

CBO:CAT

IN THE INDUSTRIAL RELATIONS COMMISSION  
OF NEW SOUTH WALES

WALTON J, PRESIDENT

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FRIDAY 2 SEPTEMBER 2016

**2016/88979 - COLLABORATIVE EMPLOYMENT RELATIONS -  
IMPROVING COMMUNICATION AND RELATIONSHIPS**

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Corrective Services NSW and Public Service Association and Professional  
Officers Association Amalgamated Union of New South Wales**2016/59299 - NOTIFICATION UNDER SECTION 130 BY CORRECTIVE  
SERVICES NSW OF A DISPUTE WITH PUBLIC SERVICE ASSOCIATION  
AND PROFESSIONAL OFFICERS ASSOCIATED AMALGAMATED UNION  
OF NSW**

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Re industrial action

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**2016/223230 - NOTIFICATION UNDER SECTION 130 BY CORRECTIVE  
SERVICES NSW, DEPARTMENT OF JUSTICE OF A DISPUTE WITH  
PUBLIC SERVICE ASSOCIATION**

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**STATEMENT**

HIS HONOUR: I propose to read a statement on to the record of the  
proceedings. By arrangement of the ever helpful court reporting staff, a  
statement should be available this afternoon. That is, the statement as follows.

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This statement is made following proceedings today in matter 2016/00059299,  
2016/88979 and 2016/223230.

Having heard from the parties today it seems appropriate that the three  
matters be formally joined and I so order.

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The proceedings relate to a joint application made in January 2016 by the  
Assistant Secretary of the Public Service Association of New South Wales and  
the Commissioner, Corrective Services New South Wales. Since then the  
parties have participated in a Cooperative Employment Relations (CER)  
framework under the auspices of the Commission.

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This process is underpinned by the Commission's extensive powers to deal  
with industrial disputes. I have canvassed this jurisdictional foundation at  
length in today's proceedings.

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The proceedings were listed this morning because of an email apparently sent  
by Mr Stewart Calder-Little, an employee of the Police Association of New  
South Wales on 25 August 2016.

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5 This email purports to publish information about what is said in the email to be ongoing negotiations between the parties under the CER framework. The dissemination of that material is contrary to the processes put in place by the Commission to protect and facilitate the CER processes. That is particularly so given those processes are in their infancy without any final resolution as to the procedures to be adopted and the content of discussions within the CER process.

10 I am gravely concerned about the apparent publication of this email because it has significant potential to undermine and interfere with the Commission's ongoing processes.

15 The Commission has made a non-publication order and other orders today for the purpose of rectifying the future conduct of the proceedings under the CER framework. I am satisfied that it is necessary and expedient to make those orders.

20 The orders made today place an ongoing ban on the unauthorised publication of materials connected to the CER process.

The matter is relisted on Monday, 19 September 2016 in order to deal with the continuance of the proceedings under the CER framework and otherwise to deal with;

25 1. Whether some further inquiry is required in relation to the sending of the email on 25 August 2016, including any further inquiry into how, when and by whom information was sent to someone who is not a part of the CER proceedings.

30 2. Whether further enquiries should be made to ascertain the role of Mr Little and/or the Police Association, if any, in the dissemination of the information; and

35 3. Whether there is any allegation of contempt of the Commission made by any party, and in any event what other matters may arise in that respect.

40 That is the statement of the Commission. If one of the parties here present could arrange for a copy of that statement to be given to Mr Nolan or those that are instructing him, that would be greatly appreciated. And furthermore, as I intimated earlier today, as things have now turned out, I will have more time available on Monday, 19 September than I earlier anticipated.

Is there anything further today?

45 MCNALLY: No your Honour.

HIS HONOUR: The matter is adjourned.

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