



RedTape



Public Service Association of NSW
www.psa.asn.au

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January/April 2014

Disability members ban privatisation



Photo courtesy of the Newcastle Herald

Disability workers have embarked on a campaign of industrial action to protest against the privatisation of Ageing, Disability and Home Care (ADHC) as part of the introduction of the National Disability Insurance Scheme (NDIS).

PSA members in ADHC voted to take action in the Hunter with the Departmental Committee then resolving to extend the bans across the state.

On Monday 17 March, the first meeting of the new ADHC Departmental Committee took place at PSA House in Sydney.

The main area of discussion was the Government's plans to privatise all of ADHC commencing with its operations in the Hunter area.

The PSA has been working hard to negotiate a so called "framework agreement" with FACS and Treasury officials that would protect members' rights and conditions.

However, despite these efforts, the Department has so far not agreed to any protections.

The situation is most dire in the Hunter area, where the transition to the NDIS is presently underway.

In response, on 11 March, ADHC PSA members from across the Hunter working in group homes, respite centres, community support teams, as well as managers and other members from Stockton held a general meeting.

That meeting unanimously endorsed a motion to vehemently oppose the State Government's initiative to fully privatise ADHC while expressing a loss of faith in Minister Ajaka.

A second motion was put to the meeting calling for members to place bans on work related to the National Disability Insurance Agency (NDIA) - the organisation responsible for overseeing the rollout of the NDIS - and for the bans to remain in place until the entitlements and conditions of all ADHC staff are protected.

This motion was also carried without dissent.

PSA delegates from the Hunter region subsequently raised the issue of these bans at the state wide Departmental Committee meeting on 17 March, where the action was endorsed and extended across NSW.

Members will be given the opportunity to vote on action in their area.

NSW not alone

It's worth noting that while the O'Farrell Government is not the only one hiding its privatisation plans behind the NDIS, but it is however the sole administration that's planning a 100% privatisation of its disability services.

In Western Australia, the Barnett Government is moving to privatise 60%.

We have a far bigger fight over a far greater loss on our hands.



Anne Gardiner

From the General Secretary

The governance of your union

Members will have heard that there is a Royal Commission into trade union governance and corruption.

Whilst the PSA is not one of the named unions, I understand that there may be interest in having more information and also reassurance about how the PSA is being run.

The PSA vision statement is:

"The PSA aspires to be an active, member driven union that successfully asserts our interests and advances the value of public services for the people of NSW."

Public services are provided by our members no matter which party is in government.

It is important to note that the PSA is not affiliated to any political party.

In August 2013, PSA Central Council reaffirmed this position when it carried a motion which read in part:

"That no PSA resources will be used for the purpose of campaigning for any party or any candidate in the upcoming federal election, including the use of PSA staff on paid work time."

In November 2012, I was elected as the General Secretary of the PSA.

Since then I have attempted to improve transparency.

Initially this was done by engaging the services of Dennis Robertson who, with Ian Temby, had undertaken the initial investigation into the Health Services Union finances.

Mr Robertson was engaged as part of due diligence.

He provided a report to the PSA which identified a lack of written policies and procedures and

these policies and procedures are currently being developed.

Overall, he found the PSA had satisfactory financial arrangements in place although he did recommend the establishment of a Finance and Audit Committee, which has since been done.

There was one matter identified during the financial review which involved a sum of \$45,000 which was contributed to the campaign of a candidate in an internal election. This matter is being pursued legally.

After that initial review, a full financial audit was undertaken by the firm Weston, Woodley and Robertson, Chartered Accountants and the following information was published in the August/December 2013 edition of *Red Tape*:

- The Public Service Association and Professional Officers' Association Amalgamated Union of NSW Summary of Financial Accounts for 2012
- The Public Service Association of NSW Statement of Comprehensive Income for the year ended 31 December 2012
- The Public Service Association Statement of Financial Position as at 31 December 2012.

Currently, the above Auditing firm is preparing the Audit Report for the year ended 31 December 2013.

In an effort to provide members with full disclosure, the February/March 2013 edition of *Red Tape*

contained the salaries of paid elected officials for the first time. Members were also alerted to the fact that no PSA staff or officials are issued with credit cards and no elected officials are provided with PSA vehicles for personal use.

At this time, only the President of the PSA sits on any boards, those being the State Super Financial Services and the State Authorities Superannuation Trustee Corporation.

The office of PSA President is an honorary position.

In 2013, the St James Ethics Centre was contracted by the PSA to conduct a briefing session for Central Councillors and to assist in the preparation of a Code of Conduct.

This code is nearing finalisation. In June 2013, I reduced the salary of the General Secretary by 20 percent.

This was done as part of an election commitment to members.

Whilst there may have been past practices in a few unions which were not acceptable, I can assure members that your union is well governed and in a sound financial position.

A few weeks ago I attended a two day seminar for union leaders run by Unions NSW.

Despite the impression the tabloid media gives about union leaders, I found this group to be inspirational.

It is important that we don't let vested interests undermine the union movement and its power by suggesting all union officials are

tarred with the same brush as the two ex-union officials who have recently been convicted of crimes.

Now more than ever before we need a united voice speaking on behalf of workers and their families.

That is why the PSA is working closely with Unions NSW and particularly with other public sector unions to save not only members' jobs but also the public services you and your family rely on.

With this in mind, we will be commencing an advertising campaign in late April.

A still image from the ad is on the opposite page.

This campaign will be a first step aimed at alerting the community to the fact that we are at a crossroads when it comes to public services and that we need help if we are to keep these services in public hands.

Anne Gardiner
General Secretary

PSA Annual Conference 2014

Thursday 29 May & Friday 30 May
Country Conference Wednesday 28 May
Level 10, PSA House

PSA Annual Conference is the largest gathering of PSA members and an advisory body to Central Council.

Places for PSA members are based on workplace groups or combined workplace groups.

A list of constituencies and number of delegates for each along with nomination forms are on the PSA website: www.psa.asn.au.

Any PSA member can nominate to attend Annual Conference.

Workplaces should call meetings to elect delegates.

Nominations close COB Wednesday 30 April.

Notices of motion should be submitted by Wednesday 30 April.

Both nominations and notices of motion should be submitted to Lesley Twigger at ltwigger@psa.asn.au.

Members may apply to their Department for two days Special Leave to attend the Conference.

Expense forms are sent to country delegates along with their confirmation of nomination.





So...which direction are we headed?

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Sue Walsh

From the President

The same fight with O'Farrell

It's less than 12 months until the next state election in NSW but the O'Farrell Government is still seemingly determined to ensure that public sector workers won't vote for Team O'Farrell.

Despite the PSA receiving a favourable ruling from the Industrial Relations Commission regarding the application for a 2.5% increase, the Government is continuing to pull out all stops to challenge a lawful decision it doesn't agree with.

Worse, the Government again is trying to change a decision of the Commission because it doesn't suit their agenda.

The Government should simply do the honourable thing and accept this latest ruling from the Commission and pay the full 2.5% to public sector workers.

Instead, they are fighting against granting what is effectively its own wages policy; a 2.5% increase.

What a recruitment tool! Join the NSW public sector and have your employer do everything in its power - and more - to try to avoid paying wages in line with its own policy.

Meanwhile, public sector workers are doing it tough day in and day out with endless waves of job cuts, privatisation and restructures with absolutely no recognition of the difficulties

under which they operate thanks to this Government.

Barry O'Farrell is destroying the public sector and disadvantaging the citizens of the state by reducing quality services to the community.

Public servants are being asked to do more with fewer and fewer resources and no support from the Government.

Workers are being expected to work longer hours, mostly unpaid, to deal with ever increasing work overload.

2014 is the year the PSA will campaign against the Government's agenda of job cuts, restructures and privatisation.

It is this year - the lead up to the next NSW state election - that the community must be made aware of the impact of the O'Farrell Government's agenda on public services and facilities that are a vital to the daily lives of millions of people across the state.

PSA members, delegates and officials will develop campaigns to save jobs and services for the community of NSW.

Join us by supporting your colleagues and communities.

Sue Walsh
President

Casuals skyrocket behind bars

The O'Farrell Government's race to the bottom on pay, conditions and workplace safety is being sorely felt inside the walls of the state's prisons.

Currently, there are approximately 130 casual Correctional Officers employed in NSW gaols.

That number is set to almost double after DCS received approval to recruit a further 100. Thirty have already commenced training.

Numerous studies clearly indicate that casual workers are anxious about their job and its future, while feeling exposed to harassment and discrimination.

Many are too afraid to complain about work health and safety issues which are a major occupational concern for those in the prison system.

There are now more than 2.25 million casual workers in Australia - up by almost one million since 1994.

That means around 20 percent of the workforce are currently casual.

That's a huge number of Australian workers who can't get home loans, insurance or even take holidays with their families simply by virtue of the nature of their employment.

"Issues of exploitation in relation to casual workers arise in every workplace," said PSA Central Councillor and POVB Vice Chair, Jenny Singleton.

