1. When does the new Government Sector Employment Act 2013 come into effect?

The GSE Act will come into effect on 24 February 2014 and will replace the Public Sector Employment and Management (PSEM) Act 2002.

The GSE Act will introduce a number of changes, some of which will affect TAFE NSW. Some of these changes will be effective immediately and others will be phased in over the next three years i.e. by the end of 2016.

2. Why does the GSE Act affect TAFE NSW staff?

The new Act will apply to the whole of the ‘Government Sector' which includes the Public Service, the Teaching Service, Other Crown Services, State Owned Corporations, the Police Force, Transport Services and Health Services. TAFE NSW is classified as one of the ‘Other Crown Services' and so is part of the ‘Government Sector'. Parts 2 and 5 of the GSE Act apply to TAFE NSW.

Part 2 provides an Ethical Framework for the Government Sector. Part 5 deals with a range of matters including workforce diversity, employee transfers and secondments between government sector agencies, performance management/development systems, the management of unsatisfactory performance and conduct etc.

Some sections in Part 4 of the Act that deal with Public Service Senior Executives will also apply to TAFE NSW employees who currently hold Senior Executive Service (SES) positions.

3. What won’t change as a result of the introduction of the new Act?

On the introduction of the new GSE Act current TAFE NSW teachers and related employees, administration and support staff, Institute Managers and Senior Officers will continue to be employed under the TAFE and Commonwealth Fair Work Acts and existing Enterprise Agreements.
4. **What key changes will affect TAFE NSW staff?**

Key changes in the Act and associated instruments (eg rules and regulations) that will affect TAFE NSW staff include:

- A new Ethical Framework comprising core values and principles that applies to all government sector employees: the Department of Education and Communities (DEC) is currently reviewing the DEC Code of Conduct (which applies to TAFE NSW) to ensure it reflects this framework.

- Public Service Executive reforms: Senior Executive Service (SES) Officers in TAFE NSW will be affected by the Public Service Executive reforms. These reforms will be implemented over a three year period commencing from the date of effect of the GSE Act. On transition to the new Public Service Senior Executive arrangements, TAFE NSW SES Officers will be employed in a Senior Executive band and assigned to a role.

Under the new Public Service Senior Executive arrangements recruitment and performance development will be capability-based and existing SES five-year renewable employment contracts will be replaced by either ongoing employment or ‘term employment’. More information on the Executive reforms is available from the PSC website.

- The introduction of the NSW Public Sector Capability and Performance Development Frameworks will require changes to the range of workforce management practices including workforce planning, recruitment and selection, performance development, recruitment and selection and career planning.

More information about how and when these changes will be implemented in TAFE NSW will be provided as details are finalised.

5. **If I am not an SES Officer, how will these changes affect me?**

The key change for staff who are not in the SES is that in the future there will be a greater focus on the capabilities required for a position.

These capabilities will include those that are specific to your occupation plus the more general public sector capabilities that are identified in the Public Sector Capability Framework.

The other key change is the requirement for government sector agencies to implement a Performance Development Framework that is capability based and includes mandatory performance objectives for employees who manage people and for Senior Executives with financial management responsibilities.

6. **If we work for TAFE are we part of the Public Service in NSW?**

TAFE NSW employees (other than SES Officers) are not part of the Public Service. However, we are part of the government sector - refer also to the answer in Question 2 above.

7. **How will the ‘assignment to role’ in the Public Service affect TAFE NSW staff?**

The provisions in the GSE Act relating to employment in a classification and assignment to a role apply to Public Service employees only.

TAFE NSW employees (other than SES Officers) are not in the Public Service so these provisions do not change current arrangements in TAFE NSW where employees are appointed to a position.

8. **Do we have to implement the NSW Public Sector Performance Development Framework – and if so, how is it going to be implemented in TAFE?**

Yes, as a Government Sector agency TAFE NSW is required to implement the NSW Public Sector Capability Framework and the NSW Public Sector Performance Development Framework.

Implementation will require updating of position descriptions to include the Public Sector and occupation-specific capabilities and using capabilities as the basis for workforce planning, recruitment and selection and performance and career development.

DEC is updating the Performance Development Policy (which applies to TAFE NSW) and the Performance Management and Development Scheme For Chief Education Officers, Public Service and TAFE Administrative and Support Staff to reflect the Performance Development Framework.

The TAFE Transformation Unit (in the Managing Director’s Office) is exploring options to facilitate the roll-out of the new Performance Development Framework across Institutes and to all employees. More information will be provided about these options in the coming weeks.

9. **I'm an Institute Manager. How will my role be affected by the changes in the new Public Service Senior Executive structure?**

You will not be subject to the new Public Service Senior Executive arrangements and you will continue to be employed under the TAFE Commission Act 1990, the Fair Work Act 2009 and the relevant Enterprise Agreement.

10. **I am a Senior Officer in TAFE NSW, how will my role be affected by the changes in the new Public Service Senior Executive structure?**

The Senior Executive reforms required under the GSE Act will, once the Act commences, apply only to Public Service Senior Officers.

Current staff employed in the Senior Officer classification in TAFE NSW are not part of the Public Service. They are employed under the NSW TAFE Commission Act 1990, the Fair Work Act 2009 and the relevant Enterprise Agreement.