



# LCexpress

eBULLETIN OF THE RTBU NSW LOCOMOTIVE DIVISION DELEGATE

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## National Rail Safety Regulation

On 1 July 2008 the Independent Transport Safety and Reliability Regulator (ITSRR) released an Information Alert providing an update on the implementation of nationally consistent rail safety legislation in NSW. ITSRR has been working with the National Transport Commission (NTC), the NSW rail industry and other Australian regulators to develop and introduce nationally consistent rail safety legislation.

Over the past 18 months ITSRR has consulted extensively with the rail industry, unions and peak bodies on the Draft NSW Rail Safety Bill and supporting Regulations with a view to introducing new legislation by 1 July 2008. During this period industry stakeholders have expressed concern about the formulation of the general duty within the proposed legislation. ITSRR sought advice from the NTC on these concerns.

The NTC has confirmed that the proposed NSW Bill and Regulations - including the formulation of the general duty - are consistent with decisions made by the Australian Transport Commission and the approved National Model Rail Safety Bill 2006.

The NSW Government remains committed to introducing the legislation to deliver national consistency in the regulation of rail safety as soon as is practicable.

## Legal Issues

There are a number of issues being dealt with using legal expertise, a brief summary is outlined below:

- A member has been successful in gaining his entitlements after being unfairly dismissed.
- 2 unfair dismissals are currently being heard by the AIRC  
Driver Trainers PDs ; and  
Introduction of new positions.

## Representing Pacific National Members

### Abusing the EA is breaking the law – and just plain dumb!

Currently Northern Coal Division is having difficulty understanding the concept of union representation for members. Simply put they have decided to impose a time limit in which to conduct records of interviews. This would not be a problem if the member was able to access their nominated delegate to support them during this process.

However Pacific National is limiting this access by refusing to roster any delegate for the record of interview. They acknowledge that representation is a common and agreed clause contained within our E.A. but still refuses to abide by it. This has already led to one member being stood down.

Pacific National have even had the gall to suggest that a member could utilize a H.R. Manager to act as their support person. Thanks for the offer, but the RTBU will represent our members, whether this suits management or not.

## Public Sector Unions Campaign on Wages

Public Sector unions met recently with UnionsNSW to discuss a proposed campaign to step up efforts to protect the wages and conditions of NSW public sector unions. Public sector unions (representing teachers, nurses, fire services, rail workers, community services, police) are calling on the Premier to stand up for public sector workers by publicly overturning the Treasurer's limit of 2.5% wage increase to the public sector, and by scrutinizing any moves to diminish OHS and industrial relations through transfers or harmonization of state and federal systems.

Public sector union delegates met on Thursday 3 July, following the result of the rail unions ballot for industrial action, and coinciding with the COAG meeting in Sydney, where OHS and IR consolidation will be discussed, and in full glare of the media.

The campaign will be rolled out with a co-ordinated day of action – a 'No Goodwill Day', where different unions will identify appropriate strategies for their sectors to participate in the day of action. For this day of action to be effective, all members in all work locations need to make a big effort.

## Farewell Keith Glew

A well known identity will shortly be retiring after 43 years on the railway, Keith Glew will be honoured at a function to be held at Blacktown RSL on the 9<sup>th</sup> August at 17.30

### OSCAR Suburban Working

RailCorp has yet again attempted to blur the lines between ETR and Interurban Working by proposing to introduce Sutherland to Bondi Working in the guise that it is only for OSCAR trains.

The obvious implications are the impacts on shift limits, rostering conditions, mileage payments, to name but a few, further meetings will be held on this matter.

### World Youth Day – Rosters & Diagrams

There continues to be debate with RailCorp on several issues regarding the new method which they will use to cover the working required to run the WYD timetable. We believe that RailCorp has breached longstanding custom and practices and some of the EA conditions in their attempt to save money that would otherwise have been paid to our members.

Management has acknowledged a lot of our concerns and has provided information when requested but continually refuse to acknowledge that Lift Up and Layback should be paid against the existing schedules. One option discussed was the possibility of being able to move book off days on relief rosters (*with our agreement*) provided sufficient notice was given. They immediately responded by stating that wouldn't be good enough. We also argued that in the past our members have always stepped up to the plate when requested and this time would have been no different, they could even have resorted to introducing the conditions that we all agreed to during the Olympics, but again the answer was NO we will do it our way! Then that just leaves us to do it our way!

### Cronulla Duplication

This project was due for completion in 2008 but has slipped further behind schedule with the planned closedown for June 08 being reduced from 4 weeks to just 9 days. Also, the planned closedown for October 08 has now been put back until April 09. Completion is now anticipated for 2010.

### Members Vote for Action Against RailCorp

A postal ballot was conducted by the AEC of our RailCorp members in preparation to commence legal industrial action, our members have delivered in trumps by returning a 95% return on the ballot with only 5% of those saying No to industrial action. This now means that we have thirty days in which we can take legal industrial action.

The Campaign committee has decided that we will lodge with the Commission our intention to commence industrial action with a 24 hour stoppage. It is also a requirement under the WorkChoices legislation that we have to give seven working days notice. By the time that you are reading this that notice will have been served and our RailCorp members will be taking industrial action for the first time in many years.

### Train Driver Praised

Media reports recently praised the efforts of our member that was involved in a fatal incident on the Illawarra line, NSW Police stated that if it wasn't for his quick actions in notifying the authorities the train travelling the other direction would have also been involved.

### Optalert

A meeting was held at the Hunter Valley recently to discuss the latest trial (*which was to test the suitability of the algorithm*). Whilst the trial provided somewhat limited data; it did manage to produce some results for Sleep Diagnostics. It was stated that the results were "very encouraging" however the company is still not confident enough with this data to proceed further. Obviously the algorithm still requires further tinkering before they can be satisfied with it. The trial did expose a raft of operational difficulties with the glasses, especially regarding the instances of eye-strain. It is not expected for another trial to occur until early 2009 at which point the next version of Optalert will be released.

### PN purchases land for Parkes terminal

A media release from Mark Rowsthorn announced on the 3<sup>rd</sup> of July that they have purchased 327 hectares of freehold land in Parkes. The land already has concept plans approved by the NSW Minister of Planning for the development of a intermodal freight terminal and container storage and warehousing.

Authorised by Alex Claassens, Divisional Secretary

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