"There have been numerous instances of casual Correctional Officers working a shift and being called for another (for instance, a night or afternoon) within a few hours of ceasing their day shift - meaning they could be awake for up to 20 hours straight and still expected to function in a correctional environment.

"They are also only paid at the normal casual rate for both shifts.

"When they work double shifts - 16 hours in total - such as an afternoon followed by a night, the Department deems this to be two separate days and so casuals are not paid any additional rates as 'overtime' for the second shift.

"This is an outrageous situation."

The PSA currently have a case before the Industrial Relations Commission in relation to the misuse of casual staff in gaols.

From left: PSA Industrial Officer James Shaw, Chair of the Court Reporters Vocational Advisory Group Sadie Spencer and Court Reporters Vice President Lyn Sheils at the stop work meeting in December.



Court Reporters stop work secures consultation

Court Reporters from the NSW Attorney-General's Department stopped work on 19 December to discuss a proposal to privatise civil work in the NSW Supreme Court.

The members were concerned that the outsourcing of court reporting and transcription duties to the cheapest provider will mean a lowering of standards and a reduced, less professional and efficient service at a critical peak of the justice system.

Accurate and timely transcription services undertaken by experienced and highly professional reporters are relied upon by the entire legal profession, including judges.

Increasing the costs of transcription services will prevent ordinary people accessing the legal system.

In divisions such as Probate, clients will simply be unable to afford transcripts.

Without access to transcripts, appeals and judgements become virtually impossible, hampering the timely and efficient delivery of justice.

Contracting out of reporting and transcription also has clear implications for confidentiality and copyright.

The stop work meeting resolved to commence a campaign to protect jobs and a professional

reporting service in the interests of the entire community.

As a consequence of the action by members, the Department have agreed to consult prior to putting a position paper on the issue to the Attorney-General.

The cause of the Court Reporters was also boosted by NSW Supreme Court judge Michael Pembroke who wrote to the State Opposition expressing his concerns that outsourcing court reporting would have a detrimental impact upon the court.



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Treasury members not so hot about desk plans

The trend of “hot-desking” – the sharing of workstations rather than each individual having their own designated space – has begun to migrate from corporate call centres into the NSW public sector.

A major relocation of Treasury staff from the McKell and GMT Buildings into 52 Martin Place has been coupled with an office design touted as “New Ways 2 Work”.

Under the arrangement, staff are required to set up and then strip down their workstations each day in order to facilitate “hot-desking”.

Coming at a time when anxiety is high across the sector regarding job security, the proposal removes employees’ attachment to personalised work stations.

Affected staff have given the proposal an emphatic thumbs down in a recent PSA survey.

Over 120 people from across all areas of Treasury responded, including 90 from the GMT Building.

Serious concerns were raised about the negative impact on productivity and morale should

“hot-desking” be introduced with the level of consultation on the issue also condemned.

Members made it clear that they were open to some aspects of the “New Ways 2 Work” scheme, but did not see “hot-desking” as an essential or desirable component of the proposal.

Summary of survey results:

Workplace health and safety

- 75% had concerns about cleaning their desk and phone each day
- 71% had concerns about adjusting their workstation to WH&S standards each day
- 62% had concerns about their specific requirements for ergonomic equipment

Access to files and equipment

- 73% had concerns about accessing hardcopy files
- 56% had concerns about access to legal texts or other references
- 58% had concerns about accessing files from colleagues who are absent
- 73% had concerns about accessing hardcopy files to respond to urgent requests.

Time at workstation

- 78% said they will need at least 10 minutes to set up a desk each day
- 87% said they will need at least 10 minutes to pack up and clean a desk everyday.

Productivity

- 90% said that hot-desking will not make them more effective in their job
- 77% said that hot-desking will impact their productivity
- 69% said hot-desking will have a negative impact on their morale at work
- 50% said hot-desking will influence them recommending

NSW Treasury as an employer of choice

- 89% said they will be more comfortable at work with a permanent workstation.

Consultation

- 83% said there was no genuine consultation by management regarding New Ways 2 Work.

The PSA believes that any discussions regarding productivity should include genuine issues such as working from home and flexible work arrangements rather than force feeding members the latest bright shiny trend in public sector management.

The PSA is pursuing genuine consultation with Treasury regarding the proposal but holds significant concerns that decisions have already been made.

The scepticism of members towards “hot-desking” is supported by a number of credible studies.

Writing in the Sydney Morning Herald on 30 December 2013, Ross Gittins cited research by Gensler, a large American company specialising in office design.

“They found that the most significant factor in workplace

What Treasury members said:

“It devalues the contribution of public servants and undermines their sense of belonging and valued service.” (PSA member, McKell Building)

“The most ridiculous trend that has been advanced in recent years - waste of time and money especially when it will be overturned when it is found to be dysfunctional for the working environment.” (PSA member, McKell Building).

effectiveness is not collaboration - the stated justification for most of the office changes - but individual focus work.”

“[The research found] co-worker interruptions, auditory and visual distractions all combine to make focus work the modern office’s most compromised work mode.”

“So office arrangements that sacrifice individual focus in pursuit of collaboration result in decreased effectiveness for both.”

Meanwhile, a separate study by Stockholm University of almost 200 office workers found that “hot-desking” increased the amount of sick leave taken and heightened the risk of infection.

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PSA takes Govt to school on reforms

The Learning Management Business Reform (LMBR) IT system is the technological instrument driving the Local Schools Local Decisions policy of the Department of Education & Communities.

The reforms are designed to disguise cuts to public education and the casualisation of staff in schools and as such should be a major concern to every member with a child in the state education system.

The LMBR has been in development for several years, culminating in the modular rollout to 229 focus schools which is now underway.

The LMBR has a multi-layered effect on School Administrative & Support (SAS) Staff.

Firstly, it complements Local Schools Local Decisions (LSLD), which an analysis by the PSA has shown will lead to reduced Government accountability in education.

When a school fails to deliver under LSLD, the O'Farrell Government can blame the Principal, rather than be accountable to voters.

In other states, this has led to increased bullying in schools as Principals, who are placed under greater pressure to perform, shift responsibility onto SAS staff.

It has also led to increased workloads as decentralisation cuts jobs in corporate and regional offices without accounting for the work and functions undertaken by the people in those positions.

The Resource Allocation Model (RAM), which underpins the financial structure of both LMBR and LSLD, transfers between 10% and 70% of budget responsibilities to schools, including human resources and payroll functions.

Principals are ill-equipped or insufficiently supported to undertake these additional responsibilities while SAS staff have not received appropriate training, support, or payment to reflect the extra duties that will inevitably arise in this process.

The Government's determination to forge ahead with a fragmented and fractured plan will have a catastrophic effect on SAS staff jobs and the education of students in state schools.

LSLD will undermine the workplace rights and entitlements of PSA members particularly in relation to job security.

The policy gives Principals the power to determine their own staffing mix which is directly

contrary to the current formula and operating procedures which contain transfer rights.

In the 229 focus schools, Principals have already begun opting not to fill vacant SAS staff positions.

The experience of other states such as Victoria has been that the permanent workforce shifts to casual and fixed-term contract.

The PSA has continued to listen to and communicate with members, collating survey data, and other feedback to present to the Department during the consultation process.

On 19 December 2013, the PSA, in consultation with members and delegates, implemented work bans on LMBR.

The Department lodged a dispute in the Industrial Relations Commission where a compulsory conference was held on 20 December.

The Commission was sympathetic with the concerns of PSA members and acknowledged that the situation must have deteriorated, as the PSA is not known as a union which imposes work bans lightly.

As a result of the hearing and consultation process, the PSA obtained several assurances from the Department:

- There will be no further rollout of LMBR to the remaining schools until the Department is confident that the system is working effectively for the pilot schools
- The PSA and Department will continue to meet on a fortnightly basis on matters related to the LMBR program
- The Department will continue to assess the range of delivery

methods for training to allow for all learning styles. This will include face to face sessions, remote workshops run through Adobe Connect, application simulations, training manuals, quick reference guides and a training environment.

