

**TO: Minister for Transport and the Commonwealth Games
Leader of the House**

TITLE Traincrew enterprise agreement negotiations – final meetings
COPIED TO Treasurer, Minister for Aboriginal and Torres Strait Islander Partnerships and Minister for Sport
ACTION REQUIRED For Noting
PRIORITY Urgent
CRITICAL DATE 14 November 2016

EXPLANATION OF CRITICAL DATE

Queensland Rail is meeting with the Australian Rail, Tram and Bus Industry Union, the Australian Federated Union of Locomotive Employees and Queensland Union of Employees to finalise the Traincrew enterprise agreement within the parameters set by the CBRC.

RECOMMENDATIONS

That you note:

- Negotiations for a new Traincrew enterprise agreement will be finalised on 14 and 21 November 2016.

Noted / Please Discuss

The Honourable Stirling Hinchliffe MP
 Minister for Transport and the Commonwealth Games
 Leader of the House
 Member for Sandgate
 Date: / /

MINISTER'S COMMENTS

KEY ISSUES

- Employees working on Queensland Rail trains as drivers and guards (**Traincrew**) are covered by the QR Passenger Pty Ltd Traincrew Union Collective Workplace Agreement 2009 (**the current agreement**) which nominally expired on 30 June 2013.

Business Group	Queensland Rail		
	Action Officer	Endorsed:	Endorsed:
Name:	Nerida Marshman	Nicholle Duce	Neil Scales
Position:	Senior Adviser, Ministerial and Executive Liaison	Executive General Manager, HR	A/Chief Executive Officer
Telephone:	3072 2065		<i>NScales</i>
Date:	10 November 2016	9 November 2016	11 November 2016

- On 6 October 2016, Queensland Rail and Australian Rail, Tram and Bus Industry Union (RTBU), the Australian Federated Union of Locomotive Employees (AFULE) and Queensland Union of Employees (unions) reached an in-principle agreement on key terms of a proposed new Traincrew Enterprise Agreement.
- On 12 October 2016, the Cabinet Budget Review Committee (CBRC) approved the content of the key terms of the proposed new Traincrew Enterprise Agreement.
- Since CBRC approval, Queensland Rail has met with unions to draft the new agreement provisions. The wording of these provisions are now ready to be agreed to between the parties prior to formal employee information sessions, a ballot process and Fair Work Commission approvals (as part of the normal process to the EB agreed).

SENSITIVITY

- Given the nominal expiry date of the current agreement was 30 June 2013, unions have applied for and been granted by the Fair Work Commission, the ability to take protected industrial action to advance their claims at any time up to 8 December 2016. The RTBU have extended, but AFULE have not sought an extension.
- If unions do decide to take protected action they must provide Queensland Rail with 7 days' notice.

CONSULTATION – INTERNAL STAKEHOLDERS

- The in-principle agreement has been endorsed by the Queensland Rail Executive Leadership Team, former CEO and former Board. The new Acting CEO and new Board will be asked to formally endorse the key terms of the proposed new agreement.

CONSULTATION – EXTERNAL STAKEHOLDERS

- The in-principle agreement has been endorsed at the officer level of Queensland Treasury and Queensland Transport.
- The in-principle agreement was endorsed by CBRC on 12 October 2016.

EMPLOYMENT OPPORTUNITIES

- Nil.

RESOURCE IMPLICATIONS

- Nil.

COMMUNICATIONS STRATEGY

- A comprehensive consultation and communication plan is being rolled out to communicate and facilitate in-principle agreement outcomes across Queensland Rail.

ELECTION COMMITMENTS

- Nil

PREVIOUS BRIEF REF/S

- Nil

ATTACHMENTS

- Nil

Elliot Stein

From: Jason Humphreys
Sent: Friday, 2 December 2016 8:52 AM
To: Angela MacDonagh; Chris Perkins; Elliot Stein; George Hasanakos
Subject: Confidential Draft QR direction
Attachments: QR_EBA_Direction.docx; ATT00001.htm

Hi All

Pls note - QR Direction as discussed between the Treasurer and Minister Hinchliffe.

The Treasurer's waiting for a call back from the RTBU before progressing.

The draft direction, directs the Authority to approve and give effect to the in-principle agreement of 4 October 2016, subject to delayed implementation of the meal break arrangements (currently set to begin on 1 April 2017).

Jason

Released under RTI Act - TMR - External Review

Queensland Rail Transit Authority Act 2013

Section 12

Ministerial Directions

1. Pursuant to section 12 of the Act, we, the responsible Ministers, direct the Authority to:
 - (a) approve the Enterprise Agreement, subject to the following change –
 - i. in the Administrative Initiatives contained in Attachment 2 to the Enterprise Agreement, the arrangements set out under the heading “Meal and Personal Needs Break” will be implemented by 1 July 2017; and
 - (b) take all necessary actions to give effect to the Agreement, which will replace the *QR Passenger Pty Ltd Traincrew Union Collective Workplace Agreement 2009*.
2. For the purposes of this direction:
 - (a) Act means the *Queensland Rail Transit Authority Act 2013*;
 - (b) AFULE means the Australian Federated Union of Locomotive Employees, Queensland Union of Employees;
 - (c) ARTBU means the Australian Rail, Tram and Bus Industry Union;
 - (d) Authority means the Queensland Rail Transit Authority established under the Act;
 - (e) Enterprise Agreement means the Queensland Traincrew Enterprise Agreement, as agreed in-principle by the Authority, ARTBU and AFULE on 4 October 2016;
 - (f) Other words and expressions used in the direction which are defined in the Act have the same meaning as given in the Act, and
 - (g) Words in the singular include the plural and vice versa, unless the context otherwise requires.

