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**From:** Tanya Raffoul  
**Sent:** Tuesday, 22 February 2022 4:14 PM  
**To:** Bran Black; Tom Morrison  
**Subject:** FW: Protected Action: operational assessment  
**Attachments:** Briefing Note - PIA - 21 Feb to 07 Mar 2022 v2 00.pdf

FYI

Kind regards

**Tanya Raffoul**  
Chief of Staff  
Office of the Hon David Elliott MP  
Minister for Transport  
Minister for Veterans

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Mobile:

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**From:** Susan Carroll  
**Sent:** Tuesday, 22 February 2022 3:03 PM  
**To:** Tanya Raffoul  
**Cc:** Matt Longland  
**Subject:** Protected Action: operational assessment

Rob Sharp

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Dear Tanya,

Please find risk assessment attached.

Kind regards,  
Susan

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Briefing Note: Matt Longland – Chief Executive  
Sydney Trains, Dale Merrick – A/Chief Executive  
NSW TrainLink



Transport  
for NSW

## Operational impacts associated with Protected Industrial Action scheduled between 21 February 2022 and 07 March 2022

### Issue

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To provide an overview of the operational impacts associated with the Protected Industrial Action notified to take place from 21 February 2022 to 07 March 2022

### Background

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On 09 February 2022, the RTBU provided Sydney Trains and NSW TrainLink with the following notice of protected industrial action:

Pursuant to Section 414 of the Fair Work Act 2009 and in conjunction with the Orders made in B2021/455 (the Orders), we provide Sydney Trains and NSW Trains (the Employers) with notice of protected industrial to be undertaken by RTBU members as follows:

**1. Nature of action:** A periodic ban on the performance of Foreign Depot working for Train Crew

**Day on which action commences:** 12:01am on 21 February 2022 continuing to 12.01am on 7 March 2022

**2. Nature of action:** A periodic ban on Overtime

**Day on which action commences:** 12:01am on 21 February 2022 continuing to 12.01am on 7 March 2022

**3. Nature of action:** A periodic ban on working with non-Sydney Trains / NSW Trains direct hire employees

**Day on which action commences:** 12:01am on 21 February 2022 continuing to 12.01am on 7 March 2022

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**4. Nature of action:** A periodic ban on the issuing of transpositions

**Day on which action commences:** 12:01am on 21 February 2022  
continuing to 12.01am on 7 March 2022

**5. Nature of action:** A ban on the manner in which work is performed in the form of a ban on Train Crew accepting altered working

**Day on which action commences:** 12:01am on 21 February 2022  
continuing to 12.01am on 7 March 2022

**6. Nature of action:** A limitation on the manner in which work is performed in the form of Train Crew only signing on and off at their appointed Home Depot

**Day on which action commences:** 12:01am on 21 February 2022  
continuing to 12.01am on 7 March 2022

**7. Nature of action:** A limitation on the manner in which work is performed in the form of Train Crew only working to their current Master Roster

**Day on which action commences:** 12:01am on 21 February 2022  
continuing to 12.01am on 7 March 2022

**8. Nature of action:** A ban on the manner in which work is performed in the form of a ban on Train Crew accepting transposition slips

**Day on which action commences:** 12:01am on 21 February 2022  
continuing to 12.01am on 7 March 2022

**9. Nature of action:** A ban on the manner in which work is performed in the form of a ban on Regional Drivers working to changes to current timetabled stopping patterns

**Day on which action commences:** 12:01am on 21 February 2022  
continuing to 12.01am on 7 March 2022

There is a significant number of ongoing actions from the various unions. Of particular note are the actions which have been notified by the following unions and will be applicable to the above notified actions:



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- **ASU:** Indefinite bans on performing work which is subject to protected action bans by any or all of RTBU, APESMA, ETU, CFMMEU, PTEU, AWU or AMWU members (indefinite ban)
- **AMWU:** An unlimited number of indefinite bans on performing work which is subject to protected action bans by any or all of RTBU, APESMA, ETU, CFMMEU, AWU or ASU members (indefinite ban)
- **ETU:** Bans on performing work which is subject to protected action bans by any or all of RTBU, APESMA, AMWU, CFMMEU, AWU, or ASU members (indefinite ban)
- **Professionals Australia:** A ban on performing work which is subject to protected action bans by any or all of ASU, RTBU, AMWU, ETU, CFMMEU, PTEU or AWU members (recurring notification of ban).