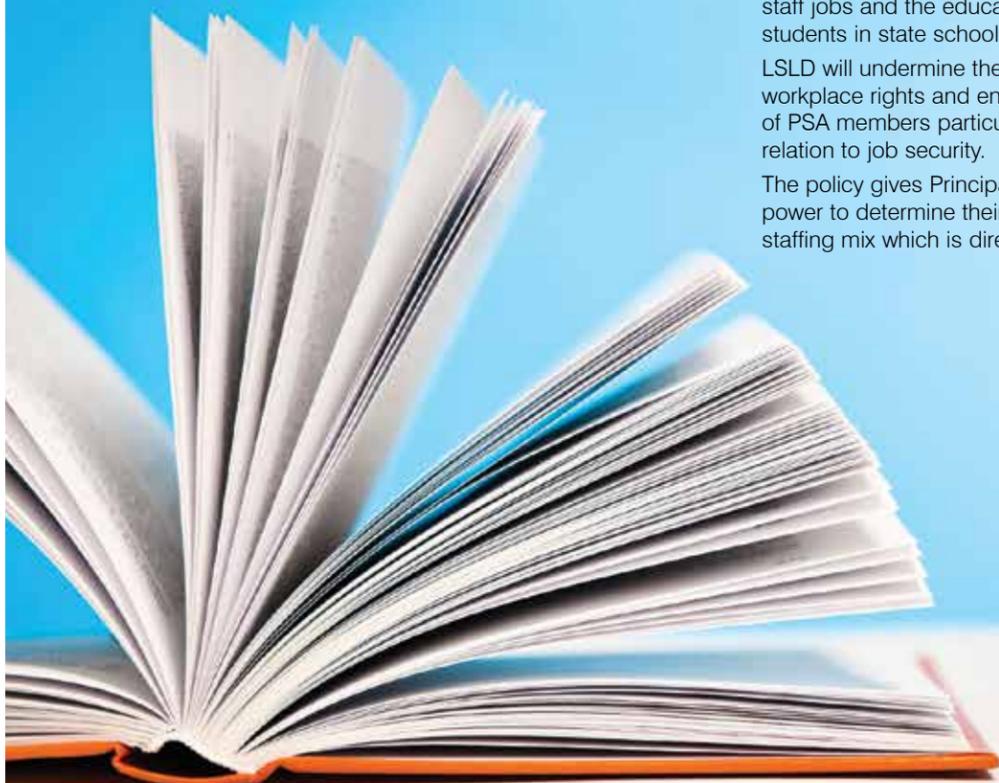
- 25 Additional implementation change officers have been engaged and training has commenced. These officers will be ready for deployment in term 2, providing 1:1 and group support.

The Department has also undertaken to "validate the system" by providing onsite testing deploying specialists from Tribal, ITD and SAP.

The system analysis will take place at one of the 229 focus high schools.

These specialists will work with the school to ascertain the system's functionality, capability, efficiency and suitability.

The PSA continues to facilitate high-level consultation with key Departmental stakeholders, ensuring member issues and concerns are raised.



2014 – the year of rolling industrial action

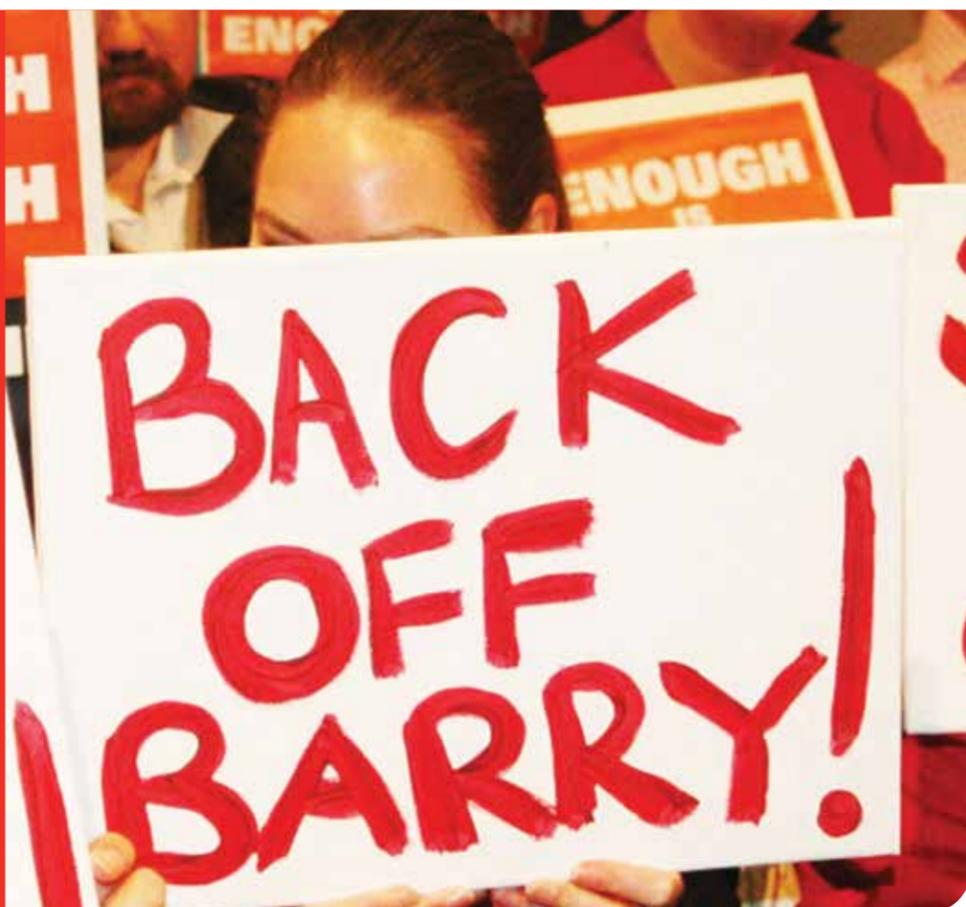
The PSA's Central Council has endorsed a campaign of rolling industrial action against the O'Farrell Government's relentless attacks on the public sector.

The campaign will be under the umbrella of *Defending Public Services* by protecting jobs and workplace rights.

The PSA is seeking input from members regarding the type of action that could be undertaken.

Accordingly, each Departmental Committee, Workplace Group and Local Action Group are requested to give consideration at their next meeting to the specific type of action that could be effectively undertaken by members in their area along with potential community allies that could partner the campaign.

Send your ideas to PSACampaigns@psa.asn.au.



Public sector shuns mothers and pregnant women

(1000 survey respondents can't be wrong)

The level of discrimination directed at pregnant women and mothers returning to work in the NSW public sector is at shameful levels, a PSA survey has found.

The PSA made a submission to the Pregnancy and Return to Work National Review after surveying women members regarding their experiences.

The response was overwhelming with more than 1000 taking part despite the survey being circulated in the lead up to Christmas.

- 77% indicated they had missed an opportunity for promotion while pregnant
- 71% missed out on training or developmental opportunities while pregnant
- 79% had been subjected to inappropriate comments by supervisors while pregnant.

The other most common problem raised was difficulty accessing flexible working arrangements after returning from leave.

"Survey results and our experience with members have shown discrimination against pregnant women and mothers is still alive and well in NSW," said Acting

PSA Women's Officer and author of the submission to the Pregnancy and Return to Work National Review, Jenny Singleton.

"Despite expectations that the NSW Government should be a model employer when it comes to support for pregnant women and mothers, in practice it is falling way short.

"Women have a right to request flexible working arrangements but employers can, and frequently do, refuse with a wide variety of excuses including the catch-all 'for operational reasons'.

"This means women are not in effect requesting but begging for flexible work arrangements.

"The toxic culture of job cuts and insecure work is also a barrier to the arrangements and support needed by women with children for ongoing careers.

"Outdated views on pregnancy and women with children in the workforce have no place in the modern NSW public sector, the majority of which is made of women.

"The PSA urges the O'Farrell Government to urgently address the discrimination faced

by pregnant women and mothers at work and help unlock a more productive and diverse public workforce," she said.

View the full PSA submission to the Pregnancy and Return to Work National Review here:

[psa.asn.au/wp-content/uploads/2014/01/ Submission-Pregnancy-Return-to-Work-2014.pdf](http://psa.asn.au/wp-content/uploads/2014/01/Submission-Pregnancy-Return-to-Work-2014.pdf)



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The GSE Act: the known & unknown

The Government Sector Employment Act came into effect on 24 February 2014.

The Act is a complete re-write of the legislative framework of public sector employment that for the past decade has been enshrined in the Public Sector Employment and Management Act 2002 (PSEM Act).

Accordingly, many of the certainties of the previous arrangements have now disappeared.

Despite being enacted in June last year, a proper analysis of the legislation as a whole was only possible with the publication of the Government Sector Employment Regulation and Rules.

The full implications are yet to be understood and will only be known once they are applied, interpreted and where necessary, tested in court.

What we do know is that the transitional arrangements included in the Act preserve the existing industrial relations provisions including all awards and agreements.

The existing industrial rights and conditions of senior officers are also preserved until the new senior executive structure is implemented in their agency.

What is additionally preserved are the provisions of Section 160 of the Public Service Employment and Management Act which guarantees that the Industrial Relations Act and the powers of the Industrial Relations Commission to deal with disputes in relation to employment matters in the public service continue and prevail where there are inconsistencies with the provisions of the Government Sector Employment Act.

In fact, the role of the Commission has been enhanced in relation to the classification of work under the new Section 45 which is critical for the operation of the system of assignment to roles.

This means that the union and the Industrial Relations Commission will still play key roles in setting employment conditions and dealing with disputes over the operation of the Government Sector Employment Act.

Transitional arrangements

In spite of the Act formally commencing on 24 February, transitional arrangements effectively provide for a staged implementation of various elements.

This is specifically the case for temporary employees who will not have to meet the more rigorous requirements of the Act until 24 February 2015.

The major changes to the system of merit recruitment has also resulted in an option for agencies to move to the new scheme over a twelve month transition period.