Dated at Brisbane this

day of

2016

Curtis Pitt
Treasurer, Minister for Aboriginal and
Torres Strait Islander Partnerships
and Minister for Sport

Stirling Hinchcliffe
Minister for Transport and
the Commonwealth Games

Elliot Stein

From: Duce, Nicholle [CTPI (not in issue)]
Sent: Friday, 2 December 2016 6:23 PM
To: Nicole Hollows [CTPI (not in issue)]; Elliot Stein; Jason Humphreys; Scales, Neil
Cc: Farrelly, Diana; Hawkins, Michael
Subject: FW: Notice of Industrial Action
Attachments: LetterNScales_BLP_2122016.pdf; ATT00001.htm; LetterNScales_SignOn_2122016.pdf; ATT00002.htm; LetterNScales_Stoppage_2122016.pdf; ATT00003.htm; LetterNScales_PostedRoster_2122016.pdf; ATT00004.htm; Talking Points Traincrew - Protected Industrial Action 02122016 V1.docx

Dear all

We have received the attached notices of protected industrial action from the RTBU.

The union proposes:

- A 24 hour stoppage commencing from midday 10/12 to midday 11/12
- A ban on working designated leisure periods commencing 10/12
- Sign on at home depot only commencing 10/12
- To work posted rosters only commencing 10/12

Not in issue - refused on the basis of LPP

For your reference, please also find attached preliminary talking points we have prepared in response to the RTBU's notices.

Michael Hawkins and I will provide an update as developments arise.

Kind regards
Nicholle



Nicholle Duce

Executive General Manager Human Resources
Level 2, Rail Centre 1, 305 Edward Street
Brisbane, QLD 4000

[CTPI (not in issue)]

queenslandrail.com.au
facebook.com/queenslandrail
twitter.com/queenslandrail





Australian Rail, Tram & Bus
Industry Union
(Qld Branch)

RAIL TRAM & BUS UNION

Level 1
457 Upper
Edward Street
Brisbane Q 4000

 **Public**
07 3839 4988
Public Fax
07 3832 1278

 **Email**
info@rtbu.com.au

www.rtbu.com.au

2 December 2016

Mr Neil Scales
Chief Executive Officer
Queensland Rail
Rail Centre 1
305 Edward Street
BRISBANE QLD 4000

Via email: neil.scales@qr.com.au

Dear Mr Scales,

Re: Protected Industrial/Employee Claim Action

Pursuant to Section 414 of the Fair Work Act (2009) and in conjunction with the Order in B2016/976 (*"the Order"*), I hereby provide Queensland Rail Transit Authority T/A Queensland Rail with the required notice of protected industrial/employee claim action as follows:

Nature of Action: A ban on working Designated Leisure days of RTBU members covered by the Order

Day on which action commences: 10th December 2016

Location/s of Stoppage Queensland

I take this opportunity to remind you that Queensland Rail is prohibited by law from taking adverse action or in any way hindering our members from exercising their workplace right to take protected industrial action.

Yours Sincerely


Owen Doogan
RTBU State Secretary,
Queensland Branch

your rights at work
worth fighting for

Authorised by Owen Doogan, Branch Secretary Rail Tram and Bus Union, Level 1 457 Upper Edward Street, Brisbane Qld 4000



Australian Rail, Tram & Bus
Industry Union
(Qld Branch)

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2 December 2016

Mr Neil Scales
Chief Executive Officer
Queensland Rail
Rail Centre 1
305 Edward Street
BRISBANE QLD 4000

Via email: neil.scales@qr.com.au

Dear Mr Scales,

Re: Protected Industrial/Employee Claim Action

Pursuant to Section 414 of the Fair Work Act (2009) and in conjunction with the Order in B2016/976 (*"the Order"*), I hereby provide Queensland Rail Transit Authority T/A Queensland Rail with the required notice of protected industrial/employee claim action as follows:

Nature of Action: Only sign on at home depot only shifts of RTBU members covered by the Order

Day on which action commences: 10th December 2016

Location/s of Stoppage: South East, Queensland

I take this opportunity to remind you that Queensland Rail is prohibited by law from taking adverse action or in any way hindering our members from exercising their workplace right to take protected industrial action.

Yours Sincerely


Owen Doogan
RTBU State Secretary,
Queensland Branch

your rights at work
worth fighting for

Authorised by Owen Doogan, Branch Secretary Rail Tram and Bus Union, Level 1 457 Upper Edward Street, Brisbane Qld 4000



Australian Rail, Tram & Bus
Industry Union
(Qld Branch)

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2 December 2016

Mr Neil Scales
Chief Executive Officer
Queensland Rail
Rail Centre 1
305 Edward Street
BRISBANE QLD 4000

Via email: neil.scales@qr.com.au

Dear Mr Scales,

Re: Protected Industrial/Employee Claim Action

Pursuant to Section 414 of the Fair Work Act (2009) and in conjunction with the Order in B2016/976 (*"the Order"*), I hereby provide Queensland Rail Transit Authority T/A Queensland Rail with the required notice of protected industrial/employee claim action as follows:

Nature of Action: 24 hour stoppage of RTBU members covered by the Order

Day on which action commences: 12:00 Noon, 10 December 2016 until 12:00 Noon, 11 December 2016

Location/s of Stoppage: South East Queensland

I take this opportunity to remind you that Queensland Rail is prohibited by law from taking adverse action or in any way hindering our members from exercising their workplace right to take protected industrial action.

