

## Sheriff's Officers – Joint Consultative Committee

The PSA and SOVBAG delegates continue to meet quarterly with the NSW Sheriff Office representatives at the Joint Consultative Committee (JCC) to resolve issues that are being identified by members.

We aim to send out a bulletin shortly after the JCC meetings to update members on the outcomes of those meetings and action planned by PSA.

The following items were discussed at the meeting:

- » Review of Field Enforcement manual
- » Drafting of standard operation procedures for Court Security and Field Enforcements
- » Transport and storage of appointments
- » Parking exemptions of NSW Sheriff Office vehicles by local councils
- » Second-hand radio units
- » Wyong Court scanner
- » Staffing/recruitment
- » Direction to cover visible tattoos
- » Security/safety at Griffith Courthouse
- » Variation to the Sheriff's Award
- » Direction to travel to hub courts using own transport and not be reimbursed
- » Transfer list
- » Search gloves.

### Transport and storage of appointments

PSA/SOVBAG raised the exemption of Sheriff's Officers to have a permit to have appointments at the September and December 2017 JCCs. The exemption is under Schedule 1 of the *Weapons Prohibition Regulation 2017*. Under that regulation, the exemption only applies when Sheriff's Officers have their appointments 'in the course of employment'.

Defining 'in the course of employment' has been the issue. The Sheriff states the NSW Crown Solicitor advised that taking appointments home to perform a roster at a hub court is in the course of employment. But simply taking appointments home is not in the course of employment. The Sheriff is seeking an opinion from Justice Department's General Counsel on that advice. The Sheriff is also seeking an amendment to the regulation to define 'in the course of employment'.

The Sheriff advised they would send out a security bulletin that OICs have to implement by 14 March 2018. We are advised that has not been sent.

Until this issue is resolved the PSA is directing members not to take any appointments home. Store them safely and securely at the last courthouse they were rostered on duty. The bulletin, transport and storage of appointments will be sent shortly. Members must read that bulletin.

### Tattoo directive

We raised that members have contacted the PSA and SOVBAG about being directed to cover their visible tattoos with long sleeve shirts (requiring a tie), or with skin coloured bandage.



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The direction is based on Tattoos in the Dress Manual, Office of the Sheriff of NSW, November 2017 Version 1.0 and is as follows:

### 3.22 Tattoos

*Currently serving Sheriff's Officers are permitted to obtain tattoos so long as they are not visible whilst the staff member is on duty. Existing tattoos are to be covered by any suitable method such as wearing a flesh coloured tube bandage, a long sleeve shirt, buttoning the shirt collar or utilising concealing make-up. Tattoos on hands where possible should be covered by wearing gloves.*

*Tattoos with sexually explicit or other offensive pictures or wording that could be deemed inappropriate or gang-related are not permitted, as they are not consistent with the organisation's values.*

*For religious or cultural reasons, some staff members may be required to obtain tattoos on the neck, face, ears or scalp areas. If so, staff members must formally nominate and identify with the relevant culture/religion in writing to the Regional Manager; and detail the culture's requirements with regard to tattoos.*

*An application is to be submitted, in writing, to the Regional Manager, and forwarded to the Sheriff for consideration. The application must include all of the specific design details/wording of the tattoo and must be submitted and approved before the tattoo is obtained.*

*Dress Manual – Office of the Sheriff of NSW Version 1.0 – November 2017*

Prior to the JCC the PSA wrote to the Sheriff that we had not been consulted about the Dress Manual and to withdraw the Tattoo Directive until proper consultation occurs.

The Sheriff responded that consultation did occur with SOVBAG and as a consequence that includes the PSA, and the direction stands.

At the JCC the PSA advised that the Sheriff's interpretation of consulting with the PSA is incorrect as SOVBAG are not a party to the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 ('Conditions Award'). Therefore, consultation with the PSA under that award did not occur. We also sought that the Tattoo requirement in the Dress Manual be grandfathered until the next intake of new Sheriffs and the Tattoo requirement be emphasised in the advertisement of roles from the next recruitment. The Sheriff advised the policy will stand and the PSA was invited to be on the Uniform Committee. The PSA's recording of incoming correspondence is quite sophisticated and no such invitation could be found. The PSA will be writing to the Sheriff again seeking the alleged meeting invitation.

