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Industrial Relations Commission of New South Wales

D000223XNQ

21 November 2024

NOTICE OF ORDERS MADE

Case number2024/00317882Case titleHealth Secretary, in respect of NSW Ambulance v Health Services Union NSW

On 21 November 2024 the following orders (and/or directions) were made:

ORDERS:

Your Ref:

A. Pursuant to s 136(1)(c) and s 137(1)(a) of the Industrial Relations Act 1996 (NSW), the Commission makes the following orders:

1. The Health Services Union NSW ("the HSU"), its officers and employees, and its members employed in the NSW Ambulance immediately take steps to cease organising and refrain from taking industrial action on and from Friday 22 November 2024 until the conclusion of the arbitration proceedings on 28 March 2025 referred to in the directions made in these proceedings by the Commission on 21 November 2024, as foreshadowed in the notice at annexure C to the dispute notification filed on 20 November 2024.

2. The Australian Paramedic Association (NSW) (APA), its officers and employees, and its members employed in the NSW Ambulance immediately take steps to cease organising and refrain from taking industrial action on and from Friday 22 November 2024 until the conclusion of the arbitration proceedings on 28 March 2025 referred to in the directions made in these proceedings by the Commission on 21 November 2024, as foreshadowed in the email from the APA dated 21 November 2024 in Exhibit APA-1.

3. The HSU and the APA must by no later than 8.00 pm on Thursday 21 November 2024: a. remove any reference to the proposed industrial action commencing on 22 November 2024 from its website, social media accounts or any documents linked to its website or social media accounts; b. publish these orders and directions in a prominent position on its website and social media accounts, and by electronic newsletter disseminated by email to members;

c. provide a copy of these orders to the HSU's and APA's respective officers; and d. advise the Notifier's legal representative in writing of the steps taken to comply with the directions above, including the form of communications, and if written, a copy of the communications.

4. The HSU and the APA, their officers, employees, agents and members must not induce, advise, authorise, support, encourage, direct, aid or abet members of the HSU and the APA to organise or take industrial action contrary to Order A1.

5. These orders take effect immediately.

RECOMMENDATIONS:

B. Pursuant to s. 136(1)(a) of the Industrial Relations Act 1996 (NSW), the Commission makes the following recommendations:

1. The parties participate in a trial of the introduction of the On-duty Relief positions within the Western Sydney zone for a period of approximately eight weeks, to take place commencing on and from 6 January 2025.

2. The proposed trial is to involve the following elements:

a. the provision of additional crews in the Western Sydney zone during the day and during the night, by way of On-duty Relief crews to fill vacancies that arise; and

b. the "ring-fencing" of the Western Sydney zone for the purpose of the conduct of this trial, namely that there would be no transfers from other zones to fill vacancies until all resources and overtime has been exhausted within the Western Sydney zone.

DIRECTIONS

C. Pursuant to s. 136(1)(a) of the Industrial Relations Act 1996 (NSW), the Commission makes the following directions:

1. The parties are to report back to the Commission as to the results of the trial referred to in Recommendation B1 on 3 March 2025.

2. The parties are to file and serve any application seeking relief in respect of the disputes by 3 March 2025.

3. The parties are to file and serve and exchange any evidence on which they rely in support of their applications by 24 March 2025.

4. The disputes matters are listed before Justice Chin for arbitration on 27 and 28 March 2025.

NOTE:

1. Leave is granted to the Notifier to amend its dispute notification to include the Australian Paramedic Association (NSW).

2. Leave is granted to the parties to apply on 3 days' notice.

Registrar