



7 December 2017

Mr Gavin Kable  
Executive Director  
People and Communications  
Sydney Trains  
PO Box K349  
HAYMARKET NSW 1238

Email:- [GAVIN.KABLE@transport.nsw.gov.au](mailto:GAVIN.KABLE@transport.nsw.gov.au)

Dear Mr Kable,

**Re: Matter No. B2017/1140 & B2017/1144 – Application by Sydney Trains and NSW Trains to Deal with a Bargaining Dispute**

I refer to the above matters which have been listed for conciliation on 10 January 2018. The Combined Rail Unions (CRUs) view is that the matters between the parties should continue to be dealt with in accordance with the bargaining processes originally established by the parties to genuinely try and reach agreement for a new enterprise agreement to cover the employees of Sydney and NSW Trains. This process was established in accordance with the provisions of the *Fair Work Act 2009* and the Combined Rail Unions do not believe that it has failed or that the listed conciliation by the Fair Work Commission is required.

As you are aware bargaining commenced on 4 July and meetings include over forty (40) delegates. These delegates represent the whole of the workforce of Sydney Trains and NSW Trains. The role of these delegates is important as they provide members with regular and timely reports and have been able to gather relevant feedback on proposals and progress on the claims advanced by the members during bargaining.

The Combined Rail Unions believe that the Application made by the Rail Entities seeking to have these matters dealt with via s240 conciliation processes has had the effect of circumventing this process. We are concerned that conciliation will reduce the involvement and contributions of the delegates who represent thousands of employees across the two rail entities. Already, the conduct of the Rail Entities in the Fair Work Commission has created unnecessary delays. This time would have been better devoted to the resumption of bargaining in the hope of reaching agreement.

The Combined Rail Unions believe that reaching agreement is vital, so too is the involvement of our membership in achieving that outcome. For these reasons, I seek your agreement to vacate the upcoming conciliation date and recommence bargaining on the outstanding matters between the parties.

Please contact me at Unions NSW if you wish to discuss this matter further.

Yours faithfully

**Thomas Costa**  
**Assistant Secretary**