To assist the PSA pursue this matter further, for example seeking directions for proper consultation from the Industrial Relations Commission. We need to know the number of members affected by the Tattoo Direction. The bulletin, Tattoo Direction will be sent shortly. Affected members must read that bulletin and respond to the survey.



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### Security at Griffith Court House

We provided the Sheriff with a newspaper article about an offender on bail but when sentenced in the courtroom produced a razor blade and cut himself, requiring medical attention. We raised the Sergeant at Griffith was working alone, perimeter screening in the smaller courts in the South West region is non-existent and the potential of a major incident involving firearms. We advised there are 15 Sheriffs covering 17 courts and there is unreliable phone coverage, no GRN radio and no duress alarms. We sought that risk assessments be completed, CCTV and perimeter screening must be installed in all these courts.

The Sheriff advised due to the courthouses being built in the 1800s, their physical structure makes it impossible to install perimeter screening. The Griffith incident was very minor and a new recruitment started at Griffith in February 2018 (but on the day was rostered at another court which occurs five days a month). Risk assessments have been completed on the South West region courts based on the incident reports. The incident reports for Griffith show seven incidents for offensive behaviour over the past couple of years.

We have tried to obtain copies of risk assessments for all courts for many years using many means including serving subpoenas in proceedings at the Industrial Relations Commission. All our requests have been declined by the Sheriff using various reasons including they are restricted documents dealing with the security of the state. We are concerned that risk

assessments being based on incident reports neglect the procedure in conducting risk assessments under the *Work Health and Safety Act 2011*. If that is the case we cannot see the purpose of the four Security Coordinators being engaged since late 2015 under National Security funding.

We will write to the Sheriff again seeking the risk assessments for South West region courts. When that request is declined we will consider our options to obtain them.

In the interim we strongly advise all members to complete incident reports for any incident even if a minor incident. We understand the difficulty of doing that. But it appears your personal security and safety depends on risk assessments devised from incident reports. We will provide updates as further information comes to hand.

### Travel direction

We provided the Sheriff information about the Wollongong OICs direction to a member to travel to Port Kembla court using his own vehicle and not be reimbursed.

The Sheriff advised that Sheriff's vehicles will only be used for field enforcement and will not be used to convey Sheriff's Officers rostered on at another court. That since the restructure of Courts and Tribunal Services in 2016 (when satellite and hub courts were created) there is no reimbursement to travel in one's own car after being directed to work at another court. Also, the PSA agreed to that during the restructure negotiations.



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We extensively reviewed documents about the restructure. We found the PSA vehemently opposed the creation of satellite and hub courts and larger geographic regions. We also found the head of Justice approved this new structure well before any consultation with the PSA.

The PSA will be writing to the Sheriff to provide their legal basis in not reimbursing such travel costs and other implications like workers compensation and insurance law.

We contend that this is a breach of clause 26.1 of the Conditions Award that:

*Any authorised official travel and associated expenses, properly and reasonably incurred by an employee required to perform duty at a location other than normal headquarters shall be met by the department.*

Until this issue is resolved the PSA is directing members not to travel in their own vehicles if directed to work at another court and not be reimbursed. The bulletin, Travel Direction will be sent shortly. Members must read that bulletin.

### Further updates

Your union will continue to update members on matters affecting Sheriff's Officers by visiting workplaces.

If you would like to arrange a meeting at your workplace please email Bart McKenzie [bmckenzie@psa.asn.au](mailto:bmckenzie@psa.asn.au).

As always the PSA welcomes member's feedback. Should you have any questions or comments please contact your delegate firstly and if required the PSA.

### Your PSA/SOV BAG Delegates are:

Eddie Lia – Campbelltown Court  
Daniel De La Paz – Penrith Court  
Stephen Hancock – Burwood Court  
Tony Morawsky – Mt Druitt  
Andrew Pierce – Parramatta  
Glen Elliot-Rudder – Wagga Wagga  
Jason Woollett – Liverpool Court

### Your PSA staff:

Andrew Boulton - PSA Industrial Officer  
Bart McKenzie - PSA Senior Organiser

### What can you do?

- » Give a copy of this bulletin to your colleagues.
- » Print this bulletin and put it up on your notice board.
- » Ask a colleague to join the PSA.
- » Get involved as your Area Contact
- » Not a member join online - <https://membership.psa.asn.au/register>
- » Members can update their details at - <http://psa.asn.au/update-your-details/>

