

Factsheet

Legislation to enable the integration of RMS and TfNSW

On 21 November 2019, Parliament passed legislation that enables the full integration of TfNSW and RMS into one organisation. We have been working together for many months but from 1 December, legislation to bring TfNSW and RMS together will take effect. This is a significant milestone and enables us to take the next steps in strengthening our ability to deliver integrated transport solutions across NSW and better customer and community outcomes.

Legislation effective from 1 December 2019

From 1 December 2019, all functions and responsibilities of RMS and TfNSW will be performed by the integrated TfNSW organisation.

What is changing from 1 December?

From 1 December, any references to RMS will be legally taken to mean TfNSW automatically. This includes references in existing documents or in legal proceedings already underway.

This means that most things are business as usual for now.

You will start to see some changes from next week including:

- **Using TfNSW branding like letter head, templates and email signatures** – information will be available to support you to implement the brand changes.
- **Most RMS email addresses will change to Transport email addresses** on the evening of Tuesday 3 December and more information is coming.
- **Communications to stakeholders and suppliers** – we are sending an update to all suppliers and stakeholders early next week to notify them of the changes.

What's not changing on 1 December?

What's not changing on 1 December? The legislation is not changing the following:

- Policies, procedures and standards are not changing on 1 December – we will continue to review over time.
- The following awards and the timeframe or regularity of negotiating to replace the awards is not changing on 1 December:
 1. the *Roads and Maritime Services Consolidated Salaried Award 2019*,
 2. the *Roads and Maritime Services School Consolidated Supervisors Award 2019*,
 3. the *Roads and Maritime Services (Traffic Signals Staff) Award 2019*,
 4. the *Roads and Maritime Services (Wages Staff) Award 2019*,
 5. the *TfNSW Salaries and Conditions Award 2019*.

The following commitments made by the Secretary also remain:

- The [Memorandum of Understanding](#) (MOU) between the Secretary and unions.
- A commitment that there will be no outsourcing of any RMS and TfNSW operational and front line functions for the term of the existing awards (until 30 June 2021).

- Any proposals outside of this commitment and after this period would, of course, be subject to staff and union consultation.

Other changes to systems, processes and ways of working

A team is working on this transition and will provide more information about changes and when they will take place. Changes will roll out in a way that minimises the impact on our operations.

Changes to the way we work, such as changes to brand, delegations, policies and procedures, IT, finance and procurement, will be done over time so we can continue to deliver for our customers and communities.

This means that most things are business as usual for now.

About the legislation and what it means

Employee entitlements and awards

The legislation does not affect the conditions of employment or entitlements of any TfNSW or RMS staff. However, it does contain a number of additional commitments designed to provide assurance for employees. Given the legislation focuses on the integration of RMS into TfNSW, these commitments are designed to give additional reassurance to RMS staff.

These changes will not affect the way we approach the Evolving Transport program nor will they affect our decision making in upcoming reform and changes to roles as part of organisational design and recruitment. We remain committed to the placement and recruitment strategies consistent with merit selection principles and processes.

The commitments in the legislation are:

- No forced redundancies for RMS award staff for the life of the existing Awards
- RMS awards not to be merged into other Transport Service Awards
- Minimum number of regional employees
- No privatisation of RMS work
- Processes for resolving disputes relating to the integration of TfNSW and RMS.

No forced redundancies for RMS award staff

The commitment to no forced redundancies will remain for the life of the existing RMS awards, that is, until they are replaced.

This commitment will not change our approach to decision making in the upcoming recruitment and reform processes as part of the Evolving Transport program.

It will neither favour former RMS employees, nor disadvantage TfNSW employees participating in selection processes.

We are committed to continuing with merit-based selection for appointments to roles. It is essential that we have the right people in the right roles to set us up for success in delivering better customer and community outcomes.

This legislative change does not affect the ability of employees after they are declared excess to accept voluntary redundancy under the Managing Excess Employees Policy. During the retention period, all employees will be provided with support to find alternative roles. Following this retention period, former RMS staff will continue to be supported and we will seek opportunities to redeploy or temporarily assign you to roles.

RMS awards not to be merged into other Transport Service Awards

Existing RMS awards will not be merged or combined with the TfNSW Award. This commitment will remain in effect for 4 years from 1 December 2019. However, if the relevant unions consent to the potential merging of awards, normal award negotiations would take place and outcomes would depend on unions and TfNSW coming to an agreement to make changes.

Minimum number of regional employees

This provision will remain in effect for 4 years from 1 December 2019.

This commitment ensures that there will be no reduction of full time equivalent roles in regional NSW. The legislation has defined regional NSW for this particular commitment as all of regional NSW including Newcastle and Wollongong but not the Blue Mountains.

No privatisation of RMS work

This commitment ensures that work done by RMS immediately prior to 1 December will not be privatised to a non-government sector entity. This commitment remains in effect for 4 years.

It also means that the existing road maintenance contracts in the Sydney metropolitan area could not be extended geographically during this period.

Processes for resolving disputes relating to the integration of TfNSW and RMS

TfNSW strives to resolve matters as close to the source of the concern as possible, as quickly as possible and in a way that is fair and reasonable.

The legislation provides additional reassurances to RMS staff in addition to awards, policies and procedures for resolving disputes during this period of integration.

If an RMS award staff member still feels that they have been materially disadvantaged by the integration of RMS and TfNSW, the staff member or their union may apply to the NSW Industrial Relations Commission to have their matter heard.

TfNSW Award staff may use the existing dispute resolution procedure to resolve concerns regarding the implementation of the new operating model. They may also apply to the NSW Industrial Relations Commission through their union to have the matter resolved, however in accordance with section 130 of the NSW Industrial Relations Act, individuals are unable to apply directly.

In addition, Transport Service Senior Executives (TSSE) and Transport Service Senior Managers (TSSM) who feel they have been materially disadvantaged by the integration of RMS and TfNSW, or by any actions that directly arise from this, may apply to the Transport Secretary to review the matter.