

16 October 2017

The Benevolent Society dispute Report back on FWC proceedings

Background

The Community and Public Sector Union (CPSU) is the federal counterpart of the PSA and is eligible to represent employees of The Benevolent Society (TBS), in accordance with the CPSU Rules and for the purposes of the *Fair Work (Registered Organisations) Act 2009*.

In NSW, members of the PSA are also members of the CPSU NSW.

TBS is a federal system employer for the purposes of the Fair Work Act (2009) and therefore your industrial rights and obligations are determined under that legislation and jurisdiction, where you are represented in the name of the CPSU.

TBS has refused to recognise the CPSU's right to enrol and represent the ADHC Clinical Services employees transferred to the employment of TBS on 1 August 2017.

Consequently, the CPSU/PSA lodged an application with the Fair Work Commission (FWC). The CPSU has instructed lawyers and a barrister to advise and appear in the FWC proceedings.

TBS has instructed lawyers to oppose our FWC application and the Health Services Union (HSU) has also instructed lawyers and notified their intention to intervene in the proceedings in support of the TBS opposition.

The proceedings were listed by the FWC for a hearing on Friday 27 October 2017 and a timetable for the filing of evidence was issued.

The CPSU/PSA has filed our evidence as required by the timetable.

Both TBS and the HSU contacted the FWC and requested a Directions hearing in order to seek to vacate the hearing date of 27 October and to request a new timetable for filing evidence.

FWC Directions/mention held on Tuesday 10 October 2017

The CPSU, TBS and the HSU appeared in the FWC Directions/mention by teleconference before FWC Commissioner Johns on 10 October 2017.

Despite our barrister objecting in the strongest possible terms, Commissioner Johns has vacated the hearing date of 27 October 2017 and listed the hearing on **Friday 15 December 2017** via video link (while he is in Melbourne). The Commissioner only had available dates in December 2017.

The Commissioner made amended directions in relation to the filing of evidence by the parties with the key dates being 27 October 2017, 10 and 24 November 2017.

The CPSU NSW is disappointed of this change has occurred. Nevertheless we are still here to support and advise members. One of the most important ways the union supports its members is with our hardworking delegates. Your elected delegates met recently to plan how they will work with members to keep our union strong.

Keep your eyes out for their report back coming to all members soon.



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Your award conditions

Members are reminded that your industrial conditions remain in force in accordance with your existing entitlements pursuant to the Awards listed below and will do so until replaced by an enterprise agreement:

- » **Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009**
View award [HERE](#).
- » **Crown Employees (Administrative and Clerical Officers - Salaries) Award 2007**
View award [HERE](#).
- » **Crown Employees (Public Sector - Salaries 2017) Award**
Not currently available on the NSW IRC website. See NSW Treasury website for link to Salaries Award (2017) [HERE](#).
- » **Crown Employees (Psychologists) Award**
View award [HERE](#).

We will continue to be your union and to fight for your rights and entitlements. Now more than ever it is important to make sure all staff in your branch are members of the CPSU NSW/PSA.

Your CST Advisory Group delegates are:

Bronwyn Couch	Susan Lappan
Cheryl Jones	Itaru Yamamoto
Helen Goltzoff	Kim Ainsworth
Kathy Nash	Jessie Hartley
Kylie Fulton	Craig Maynard
Tomas Buratovich	Wynette Sheather

If you're interested in becoming a delegate let your organiser know or email us at DisabilityCPSUNSW@psa.asn.au.

Your PSA/CPSU NSW staff are:

Dean Allen - Industrial Officer

Siobhan Callinan - Senior Organiser

Contact us at DisabilityCPSUNSW@psa.asn.au

Encourage your colleagues to join the PSA online at www.psa.asn.au, or see your delegates for membership forms.