This means agencies can conduct recruitment using the provisions of the PSEM Act until 24 February 2015.

The shift to a single senior executive structure will also be subject to a phased introduction with agencies having three years to put the new framework in place, with the latest date for full implementation being 24 February 2017.

The merit system

A major area of change brought about by the GSE Act is in relation to recruitment.

An entirely new system and terminology is created under the Act with the emphasis on individual capability.

The Capability Framework provides the key tool for describing the criteria for selection and determines the appropriate methods to be applied.

The system is intended to drive the adoption of the Capability Framework across the sector.

New terms and processes are created including capability assessments, suitability

assessments and comparative assessments while talent pools replace eligibility lists.

The system is designed to break down reliance on interviews as the primary device for determining recruitment outcomes.

While this new method is more onerous and complex, it is also arguably more evidence based than the old merit process.

How the new system is to interact with the process of assignment to roles is still unclear and is unlikely to be clarified until guidance on assignment to roles is issued by the Public Service Commission (PSC).

One risk that arises from the new requirements around selection may be that agencies will by-pass the formal recruitment system altogether by increasing the use of agency staff.

A less merit based system of public sector employment may result despite the obvious intent behind the proposed system.

To guarantee merit, parallel arrangements need to be put in place to control the use of labour hire.

Positions to roles

On 24 February, public servants were transformed from "officers" holding "positions" to "ongoing employees" assigned to "roles".

While the terminology changed, it is still unclear as to whether there has in fact been a substantive shift.

Much of the change may actually be to the mindset of the sector.

Focus is now on the individual, their capabilities and how those capabilities can be deployed rather than the position the person holds.

However, when it comes to redundancy, it appears that management want to be able to abolish roles in the same way they abolished positions.

Assignment to roles & forced transfers

A major concern of members is the capacity of the agency to move them around from role to role particularly to different geographical locations.

How this system will work and whether it is open to abuse will depend heavily on the guidance provided by the PSC.

A number of points should be made about what has changed and what was previously in place.

Firstly, management had the capacity to move employees to different positions and locations under the previous Act.

The GSE Act provides a clearer mechanism for making these types of changes within agencies.

This does not mean that management can assign individuals to roles in an arbitrary way or that they can move employees without a formal process.

The Rules require consultation with the employee.

This means that the individual must be given adequate notice of a proposal, afforded an opportunity to put forward objections prior to a decision being made and those objections be given proper consideration.

If any of these criteria are not followed, there are adequate grounds for the matter to be dealt with under the dispute settling procedures of the award.

Assignment to roles will also have a major interaction with the proposed rules around "workforce transition". (See restructures below).

These are still to be developed and will be the subject of consultation with the PSA.

Assignments that involve a geographical transfer will also continue to be subject to the same principles of unreasonable hardship under the previous Act.

The PSA will still be able to take cases to the Industrial Relations Commission to fight unreasonable geographical transfers.

An agency's internal transfer policy will now have a much greater significance in the capacity of the union to fight these matters.

In spite of this, the GSE Act does not affect the operation of the Transferred Employees Compensation Award as it applies to non-executive employees.

A close reading of the rules also suggests that the process of assignment to roles must be done on the basis of merit and in most cases through a competitive process.

The implication of the wording of section 46(3) is that assignment should be for a positive, developmental purpose.

Where it is used as punishment, it must have arisen from a procedurally fair process.

Transfers between agencies are now subject to a system of review which did not exist under the old arrangements.

Restructures

The Public Service Commission (PSC) has foreshadowed that it intends to make further rules around "workforce transition" which will include restructuring and the excess employees policy.

This will be the subject of a consultation process with the PSA.

In the interim, the Rules require agencies to continue to apply the existing Managing Excess Employees policy.

The PSC accepted the PSA submission on the need for internal advertising to apply where restructuring is occurring.

This previous provision was removed from the GSE Act but has now been virtually recreated by Rule 23.

Temporaries

The arrangements for temporary employment are a significant improvement on those under the old Act.

Maximum periods for temporary employment should reduce the number of employees left languishing on long term temporary arrangements.

Conversion to ongoing employment is made easier and can occur after 12 months under the new provisions.

This should provide incentives for agencies to reduce the number of employees engaged on temporary arrangements and lead to more being converted to ongoing employment.

Through the consultation process over the GSE Rules and Regulation, the PSA strongly advocated the need for transitional arrangements for long term temporaries.

Many employees have found themselves in long term temporary employment that would not satisfy the requirements imposed by the Rules.

Had the initial Rules remained unchanged, agencies would have been forced to sack many temporary employees on 24 February.

The transitional arrangements provide for a twelve month window to enable agencies to migrate existing temporary staff onto arrangements that comply with the new requirements for competitive selection of these employees over six months.

Externally funded temporary employees

Arrangements for long term temporary employees who have been engaged due to external funding will also be put in place.

The Public Service Commissioner now has a power to allow agencies to make a case around unique circumstances for extending temporary employees beyond the four year limit as in the case of the federal funding of positions in the Office of Environment and Heritage.

Performance management

The Public Service Commission is placing considerable weight on agency performance management systems.

The experience to date has been mixed in relation to the effectiveness of these systems and there is a clear contradiction in the direction of the Commission on this front.

With the drive to expand spans of control of senior executives, the capacity for managers to adequately undertake the necessary "one on one" processes involved in an effective performance management system must be questioned.

Linking performance management to a range of other functions such as incremental progression and underperformance creates a risk that these processes will be compromised if the systems are not operating effectively.

There are also concerns about the adequacy of the performance management provisions given that they now replace more detailed procedural guidelines that existed under the old Act.

In spite of this, the new approach to performance management must still conform to procedural fairness requirements.

Of particular concern is the risk of discrepancies emerging between the approaches of different agencies operating with different systems.

This could result in various standards of conduct being accepted across the sector.

Promotional decisions

Members remain sceptical about the proposed promotional review system.

This has been moved out of the hands of impartial judges in the Industrial Relations Commission to Senior Executives who may have an indirect stake in the outcome.

The absence of an actual review of the merits of the candidates and a focus on the procedural aspects of recruitment is not an adequate guarantee of a meritorious process.

The PSA at an agency level will need to negotiate local arrangements to ensure the system has integrity including measures to guarantee the reviews are conducted by Senior Executives who have unimpeachable integrity.

Unlike the existing promotional appeals system, reviews do not result in the appellant being given the job, only for the selection process to be conducted again.

This may discourage unsuccessful applicants from seeking a review.

It will likely lead to a self fulfilling prophecy: when the number of reviews is very small, agencies will be able to claim this as proof that the promotional system is "fair" and "working effectively".

Classification and grading

The system of classification and grading will also be an area to watch as the GSE Act does not contain an equivalent provision to the old Act which enabled the department head to classify and grade positions.

This should result in a greater reliance on award based systems of determining the classification and grading of roles.

Matters still to be determined

The Public Service Commission has indicated that the guidance to be issued on assignment to roles will ultimately be made into rules and their intention to develop rules around restructuring and the process for managing excess employees.

Section 48 of the GSE Act lists a number of matters which may be the subject of Government Sector Employment Rules.

The PSA will continue to monitor the implementation of the GSE Act.

Members are encouraged to contact the PSA with questions and concerns.



MEMBER SUPPORT CENTRE

Your call is important to us



The PSA's Member Support Centre (MSC), the union's call facility, went live on Monday 3 March 2014.

It is your direct line to the PSA if you require advice and support on a workplace related matter where your local delegate has been unable to assist.

Staff on the MSC have been specially trained in industrial advocacy with state of the art technical support and expert backup to enable many issues to be professionally dealt with on the spot, and others redirected where necessary.

The Member Support Centre will ensure all phone calls to the PSA are promptly dealt with.

It will be open four days a week between 9am-5pm and from 9.30am-5pm on Wednesdays.

If you call 1300 PSA NSW (1300 772 679) using a landline, it will be charged as a local call (30 cents), regardless of your location.

Any call from a mobile phone to the PSA, will have an associated cost which will depend on the mobile plan of the caller.

This has always been the case even with our previous 1800 number.

With the opening of an MSC, the PSA has joined the many Australian unions that have successfully introduced call centres to streamline the assistance and service provided to members.

The aim of the MSC is not to replace or sideline delegates.

Instead, it provides an added layer of support, assistance and information for all.

The PSA has more than 40,000 members across approximately 5000 workplaces in NSW.

It's simply not possible for paid staff to visit workplaces on a regular basis particularly in remote regional areas.

Equally, not all workplaces have delegates, and even if they are present, they are not always immediately available to provide assistance.

Our Member Support Centre will ensure that all members have access to advice and assistance when they need it.

It is important that delegates continue to maintain a direct relationship with their Organiser who – thanks to the MSC – will be freed up and have more time to focus on delegate assistance, recruitment and campaigning.

Members are also encouraged to deal directly with their delegate, however, if they are unavailable, the MSC will be there to help.

In 2014, the PSA leadership and Central Council will continue to work to ensure that the PSA becomes an active, member driven union that successfully advocates the interests of PSA members and the NSW public sector.

