

16 November 2017

PSA appeal from Court fine for Valentine's Day rallies and strike against privatisation of disability services

Earlier this year the Industrial Relations Secretary brought legal proceedings against the PSA in the Industrial Relations Commission of NSW (IRC) and subsequently in the Supreme Court of NSW for alleged contravention of orders made by the IRC Commissioner against the PSA.

This was related to the PSA strike action by members including disability workers on Valentine's Day in relation to the total privatisation of disability services in New South Wales. As you know the PSA has been strongly campaigning on behalf of members in order to seek appropriate protection for disability workers transferring from the public sector employment to the private sector.

Unfortunately the Supreme Court Judge agreed with the Industrial Relations Secretary and imposed a fine of \$84,000 on the PSA – a fine which was **five times higher** than the previous highest penalty against a NSW union for taking industrial action in support of its members. **This is just one example of why we must #ChangeTheRules.**

The PSA/CPSU NSW is working with other unions on the Change the Rules campaign. Consistent attacks on workers and their unions such as this fine have contributed to inequality being at a 70-year high and increased insecure work, which has become commonplace in the disability sector.

We are building a movement to change the rules to bring fairness back to Australia. Working people need better and stronger rights at work to ensure jobs are secure and our wages are fair. For more information on the Change the Rules Campaign click [HERE](#).

The PSA appeal to the NSW Court of Appeal

The PSA then lodged an appeal with the NSW Court of Appeal challenging the Supreme Court penalty on a number of grounds including to argue that the IRC Commissioner did not have the power to impose a

penalty for the contravention. The PSA argued that alternatively if the IRC Commissioner did have the power to impose a penalty then the formula for calculating the penalty had not been correctly applied and that the fine amount was excessive. The PSA also presented legal argument in relation to the industrial relations legislation.

The PSA filed extensive evidence with the Court of Appeal and served the evidence upon the Industrial Relations Secretary.

The Industrial Relations Secretary opposed our Appeal and briefed the Crown Solicitor's Office and two barristers including a Senior Counsel to object to the PSA appeal.

The PSA and the Industrial Relations Secretary appeared before the NSW Court of Appeal for the hearing of our appeal on 14 November 2017. The Appeal Court was made up of a Full Bench of three appeal judges including the Chief Justice of NSW.

At the hearing both the legal representatives for the PSA and the Industrial Relations Secretary made oral submissions in relation to the legal arguments.

The appeal judges heard the evidence and have now reserved their decision, which is unlikely to be delivered until 2018.

A further bulletin will be sent to members after the Court of Appeal has delivered its decision.

Know someone who isn't a member?

A strong union means better outcomes for all members; encourage your workmates to [JOIN](#) the PSA today.