Yours Sincerely


Owen Doogan
RTBU State Secretary,
Queensland Branch

your rights at work
worth fighting for

Authorised by Owen Doogan, Branch Secretary Rail Tram and Bus Union, Level 1 457 Upper Edward Street, Brisbane Qld 4000



Australian Rail, Tram & Bus
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2 December 2016

Mr Neil Scales
Chief Executive Officer
Queensland Rail
Rail Centre 1
305 Edward Street
BRISBANE QLD 4000

Via email: neil.scales@qr.com.au

Dear Mr Scales,

Re: Protected Industrial/Employee Claim Action

Pursuant to Section 414 of the Fair Work Act (2009) and in conjunction with the Order in B2016/976 (*“the Order”*), I hereby provide Queensland Rail Transit Authority T/A Queensland Rail with the required notice of protected industrial/employee claim action as follows:

Nature of Action: Only working of posted rosters of RTBU members covered by the Order

Day on which action commences: 10th December 2016

Location/s of Stoppage South East, Queensland

I take this opportunity to remind you that Queensland Rail is prohibited by law from taking adverse action or in any way hindering our members from exercising their workplace right to take protected industrial action.

Yours Sincerely


Owen Doogan
RTBU State Secretary,
Queensland Branch


worth fighting for

Authorised by Owen Doogan, Branch Secretary Rail Tram and Bus Union, Level 1457 Upper Edward Street, Brisbane Qld 4000

TRAINCREW PROTECTED ACTION – TALKING POINTS 02/12/2016

Issues

- Negotiations with the RTBU and AFULE resulted in agreement in-principle on the key terms of a proposed new Traincrew Enterprise Agreement in early October 2016.
- The timing of the Traincrew Enterprise Agreement negotiations outcomes coincided with the emergence of train service delivery issues and consequential cancellation of a large number of services over a number of weeks.
- On 27 October 2016 the Chief Executive Officer of Queensland Rail and Chair of the Queensland Rail Board resigned and were subsequently replaced.
- With the commencement of the two new appointments of Acting Chair and Acting CEO, along with four recently appointed Board members, it is critical for the new appointees to be updated with the content and operational effect of the in-principle agreement, particularly in the context of the current operational challenges, prior to finalising the new Traincrew Agreement.
- The in-principle agreement includes a number of new provisions relating to:
 - split meal breaks (two thirty minute meal breaks); and
 - simplification of work cycles to provide an additional leisure days off per year in return for an agreed target of 10% per annum reduction in unscheduled absenteeism.
- The Queensland Rail Board is awaiting advice on the sustainability of this measure and its impact on Queensland Rail's ability to meet timetabled services and initial optimisation work undertaken reflects that the split meal breaks (2 x 30 minute breaks) increase jobcards from an operational and timetabling perspective.
- Queensland Rail is finalising its analysis to understand the 2016 EA impacts and intends to re-engage with unions via a joint working group to discuss the issue of meal breaks and rostering rules, on the basis other provisions in the in-principle agreement will be accepted.
- This approach is intended to clearly signify Queensland Rail's goodwill and intent to finalise satisfactory arrangements in a timely manner.
- Unions have expressed concern about the delay in resolving the Traincrew Agreement.
- The RTBU have lodged notices of protected industrial action commencing Saturday 10 December, 2016
- We are disappointed has commenced this action as we intending to resolve outstanding matters as a matter of priority

Background

- The Traincrew enterprise agreement (i.e. the QR Passenger Pty Ltd Traincrew Union Collective Workplace Agreement 2009) nominally expired in 2013.
- Initial negotiations to replace this agreement concluded in 2013, with a Certified Agreement approved under the Queensland industrial relations jurisdiction (a consequence of the Queensland Rail Transit Authority Act 2013, which resulted in Queensland Rail employees transitioning from the federal industrial relations jurisdiction to the Queensland industrial relations jurisdiction on 3 May 2013).
- However; a 2015 decision of the High Court determined Queensland Rail to be a constitutional corporation for the purposes of federal industrial legislation, resulting in the 2013 Queensland Traincrew Certified Agreement being declared to be of no effect.
- Queensland Rail has continued to apply the 2013 Agreement (including wage increases).
- Negotiations for a new Traincrew enterprise agreement formally commenced in 2015 but were postponed by agreement of the parties to enable the parties to focus on other Queensland Rail employee groups who had not received wage increases for a considerable period of time. Negotiations for the Traincrew agreement recommenced in April 2016.
- On 5 October 2016 the parties reached a “without prejudice” in-principle agreement on the key terms of a proposed new Traincrew Agreement.
- The in-principle agreement was subject to Queensland Rail seeking approval from its Board and from the Government; prior to the industrial parties preparing a full draft of the proposed Enterprise Agreement.
- In lieu of the normal approval process [Queensland Rail Executive Leadership Team, Queensland Rail Board and then Cabinet Budget Review Committee (CBRC)], Government instructed Queensland Rail to prepare an urgent CBRC Submission for consideration. This Submission was finalised and endorsed by the Queensland Rail Chief Executive Officer on 6 October 2016 and sent to Queensland Treasury. Queensland Rail was advised of its approval by CBRC on 12 October 2016.
- Queensland Rail’s then Board was advised of these outcomes on 27 October 2016 at a scheduled Board Meeting.