The following operational impact assessment has been developed through consultation with the key stakeholders and subject matter experts within Sydney Trains and NSW TrainLink.

### Current Position

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The impacts from the above stoppages have been summarised with the associated risks, mitigations and exposure level for each of the following key workgroups or functions:

### Network Operations

During the period of industrial action taking place from 06 February 2022 to 21 February 2022, signal box workers were deemed exempt from any overtime ban. A similar commitment has not been received from the unions relating to the Protected Industrial Action scheduled to commence on 21 February 2022.

If an overtime ban exemption is not granted then it is anticipated that closure of panels will be required during the period of the industrial action that has the potential to impact both freight movements and passenger services for ST and NSWTL. In the event that a panel cannot be operated for the afternoon or evening shift periods, trains will be required to terminate mid-run across the network as transpositions cannot be utilised to return the sets to depots. This will impact upon wider network operations and not the sole panel that is closed. The ban on transpositions will mean that the network will be unable to recover from such incidents.

Network Controllers (e.g. Network Incident Manager and Train Service Delivery Manager) are critical roles in the response to network incidents within the Command

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21 February 2022 Onwards – Protected Industrial Action Requirements and Constraints

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and Control Structure. In the event that the Command and Control Structure and incident response requirements cannot be maintained network closures will be required to be undertaken.

Short Term Risk Exposure

UNACCEPTABLE

### **Degraded Network Operations**

A ban on transpositions along with the ban on Train Crew accepting altered working will have a significant impact upon the ability of Network Operations to respond to any incident that may result in degraded operations. In such a circumstance severe network impacts will be encountered and the ability to recover operations will be limited and will cause significant crowding on trains and stations, along with exacerbating the COVID risk.

Short Term Risk Exposure

UNACCEPTABLE

### **Fleet Maintenance**

The ability to mitigate the impact of the Protected Industrial Action is limited due to mitigation that has been undertaken for the Protected Industrial Action period between 06 February 2022 and 21 February 2022. A return to a full weekday timetable associated with the master roster within Train Crewing and the removal of the enhanced weekend timetable will mean that out of timetable runs cannot be operated. This will severely restrict the ability of Fleet Maintenance to be able to provide required set availability. Delivery of maintenance sets will be unable to be run live due to the actions restricting timetabling, transposition and altered working.

Contracted fleet maintainers would be unable to be used around the period of the industrial action. This is likely to result in an inability to return rollingstock maintained at the Auburn Maintenance Centre (AMC) to the operational network during the period of the industrial action. During normal operations, a total of eight sets per day would be subject to maintenance at AMC, and over the period of the industrial action there is the potential that a number of sets may become unavailable due to requiring maintenance that would otherwise be conducted by contractors. As soon as a train enters the AMC and is worked on during this period, it will be unable to be returned to service. Any defective set will need to be taken out of service and it will not be possible to return to service due to being worked on by contractors.

An enhanced weekend timetable (for a minimum of two weeks) will be required at the end of the identified Protected Industrial Action period to ensure that the fleet maintenance backlog issues arising can be addressed. In the event that an enhanced



weekend timetable is not operated following the identified action, then impacts will be experienced on the normal operational timetable.

Short Term Risk Exposure

UNACCEPTABLE

### Fleet Maintenance – Fleet Cleaning Arrangements

The key risk associated with this action, would be the potential inability to move trains in/out of maintenance centres affecting services due to inadequate cleaning. It should also be recognised that there are likely to be increased customer complaints during the period. COVID-19 infection rates remain high in the community and customer expectations regarding cleaning are high.

