



Mr James Shaw  
Manager Industrial Directorate  
Public Service Association of New South Wales  
160 Clarence Street, Sydney  
GPO Box 3365  
NSW 2001

Dear Mr Shaw

**Re: IRC16/148163**

Thank you for your letter dated 18 July 2016.

Please see my responses below against the questions you have posed.

**1. How long are the salary and conditions protected once staff transfer to TJS?**

Salary and conditions are protected under the Transfer of Business provisions contained within Section 768 of the *Fair Work Act 2009* (Cth) for a period of up to 5 years unless the parties agree to amend or create a new agreement prior to this time. Employment with TJS is guaranteed for at least 18 months from August 1, 2016, meaning employment will not be terminated for any reason other than poor performance or misconduct.

**2. Does the department assert that the positions at TJS are comparable employment to that of their current roles in NSW Public Works?**

Yes.

**3. Does the department intend to deny access to the MEE policy being offered for staff in circumstance where there is not comparable employment?**

No

**4. What are the redundancy arrangements for TJS employees?**

This is a question for TJS

**5. What policies will apply to employees?**

This is a question for TJS

**6. What is the term of the contract with TJS?**

Transferred employees have been offered permanent employment.

**7. What arrangements apply to staff at the conclusion of the contract?**

This is a question for TJS

**8. Are all staff in CSG being offered positions in TJS? If not, which positions are not going across?**

No. Staff who are to be offered positions with TJS have already been made offers and will commence with TJS on August 1, 2016

**9. Is there any new information about this arrangement which may not have come to the attention of the PSA?**

The Department is unable to answer this question.

Please do not hesitate to contact me on (02) 9372 7605 or [daniel.bushe@finance.nsw.gov.au](mailto:daniel.bushe@finance.nsw.gov.au) should you have further questions or concerns.

Yours sincerely



21/7/2016

**Daniel Bushe**  
**A/Manager, Employee Relations**