Industrial action

- In early September 2016 the Fair Work Commission approved that the RTBU and AFULE conduct ballots of their members to determine whether they support protected industrial action in pursuit of their claims. The ballot, as determined by the Fair Work Commission on 10 October 2016, was successful, though no industrial action has been taken to date.
- The initial period in which unions could take protected industrial action expired on 8 November 2016; however the RTBU successfully applied to the Fair Work Commission to extend that period until 8 December 2016. Given that the union has to provide seven days written notice of industrial action, if the RTBU does not provide written notice of industrial action by 30 November 2016, any future industrial action is not protected at law.
- The AFULE did not apply to extend the period available for protected industrial action. Therefore the AFULE is not currently in a position to initiate protected industrial action (i.e. the period of industrial action approved by the Fair Work Commission expired on 8 November 2016). However the AFULE can apply to the Fair Work Commission to extend the original period of protected industrial action to reflect the timeframes relevant to the RTBU (outlined above). This means that the AFULE would need to make formal application to the FWC before 30 November 2016 to enable the AFULE to provide the required seven days' notice of industrial action.

Elliot Stein

From: Jason Humphreys
Sent: Friday, 2 December 2016 1:36 PM
To: Elliot Stein
Cc: Chris Perkins; Angela MacDonagh; George Hasanakos
Subject: Re: Confidential Draft QR direction

Elliot

I've tried to call - we need an urgent answer on this.

Thanks Jason

On 2 Dec. 2016, at 2:06 pm, Jason Humphreys <Jason.Humphreys@ministerial.qld.gov.au> wrote:

Elliot

Given the QR position outlined in the letter is not really an alternative and is unlikely to be satisfactory to unions, I would proceed with the Direction as per the discussion this morning between the Treasurer and your Minister.

Jason

On 2 Dec. 2016, at 11:25 am, Elliot Stein <Elliot.Stein@ministerial.qld.gov.au> wrote:

Hi –

Interim Chair has advised Jason and I that the formal letter from the Board will be coming shortly today. She's said it will also include an alternative path to an option requiring a direction from Ministers.

Recommend waiting until that's received for consideration.

Elliot

From: Chris Perkins
Sent: Friday, 2 December 2016 9:01 AM
To: Jason Humphreys <Jason.Humphreys@ministerial.qld.gov.au>; Angela MacDonagh <Angela.COS@ministerial.qld.gov.au>; Elliot Stein <Elliot.Stein@ministerial.qld.gov.au>; George Hasanakos <George.Hasanakos@ministerial.qld.gov.au>
Subject: RE: Confidential Draft QR direction

Thanks Jason, let me know if you need me to help any further.

From: Jason Humphreys
Sent: Friday, 2 December 2016 8:52 AM
To: Angela MacDonagh <Angela.COS@ministerial.qld.gov.au>; Chris Perkins <Chris.Perkins@ministerial.qld.gov.au>; Elliot Stein <Elliot.Stein@ministerial.qld.gov.au>; George Hasanakos

<George.Hasanakos@ministerial.qld.gov.au>

Subject: Confidential Draft QR direction

Hi All

Pls note - QR Direction as discussed between the Treasurer and Minister Hinchliffe.

The Treasurer's waiting for a call back from the RTBU before progressing.

The draft direction, directs the Authority to approve and give effect to the in-principle agreement of 4 October 2016, subject to delayed implementation of the meal break arrangements (currently set to begin on 1 April 2017).

Jason

Released under RTI Act - TMR - External Review

Elliot Stein

From: Jason Humphreys
Sent: Friday, 2 December 2016 3:20 PM
To: Stirling Hinchliffe
Cc: Curtis Pitt; Elliot Stein; Angela MacDonagh; Chris Perkins
Subject: Confidential QR Direction
Attachments: QR Briefing note.pdf; ATT00001.htm; QR Transit Direction.pdf; ATT00002.htm; Queensland Rail Letter.pdf; ATT00003.htm

Minister

Pls find attached the Direction signed by the Treasurer.

Your urgent consideration of the Direction would be appreciated.

QR and the RTBU are awaiting our advice ASAP this afternoon.

Thanks and regards Jason

Released under RTI Act - TMR - External Review

BRIEFING NOTE

FROM	Treasury and Department of Transport and Main Roads		
FOR	Treasurer Minister for Aboriginal and Torres Strait Islander Partnerships Minister for Sport Minister for Transport and the Commonwealth Games		
SUBJECT	Queensland Rail: Implementation of Rail Traincrew Enterprise Agreement		
Contact Officer:	Greg Tonks, SSPD, 3035 1487	Reference No	03468-2016
Approval Required	ASAP	Reason	To facilitate timely implementation of the Enterprise Agreement
Approved by	AUT: Greg Tonks, (07) 3035 1487	Approved by	DUT: Graeme Garrett , (07) 3035 1837

PURPOSE

1. To seek your signatures on:
 - the attached Direction to Queensland Rail; and
 - the letter to Ms Nicole Hollows, Chairman of Queensland Rail, issuing the Direction.