Resourcing assessment has confirmed that there is sufficient Sydney Trains employed resources to ensure minimum operating cleaning requirements can be achieved. Minimum operating standards and COVID-19 touch cleans can be achieved on weekday services however, resources will not be available for replacement of green sit-here/ stand-here decals, major cleans or normal cleans. If the current high standard is required, then resourcing challenges are likely to be experienced. Planned mitigation would be to apply normal procedure of closing specific carriages of concern, however, this is likely to be significantly noticeable by the end of the proposed period of Protected Industrial Action. There is anticipated to be a degradation to overall cleaning standards as a result of only meeting minimum operating standards. This may result in public reputational impact as a result of the current COVID-19 transmission rates. It is anticipated that with the planned mitigation there will be short term operational impacts associated with this specific industrial action should any contracted cleaning staff work at Sydney Trains depot locations. No cleaning activities will be undertaken at weekends. There is also an increased likelihood that Train Crew would not accept sets into services from a perception that the sets do not meet the required cleanliness levels.

Short Term Risk Exposure

UNACCEPTABLE

### Network Maintenance and Major Works

In Network Maintenance, routine maintenance rely heavily on overtime and as such compliance activities may be impacted. Defect removals may not go ahead due to insufficient staffing and this is likely to be further impacted by COVID-19 sickness levels and isolation requirements. The ban on transpositions will result in a significant loss of maintenance windows. This has the ability to impact upon the ability to certify that assets are safe to operate. This can result in network assets being booked out and result in closures or operating restrictions being placed across the network.

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Incident response timeframes are also likely to be impacted for on-call responses if the issue is not deemed safety critical. Mitigation is being undertaken to reduce scoping of work to ensure overtime is only required in relation to emergency response activities. Works in the possessions require electrical switching teams that rely heavily on overtime and as such possession handback may be at risk. It is anticipated that the consequences of the bans impacting upon other directorates will have a significant secondary impact on the ability of Network Maintenance to undertake required works.

Possession handbacks are also at risk within Major Works as a result of the Protected Industrial Action. Any reduction in resources is to be mitigated through reduced work to ensure work can be completed within rostered hours only. This will result in associated delays and additional costs to the delivery of programs. It is estimated that current impact to Sydney Trains from the inability to complete works due to electrical switching limitations will be in the region of \$250m in abortive works by the end of the financial year, if the current actions continue until the end of the existing Financial Year. This has arisen as a result of existing bans from the RTBU and ETU in relation to working with non-ST and NSW TL staff, overtime bans and the ability to mirror protected industrial action from other unions. Based on current projections for the month of February alone this is estimated to be just short of \$40m and projected for \$60m in March 2022.

The RTBU has confirmed that the RTBU Infrastructure Division members will not be applying the overtime ban from 21/2/21 for the two week duration of the ban (until 7 March 2022). No clarity has been provided in relation to whether the ban on working with contractors extends to working with protection officers.

External projects that may be impacted from the Protected Industrial Action within Major Works and Network Maintenance include the rescheduling of some key milestones and additional possessions being required on the TfNSW MTMS2 South Program. The Metro program works are not thought likely to be impacted based on the RTBU Infrastructure Division Bulletin as outlined above, however, works may be impacted if individuals deem the ban extends to working with a contracted Protection Officer or other contractors. The external project exposure is deemed tolerable to the RTBU associated industrial action. It should be noted however, that Metro works have been, and continue to be heavily impacted by the existing ETU Protected Industrial Action and significant impact/project delay has been encountered around High Voltage isolations. This action may be further impacted should the ETU participate in the actions identified by the RTBU.

