

## Updated/Escalated Industrial Action Guidelines 11/8/23

Members have been assiduously taking industrial action all over the state in every duty type. It has raised our issue to the highest level in Canberra, but unfortunately a solution still remains to be found. After 6 weeks, it's time to turn up the heat. This means escalating our actions. We need to be smart and targeted in how we do this. Your elected Executive met this week and unanimously endorsed the escalation below. We again remind you that our dispute is with the Federal Government, not the workers of Federal Agencies. We have the support of Australian Federal Police Association, the Commonwealth Public Sector Union, the Australian Council of Trade Unions, politicians from all sides both State and Federal. We don't want to harm our communities, but we want Ministers in Canberra to understand how hard it is to deliver services without us.

In addition to previous guidelines, members should –

- not serve any document or process on behalf of any Commonwealth Agency – that most frequently being ACT Policing,
- not assist ACT Policing/AFP in cross border operations, surge operations or public order operations,
- Accept Federal Police Prisoners, but not charge them. AFP will need to supply an officer to access COPS and complete/submit charges for acceptance and a bail determination.
- Cease all exchanges of information with any Federal agency, save for the risk of immediate harm.

Our members have always made bad systems and circumstances work to support their communities and we have seen many instances where members have ignored these industrial action guidelines to deliver a service that others should be delivering. We are asking **ALL MEMBERS IN ALL SECTIONS TO APPLY A STRICT INTERPRETATION TO THESE AND THE PREVIOUS GUIDELINES**. Our collective strength will see us achieve the just outcome you deserve.

### Escalation and Advice

**If you are then directed to attend a job by a senior officer, you are to comply with the direction and contact the PANSW as per below.**

**If further advice is required, contact your Field Organiser from the PANSW on 9265 6777 or [info@pansw.org.au](mailto:info@pansw.org.au) If it is outside of hours and you require urgent advice PANSW may be reached by contacting the State Coordinator at Sydney VKG.**

## Industrial Action Guidelines

Our dispute is with the **Federal Government**. For 10 years the ALP promised to fix the Concessional Cap disparity that sees NSW Police Officers prevented from contributing to their superannuation and many missing out on Government assistance in paying bills and raising a family.

We have been in negotiations with the Assistant Treasurer, Stephen Jones MP, since 3 weeks after the Federal Government was elected. He is unwilling or unable to offer ANY solution and refuses to implement the solution we have put forward.

NSWPF Commissioners Scipione and Webb have been allies in our advocacy to Government, traveling to Canberra with the PANSW to lobby for a just outcome.

Our campaign enjoys great widespread support. The Australian Federal Police Association is publicly in favour the industrial action. We have the support of the NSW Premier, Treasurer and Police Minister, The Australian Greens, Senator Jacqui Lambie, The ACTU, Unions NSW, the Welfare Rights Centre and many members of the community. We **MUST NOT** do anything to jeopardise that support.

The purpose of the industrial action is to reinforce the plight of NSW police officers to Commonwealth Cabinet Ministers. These are the decision makers who can bring our draft legislative amendment before Parliament which removes the PBRI contributions from being included in the concessional cap amount before we are issued with millions of dollars of tax bills again.

## Suggested Job Responses

**Members of the Police Association are advised to cease any cooperation with Commonwealth Agencies or Departments unless the matter creates a risk to the life or physical/psychological welfare of a person.**

### All Members

No assistance in controlled delivery of substituted illicit drugs or other items – once the drugs are substituted the immediate risk to safety has passed.

No assistance to Commonwealth Agencies Executing Warrants or other process including arrest where there is no need for a Specialist Tactical Resource.

No attendance at Australia Post mail centres and calls for assistance detection of drug packages – Seized drugs pose no danger, Commonwealth Agencies have detection capacity

No involvement in Commonwealth investigations like Tobacco (excise), Fraud etc unless so entrenched in Organised Crime as to make it necessary.

No law enforcement (unless life threatening/F&DV, Child at Risk etc) on Defence Land.

No attendance at Tweed Heads or Newcastle Airports to perform functions of AFP, Quarantine, Customs or Border Force unless life threatening.

No transport of AFP prisoners.

No attendance at Immigration Detention Centres eg Villawood (unless life threatening).

No immigration checks unless relevant to a bail determination.

No Ministerial or Departmental correspondence with Federal Departments or agencies.