The change it had to come... a new way for the PSA

2014 will be a critical year for the PSA, the NSW public sector and the millions of people across the state who rely on quality public services each and every day.

With the next state election less than 12 months away, it is a good time to take stock and reassess what we do, how we do it and why.

For that reason, the PSA is in the process of reorganising and refocusing its resources to provide an enhanced service to members, shift the union in a more member and regionally focused direction and position it as a powerful advocate for the NSW public sector.

It has been two decades since the PSA last rethought its methods of service delivery to members and delegates.

The mood and attitude of Government has changed.

We must shift our thinking and our organisation in order to be effective and survive. It really is that simple.

It is essential that the PSA be structured in a manner to be able to properly respond to what is a constantly evolving and threatening environment.

Achieving justice and equity through our industrial courts is no longer the relatively straight forward proposition it once was.

On many occasions in recent times the O'Farrell Government has simply moved to change the law if it disagrees with a decision of the Industrial Relations Commission.

In the meantime, Government spin is cleverly disguising its endless wave of job and service cuts.

For example, the introduction of the NDIS in NSW is being used to implement mass privatisation in Ageing and Disability Care.

Elsewhere, the idea of increasing local decision making in schools is in fact an axe to deliver record budget and job cuts to public education along with the casualisation of staff in our schools.

While the PSA has been battling this in the media with some success, the fact is we are facing a strong Government with an enormous arsenal at its disposal.

To assist us to properly fight back, the PSA needs to refocus its resources and increase capacity to influence the policy and agenda not just of the O'Farrell Government but other political parties.

A realignment of the union's internal resources will ensure that the PSA is able to conduct campaigns to defend jobs and rights without a corresponding loss of capacity in other areas, as is currently the case, while refocusing our industrial advocacy – all backed by high level research.

At the heart of the change is the Member Support Centre (MSC) which was launched on 3 March 2014 (see story above).

Yes, there will be teething problems as there is with any major change. What is the expected result once the new structure is in place and fully operative?

A modernisation of the PSA (currently we are one of the few unions that does not have a Member Support Centre) with the delivery of a more professional and focused service to you and an increase in the PSA's membership – thereby strengthening our negotiation position with management and the Government.

The new structure

The new structure will consist of four directorates: Strategy and Policy; Industrial; Organising and Campaigns; and Communications.

The Corporate Governance directorate is yet to be established.

Andrew Holland is Director of Industrial.

Over the years, the PSA has consistently had a crack team of industrial staff at its disposal who have not only fought and won the good fight for members but also secured numerous historic wins – such as landmark victories on equal pay and leave for those experiencing domestic violence.

The Industrial Directorate will harness this collective skill and provide expert advocacy focused on the enhancement and protection of wages, conditions and rights in addition to case management.

Anthony D'Adam is Director of Strategy and Policy.

The work of the Industrial Directorate will be supported by the extensive research and analytic capacity of the Strategy and Policy Unit.

This hand in glove approach will ensure that the negotiations and cases we conduct – on issues such as injury management, restructuring, privatisation, work health and safety, pay and conditions and equity – are underpinned by sound analysis of relevant data, trends and research.

It will also allow us to confidently run our arguments in the media, the community, the courts and the political arena.

Having facts and up to the minute statistics on hand will enable us to cut through the spin of Government and instead, promote the real story.

We will be able to strongly counter such O'Farrell Government falsehoods that they are improving 'front line' services and highlight the true impact of job and budget cuts on local communities.

This information will also be provided to our elected officials, industrial advocates and organisers to set and

pursue our own agenda – not simply respond to that of Government.

Maria Cirillo is Director of Organising and Campaigns.

The Organising and Campaigns Directorate will focus on ensuring that – through collective strength – the voices of PSA members are heard loud and clear by Government.

That means building and harnessing the power of the PSA to allow us to secure positive industrial outcomes that not only maintain wages, conditions and protections but wherever possible increase and strengthen them.

The Directorate's mission includes reaching out to and securing support from community groups and the millions of people across NSW who rely upon public services each day to establish a barrier of resistance to the Government's attack on public sector jobs, workplace conditions and rights.

This will be achieved in the traditional manner of increasing our membership and thus heightening our capacity to negotiate with the Government as well as empowering members in the workplace with structures that allow for more effective and proactive campaigning.

Murray Engleheart is Director of Communications.

The proposed structure of the Communications Directorate will increase the quality of the PSA's communications and heighten our capacity to broadcast our position to members, the media and the community through a variety of mediums.

Of course we will continue to produce the PSA's journal, *Red Tape* but there will also be a greater focus on digital media.

2.5% wage claim – the facts...and the fluff

On 17 December 2013, Justice Boland in the Industrial Relations Commission ruled that the full 2.5% available under the O'Farrell Government's wages policy be paid to members employed under the Public Sector Salaries and related awards.

This meant that those who received a pay increase of 2.27% could look forward to the remainder of the 2.5%.

However, the Government was again not prepared to accept the independent umpire's decision.

Instead, it moved to:

1. re-publish an amended Industrial Relations (Public Sector Conditions of Employment) Regulation 2011 directing the Commission to include superannuation in the 2.5% increase thereby cutting the available wage rise. A similar regulation was disallowed by NSW Parliament in September 2013
2. file an appeal in the Industrial Relations Commission to have Justice Boland's decision and orders quashed and
3. lodge an appeal in the Court of Appeal, Supreme Court of NSW seeking to have the Commission's decision and orders quashed.

The Government's application for a stay (or suspension) of Justice Boland's decision was rebuffed by the Commission in January.

While the Regulation to change the law and direct the Industrial Relations Commission to include superannuation in the 2.5% increase was disallowed by Parliament.

The Government's desperate, last roll of the dice will be determined by the decision of the Court of Appeal which heard the matter on 14 March.

With the O'Farrell Government clearly continuing to pull out all stops – including changing the law – in an attempt to block the payment of the full 2.5% pay increase, it's worth taking a look at some of the truths and, er... fluff surrounding the situation.

MYTH:

If the Government is forced to pay superannuation increases in addition to the 2.5% wage increase, 8,000 additional public sector jobs will be cut.

FACT:

This has been the Government's mantra for some time. It's a carefully scripted scare tactic designed to make public sector workers feel guilty for wanting the full increase available – and also targets the psyche of the millions of people in the community who rely on public services each day, pitting them against the 'greed' of the workers involved.

The truth is there is nothing that compels or requires the NSW Government to sack a further 8,000 public sector workers.

MYTH:

Paying superannuation increases in addition to wage rises of 2.5% are not currently accommodated in the budget. Therefore, if the Government was required to pay both there would be an adverse impact on the NSW economy.

FACT:

The magic number of 8,000 jobs is based on a Government estimate of the dollar

value of paying the superannuation increase in addition to the 2.5% wage rise to the entire state sector (including state owned corporations) until 2016/17 – when the superannuation guarantee reaches 10.5%. (The 2.5% increase the Industrial Relations Commission has awarded is for the current 2013/14 financial year only).

FACT:

This argument was rejected by the Industrial Relations Commission after considering the evidence put forward by NSW Treasury. In his decision, Justice Boland stated:

"It does not seem to me that the Government's budgetary position would be placed under unacceptable strain, or that its endeavour to achieve sustainable savings over the long term would be jeopardised, by the Commission awarding an increase in wages to public sector employees of 2.5 percent from 1 July 2013."

FACT:

The gradual step increases to superannuation have been federal legislation since March 2012.

The NSW Government did not disclose that they would seek to deduct these increases from the 2.5% wages cap until May 2013, after the PSA applied for a single year award in April.

The Government failed to negotiate with public sector unions regarding the treatment of the superannuation increases. Instead, it set its budget with superannuation increases absorbed in wage rises and sought to rely on its amendments to the Industrial Relations Act to force the Industrial Relations Commission to agree to its position.

FACT:

If superannuation increases were paid in addition to a 2.5% rise, the variation to the budget in 2013/14 would be equivalent to less than 10% of the tax concessions granted by the NSW Government to the gambling industry.

FACT:

NSW Treasury has repeatedly overestimated employee expenses. Since 2011, projected costs have been revised down by over 1.7 billion dollars in subsequent budgets. This, combined with consistent underestimates of the total budget performance, led the Industrial Relations Commission to support the proposition that the superannuation increase could be easily absorbed into the current budget.

MYTH:

The O'Farrell Government is simply applying the policy of the previous Labor administration.

FACT:

There is a crucial difference between the wages policy of this government and that of the previous. State Labor's policy – which was strongly opposed by the



While the PSA continues to fight for the full 2.5% increase from 2013, on 10 March, Central Council resolved that a claim now be lodged for a 2.5% rise for this year, payable by July 2014. Accordingly, on 11 March, the PSA's lawyers lodged applications to increase the salaries and allowances in the Public Sector Salaries and related awards.

PSA – was not binding on the Industrial Relations Commission.

It was simply a position to be taken by an employer in negotiations and arbitration.

