



31 July 2019

The Hon. Andrew Constance, MP
Minister for Transport and Roads
52 Martin Place
SYDNEY NSW 2000

Dear Minister

Re: Dissolution of RMS and legislative commitments

I write to advise the Combined Transport Unions are seeking the following commitments in legislation that will be introduced to Parliament to dissolve RMS:

1. commitment that as a result of the merger, no worker will be worse off and the no net detriment principle will apply, and in cases where there is a disagreement, the matter will be referred to the Industrial Relations Commission of NSW;
2. no forced redundancies for a period of four years;
3. no outsourcing or privatisation for a period of four years, which includes no extension to the privatisation of maintenance programs in the Sydney Metropolitan area for the next four years;
4. the NSW Government commitment to no job losses in the regions to extend to Wollongong, Newcastle, Central Coast and the Blue Mountains;
5. TfNSW will participate in good faith in an ongoing consultation process regarding the merger with all relevant parties including the provision of relevant documents in a timely manner and answers to questions in a timely manner, and disputes over what is relevant information will be referred to the Industrial Relations Commission of NSW, with the Commission given the power to make binding determinations;
6. a commitment that the three RMS Wages Awards will be maintained and not consolidated with the RMS and TfNSW Salaried Awards;

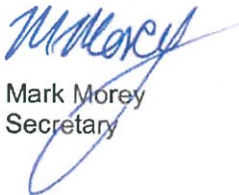
7. a commitment to protect terms and conditions of employment, and that there will be no loss of conditions, including committing to a process whereby unions identify key conditions from the RMS Awards that will be kept in any Award or Awards that replace the RMS Awards, and that TfNSW commits to the maintenance of these key conditions in the next round of award negotiations. These conditions will be inserted into the Awards by consent variations before the next award negotiations; and
8. an agreed consultation process for future decisions that ensures that where government makes decisions, Transport has the ability to consult on those decisions with unions and employees before a final decision is made, and the government defers any final decision until such time as consultation has occurred with unions and employees.

These commitments have not been given in the Award negotiations or in a separate MoU which has been negotiated between the parties.

I request an urgent meeting with you this week to discuss these commitments and their inclusion in the legislation that will dissolve RMS.

To organise a mutually convenient time to meet please contact Connie Vartuli either by phone on (02) 9881 5999 or via email: cvartuli@unionsnsw.org.au

Yours sincerely



Mark Morey
Secretary

LEGISLATIVE COUNCIL

Transport Administration Amendment (RMS Dissolution) Bill 2019

First print

Proposed amendment

No. 1 **No forced redundancies**

Page 6, Schedule 1[35]. Insert after line 34—

No forced redundancies for RMS or TfNSW staff

A person who, immediately before the dissolution of Roads and Maritime Services, was a member of staff of Roads and Maritime Services or Transport for NSW must not be removed from the Transport Service (other than on disciplinary or incapacity grounds or as part of a voluntary redundancy) within the period of 4 years commencing on the date of that dissolution.

No. 2 **No privatisation or outsourcing of work**

Page 6, Schedule 1[35]. Insert after line 34—

No privatisation or outsourcing of RMS or TfNSW work

For the period of 4 years commencing on the date of the dissolution of Roads and Maritime Services—

- (a) any function or work that, immediately before that dissolution, was exercised or carried out by Roads and Maritime Services or Transport for NSW must not be privatised or outsourced to a non-government sector entity, and
- (b) any existing contract or arrangement for the carrying out of maintenance work on behalf of Roads and Maritime Services or Transport for NSW in the Sydney metropolitan area (within the meaning of the *Regional Development Act 2004*) by a non-government sector entity must not be extended or renewed.

No. 3 **No reduction in staff numbers**

Page 6, Schedule 1[35]. Insert after line 34—

Minimum number of TfNSW regional employees

- (1) For the period of 4 years commencing on the date of the dissolution of Roads and Maritime Services, the number of full time equivalent employees of Transport for NSW in regional NSW must not be reduced below the sum of the number of Roads and Maritime Services and Transport for NSW full time equivalent employees in regional NSW immediately before that dissolution.

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- (2) In this clause, *regional NSW* means that part of New South Wales that is not within the following areas—
- (a) the Sydney metropolitan area within the meaning of the *Regional Development Act 2004*,
 - (b) the local government area of the City of Blue Mountains.

No. 4 **RMS awards not to be merged into Transport Service awards**

Page 6, Schedule 1[35]. Insert after line 34—

RMS awards not to be merged into Transport Service awards

- (1) The Transport Secretary must ensure, for the period of 4 years commencing on the date of the dissolution of Roads and Maritime Services, that the existing RMS awards—
 - (a) continue to apply to persons who were members of staff of Roads and Maritime Services immediately before that dissolution, and
 - (b) are maintained as separate awards and are not combined with any other award applying to employees in the Transport Service.
- (2) In this clause, *existing RMS awards* means the following—
 - (a) the *Roads and Maritime Services Consolidated Salaried Award 2019*,
 - (b) the *Roads and Maritime Services School Crossing Supervisors Award 2019*,
 - (c) the *Roads and Maritime Services (Traffic Signals Staff) Award 2019*,
 - (d) the *Roads and Maritime Services (Wages Staff) Award 2019*.

No. 5 **Disputes may be resolved by Industrial Relations Commission**

Page 6, Schedule 1[35]. Insert after line 34—

20 Certain industrial disputes regarding dissolution of RMS may be resolved by Industrial Relations Commission

- (1) If a person who, immediately before the dissolution of Roads and Maritime Services, was a member of staff of Roads and Maritime Services is of the opinion that the person has, or a group of similar persons have, been materially disadvantaged by that dissolution or actions directly consequent on that dissolution, the person, or an industrial organisation acting on behalf of the person or group, may apply to the Industrial Relations Commission to have the matter determined by conciliation and, if necessary, arbitration.
- (2) The Industrial Relations Commission may conduct that dispute resolution process in a manner that the Commission considers appropriate.
- (3) The Industrial Relations Commission may make orders in relation to the matter that the Commission considers are fair and reasonable in the circumstances.
- (4) In this section:
industrial organisation means:
 - (a) an industrial organisation of employees within the meaning of the *Industrial Relations Act 1996*, or
 - (b) an association of employees registered as an organisation under the *Fair Work (Registered Organisations) Act 2009* of the Commonwealth.