BACKGROUND

2. The Queensland Rail Traincrew enterprise agreement (*QR Passenger Pty Ltd Traincrew Union Collective Workplace Agreement 2009*) nominally expired in 2013.
3. Initial negotiations to replace this agreement concluded in 2013, with a Certified Agreement approved under the Queensland industrial relations jurisdiction (a consequence of the establishment of Queensland Rail as a statutory authority under the *Queensland Rail Transit Authority Act 2013* (QRTA Act), which resulted in Queensland Rail employees transitioning from the federal industrial relations jurisdiction to the Queensland industrial relations jurisdiction on 3 May 2013).
4. However, a 2015 decision of the High Court determined Queensland Rail to be a constitutional corporation for the purposes of federal industrial legislation, resulting in the *2013 Queensland Traincrew Certified Agreement* being declared to be of no effect.
5. Queensland Rail has continued to apply the 2013 Agreement (including wage increases).
6. Negotiations for a new Traincrew enterprise agreement formally commenced in 2015, but were postponed by agreement of the parties to enable the parties to focus on other Queensland Rail employee groups who had not received wage increases for a considerable period of time. Negotiations for the Traincrew agreement recommenced in April 2016.
7. On 4 October 2016, the parties reached a "without prejudice" in-principle agreement on the key terms of a proposed new Traincrew agreement, the *Queensland Rail Enterprise Agreement 2016* (Enterprise Agreement).
8. The in-principle agreement was subject to Queensland Rail seeking approval from its Board and from Government.
9. On 11 October 2016, Cabinet Budget Review Committee approved the negotiated outcomes documented in the Enterprise Agreement (Decision No 311).

ISSUES

10. On 1 October 2016, three new members were appointed to the Queensland Rail Board. On 27 October 2016, the former Chair of the Board, Mr Michael Klug, tendered his resignation. The former Chief Executive Officer, Ms Helen Gluer, also tendered her resignation, effective immediately.
11. This followed significant disruptions to passenger services, due to an insufficient number of trained drivers and guards, resulting largely from the commencement of the Redcliffe Peninsula Line.
12. Given the significant change in Board composition since in-principle agreement was reached with trade unions, the new Chair has indicated that the new Board requires additional time to consider the operational and other implications of the Agreement before it initiates the requisite ballot.

Queensland Rail Enterprise Agreement: Consultation Obligations

13. In early September 2016, the Fair Work Commission approved that the Australian Rail, Tram and Bus Industry Union (RTBU) and the Australian Federated Union of Locomotive Employees, Queensland Union of Employees (AFULE) conduct ballots of their members to determine whether they support protected industrial action in pursuit of their claims. The ballot, as determined by the Fair Work Commission on 10 October 2016, was successful, though no industrial action has been taken to date.
14. The initial period in which unions could take protected industrial action expired on 8 November 2016. However, the RTBU successfully applied to the Fair Work Commission to extend that period until 8 December 2016. Given that the RTBU did not provide written notice of industrial action by 30 November 2016, any industrial action would not be protected at law.
15. The AFULE did not apply to extend the period available for protected industrial action. Therefore, the AFULE is not currently in a position to initiate protected industrial action (i.e. the period of industrial action approved by the Fair Work Commission expired on 8 November 2016).
16. Notwithstanding the strict operation of the protected action provisions under federal industrial legislation, continuing delay in giving effect to the Enterprise Agreement presents a genuine risk of industrial action and further disruption to passenger rail services. In this regard, it is relevant to note that there is precedent for unprotected industrial action by the RTBU.
17. It is therefore proposed that responsible Ministers issue a Direction under s 12 of the QRTA Act. The attached draft Direction directs Queensland Rail to:
 - approve the Enterprise Agreement, subject to an amendment as described below; and
 - take all necessary actions to give effect to the Agreement, which will replace the *QR Passenger Pty Ltd Traincrew Union Collective Workplace Agreement 2009*.
18. Consistent with discussions with Queensland Rail and trade unions, the implementation of arrangements for meal and personal needs breaks contained in Attachment 2 to the Enterprise Agreement will be deferred from 1 April 2017 to 1 July 2017 to assist in managing Queensland Rail's current traincrew deficit and the implementation of the revised timetable.

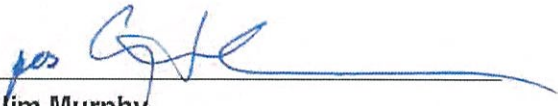
RESULTS OF CONSULTATION

19. Queensland Rail has been consulted and its views have been incorporated in the Direction.

RECOMMENDATION

20. It is recommended that you sign:

- the Direction to Queensland Rail requiring it to approve and take all actions necessary to give effect to the Enterprise Agreement (**Attachment 1**); and
- the letter to Ms Hollows, enclosing the Direction.

per GTE

 Jim Murphy
 Under Treasurer

Mike Stapleton
 A/Director-General
 Department of Transport and Main Roads

02/12/2016

/ /

<input type="checkbox"/> Approved	<input type="checkbox"/> Not approved	<input type="checkbox"/> Noted
Comments		
<i>Curt Pitt</i>		
_____ HON. CURTIS PITT MP Treasurer Minister for Aboriginal and Torres Strait Islander Partnerships Minister for Sport		
<i>02/12/2016</i>		

<input type="checkbox"/> Approved	<input type="checkbox"/> Not approved	<input type="checkbox"/> Noted
Comments		
_____ HON. STIRLING HINCHLIFFE MP Minister for Transport and the Commonwealth Games		
/ /		

