

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

WRITTEN QUESTION

Mr Yan to the Minister for Public Employment:

OCPE vs Fair Work Commission

A Fair Work Commission case relating to a Northern Territory teacher who was sacked over the COVID-19 vaccine mandate, was lost. It has been reported that the teacher has been reinstated and awarded back pay, after the Fair Work Commission ruled in her favour, ruling that it was (quote) *“indefensible and lacked common sense”*.

1. Does this case expose your government’s failure to consider “reasonable” personal health concerns of employees in regard to the mandate?

No.

2. Was the Government required to pay the reinstated teacher any additional sum?

The decision of the Fair Work Commission is a matter of the public record and the relationship of employment is between an employee and their Chief Executive Officer. The Government doesn’t provide commentary on individual employment matters.

3. Has this Government apologised to the teacher?

Refer to 2.

4. Are there other similar cases waiting to be heard?

Refer to 2.

Another Fair Work Commission case, dated 7 April 2022, which was also lost by the NT Office of the Commissioner Public Employment, was in relation to an employee who was not back paid higher duties for around three years.

5. How much is the total payment the Northern Territory Government had to pay the employee and also how much additional superannuation has the Northern Territory Government had to pay the employee?

Refer to 2.