Short Term Risk Exposure	UNACCEPTABLE
Financial Risk Exposure	UNACCEPTABLE



### **Train Crewing**

Train Crewing is expected to be extensively impacted as a result of the Protected Industrial Action scheduled to take place from 21 February 2022 until 07 March 2022. The impact upon master rosters, transpositions, altered working, ban on foreign depot working and the requirement to only sign-on at the home depot will mean that the Daily Working Time Table cannot be maintained. This will have significant levels of service disruption that will occur for the duration of the notified Protected Industrial Action period.

The requirement to operate to the master roster that was published in November 2021 will prevent Train Crewing from being able to operate the current enhanced weekend timetable, requiring the reversion to a timetable that is now unable to be implemented due to geography changes that have occurred to support the new Metro line. Furthermore, the limitations from the ban in relation to transpositions and altered working will result in the loss of available maintenance windows across the working. In the event of an incident that results in degraded operations then there will be no capacity within Train Crewing to be able to adequately respond to incidents resulting in significant network outages.

Train Crewing is further likely to be impacted as a result of a ban on front-line staff working with senior management provided at crewing depot locations. This has the potential that front-line train crew will refuse to follow reasonable and lawful direction from senior management as a result of not being a direct Sydney Trains hire. Similarly, a number of individuals within scheduling and rostering are also employed directly to TfNSW and as such there is the potential that there may be an impact as a result of employees not following instruction or direction. A refusal to work under direction during a network incident may result in difficulties to allow Train Crewing to activate their business continuity plans. Previously, assurances have been provided by the RTBU that in the event of an incident that no issues will be encountered in relation to activating any Command and Control requirements. Subject to views on approaching the RTBU, this arrangement can be confirmed.

Service impacts are expected to be exacerbated in the event of increased staff absenteeism arising out of sickness (e.g. COVID-19). Work is currently being undertaken to limit the requirement for foreign depot working and to limit the overtime requirements, however, the extent of the action notified means that the mitigation measures will be extremely limited. The Protected Industrial Action is to be undertaken over two rostering periods with Train Crewing's ability to revert to a Master Roster for the period of the PIA impacted as one of the rostering periods has already been published, further complicating the ability to mitigate.

It is deemed that due to timeframe and resource constraints that it is not possible to revert safely to operating a master roster timetable. Timetabling and rostering impacts associated with such changes are extensive, and it is known that there is no realistic ability to maintain such operations. It is anticipated that there would be extensive network cancellations shortly after commencement of the industrial action, and any



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impacts associated with changes to the operational timetable as a result of staff shortages in signalling or train crewing will result in runs being cancelled mid-run. As this would require a transposition to move the train from the impacted location, it is deemed that a number of sets will be unable to be moved for the duration of the industrial action resulting in extensive network blockages. It is possible that sets may be stranded mid-section which will require detrainment of staff and customers resulting in extensive negative media coverage and increased likelihood of minor customer injuries from slips, trips and falls. In the event of a need to detrain mid-section, there will be a need to place adjacent lines at stop which will result in significant network impacts and a closure of a line. Transpositions would be required to recover the network in this scenario which will not be an available mitigation under the proposed protected industrial action.

Short Term Risk Exposure

UNACCEPTABLE

**Service Experience**

Limited impact is anticipated within Service Experience due to the anticipated low take up of industrial action associated with limitations of overtime working. In the event that individuals refuse to undertake overtime working, it is likely that other members of staff will seek to utilise overtime opportunities. Mitigations are also in place that in the event that there is a shortfall of staffing numbers to be able to meet overall requirements, that the staffing of an identified 107 key station locations will be prioritised to maintain an acceptable minimum standard of service experience.

Short Term Risk Exposure

TOLERABLE

**NSW TrainLink**

Service impacts are expected to be encountered as a result of the overtime ban and this may be exacerbated in the event of increased staff absenteeism arising out of sickness (e.g. COVID-19). Work is currently being undertaken to limit the requirement for foreign depot working and to limit the overtime requirements, however this will still result in a moderate level of InterCity service cancellations. The ban on overtime significantly impacts the availability of regional drivers and onboard staff resulting in the potential for a large number of regional rail cancellations and replacement with road coaches. A significant poor customer outcome is expected.

