



## DECISION

*Fair Work Act 2009*  
s.424—Industrial action

**Sydney Trains; NSW Trains**  
(B2018/50)

**The Hon. Dominic Perrottet, Minister for Industrial Relations (New South Wales)**  
(B2018/51)

SENIOR DEPUTY PRESIDENT HAMBERGER

SYDNEY, 25 JANUARY 2018

*Suspension of protected industrial action by employees of Sydney Trains and NSW Trains – industrial action is threatening to endanger the welfare of part of the population – industrial action is threatening to cause significant damage to the Australian economy or an important part of it.*

[1] Having heard the parties and considered the evidence, I find that:

- the indefinite ban on overtime by employees of Sydney Trains and NSW Trains who are members of the RTBU and APESMA, that commenced at 12:01 am today; and
- the stoppage of work for a 24-hour period by employees of Sydney Trains and NSW Trains, who are members of the RTBU, that is due to commence at 12:01 am on Monday 29 January 2018;

constitute protected industrial action for a proposed enterprise agreement that is either being engaged in (in the case of the overtime ban) or is threatened (in the case of the 24-hour stoppage).

[2] The proposed 24-hour stoppage would almost certainly mean no train services on Monday 29 January 2018. Moreover, the overtime ban will greatly reduce the level of train services available from today.

[3] I am satisfied, based on the evidence, that this industrial action taken together – or indeed separately – threatens to endanger the welfare of a part of the population – including the large number of people in Sydney and surrounding areas who rely on the services provided by Sydney Trains and NSW Trains to get to work, attend school or otherwise go about their business, as well as all those who will suffer from the increased congestion on the roads that would be an inevitable consequence of the industrial action.

[4] I am also satisfied, based on the evidence that the industrial action threatens to cause significant damage to the economy of Sydney – the largest and most economically important city in Australia.

[5] Accordingly, I am required by s.424 of the Act to make an order suspending or terminating the protected industrial action. I have decided that it would be appropriate to suspend the industrial action for a period of six weeks from 6:00 pm today, ending at 6:00 pm on Thursday 8 March 2018. I would expect the parties to use this period of time to continue to negotiate and, I trust, reach mutually acceptable enterprise agreements for both Sydney Trains and NSW Trains. An order to this effect will be published with this decision.

[6] More detailed reasons for my decision will be published at a later date.



SENIOR DEPUTY PRESIDENT

*Appearances:*

*M Seck*, counsel, with *T Woods*, solicitor, for Sydney Trains and NSW Trains.

*M Easton*, counsel, for the Hon. Dominic Perrottet, Minister for Industrial Relations (New South Wales).

*A Howell*, counsel, with *M Doherty*, solicitor, for the Australian Rail, Tram and Bus Industry Union and The Association of Professional Engineers, Scientists and Managers, Australia.

*Hearing details:*

Sydney.

2018.

January 24, 25.

Printed by authority of the Commonwealth Government Printer

<PR599817>