

Received by: *B. Duff*

Date: *21 August 2019*

Time: *5.15 pm*

LEGISLATIVE COUNCIL

c2019-055C  
OPP--OPPOSITION

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.

- 
- (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—

**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.