NSW TrainLink uses the contract services of GJK cleaning at Sydenham Maintenance Centre, Eveleigh Maintenance Centre and OSCar Maintenance Centre. Based on previous PIA of a similar nature in 2021, NSWTL are confident that the current PIA will not impact on the cleaning of fleet at the 3 maintenance centres. Additionally, Gate

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Gourmet provide all the catering needs associated with regional rail services, and as there is no comparable service provision within the Transport cluster, NSWTL are again confident that the proposed PIA will not impact provision of catering.

Short Term Risk Exposure

**UNACCEPTABLE**

**Freight Operations**

The protected industrial action will impact the ability to provide the required freight train paths and the supply chain across Australia will be impacted. Partner agencies such as ARTC, John Holland and CRN will have insufficient time to replan expected paths. This is likely to result in a misalignment of timetables impacting upon delivery windows (e.g. port windows). Line blockages that may arise out of the operational and train crewing impacts may result in line blockages occurring resulting in an inability to provide clear paths for freight movements.

Significant reputational risk is expected from both freight companies and their customers with this issue expected to be escalated due to the potential impacts on supply chains across Australia during this period.

Short Term Risk Exposure

**UNACCEPTABLE**

**Senior Leadership Fatigue**

Sydney Trains is dependent on a number of roles and functions that are under increasing pressure due to the ongoing period of short-term planning and delivery required to maintain operational requirements. This has led to a significant workload being undertaken by employees within management, operational planning, engineering and maintenance and front-line customer operational areas of the business. Activities have often been required at short-notice with extensive levels of resources being required to maintain timetable delivery requirements. It is deemed that current workload levels are unsustainable with further loss of staff expected if work demands are not changed.

Key areas of concern include operational planning (day of operations and network incident management), maintenance planning and engineers (Network Maintenance, Fleet Maintenance and Major Works), electrical (HV and switching) and scheduling and rostering within Train Crewing. Significant impact is also being experienced at management levels across Sydney Trains that have been required to support the dynamic response that has been required for an extended period of time in relation to both COVID-19 pandemic and Protected Industrial Action.



Short Term Risk Exposure

UNACCEPTABLE

**OVERALL POSITION**

Area at Risk		Risk Exposure
1.	Network Operations	Unacceptable
2.	Degraded Network Operations	Unacceptable
3.	Fleet Maintenance	Unacceptable
4.	Fleet Maintenance – Cleaning Arrangements	Unacceptable
5.	Network Maintenance and Major Works	Unacceptable
6.	Network Maintenance and Major Works Financial Impact	Unacceptable
7.	Train Crewing	Unacceptable
8.	Service Experience	Tolerable
9.	NSW TrainLink	Unacceptable
10.	Freight	Unacceptable
11.	Senior Leadership Fatigue	Unacceptable

Based on the above determinations made by Senior Management in Sydney Trains and NSW TrainLink, the short-term risk exposure to Sydney Trains and NSW Train Link is deemed **UNACCEPTABLE** due to the operational disruption and level of financial impact.

**Service options:**

1. If the enhanced weekend timetable is operated, no services will operate on the network from 12.01am 21st February 2022, as it does not align with the train crew master roster.
2. If a SWTT was implemented, then the combination of all the PIAs would result in
  - a. fleet being unavailable and possible infrastructure out of compliance
  - b. significant cancellations on the day due to train crew unavailability
  - c. unpredictable signalling panel closures
  - d. further compounded by the inability to respond and recover the network resulting in trains stranded on the network and lines/network closure
  - e. This will also result in an unsafe and unpredictable environment for our customers

**Summary and Recommendations:**

- Either timetable option will result in line/network closures but leaving the enhanced weekend TT in place can result in a planned and safe closure of the network
- This approach is in line with the Ministers public commitment to uplift the Sydney Trains TT on 28th Feb
- This is in alignment with NSWTL approach to run an enhanced weekend TT
- **Recommendation:** The recommendation is to leave the enhanced weekend TT and pursue a suspension of the notified actions through an application to the Fair Work Commission. Note suspensions are granted at the discretion of the Fair Work Commission based on meeting a high evidentiary burden.

