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## News

Thursday, 15 May 2014



### PSA win forces Government to consult

The PSA had a significant victory yesterday in relation to consultation mechanisms across the public sector with a win in the Industrial Relations Commission.

In 2012, the State Government introduced a new consultation policy that scrapped the long standing agreed policy from 1997 that set out defined consultation provisions and guaranteed the central role of unions in the process.

The 2012 policy effectively made consultation mere lip service with a broad set of principles.

Worse, the new policy was not an agreed document, and was issued without the agreement of the public sector unions.

The PSA challenged this policy in the Industrial Relations Commission seeking a declaration that the 1997 Consultation Policy was incorporated in the Public Service Conditions of Employment Award and as such remained alive.

The matter was heard before Justice Walton on 22 November 2013.

Yesterday, 14 May, the decision was handed down and we won.

You can read the full decision **HERE** (<http://www.caselaw.nsw.gov.au/action/PJUDG?jgmtid=171436>).

Justice Walton found that, "The necessary implication must be that, if management and the PSA are to effectively consult on 'matters of mutual interest and concern, both formal and informal', they are required to do so in accordance with the 1997 Consultative Arrangements."

Justice Walton further stated, "In my opinion, the language of cl.65.1, when read in context, confirms an intention that there be an effective means of consultation between

management and the PSA in the form of the 1997 Consultative Arrangements which carried with it a legal obligation to comply with those Arrangements. ....The parties will be required to act in accordance with those provisions by undertaking consultation within the framework of those Arrangements and, in the case of terms expressed as being obligatory, to act accordingly.”

You can read the 1997 Consultation Policy **HERE** (<https://psa.asn.au/wp-content/uploads/2014/05/1997-Consultative-Arrangements-Policy-and-Guidelines.pdf>).

The impact of yesterday's decision will not be felt immediately but it forces the Government to rethink what is meant by genuine consultation.



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