



RAIL, TRAM & BUS UNION VICTORIA

LOCOMOTIVE DIVISION

Ref: 20868

Ali Elbouch
General Manager Train Services
Metro Trains Melbourne
Level 14, 700 Collins Street
Docklands, VIC, Australia 3008

3 April 2018

By Email: Ali.Elbouch@metrotrains.com.au

Dear Mr Elbouch,

Re: HCMT Project

Thank you for your correspondence dated 29/3/18 regarding the above subject. The Locomotive Division has based its opposition to the introduction of Train Operators by Downer and its subsidiary Project Co on the information provided by Metro.

In the correspondence of 1/9/17 Metro advised that "any Train Operators will be managed by Downer under a new Greenfields Enterprise Agreement for Pakenham East Depot". This was the first occasion that Metro admitted the existence of the second tier Train Operator position. The Locomotive Division has not based its objection on a belief but rather on information provided by Metro.

Metro claims that it "does not have any control over Train movements inside Pakenham East maintenance facility". The Locomotive Division draws your attention to a document titled 'Project Agreement, Executive Version, High Capacity Metro Trains Project' Authored by Lawfirm Herbert Smith Freehills, at clause 6.1 clause (d) the parties are noted as Metro and Project Co. *"The Parties acknowledge and agree that under the Franchise Corporation Agreement. The Franchise (Metro) will grant to Project Co the right and access to the Pakenham East Stabling Yard and the Calder Park Stabling Yard and access other Franchise land"*. The Locomotive Division believes that Metro is in breach of Clause 1.9 of the current Enterprise Agreement.

"The Company will only require, allow or permit the driving of trains or conducting of other train movements (in all environments, including on the mainline and in depot and maintenance environments) to be undertaken by employees who have completed, or are training to complete, the Metro Driver Training Scheme or recognised equivalent (SPOT qualification and current conversancy) and who are, or who were previously, employed in the Locomotive Driving Grades set out in them Agreement."

The Locomotive Division is willing to participate in discussions with Metro on proviso that Metro withdraws its agreement with Project Co to permit the introduction of Train Operators to drive trains on H.C.M.T territory and maintenance facilities. The Locomotive Division is unreservedly committed to securing our members future.

Yours Sincerely

Marc Marotta
Divisional Secretary