

## SafeWork NSW - Section 19 Award review discussions

The PSA met with the Department on 30 April 2019 to begin discussions on what areas there may be consent on between the parties.

This meeting was to discuss some technical aspects of the Award that could be changed under the s. 19 review and issues with the Award as seen by the Department and SafeWork NSW.

Technical issues include:

1. Due to the machinery of government change – referring to the correct agency cluster as the Department of Customer Service
2. Fixing references to the correct policies such as the Flexible Working Hours Agreement
3. Any grammar or spelling mistakes.

The Department asked that all parties be “open-minded, explore possibilities and modernise the Award” so that SafeWork and the Inspectorate can deliver upon the core outcome of safer workplaces in NSW.

Other issues identified by the Department were:

1. Mutual Leave Fund
2. After Hours Emergency Response
3. Motor Vehicles
4. Inspectors (titles, appointment and progression)
5. Incorporating the MOU into the Award
6. Patterns of Work.

In summary, the PSA can agree on what can be referred to as administrative changes to the Award, such as the title changing to reflect the agency name change or errors such as spelling mistakes, which is the ordinary purpose for a s.19 review.

The PSA has made it very clear to the Department that any changes to actual conditions will not be subject to any consent agreement.

### IRC Directions Listing 2 May 2019

Following on from discussions with the Department, the PSA was before the Industrial Relations Commission

on the ongoing dispute surrounding Competencies, the s.19 Review and the Department’s foreshadowed intention to file a s. 17 (3) (d) application to vary the Award.

Again, the PSA has emphasised its position that it is not actively seeking any changes to the Award. However, despite the Department having previously sought to say that they were going to file an application to vary the Award, the Department have yet to bring forth said variation.

After a lengthy amount of time before the Commission, the Commissioner has made the following directions to the parties:

By COB, 19 June 2019, The Department send correspondence to the PSA setting out the issues in respect of the s.19 review, which will include a marked copy of the Award with changes that have been agreed by the parties and notes with respect to clauses where issues have been raised but not agreed.

1. By COB, 19 June 2019, The Department send correspondence to the PSA setting out the basis upon which it says clause 16.1 of the Award has not been breached and how the Award clause might be amended to remove the ambiguity consistent with its interpretation.
2. The PSA will provide any response to those issues relating to orders 1 and 2 to the Department by COB 10 July 2019.
3. The matters be listed for further report back and directions at 9.30am on 24 July 2019.

### PSA survey

To assist the PSA in ongoing and further discussions with the Department, a log of claims will be formulated. The PSA encourages members to participate in a short survey on potential claims [HERE](#).