Queensland Rail Transit Authority Act 2013

Section 12

Ministerial Direction

- (1) Pursuant to section 12 of the Act, we, the responsible Ministers, direct the Authority to:
- (a) approve the Enterprise Agreement, subject to the following change –
 - i. in the Administrative Initiatives contained in Attachment 2 to the Enterprise Agreement, the arrangements set out under the heading "Meal and Personal Needs Break" will be implemented by 1 July 2017; and
 - (b) take such steps as are necessary to enable the Enterprise Agreement to be put to a vote of eligible employees in accordance with the requirements of the *Fair Work Act 2009* (Cth); and
 - (c) (if the Enterprise Agreement is approved by eligible employees), take all necessary other actions to give effect to the Enterprise Agreement, which will replace the *QR Passenger Pty Ltd Traincrew Union Collective Workplace Agreement 2009*.
- (2) For the purposes of this direction:
- (a) Act means the *Queensland Rail Transit Authority Act 2013*;
 - (b) AFULE means the Australian Federated Union of Locomotive Employees, Queensland Union of Employees;
 - (c) ARTBU means the Australian Rail, Tram and Bus Industry Union;
 - (d) Authority means the Queensland Rail Transit Authority established under the Act;
 - (e) Enterprise Agreement means the Queensland Traincrew Enterprise Agreement, as agreed in-principle by the Authority, ARTBU and AFULE on 4 October 2016;
 - (f) Other words and expressions used in the direction which are defined in the Act have the same meaning as given in the Act; and
 - (g) Words in the singular include the plural and vice versa, unless the context otherwise requires.

Dated at Brisbane this

day of

2016



Hon. Curtis Pitt MP
Treasurer
Minister for Aboriginal and
Torres Strait Islander Partnerships
Minister for Sport

Hon. Stirling Hinchliffe MP
Minister for Transport and
the Commonwealth Games



RESPONSIBLE MINISTERS FOR
QUEENSLAND RAIL

Our Ref: 04368-2016

Ms Nicole Hollows
Chair
Queensland Rail
GPO Box 1429
BRISBANE QLD 4001

Dear Ms Hollows

Direction under the *Queensland Rail Transit Authority Act 2013*

We refer to your letter of 2 December 2016 in relation to the draft Queensland Rail Traincrew Enterprise Agreement 2016 (the Enterprise Agreement), agreed in-principle by Queensland Rail and relevant trade unions on 4 October 2016.

As you are aware, the Government has approved the outcomes negotiated between Queensland Rail and the trade unions and documented in the draft Enterprise Agreement.

Please find enclosed a Ministerial Direction issued under the *Queensland Rail Transit Authority Act 2013* (the Act), requiring Queensland Rail to approve and take all necessary actions to give effect to the Enterprise Agreement, subject to the amendment set out in clause 1(a)(i) of the Direction.

We ask Queensland Rail to work in close consultation with affected parties to facilitate the timely implementation of the enclosed Direction.

Yours sincerely

A handwritten signature in black ink that reads 'Curt Pitt'.

HON. CURTIS PITT MP

Treasurer
Minister for Aboriginal and Torres Strait Islander Partnerships
Minister for Sport

Level 9 Executive Building
100 George Street, Brisbane
GPO Box 611, Brisbane
Queensland 4001 Australia
Telephone +617 3719 7200

HON STIRLING HINCHLIFFE MP

Minister for Transport and the Commonwealth Games

Level 13, Mineral House
41 George Street, Brisbane
GPO Box 2644, Brisbane
Queensland 4001 Australia
Telephone +617 3719 7240

Elliot Stein

From: Mike J Stapleton <mike.j.stapleton@tmr.qld.gov.au>
Sent: Saturday, 3 December 2016 11:35 AM
To: Stirling Hinchliffe
Cc: Elliot Stein; Matthew J Longland; Jennifer M Grace
Subject: Confidential - Update on QR Directive

Minister,

Further to our discussion late yesterday. I received a copy of the Board information paper from QR late yesterday. I have now had an opportunity to review and have the following observations which I need to share with you.

From my perspective the information in the paper differs from the information we have been receiving in the daily verbal briefings at least in relation to the crew impacts if a 2 x 30 minutes break was to be implemented. My understanding from the briefings were crewing impacts made movement to the 2016 EBA impractical any time in the immediate future. Based on the most recent analysis undertaken by GIRO outlined in the Board paper that option may be achievable over the coming year, notwithstanding the additional cost of \$7.26m per annum. It is important to note however that estimate of 310 job cards to run a roster based on 2 x 30 meal breaks is heavily qualified by GIRO as they have been unable to optimise such a roster against the current timetable which raises questions about the suitability of the current timetables structure into the future at least against the proposed 2016 EBA.

While this latest assessment appears positive news, I am mindful that at present we are still operating day to day without certainty we can deliver current services under current conditions. I would suggest there are still a number of questions that need to be resolved. These include but are not limited to:

1. Driver/guard availability to staff either against current or future rosters what does the availability profile look like heading forward and how does it line up against the options outlined (what is the expected staffing gap or surplus)?
2. What does the schedule look like for the graduation and commencement of newly trained drivers/guards over the next 12 months?
3. What is the expected retirement/attrition rate for drivers look like over the next 12 months and what impact will it have?
4. What resilience is built into the rosters to deal with unexpected shocks?
5. Will we be able to meet our commitments around testing and commissioning of the new generation rolling stock under the adopted roster?
6. Commonwealth Game services will they be achievable under the adopted roster?

