

## TEACHING MUSIC AND WORK CONDITIONS

VMTA has established a list of conditions, terms and other aspects that may be relevant to studio music teachers teaching in a range of situations.

Three categories of studio teaching are covered in this document:

- A. Schools (government and non-government)
- B. Private music schools
- C. Private studios

Teachers are encouraged to consider the points listed below, and in the case of Sections A. and B., to discuss relevant points with the organisations, schools, or directors of music, where they will be working.

For the purposes of this document, 'studio teaching' is defined as encompassing non-classroom instruction of a practical or theoretical nature, either one-to-one or in small groups, and delivered in regular schools, music schools or in home/private studio premises. In Victoria at least, there is no award or legislation covering the activity of studio music teaching, either in schools or privately. VMTA fulfils an important role in providing a scale of recommended minimum fees, published on VMTA's website. Matters concerning classroom music teaching are covered by the relevant awards.

### **A. SCHOOLS (GOVERNMENT AND NON-GOVERNMENT)**

#### **Terms and conditions to clarify with the school:**

Individual schools will have varying needs and policies regarding the engagement of studio music teachers. VMTA advises studio music teachers to be aware of the nature of their engagement and recommends that a written statement of the nature of the engagement be documented.

#### **1. Conditions of contract or employment**

- Are you an employee or a contractor?
- What is the duration of the engagement?
- What are the entitlements, including superannuation and long service leave, holiday pay, sick leave etc.?
- Are you required to fill out a time sheet?
- The hours for which you are required to attend the school should be clarified, along with any flexibility in those hours which may exist.

## **2. Lesson activity, student absences and teacher absences**

- Will you be teaching one-to-one and/or group lessons?
- In the case of group lessons, how many students will be in the group?
- How many lessons per term/semester are you required to give? Are you required to give a set minimum number of lessons per year/term?
- If students are absent from their lessons for personal reasons or due to school activities or excursions, are you required to make up lessons in your own time?
- What is the frequency of the lessons?
- What is the lesson duration?
- In the event of a lesson cancellation, how much notice must be given by the student?
- What are acceptable reasons for cancellation/absence e.g. excursions, illness, unexplained non-attendance?
- Will the school still pay you for cancelled lessons?
- If the student is missing, are you required to physically locate that student and if so, who is responsible for the supervision of remaining students in a group lesson situation?
- Does the need to locate a missing student depend on whether the school or the parent pays the teacher for the lesson?
- Does your school offer you the flexibility to cancel and/or reschedule lessons?

## **3. Maintenance of instruments**

- Do the students have their own instruments or will they use an instrument provided by the school?
- Who is responsible for the undertaking of maintenance and the cost of such?

## **4. Student assessment, teacher appraisal, administration and/or other non-teaching duties**

- Does the school require regular assessment of students and if so, what is the nature of this?
- Does the school enrol students for public examinations?
- Does the school conduct appraisal of teachers and if so, what is the nature of this?
- Are you required to undertake the timetabling of your own students?

- Are you expected to attend concerts/rehearsals/school events which are outside your nominal teaching load? If so, are you paid for this time?
- Are you expected to consult with parents and how is this to be arranged?
- Are you expected to write reports? What is the frequency and nature of any reports required?
- Are you expected to direct any ensembles? If so, will you be paid for this time?

## **5. Accompaniment**

- Does the school require you to accompany your own students in exams/recitals or to provide an accompanist for your own students in exams/recitals?
- Does the school require you to accompany students of other teachers in exams/recitals and what are the payment arrangements?
- How much notice shall be given for accompaniment requirements?
- Are the conditions of work and pay for accompaniments the same as for your instrumental or vocal teaching?
- What happens in situations when the school requires you to accompany during your regular teaching time?

## **6. Pay**

- What is the nominal rate of pay you will receive per hour?
- How often will you be paid and by which method?
- Does the school pay you or do the parents pay you directly?
- What administration costs, if any, does the school deduct?
- Does the school pay superannuation in addition to your nominal hourly rate? Under government legislation, those employees aged 18 - 69, who earn more than \$450 within one calendar month, must be paid the Super Guarantee Charge, equal to 9% of ordinary time earnings before tax, paid in addition to those earnings. It is against the law for an employer to deduct the Super Guarantee Charge from earnings, unless a salary-sacrifice agreement is made. This applies to casual, part-time, full-time and contract employees. In the case of contract employees, the contractor must be an individual and not a partnership or a business (e.g.: a regular school would not pay superannuation to a small music school providing teachers to the school).