The O'Farrell Government's wages policy however includes amendments to the Industrial Relations Act that prevents the Commission from awarding wage increases above 2.5% (without the trade-off of employee related expenses such as conditions) regardless of the evidence presented.

MYTH:

The Government's wages policy provides for fair increases in the current climate.

FACT:

The O'Farrell Government has stated that it set the cap on wage rises at 2.5% in order to maintain the real value of pay increases against inflation. (2.5% being the mid-point of the inflation range set by the Reserve Bank of Australia).

Given contributions to superannuation are channelled into retirement savings, wage increases of 2.5% less super mean a real reduction in take home pay.

FACT:

In 2013, the Sydney consumer price index rose by 2.6%, the labour price index by 2.7%, average weekly earnings by 4.9% and the minimum wage by 2.6%. Yet the Government is quibbling over paying 2.5%, a figure clearly less than inflation.

FACT:

If superannuation increases were deducted from the 2.5% wage rise each year until 2019, NSW public sector workers would receive a pay increase of just over 2% from 2015 onwards. This would mean

that by 2019 public sector wages would lag behind inflation by more than 3%.

MYTH:

Employer superannuation contributions have always been a trade off with wages, the Government's policy is no different.

FACT:

Independent national wage setting bodies (such as the Australian Industrial Relations Commission and the Fair Work Commission) have traditionally considered changes to (or the introduction of) superannuation contributions within an overall economic context when awarding wage increases. This is precisely what the Industrial Relations Commission did here in NSW when it found on 17 December 2013 that a 2.5% wage increase should be awarded to public sector workers in addition to the rise in the superannuation guarantee.

FACT:

The NSW Government's position is unique in that it is seeking to compel the Industrial Relations Commission to deduct superannuation increases from a wages cap already imposed on the Commission by law.

Teach the boss how you wish to be treated

Fed up with being surrounded by position deletions and workload issues, a member decided to forward a letter around their workplace requesting colleagues not perform the duties of any lost jobs.

The email pointed out that if staff undertake the duties of such positions they were essentially only creating workload issues for themselves. In the process, they were also signalling tacit acceptance of a management decision that was impacting negatively on their working environment, while

at the same time, virtually setting a precedent for further cuts in the future. The following is a revised version of that letter – provided as a template for members to perhaps use should they find themselves in similar circumstances.

Dear...

I am concerned that the [insert department/agency] is taking advantage of your dedication by requesting you perform the duties of a position which no longer exists in addition to your own without being paid at a higher rate.

No one should undertake the duties of a higher graded position without being paid accordingly.

And no one should be covering two jobs simply because management decided to make cuts without any regard for the needs of your unit or the community you serve.

You need to say "no more". We all do.

Taking a stand will demonstrate to [insert agency/department] that their ill-conceived actions have very real consequences for the functions of the organisation.

If [insert department/agency] decide that a particular position and its duties are no longer required, then so be it.

Management are paid a great deal more than you to make these big calls. However, there is absolutely no need for you to attempt to correct or work around decisions in which you played no part.

It is vital that we draw a line in the sand and work together to ensure the on-going presence and viability of the positions which remain.

Having a decreasing number of people doing more and more is an unsustainable situation for both the individuals involved and work of the positions in question.

We all have to teach people how we wish to be treated.

The time to begin that process is now.

Talk to the PSA.

PSA's own Dead Sea scrolls

For several years, a long frame lent against the wall in the Executive Conference room at PSA House, its face hidden, not in disgrace, but to shield a piece of history from degradation by the light.

It's a petition for a salary increase from Draftsmen in the then NSW Civil Service to the Secretary of Land and Premier John Robertson.

According to research by the PSA's Librarian, Martin Stott, the document dates back to 1882 and marks the beginning of what would become the PSA.

In an article entitled 'A Middle Class Union; the early years of the Public Service Association of NSW' (*Labour and Industry* vol.2 no.1 March 1989) Peter Sheldon states that a Lands Department Draftsmen's Association was established in 1882.

Sheldon further notes:

"Some of the more prominent members [of the Draftsmen's Association] who were active as 'gentlemen from various Ministerial Departments' held a series of informal meetings which paved the way for an advertised public meeting in March 1899 [which led to the formation of the PSA]". (p.104)

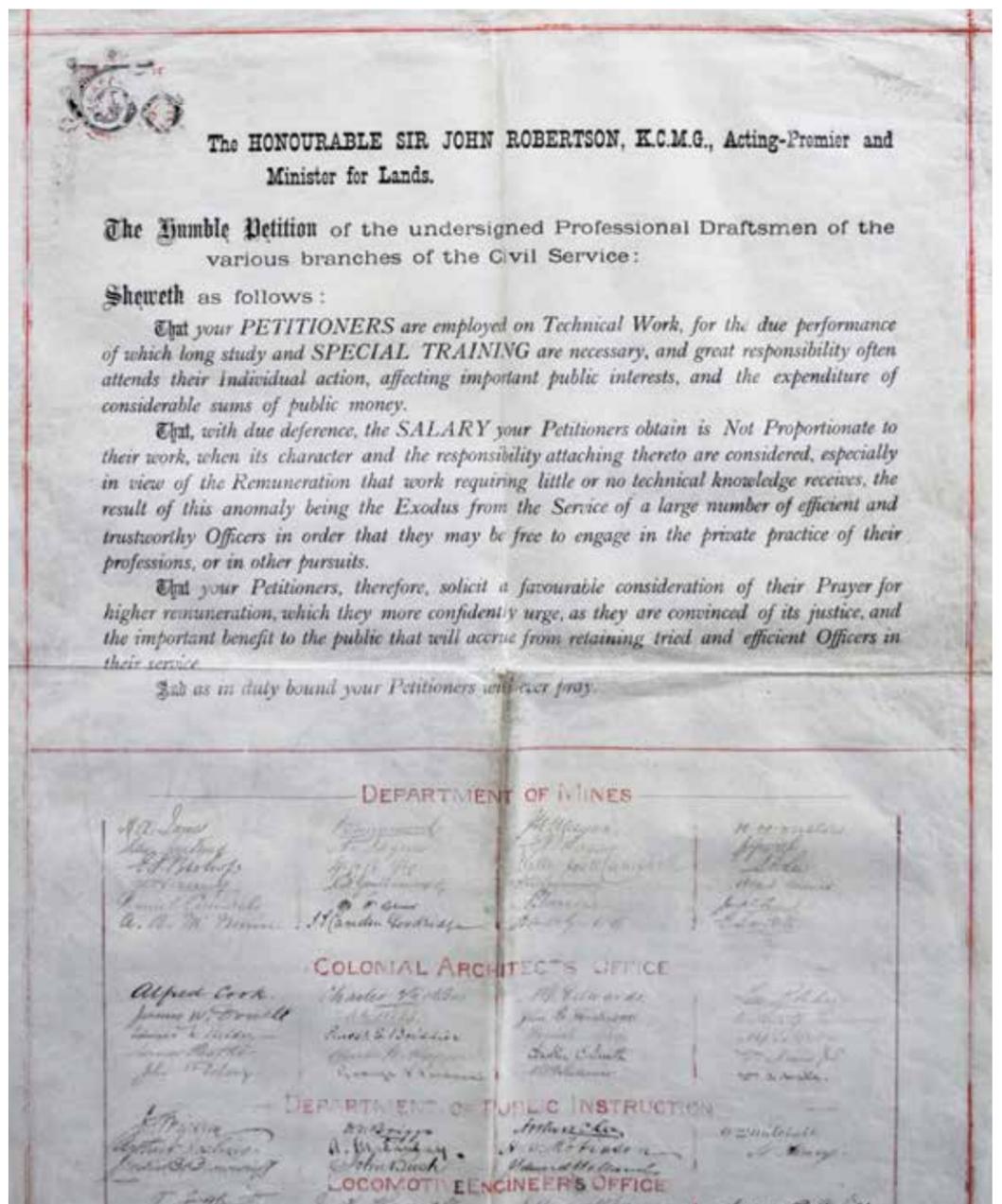
There was additional information on the Draftsmen's Association in Hilary Golder's book *Politics, patronage and public works: the administration of New South Wales, 1842-1900*.

She discusses the large number of temporary staff who had been appointed outside of the Civil Service Board and how this led to the birth of the PSA. She notes:

"[L]ong-serving temporaries in the Lands Department...draftsmen and others who had been employed under votes for various contingencies were told that "no person is entitled to classification under Section 3 of the [1884 Civil Service] Act until he is in receipt of a specifically voted salary shown on the Estimates". Length of service and professional skill were irrelevant. Temporary employees could have been forgiven for feeling that they were being thrown out of the lifeboat to improve the buoyancy of annual increments for the favoured few.

