



Reference: 11/C62/RH:DT

7th December 2011

C I R C U L A R

To: All RailCorp Members

Re: RailCorp Train Crew Reform – Update 6

As members had previously been advised the RTBU and RailCorp appeared before FWA on Friday 2/12/2011 for conciliation on the following matters:

1. What constitutes 'conditions of employment under the agreement', as referred to on clause 14.1(c) of the 2010 EA?
2. Whether the terms of clauses 135.2 and 136.1(k) of the 2010 EA prevent RailCorp from implementing the Sectorisation proposal as a matter of managerial prerogative (as recognised by clause 14.1(a) of the 2010 EA) subject to compliance with the consultative process in clause 8 of the 2010 EA; or whether clauses 14.2 to 14.4 of the 2010 EA are applicable to the sectorisation proposal?
3. Which of the clause 126 or clause 127 of the 2010 EA applies to Drivers when they are required to travel to another location (and return within the day) other than their home station to conduct work?
4. Whether the reference in subclause 126.1 of the 2010 EA to "relief Employees" should be read to cover Drivers or Guards?
5. Whether clause 127 of the 2010 EA or clause 3.2.1 of the Guards Rostering and Working Arrangements document of December 2008 (referred to in clause 14.1(d) of the 2010 EA) requires that travel is actually incurred prior to payment of travelling time.

Both RailCorp and the RTBU were represented by Legal Council with the RTBU also having 8 Delegates in attendance.

The outcome of the Conciliation is as follows:

1. Sectorisation

No agreement was reached on this matter and as such this matter will proceed to arbitration.

2. Sign on / Sign off

This matter took up most of the conciliation with the parties agreeing to continue conciliation on this matter.

It was agreed that RailCorp would forward a detailed document to the RTBU outlining their position as stated in FWA. Their response would also include the answers to the questions we asked during the conciliation.

Whilst it is too early to be confident that this matter will be resolved without arbitration, the parties have agreed to separate this matter from the planned arbitration.

3. Interpretation of Clause 14

This item will form part of the planned arbitration.

It was planned for the arbitration to occur on the 23rd, 24th and 25th January, but RailCorp have now advised (on the 6/12/2011) that due to the time of the year, the requirement on the parties to serve submissions and any witness statements in advance of the hearing, they are now agreeing for the arbitration hearing being listed after January 2012. No new dates have been set at time of writing.

Members will be kept informed of developments as they occur via Circular Updates and www.locoexpress.com.au

Yours fraternally



ROBERT HAYDEN
DIVISIONAL SECRETARY