Note: Please refer to "Attachment A" which provides an overview of the basis on which the risk exposure has been assessed using the Sydney Trains Enterprise Risk Ranking criteria.

**Recommendations**

Sydney Trains and NSW TrainLink Executives to note the operational impact to the Sydney Trains and NSW TrainLink services and operations as a result of the industrial action and confirm operational response to planned Protected Industrial Action.



Internal approvals

<p><b>Name Jasbir Tumber</b> <b>Title A/Chief Customer Officer, Sydney Trains</b> <b>Division Greater Sydney</b></p> <p><b>Jasbir Tumber</b> Digitally signed by Jasbir Tumber Date: 2022.02.17 12:39:06 +11'00'</p> <p><b>Not approved</b></p> <p><b>Date:</b></p>	<p><b>Name Dale Merrick</b> <b>Title A/Chief Executive, NSW TrainLink</b> <b>Division Regional and Outer Metropolitan</b></p> <p><b>Dale Merrick</b> Digitally signed by Dale Merrick Date: 2022.02.17 13:25:06 +11'00'</p> <p><b>Not approved</b></p> <p><b>Date:</b></p>
<p><b>Name Matt Longland</b> <b>Title Chief Executive, Sydney Trains</b> <b>Division Greater Sydney</b></p> <p><b>Matthew Longland</b> Digitally signed by Matthew Longland Date: 2022.02.17 13:11:24 +11'00'</p> <p><b>Not approved</b></p> <p><b>Date:</b></p>	<p><b>Name</b> <b>Title</b> <b>Division</b></p> <p><b>Approved</b></p> <p><b>Not approved</b></p> <p><b>Date:</b></p>

Prepared by: Bryce Dalton, Senior Manager Risk

Attachment A – Sydney Trains Enterprise Risk Management Risk Ranking Table

Customer Experience and Operational Risk Rating

Negative Consequences						Rating
C1	C2	C3	C4	C5	C6	
C	B	B	A	A	★	L6
C	C	B	B	A	A	L5
D	C	C	B	B	A	L4
D	D	C	C	B	B	L3
D	D	D	C	C	B	L2
D	D	D	D	C	C	L1

★ = Residual Risk Rating

The above matrix shows Sydney Trains ERM Risk Scoring Criteria. Based upon the operation this assessment would be determined as an 'A Rated undesirable risk (based on likelihood rating of L6, and a customer experience and operational performance consequence of C6).

Reputational Risk Rating

Negative Consequences						Rating
C1	C2	C3	C4	C5	C6	
C	B	B	★	A	A	L6
C	C	B	B	A	A	L5
D	C	C	B	B	A	L4
D	D	C	C	B	B	L3
D	D	D	C	C	B	L2
D	D	D	D	C	C	L1

★ = Residual Risk Rating



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The above matrix shows Sydney Trains ERM Risk Scoring Criteria. Based upon the operation this assessment would be determined as an 'A Rated undesirable risk (based on likelihood rating of L6 and a reputational impact of C4).

**Financial Risk Rating**

Negative Consequences						Rating
C1	C2	C3	C4	C5	C6	
C	B	B	A	A	A	L6
C	C	B	B	A	★	L5
D	C	C	B	B	A	L4
D	D	C	C	B	B	L3
D	D	D	C	C	B	L2
D	D	D	D	C	C	L1

★ = Residual Risk Rating

The above matrix shows Sydney Trains ERM Risk Scoring Criteria. Based upon the operation this assessment would be determined as an 'A Rated undesirable risk (based on likelihood rating of L6, and a financial impact of greater than \$50m resulting in a rating of C6).