Because Ministers continued to appoint staff under Section 31, exercising patronage that was outside the Board's remit, the 1880s saw a build-up of these disenfranchised temporaries. Their situation was a stimulus for public service unionism. Significantly the Public Service Association of the 1890s grew out of the earlier Lands Department Draftsmen's Association, the Electric Telegraph Society, and the Post Office Clerical Association, all representing workers who were peripheral to the concerns of the Civil Service Board." (p.219)

Further, a report of the Draftsmen's Association in the *Public Service Journal* (PSJ) (v.1 n.1, February 7, 1900), states: "It will be within the recollection of members that one of the first steps taken by this Association after its formation, in conjunction with other Departmental Associations, was to try and bring about a Public Service Association throughout the colony, but unfortunately, like other attempts previously made, it failed. It is therefore a matter for congratulation, now that the last efforts in that direction, though not made by this Association, have been crowned with success, and the newly-formed Association, which began operations in August last, has already on its roll a very large number of members. It is with feelings of real pleasure that reference is made here to the election of the President of this Association as one of the Lands Department representatives on the Council of the Public Service Association. (p.3)



The report concludes:

"It is with earnest recommendation to all draftsmen of the Lands Department to join the Public Service Association, in order to give it that support which is most essential to enable the Association to carry out the work for which it was formed, and to properly look after and

watch the interests of the Public service as a whole." (p.3)

Not surprisingly, the PSA's Executive resolved that the petition be properly and professionally preserved and stored.



Save our TAFE roadshow

The PSA took to the road during February travelling to 18 TAFE campuses and attending forums and rallies in the North Coast, Hunter, Western and Western Sydney Institutes.



The tour was to support regional campuses and raise community awareness of the impact of the State Government's approach to vocational education and training under the Smart and Skilled program which will impact on courses and support services. TAFE Institutes will be forced to operate as businesses and compete with other training organisations including low quality, low cost private providers.

The resulting reduction in course offerings and training opportunities will be most acute in the bush and regional centres.

In plain terms, TAFE NSW is under direct threat from the O'Farrell Government.

The announcement that Fine Art courses have no vocational outcomes resulted in an immediate loss of funding and a tenfold increase in fees from \$1,500 to \$15,000, the full commercial cost of delivery.

Just a small indication of things to come under Smart and Skilled. TAFE is the main training provider in regional and rural areas.

It creates pathways to education, employment and community participation for some of our most disadvantaged students and as such builds not only individual capacity and financial rewards, but benefits communities.

Regional and rural areas could lose their TAFE campuses under the Government's plans which would mean students would be forced to travel hundreds of kilometres to receive training.

Access to high quality vocational training for young people and mature workers needing to update their skills in a changing workforce would no longer be guaranteed.

NSW is about to implement a skills training market that will inevitably result in TAFE either disappearing or being

forced to cut its standards to meet the private sector's lower costs.

Disadvantaged students, those with special needs, people from non-English speaking backgrounds, the long-term unemployed and women who have been out of the workforce will be the hardest hit.

Courses and support services which are designed to provide inclusive educational opportunities to these groups are on the chopping block, resulting not only in the loss of jobs for CPSU/PSA members but also the slashing of services to entire communities.

Private providers have no responsibility to a full-time public workforce, nor a legislated commitment to serve rural or disadvantaged communities and provide library, counselling and disability support services.

Save TAFE Bill

The Greens have introduced a TAFE Changes Moratorium (Secure Future for Public Provision of Vocational Education and Training) Bill which aims to:

- restore TAFE funding by reversing massive budget cuts
- stop rising fees and job losses, and
- freeze the O'Farrell Government's aggressive Smart and Skilled market that would create a race to the bottom with low cost, low quality private providers.

They are calling on the minor parties, as well as Labor to help pass this bill to Save Our TAFE.

Greens NSW MP John Kaye joined union activists, TAFE staff, students and community members at rallies and forums at Orange, Bathurst, Port Macquarie, Kempsey, Trenayr, Coffs Harbour, Grafton, Casino, Lismore, Kingscliff, Ballina, Gosford, Newcastle, Mt Druitt, Richmond and Wentworth Falls TAFE Colleges.



Top writers state library cuts not on

Some of the country's most respected writers and media figures including Phillip Adams, Helen Garner, David Malouf, David Marr and Alexis Wright have lent their support to a petition protesting against cost cutting at the State Library of NSW.

The *Sydney Morning Herald* reported that the petition of 200 names called "upon the chief librarian to convene a public meeting where our concerns can be aired and our questions answered."



Aboriginal Advisory Group

On 13 February, ten Aboriginal members met at PSA House to discuss the interim structure of the Aboriginal Advisory Group and the relationship it will have with the PSA and the Association's Aboriginal Liaison Officer, Mal Cochrane.

The invited members - 5 female and 5 male - were from a number of NSW Government Agencies.

The Group is tasked with developing guidelines and procedures for aboriginal members.

Once completed, formal elections for the Group will be held.

A number of good ideas were raised and the Group met again in March to finalise recommendations to the General Secretary and Central Council.

Delegate voice from the mountain top

Red Tape spoke with Kathy Wilson about becoming a delegate and the satisfaction she gains from the role.

Within a month or so of joining the staff at the Blue Mountains Botanic Garden, I signed up for PSA membership.

That was 19 years ago.

The delegate at Tomah at that time was a mentor for me, and eventually I took that knowledge and became a delegate using the training courses available at PSA House to further my skills and confidence.

I feel that by being a delegate I am contributing to the well being of both my workplace and my colleagues.

I have now been a delegate for approximately 12 years.

I am proud to say that I am sufficiently informed to be able to offer some assistance in

negotiations with the backup of staff at the PSA where necessary.

During restructures, staff shortages, or when a member has had difficulties, the union has been able to provide support and achieve a resolution.

A personal highlight was attending a rally outside Parliament House during the Your Rights at Work campaign.

As I work in an isolated area, being amongst such a large turnout was hugely encouraging, and a thoroughly empowering experience.

But it's the local things that have mattered the most.

I once requested support from the PSA for a member who was absent from work for an extended period but not being paid correctly so a tangle of issues needed to be sorted out.

The PSA's Industrial Officers dealt with the situation in a highly

professional manner and in the end common sense and fairness prevailed thanks to their efforts.

I am very fortunate to work in a place completely surrounded by National Park where beautiful sunrises and sunsets are a daily occurrence and in the winter, the landscape is dusted magnificently with snow, a real contrast to summer and the bush fire season.

That environment, and being part of a group of people with so many skills and interesting daily tasks involving high grade turf, tree work, nursery management, the maintenance of stone walls and a variety of paths, hedges and floral displays provides for an endlessly enjoyable working life.



New email contacts @ PSA

1. memberpayment@psa.asn.au – for queries relating to the payment of your fees, contact details etc.
2. membersupport@psa.asn.au – to contact the Member Support Centre with industrial enquiries.

Want to call the PSA?

Q: What is the number for the PSA now that the Member Support Centre (MSC) has gone live?

A: 1300 772 679

Q: What if I call the old number?

A: It will be redirected to 1300 772 679 for 12 months.

Q: I'm a regional member and I called the PSA's 1800 number previously. What do I do now?

A: Regional members will now also use 1300 772 679.

If you call 1300 PSA NSW (1300 772 679) using a landline, it will be charged as a local call (30 cents), regardless of your location.

Any call from a mobile phone to the PSA, will have an associated cost which will depend on the mobile plan of the caller.

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We have accredited specialists in Personal Injury, Employment and Industrial Law. We can also provide legal advice and representation to all PSA members on:

Litigation | Wills

Family law including de facto relationships

Police matters | Discrimination | Conveyancing

Deceased estates

Superannuation & disability claims

General legal advice

As members of the PSA you are entitled to the first consultation free of charge upon presentation of a letter of referral from the PSA.

Note: Work related matters must be referred to PSA industrial staff in the first instance. They will advise if a lawyer is required.

Redundancy & super

What is retrenchment?

A retrenchment benefit may be payable from SASS or SSS if your service with an employer is compulsorily terminated, or you accept an offer of retrenchment on the grounds that:

- the employer no longer requires your services and, on termination of your employment, does not intend to fill your position, or
- the work that you were engaged to perform is completed, or
- the amount of work to be performed has diminished and as a consequence it is necessary for the employer to reduce the total number of employees.

For SASS members

If you have not yet reached your eligible retirement age, (generally 58, although there are some SASS members with an eligible retirement age of 55) the SASS benefit payable on retrenchment will comprise:

- the balance in your personal account, and
- the employer-financed benefit which, for each accrued benefit point, is 2.5% – 3% for former State Public Service Superannuation Fund (SPSSF) members – of the higher of your final salary or final average salary.
- Your accrued benefits also include the employer-financed basic benefit and any Commonwealth Government co-contribution entitlements.

If you have reached your eligible retirement age (55 or 58) when you accept a retrenchment, the benefit payable will be the retirement benefit. This will be essentially the same as the retrenchment benefit above, however the employer-financed component will be based on your final average salary.

Your eligible retirement age (55 or 58) is shown on your SASS Annual Statement.

Visit the State Super website at www.statesuper.nsw.gov.au and see *SASS Fact Sheet 9 Retrenchment benefit* for more information.

Can I defer payment of my retrenchment benefit?

