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In reply please quote: **SH:cw:A14/1547**

Sue McCarrey  
Chief Executive  
Office of the National Rail Safety Regulator  
PO Box 3461  
ADELAIDE SA 5000

Ms McCarrey,

**Re: Balloting of ITSR Staff – Industrial Instrument for Transmission of Business**

The PSA/CPSU is writing with respect to the industrial instrument for transfer of Independent Transport Safety Regulator staff to the Office of the National Rail Safety Regulator.

ONRSR has now balloted the staff in order to understand their views in accordance with s.768 BA. The Public Service Association of NSW, the Australian Services Union and Professional Australia have done the same.

We can confirm that PSA/CPSU/ASU/PA members have overwhelmingly voted to support the application of the ONRSR Enterprise Agreement 2015-2017 with the prescribed enforceable undertakings.

The PSA/CPSU understands that ONRSR wishes to make application to the Fair Work Commission before the end of the calendar year. The PSA/CPSU will support that application; however, there are two material matters that remain outstanding.

**Authorised Travel Passes**

Although ITSR and ONRSR have provided the PSA/CPSU advice that these passes are not an employment condition, there is a clear incongruence in its application. Staff of ITSR has used these passes as a part of travel to and from home for decades. There is an obvious custom and practice argument for the maintenance of passes to those staff members.

To date, ITSR has not provided sufficient evidence to satisfy the PSA/CPSU that these Authorised Travel Passes do not make up part of the contract of employment.

The PSA/CPSU seeks for further information that may assist with the ITSR interpretation with respect to the Authorised Travel Passes.

## **Recognition of ONRSR Service for NSW Public Sector Purposes**

The PSA/CPSU understands that ONRSR is still waiting on a response from the Public Service Commission with respect the recognition of ONRSR service from NSW Public Sector purposes.

The PSA/CPSU believes that the staff have made the right decision by accepting the ONRSR Enterprise Agreement and enforceable undertakings as the instrument for transfer, and will work with ONRSR to continue this transition.

Yours sincerely,



Troy Wright  
**Assistant General Secretary**

6 December 2016