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17 March 2018
Circular No. 13

Prisoner Transport Dispute Update

Your Association has had a significant outcome in the Industrial Relations Commission (IRC) yesterday, which has ordered the Commissioner and other parties to engage in court ordered Conciliation under the direction of the IRC with a view to resolving the long-standing issues with prisoner transportation.

At 4.30pm on Thursday, 15 March 2018 the Commissioner of Police lodged an industrial dispute in the IRC in response to your Association's decision to direct members to cease doing the work of Corrective Services NSW and Juvenile Justice NSW, seeking orders from the IRC to prohibit this action which was due to commence on Sunday, 18 March 2018.

PANSW representatives appeared in the Industrial Relations Commission at 10.00am on Friday, 16 March, initially in conciliation before Commissioner Murphy, which was unsuccessful. An arbitrated hearing was then held before Commissioner Newell for a determination.

At 6.30pm court orders were issued by Commissioner Newell as follows:

- The parties are to appear before the Commission in conciliation proceedings on the subject matter of the transport of persons by police officers on a date to be fixed by the Chief Commissioner (of the IRC);
- The Association and its officers, employees and agents must not induce, advise, authorise, encourage, direct, aid or abet members of the Association to organise or take further industrial action in relation to the acceptance into police custody any person in the custody of another agency for the purpose of transporting them to another location or for the purposes of court proceedings or related procedures while these orders are in force;
- These orders shall come into effect from 6.30pm on 16 March 2018 and shall remain in force until 4.00pm on 15 June 2018.

This means the actions relating to refusing to undertake the transport of prisoners who are in the custody of other agencies, communicated by circular on the 15 March to our members, is to cease immediately until 15 June 2018. This is a court order which carries serious financial penalties for non-compliance and must be followed by both your Association and its members.

The orders are in place to permit the court directed conciliation of the dispute to take place, however it does not impact on your Association's political and media campaign which will continue. The orders do not prohibit you as police officers from raising genuine requests under legislation with magistrates to seek that Correctives Services escort prisoners where appropriate.

You must not however, refuse to undertake the work that you have previously been undertaking.

Your Association's campaign and yesterday's IRC outcome has forced the NSW Police Force and Government representatives to the negotiating table in a formal conciliation setting. This represents a significant step forward in our campaign opposing prisoner transportation by police, and your Association is committed to seeing this through.

A handwritten signature in black ink, appearing to read 'S. Weber', is positioned above the name of the signatory.

SCOTT WEBER
President