For more information on superannuation, contact the Australian Taxation Office, [www.ato.gov.au](http://www.ato.gov.au)

## 7. Private teaching on school premises

- Will the school allow you to give lessons to private students (i.e. not students of the school) on school property?
- If so, what are the arrangements?

## Teacher accreditation and VIT (Victorian Institute of Teaching) registration

- In light of the recent changes in this area, please refer to the following documents on VMTA's website:
  - *VIT Changes: aMuse questions*
  - *Permission to teach policy: FAQs for principals*(click on the 'Information for Teachers' tab on the left-hand-side of the VMTA homepage)

## Professional development

- Does the school require you to pursue professional development activities?
- What is the availability of professional development through the school?

## Working with Children Checks (WWC)

- Teachers who do not have VIT registration and who teach in a school, will need a Working with Children Check (WWC). Since July 1 2010, any teacher of music who teaches any student under 18, in either supervised or unsupervised capacity and irrespective of whether that person is a member of VMTA, must have a current assessment notice for the Working with Children Check, if he/she does not hold VIT registration. The Working with Children Check lasts for five years and is a tax-deductible business expense. Teachers in schools should clarify whether the school may pay for the check. Those persons who hold VIT registration are exempted from the need to obtain a Working with Children Check.

*Further information: WWC*

*The Justice Department of Victoria*

*Website: [www.justice.vic.gov.au/workingwithchildren](http://www.justice.vic.gov.au/workingwithchildren)*

*Information line: 1300 652 879*

*Email: [workingwithchildren@justice.vic.gov.au](mailto:workingwithchildren@justice.vic.gov.au)*

## B. PRIVATE MUSIC SCHOOLS

Teachers are advised to extract the relevant points under section **A. SCHOOLS** and to negotiate these as appropriate, with the music school in question.

### **C. PRIVATE STUDIOS**

#### **Working with Children Checks (WWC)**

Since July 1 2010, any private teacher of music who teaches any student under 18, in either supervised or unsupervised capacity and irrespective of whether that person is a member of VMTA, must have a current assessment notice for the Working with Children Check. The Check lasts for five years and as it is required by law, it is a tax-deductible business expense. Those persons who hold VIT registration are exempted from needing to obtain a Working with Children Check.

*Further information: WWC*

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*Website: [www.justice.vic.gov.au/workingwithchildren](http://www.justice.vic.gov.au/workingwithchildren)*

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#### **Protocols between teachers, students and their parents**

- Clear notification in writing of the teacher's policies and procedures in the form of a 'contract', a 'letter of agreement' or a 'newsletter' is recommended – conflict is often the result of misunderstanding.
- As a minimum, it is recommended that such documents should encompass the length and frequency of lessons, fees and payment procedures (including, as appropriate, whether fees are applicable for initial consultations).
- VMTA has a scale of recommended minimum fees (see 'Recommended Fees' on the VMTA website). Please note:
  - Not all VMTA members are registered to charge GST, therefore VMTA's recommended minimum fees do not include GST.
  - Common practice has been that VMTA recommended minimum fees have been adjusted in accordance with the CPI (Consumer Price Index).
- In accordance with normal business practice and legal requirements, teachers should issue tax invoice/receipts where requested and as appropriate.
- Teachers are encouraged to clarify policy on lateness, absences and substitute/make-up lessons, refunds, the amount of prior notice required from students for cancellation of lessons or for

change of lesson time requests (either one-off or permanent) and any cancellation fees.

- Samples of lesson agreement forms are available from the VMTA website, on the 'Information for Teachers' page.
- In accordance with taxation requirements, teachers should itemise the date of each lesson as it is given, in the teacher's client/student file, as well as in the teacher's diary/day-book (it is recommended that teachers should not rely on the student's exercise book for this purpose: students may forget their books).

### **GST (Goods and services tax)**

- Non-salaried persons who earn more than \$75,000 per annum are obliged by law to charge and collect GST equal to 10% of their gross (pre-tax) non-salaried income and to forward the GST to the Australian Tax Office. The GST threshold only applies to income earned from the individual's private business - employer income is not included.
- GST-registered private teachers who may work for schools or other organisations on a sporadic/one-off basis, should clarify the situation with the organisation concerned in regard to their fees and GST.

(For more information regarding taxation, contact the Australian Taxation Office [www.ato.gov.au](http://www.ato.gov.au))

### **Insurance**

- Private teachers teaching in their own homes should be aware that, in the majority of cases, domestic house and contents insurance policies will not extend to cover activity concerned with earning income from private business on their home premises. In the near future, information in regard to insurance and private music teaching will appear on the VMTA website.