

## COVB and POVB member bulletin

The PSA responds to the motion as raised on the 7 March 2018 from the COVB Long Bay Sub-Branch seeking the following:

*We the members of the Long Bay COVB Sub-Branch vote unanimously for the PSA/Legal Branch to take the matter of BM to Supreme Court on the rounds of a “referral to mediation” (Court-annexed mediation).*

*The members feel that there is no other option but to refer the matter to court due to the following reason:*

- 1. Total absence of consultation by the BM reform team during the process.*
- 2. IRC does not have **any** jurisdiction to enforce CSNSW to negotiate staff numbers and positions, meaning CSNSW are only implementing strategies & staffing numbers based on the grounds of budgetary requirements and ignoring the Long Bay BM Consultative Committee submissions for best practice designed to improve efficiency and effectiveness with NSW Correctional Centres while maintain safety and security.*

The PSA, in order to address the motion as raised by the COVB Long Bay Sub-Branch, has obtained legal advice which reads:

*I note that members of the COVB want the PSA to take proceedings in the Supreme Court of NSW in relation to the lack of consultation and lack of response to safety issues. The Industrial Relations (Industrial Court) Act 2016 effectively transferred the jurisdiction exercised by the NSW Industrial Court to the Supreme Court. The Industrial Court exercised judicial powers, such as a court would. It did not have any role to play in the conciliating and arbitrating of industrial disputes. As the Industrial Court’s powers now rest with the Supreme Court, similarly this court has no role to play in conciliation and arbitration of industrial disputes.*

*In my opinion, the issues arising from benchmarking and the deletion of the AS position and reduction of manning levels in some correctional centres, are industrial matters to be dealt with by the IRC. The same applies if there has been a lack of dialogue or consultation by the Reform Team of CSNSW. There is no scope to bring any industrial matter before the Supreme Court.*

The PSA, noting the legal advice, will continue to deal with the matters relating to Benchmarking within the NSW Industrial Relations Commission.

