

LEGISLATIVE ASSEMBLY

Transport Administration Amendment (RMS Dissolution) Bill 2019

First print

Proposed amendments of Council amendments to Assembly Bill

NOTE: It is proposed that the Assembly resolve to disagree to proposed amendments Nos. 1, 2, 4 and 5 (for reasons to be stated) and that the Assembly propose instead the following amendments.

No. 1 **No forced redundancies for RMS staff**

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

No forced redundancies for RMS staff

- (1) The employment of a Transport Service non-executive employee who, immediately before the dissolution of Roads and Maritime Services, was a member of staff of Roads and Maritime Services must not be terminated on the grounds of redundancy (other than voluntary redundancy).
- (2) This clause continues to have effect only while any of the following awards apply to any non-executive employees in the Transport Service—
 - (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. 2 **No privatisation of certain RMS work**

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

No privatisation of certain RMS work

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

- (a) any work that, immediately before that dissolution, was performed by Roads and Maritime Services must not be privatised to a non-government sector entity, and
- (b) any contract in force immediately before that dissolution for the carrying out of road maintenance work on behalf of Roads and Maritime Services in the Sydney metropolitan area (within the meaning of the *Regional Development Act 2004*) by a non-government sector entity must not be extended in scope.

No. 3 **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 are maintained as separate awards and are not combined with any other award applying to employees in the Transport Service.
- (2) Subclause (1) does not apply to an existing RMS award if all the industrial organisations that are parties to the award consent to the combination.
- (3) In this clause, **existing RMS award** 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. 4 **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 to whom an RMS award applied is of the opinion that the person has 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, may apply to the Industrial Relations Commission to have the matter determined by conciliation and, if necessary, arbitration.
- (2) However, the person, or industrial organisation acting on behalf of the person, before making the application to the Industrial Relations Commission under subclause (1), must follow the dispute settlement procedure set out in the applicable RMS award as far as is reasonably practicable in the circumstances.
- (3) The Industrial Relations Commission may conduct the dispute resolution process in a manner that the Commission considers appropriate.
- (4) The Industrial Relations Commission may make orders in relation to the matter that the Commission considers are fair and reasonable in the circumstances.
- (5) If a Transport Service senior executive or Transport Service senior manager 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 executive or manager has been materially disadvantaged by that dissolution or actions directly consequent on that dissolution, the executive or manager, or an industrial organisation acting on behalf of the executive or manager, may apply to the Transport Secretary to review the matter.
- (6) The Transport Secretary may, after reviewing the matter, make directions that the Transport Secretary considers are fair and reasonable in the circumstances.
- (7) The Transport Secretary may delegate any of the Transport Secretary's functions under subclauses (5) and (6) to a person employed in the Transport Service.
- (8) In this clause—
industrial organisation means—

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- (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.

RMS award 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*.
- (9) To avoid doubt, nothing in this clause affects the operation of section 74 of the *Government Sector Employment Act 2013* or section 68O of this Act.
 - (10) Subclauses (1), (2) and (5) cease to have effect on the expiry of the period of 4 years commencing on the dissolution of Roads and Maritime Services.