No appearance in Federal or Parliamentary inquiries

**Members are to attend all jobs where there is a risk to the life or physical/psychological welfare of a person. This includes members of the public, members of Commonwealth Agencies and fellow law enforcement officers. Matters such as assisting with child recovery orders and the like should receive the same priority they always have.**

Members should continue to attend court as witnesses/informants in current Commonwealth Prosecutions

## **Traffic & Highway Patrol Members**

No interaction or assistance with National Heavy Vehicle Regulator. We recommend NSW Police can act on NHVR intelligence to reduce road trauma as they are experts in this field, but should not work with or provide further information to the Regulator.

## **Criminal Investigation and Other Specialists**

Police Prosecutors only conduct mentions on behalf of CDPP or when the Commonwealth is a victim of a Commonwealth offence ON THE FIRST OCCASION. Where the victim is a natural person, further mentions CAN be conducted to prevent victim disruption.

MAC/ASB – No familiarisation tours for dignitaries and International Protected Persons.

MAC – No assistance on crimes committed in international waters.

Dog/Mounted – no regular detection services for Commonwealth Agencies - Protection Operations that NSWPF are involved in will continue.

All – No provision of information to the Australian Institute of Criminology.

CI/SCC – No assistance with controlled deliveries of substituted illicit items unless a NSWPF job – once substituted there is no longer an urgent risk.

SCC/SIC/CT – No assistance with any asset confiscation or freezing.

TORS/PORS/OSG - No assistance to Commonwealth Agencies for search warrants, arrest or other process where STR is required, and the job is preplanned/non-urgent. Commonwealth STR should be deployed.

TORS - No involvement in pre-planned cash escorts for Reserve Bank of Australia.

CT – No response to requests for information from the Department of the Attorney General, the Australian Federal Police, Border Force and other Federal Agencies.

CT – No training support for Commonwealth Agencies

CT – No further swearing in of Recognised Law Enforcement Officers

CT- Refer preparations for return of Foreign Fighters to AFP/AGs.

FETS – No analysis of exhibits for Commonwealth Agencies unless it creates a risk to the life or physical/psychological welfare of a person.

**The restriction of support by NSWPF officers in Commonwealth policing activities may heighten risk or unfairly impact certain communities. Therefore, members are expected to attend all jobs where there is a risk to the life or physical/psychological welfare of a person. This includes members of the public, members of Commonwealth Agencies and fellow law enforcement officers.**

**Programs to continue include;**

Youth Command – Closing the Gap Program - Think You Know presentations on behalf of AFP.

CT - Protection of Internationally Protected Persons and local dignitaries

CT/SCC/SIC – Active investigations into terrorism, firearms, high level drugs, violent organised crime and child protection/exploitation and human trafficking investigations.

Lord Howe Island – Passport and Maritime Services as usual however no collection of Commonwealth Revenue

Members should continue to attend court as witnesses/informants in current Commonwealth **Prosecutions**

## **Suggested Responses**

**Where under these guidelines you decline** to attend a job, you must ensure the person requesting assistance clearly understands that you WILL NOT BE ATTENDING OR ACTIONING THE INFORMATION.

You should refer them the call 131 AFP (131 237) for advice and assistance. In the field it may be that Police Radio or your station tells the informant that information.

If a CAD message was created ensure that you write off with similar text to;

“###SUPERVISOR TO NOTE – this job was not attended or actioned. The matter is properly dealt with by a Commonwealth Agency. There is no immediate risk to the life or physical/psychological welfare of a person. The informant has been referred to 131 237 for assistance from the AFP.”

**Where a specialist** is declining a request for assistance it should be made clear to the person NSW POLICE WILL NOT BE ATTENDING OR ACTIONING THE INFORMATION/REQUEST.

You should refer them the call 131 AFP (131 237) for advice and assistance.

You should record words similar to “The information/request was assessed. There is no immediate risk to the life or physical/psychological welfare of a person. The matter is properly dealt with by a Commonwealth Agency. The informant has been referred to 131 237 for assistance from the AFP.”

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## Summary

The actions encourage the withdrawal of aspects of support for Commonwealth agencies, where the Commonwealth agencies ought to be adequately resourced to perform their own statutory functions. NSW Police are not withdrawing their labour - NSW Police Officers should continue to otherwise perform their duty delivering policing services to the citizens of NSW in the ordinary way.