You may choose to leave your retrenchment benefit in the scheme instead of receiving immediate payment. The total amount deferred (i.e. the balance in your personal account, the employer-financed component, the basic benefit and any Commonwealth Government co-contributions) is adjusted for investment earnings and management charges from the time it is deferred until it is paid.

Note: The non-preserved portion of a deferred retrenchment benefit may be taken in cash at any time before the retirement age, without forfeiting the employer-financed lump sum.

However, there may be higher tax payable if you have not yet reached your preservation age.

See *SASS Fact Sheet 13 Optional Deferred Benefit* for further information.

For SSS members

If you are aged 55 or more and are eligible to retire (early voluntary or normal retirement), your benefit will be the same as the retirement provision payable at the retrenchment date.

If you are not eligible for a retirement benefit at the date of retrenchment, you are entitled to a lump sum calculated according to a formula in the scheme legislation that takes into account the

amount of your personal contributions and period of membership.

Alternatively, you may elect to take your benefit as an immediate pension determined by the Trustee to be the equivalent of your rights in SSS.

Can I defer payment?

Instead of receiving immediate payment of a retrenchment benefit, you may choose to leave it in SSS for payment at a later date – e.g. as a pension or lump sum at age 55 or later.

A deferred benefit is also payable on total and permanent incapacity or death.

There are two deferred benefit payments:

1. the standard option available to members who exit SSS before retirement age – deferral of the benefits you have accrued up to the date of retrenchment, or
2. a special option available only to members who are retrenched between ages 50 and 55 – deferral of the early voluntary retirement benefit you would be entitled to receive at age 55. Or the normal retirement benefit in the case of a woman who had contributed for retirement at age 55. This special deferred benefit is payable at 55.

Calculation of the standard deferred benefit in option 1 is based on your service and contributions at the retrenchment date.

Under this option you have the right at any later time to terminate the deferral and receive an immediate lump sum payment, which is the original retrenchment benefit adjusted for investment earnings, less fees and charges, during the period of deferral.

The special deferred benefit available under option 2 is calculated according to service and contributions at age 55 – as if you had continued as a member of SSS until that age – on the superable salary you were receiving at retrenchment.

To exercise this option, you must have your employer's agreement.

Option 2 also requires you to pay the personal contributions that would be due on your units up to age 55.

That amount would be the present value of all further contributions and must be paid as a lump sum within six months of being advised it is due.

Note: If the contributions which are payable are not received within the specified time, the benefit is revised to option 1 – the standard deferred benefit. In such a case, option 2 will no longer be available.

If you elect option 2, no further benefit choice is available.

If a member holding a deferred benefit under option 2 dies or becomes totally and permanently incapacitated, it is recalculated as a standard deferred benefit (option 1) as at the date of death or incapacity, and contributions for the period between the death or incapacity and age 55 are refunded.

Please see *SSS Fact Sheet 16 Retrenchment Benefit* and *SSS Fact Sheet 17 Optional Deferred Benefit* for more information.

For SSS, SASS and First State Super (FSS) members

Can I access my super now or do I have to preserve part of my benefit?

Commonwealth provisions generally require your superannuation to be preserved (i.e. kept in the superannuation system) until you meet one of the following conditions of release:

- you cease employment from age 60, or
- you retire from the workforce at or after your preservation age (between 55 and 60 depending on your date of birth, see table below), or
- you reach age 65, even if you continue to work, or
- you become permanently incapacitated or die.

Date of birth	Preservation age
Before 1 July 1960	55 years
Between 1 July 1960 and 30 June 1961	56 years
Between 1 July 1961 and 30 June 1962	57 years
Between 1 July 1962 and 30 June 1963	58 years
Between 1 July 1963 and 30 June 1964	59 years
After 30 June 1964	60 years

Note that retrenchment or redundancy alone is not a condition of release.

Other conditions of release include severe financial hardship and compassionate grounds, provided you meet the strict criteria required.

For more information please see *STC Fact Sheet 2 Early release of superannuation benefit on grounds of severe financial hardship*, *STC Fact Sheet 6 Early release of a superannuation benefit on compassionate grounds* (for SSS and SASS members) or www.firststatesuper.com.au/LearnMore/FactSheets (for FSS members).

If you have a non-preserved component of your benefit, this may be payable when you leave your employer and/or the superannuation scheme.

Note that there may be higher tax payable if you have not yet reached your preservation age.

For more information please see *STC Fact Sheet 4 When Can I be Paid my Superannuation Benefits?* (for SSS and SASS members) or www.firststatesuper.com.au/LearnMore/FactSheets (for FSS members).

First State Super (FSS) members may be able to access some of their superannuation as a transition to retirement income stream if they have reached their preservation age but not retired.

For more information, including the rules on minimum and maximum payments, please see the fact sheet *Guide to First State Super's income streams* at www.firststatesuper.com.au/LearnMore/FactSheets.

Will I have to pay tax?

The amount of tax payable when withdrawing your superannuation depends on a range of factors such as your age, the components of your benefit, and how long you've been a member of a super fund.

Taxation is a complex area and it is recommended you seek appropriate financial advice before making any decisions.

Please visit your fund's website, www.statesuper.nsw.gov.au or www.firststatesuper.com.au, call the relevant contact centre or attend a free seminar for more information.

Ron Davis
(Former) Full-time Trustee Board Member, SAS Trustee Corporation



Check out the PSA website at www.psa.asn.au

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 Branch Assistant Secretary
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You don't still pay your PSA fees by payroll deduction do you?

Really?



Switching from the payroll deduction of your union fees to direct debit from a bank account means peace of mind.

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If payroll deductions were cut not only would our service to you be reduced but our membership would shrink with a corresponding loss in all important bargaining power.

So switch to direct debit at

<https://membership.psa.asn.au>

or talk to your PSA organiser, delegate or email memberpayment@psa.asn.au.

PSA

**Petty Sessions Officers Association (PSOA)
 Vocational Branch Advisory Group
 NSW Local and District Courts
 Election of officers 2014**

CALL FOR NOMINATIONS

Nominations are invited from the financial members of the above branch for the positions of:

- **President**
- **Vice President**
- **Secretary**
- **Assistant Secretary**
- **Committee Members (9 positions)**

Nominations must be on the prescribed form available from the 5th Floor Enquiry Counter, PSA House, 160 Clarence Street, Sydney or from regional offices.

The nomination form can be downloaded from the PSA website

<http://psa.asn.au/election-nomination-forms/>

Closing date for nominations is Friday 9 May 2014.

Nominations must be returned to:

**The Deputy Returning Officer
 Public Service Association of NSW
 GPO Box 4767
 Sydney, NSW 2001**

They may be hand delivered to the PSA reception desk on the ground floor, or faxed to (02) 9262 1623.

NOTE: The Executive of the PSA reserves the right to vary the electorates in the event of changes in membership

**For GR BENSLEY
 Deputy Returning Officer**

Science matters

– new PSA forum for scientists and technicians

The PSA is calling on members working in a technical or scientific role to express their interest in being part of a working party to establish a Science and Technical Vocational Advisory Group.

The Group will represent the interests of members working in these areas and roles.

The PSA/CPSU has many such members across its coverage. Recent department mergers and restructures particularly Trade & Investment, Regional Infrastructure & Services and the Premier and Cabinet Office of Environment and Heritage have resulted in job losses in scientific and research areas.

The impact of these cuts includes:

- Loss of expertise across the public sector
- Work overload issues for understaffed functional units
- A lack of preparedness to respond to emergency and natural disasters, disease, chemical incident or microbiological threats

- Insufficient staffing levels to implement and manage environmental monitoring programs to protect the community and environment
- Loss of programs and studies developed by our specialists to monitor and maximise resource efficiencies and crop production
- reduced scrutiny and independent assessment of development applications.

The effects of these cuts will be felt across the community for years to come with many of these lost jobs providing a watchdog role on the actions of Government as they relate to the community and environment such as Coal Seam Gas.

The anticipated structure of the proposed working group provides for the formation of sub-groups and special interest groups which would provide a forum for department specific issues pertinent to the scientific or technical roles within a particular agency.

To be on the working party you must be working in a scientific or technical job.

Interested or want to find out more? Contact Margaret Fullick on mfullick@psa.asn.au.

PSA

**Election of PSA delegates
 Provincial Trades and Labor Councils**

Members are invited to nominate to be a delegate to the following Trades and Labor Councils.

Unions NSW	18 delegates
Newcastle Trades Hall Council	8 delegates
South Coast Labour Council	9 delegates

Delegates will be elected by Central Council. The term is 12 months. Nominations should be sent to:

**Sandra Lockey
 Public Service Association of NSW
 GPO Box 3365
 Sydney NSW 2001
 Or fax (02) 9262 1623**

Nominations close 5pm Thursday 8 May 2014.

RedTape

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 – with significant input from members

Contact the PSA

Phone **1300 772 679**
 Fax **(02) 9262 1623** | Email psa@psa.asn.au
 or redtape@psa.asn.au | Visit www.psa.asn.au

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