TMR will be meeting with Neil and the QR IR team at 10:30 tomorrow morning in the DG boardroom, 35th Floor William Street. DG DPC has also indicated he may attend. Following this meeting we will prepare an advice brief for you to consider in relation to the Directive. Please call if you have any questions or other matters you may wish us to consider at that meeting.

regards

Mike Stapleton

Acting Director-General

Office of the Director-General | Department of Transport and Main Roads

Floor 13 | 85 George Street | Brisbane City Qld 4000

GPO Box 1549 | Brisbane City Qld 4000

P: (07) 30667222

Elliot Stein

From: Jason Humphreys
Sent: Saturday, 3 December 2016 8:29 PM
To: Curtis Pitt
Cc: Stirling Hinchliffe; Elliot Stein
Subject: Re: Notice of Industrial Action

The meeting is at 10.30am.

On 3 Dec. 2016, at 8:21 pm, Curtis Pitt CTPI (not in issue) wrote:

Thanks Jason. I'll be available via phone. Please advise the time.

Sent from my iPhone

On 3 Dec. 2016, at 5:48 pm, Jason Humphreys <Jason.Humphreys@ministerial.qld.gov.au> wrote:

Treasurer / Minister

Just wanted to provide you both with the email trail from today.

Obviously the email indicates approval from the Transport Minister's office without consultation with me or the Treasurer - which is a concern given the situation Responsible Ministers and the Government are faced with.

I also understand Elliot has advised the Premier's Office TMR is holding a meeting tomorrow with CR and DPC DG to discuss the EBA issues and optimisation data in order to better inform Minister Hinchliffe's consideration of the Direction.

I didn't receive any advice from Elliot on this.

Further, I would've thought this meeting would be more constructive with relevant officials from Treasury and the Office of IR in attendance.

Given the precarious situation we're faced with the potential for a shutdown of the SEQ rail network pre-Christmas, I also think both Ministerial Offices and Responsible Ministers should attend or dial-in to the meeting.

Broadly speaking, I think it's important for both of your respective offices to work together, improve communication and sharing of information. I'm sure we have the same goal - to ensure continued services on behalf of SEQ commuters and to expedite a fair conclusion to the enterprise bargaining process.

Elliot Stein

From: Hollows, Nicole [CTPI (not in issue)]
Sent: Saturday, 3 December 2016 8:52 PM
To: Jason Humphreys
Cc: Duce, Nicholle; Hawkins, Michael; Scales, Neil; Dave.Stewart@premiers.qld.gov.au; Angela MacDonagh; Elliot Stein
Subject: Re: Notice of Industrial Action
Attachments: image7a6906.JPG; imagecb4fd3.PNG; imagee6d59e.PNG; image867083.PNG; imageb1c1ab.GIF; image64fd67.GIF

Jason et al

Our view is that we need to get letter to unions asap and the advice to them so they understand that time period is past for protected action as they need to be aware that the dates now mean unprotected per draft letter.

This is a separate issue (albeit related) to EA negotiations. It is not in anyone's interest (unions, workforce, QR and Govt) to have this occur especially if RTBU is not aware. Accordingly please provide approval to issue letter of response on notice for industrial action.

The EA matter and strategy can then be discussed separately.

Board unanimous view is that we should have an opportunity to engage with unions to advise we are committed to process, will accept EA terms excl meal breaks and understanding how the EA will work with existing informal roster arrangements.

As you are aware, our RMs can issue a direction at anytime to enter in principle agreed EA (not board approved and before existing timetable crew issues understood and uncertainty on impacts of EA on services as well as cost for QR). The strategy and approach can accordingly be supported and or closed with direction to enter EA at anytime n

Kind regards

Nicole

On 3 Dec 2016, at 5:44 PM, Jason Humphreys
<Jason.Humphreys@ministerial.qld.gov.au<mailto:Jason.Humphreys@ministerial.qld.gov.au>> wrote:

Nicole

Just confirming the Treasurer has not yet approved the action outlined in the email below and is awaiting further advice from Treasury.

Thanks Jason

On 3 Dec. 2016, at 3:01 pm, Elliot Stein
<Elliot.Stein@ministerial.qld.gov.au<mailto:Elliot.Stein@ministerial.qld.gov.au>> wrote:

LPP (not in issue)

Elliot Stein

From: Jason Humphreys
Sent: Sunday, 4 December 2016 1:25 PM
To: Hollows, Nicole
Cc: Elliot Stein; Gregory Tonks; Jim Murphy; Dave Stewart; Mike Stapleton (mike.j.stapleton@tmr.qld.gov.au)
Subject: QR Responsible Ministers Letter to QR Interim Chair
Attachments: QR Responsible Ministers Ltr to QR Chair 4 Dec 2016.pdf
Importance: High

Dear Nicole

Pls find attached QR Responsible Ministers Letter to you regarding the draft Queensland Rail Traincrew Enterprise Agreement 2016.

Regards Jason

Jason Humphreys
Chief of Staff



Office of the Hon. Curtis Pitt MP

Treasurer

Minister for Aboriginal and Torres Strait Islander Partnerships

Minister for Sport

P 07 3719 7200 | Email: Jason.humphreys@ministerial.qld.gov.au

Executive Building 100 George Street Brisbane QLD 4000

GPO Box 611 Brisbane QLD 4001



RESPONSIBLE MINISTERS FOR
QUEENSLAND RAIL

Our Ref: 04368-2016

Ms Nicole Hollows
Chair
Queensland Rail
GPO Box 1429
BRISBANE QLD 4001

Dear Ms Hollows

Implementation of Traincrew Enterprise Agreement 2016

We refer to your letter of 2 December 2016 in relation to the draft Queensland Rail Traincrew Enterprise Agreement 2016 (the Enterprise Agreement), agreed in-principle by Queensland Rail and relevant trade unions on 4 October 2016.

