORD

The following judgment is hereby issued by consent:

[1] The parties have been in dispute over the correct interpretation, application, and operation of aspects of cls 4.1.1, 4.2.1, and 4.2.2 of the base salary scales in the 2011 - 2013 Secondary Teachers Collective Agreement (“2011 - 2013 STCA”) and 2013 - 2015 Secondary Teachers Collective Agreement (“2013 - 2015 STCA”).

[2] On 23 July 2013, this Court issued an interim judgment¹ which included a direction that the issues identified by the plaintiffs in their draft amended prayer for relief (which were still in dispute) be submitted to the Issues Committee. The Issues Committee has since met and a variation to aspects of cls 4.1, 4.1.1, 4.2.1, and 4.2.2 of the 2013 - 2015 STCA was agreed between the parties to the STCA on 13 September 2013 and was ratified on 30 September 2013.

[3] The parties agree that the application, interpretation and operation of the measure to access the G3 and G3+ base salary scale in the 2011 - 2013 STCA will be in accordance with and consistent with the measure to access the G3 and G3+ base salary scales in the varied 2013 - 2015 STCA with effect from 13 April 2011 (irrespective of the wording of the 2011 - 2013 STCA). For the avoidance of doubt, this does not affect the salary payable for the salary steps on the G3 and G3+ base salary scale under the 2011 - 2013 STCA and 2013 - 2015 STCA.

[4] If a teacher has a New Zealand Teachers Council registration the teacher is paid on the Trained Teachers' Base Salary Scale in cl 4.1.1 with effect from 13 April 2011 or from the date they are first registered by NZTC (if registration by NZTC occurs after 13 April 2011).

[5] The only evidence a teacher needs to provide to demonstrate that he or she is registered is a certified copy of his or her current practising certificate issued by the New Zealand Teachers Council.

[6] The base scale salary rates that were effective as at 13 April 2011 apply to all teachers employed as at 13 April 2011 and teachers employed after 13 April 2011, and increasing as per the increases in cl 4.1.1 in the 2013 - 2015 STCA.

[7] The maximum step in the trained teachers' base scale for G3+, G4, and G5 qualification group is the maximum step on the trained teachers' base scale, namely step 12 (\$71,000 per annum) from 13 April 2011 and step 10 (\$71,900 per annum from 23 January 2013, \$72,645 per annum from 28 January 2014 and \$73,000 per annum from 28 January 2015).

¹ [2013] NZEmpC 139.

[8] The second plaintiff is entitled to be paid on the top of G3+ with effect from 13 April 2011, namely step 12 (\$71,000 per annum) from 13 April 2011 and according to the 2013 - 2015 STCA step 10 (\$71,900 per annum from 23 January 2013, \$72,645 per annum from 28 January 2014 and \$73,000 per annum from 28 January 2015).

[9] The first defendant will pay costs of \$50,000 plus GST, plus disbursements of \$5,850.15 to the first plaintiff within seven days.

A D Ford
Judge

Judgment signed at 2.15 pm on 13 December 2013