As you are aware, the Government approved the outcomes negotiated between Queensland Rail and the trade unions and documented in the draft Enterprise Agreement on 11 October 2016.

As such, it remains our expectation that Queensland Rail will, as early as practicable, take such steps as are necessary to enable the Enterprise Agreement to be put to a vote of eligible employees, in accordance with the requirements of the *Fair Work Act 2009* (Cth). Subject to the outcomes of that vote, Queensland Rail should further take all necessary other actions to give effect to the Enterprise Agreement, which will replace the *QR Passenger Pty Ltd Traincrew Union Collective Workplace Agreement 2009*.

However, we note your advice that Queensland Rail is continuing to investigate the operational impact of meal breaks provided administratively in addition to the Enterprise Agreement, specifically the arrangements set out under the heading "Meal and Personal Needs Break", to be implemented by 1 April 2017. In discussions today with officers of Queensland Rail, Responsible Ministers agreed that further work should be undertaken in terms of the successful implementation of the Meal and Personal Needs Break. Given current crewing availability, an implementation date for the Meal and Personal Needs Break arrangements by 1 July 2017 will be necessary.

To preserve good faith with the unions as parties to the in-principle agreement, we ask that these investigations be undertaken in consultation with the unions, and as a matter of utmost priority.

We further ask for your advice on the outcomes of these investigations by COB 5 December 2016, including any proposed variation to the implementation timing of the abovementioned Administrative Initiative, to ensure the sustainable delivery of passenger rail services in South East Queensland.

It is imperative Queensland Rail's operations deliver reliable train services for the community going forward.

Yours sincerely



HON. CURTIS PITT MP

Treasurer
Minister for Aboriginal and Torres Strait Islander Partnerships
Minister for Sport

Level 9 Executive Building
100 George Street, Brisbane

GPO Box 611, Brisbane
Queensland 4001 Australia

Telephone +617 3719 7200



HON STIRLING HINCHLIFFE MP

Minister for Transport and the Commonwealth Games

1 William Street, Brisbane

GPO Box 2644, Brisbane
Queensland 4001 Australia

Telephone +617 3719 7240

HIB – Queensland Rail Enterprise Agreement

The Government is committed to restoring frontline services and implementing its five point plan to boost traincrew numbers.

Queensland Rail has been bargaining in good faith with its unions and I am advised they have reached agreement on the core conditions of a proposed new Traincrew Enterprise Agreement.

The core conditions of the proposed agreement include a wage increase of 3% per annum over four years.

The Government welcomes the positive step forward in finalising this agreement which will deliver certainty for the travelling public.

Background

Following further negotiations, the core conditions of a proposed new Traincrew Enterprise Agreement are agreed between Queensland Rail and the relevant unions.

The core conditions of the proposed agreement include a wage increase of 3% per annum over four years, with the first increase from 1 September 2016 and a New Generation Rollingstock business operating model.

In the coming weeks, Queensland Rail traincrew employees will be given the opportunity to attend a state-wide information session to learn more about the agreement and an employee vote will then follow.

Queensland Rail intends to finalise the process in the new year, which includes traincrew employee information sessions and voting on the proposed agreement.

We intend to finalise the process in the new year, which includes traincrew employee information sessions and voting on the proposed agreement.

Ends

Internal message follows -



A message from your senior leader



QueenslandRail

Friday 16 December 2016

2016 Traincrew Enterprise Agreement

Good afternoon

Following further negotiations, the core conditions of a proposed new Traincrew Enterprise Agreement are agreed between Queensland Rail and the relevant unions.

The core conditions of the proposed agreement include a wage increase of 3% per annum over four years, with the first increase from 1 September 2016 and a New Generation Rollingstock business operating model.

We will soon be in a position to put the proposed agreement to a traincrew employee vote. But before we do this, we want to make sure you understand what the agreement means for you. In the coming weeks, you will be given the opportunity to attend a state-wide roadshow. I encourage you to get to one of the roadshow sessions, which will be advertised in the new year.

If you are one of the traincrew team, please ensure your personal details are up to date in ESS to receive a ballot to vote.

I want to also take this opportunity to thank you for your ongoing efforts and commitment to our customers during this time. Please continue to keep yourself and others around you safe - both at work and at home.

Jay Kronenberg
A/General Manager CityTrain

Please print and display on noticeboards

Queensland Rail's number one priority is safety. Queensland Rail has a program of testing for alcohol and illicit substances. Please be aware any person who enters a Queensland Rail premises for business purposes may be randomly tested for alcohol (breath test) and illicit substances (oral fluids test). Please also ensure you are wearing the appropriate Personal Protective Equipment for the site you are visiting. Call your Queensland Rail contact person if you need more information. This email (which includes all attachments and linked documents) is intended for and is confidential to the addressee; it may also be subject to legal professional privilege or otherwise protected from disclosure. If the addressee is a government agency in receipt of a Right to Information Act (2009) application in relation to this email, contact must be made with Queensland Rail ABN 68 598 268 528 in accordance with the third party consultation process provided for in Part 3, Division 3, Section 37 of that legislation. If you are not the addressee, or if you have received this email in error, you must not use, rely upon, disclose or reproduce it (or any part of it) in any way. Please notify the sender of your receipt of it and delete it in its entirety. Neither Queensland Rail (or any of its related entities) accepts any liability for computer viruses, data corruption, delay, interference, interception,