



# LocoLines

NEWSLETTER FOR LOCOMOTIVE  
DIVISION OF THE RTBU VIC

EDITION NO. 78 JUL-DEC 2023

## 'TWAS THE **HEIST** BEFORE CHRISTMAS

*How the Grinch attempted to steal Christmas*

### ENTERPRISE AGREEMENTS

Bargaining &  
P.A.B.O

### NEW LEGISLATION

Updated & improved  
Employment Laws



# LOCOLINES

EDITION 78 JUL-DEC 2023

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**Publisher**  
Paris Jolly

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## LOCOMOTIVE DIVISION REPRESENTATIVES

### DIVISIONAL EXECUTIVES

**Secretary:** Paris Jolly 0407 245 859  
**Assist. Sec:** Jim Chrysostomou 0404 814 141  
**President:** Wayne Hicks 0407 035 282  
**Vice President:** Cathy Noone 0477 453 147

### DIVISIONAL COUNCILLORS

**Metropolitan:** Stephen Butler 0408 588 662  
**Metropolitan:** Craig Bishop 0432 505 636  
**Metropolitan:** Adam Fancis 0412 550 442  
**V/Line Pass:** Steven Cox 0402 477 607  
**V/Line Pass:** Trevor Severino  
**PN Bulk:** Cathy Noone 0477 453 147  
**PN Intermodal**

RTBU-Locomotive Division Level 6, 1 Elizabeth St Melbourne Victoria 3000

Ph: 03 9682 1122 Toll Free: 1800 134 095

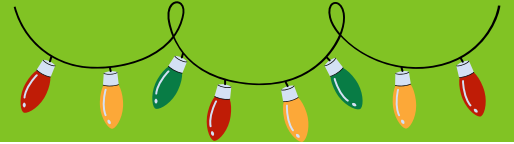
Email: [reception@rtbuvicloco.com.au](mailto:reception@rtbuvicloco.com.au) Web: [www.rtbuvicloco.com.au](http://www.rtbuvicloco.com.au)



# SECRETARY'S REPORT

PARIS JOLLY  
DIVISIONAL SECRETARY

## EA UPDATES



**I would like to thank everyone that has assisted me in my first year as the Locomotive Division Secretary and wish everybody a Happy Christmas. Special thanks to Marc Marotta for his assistance and experience over the year.**

**It's been a huge year for the Locomotive Division with a number of EAs either being completed or close to being completed bringing improved conditions and wage increases to members.**

### Metro

The Locomotive Division drafting for the Metro EA has now been completed and we are waiting on the Rail Division to finalise their part before the agreement will be put into the workplace for members to vote.

The EA turns back the clock with driver condition's that had been sold off by the Rail division back in 2019 being clawed back. This was no easy task and I would like to thank your delegates that worked tirelessly to assist in negotiating an EA that improved conditions and provided a fair wage increase. This was also done without the need to take Industrial Action and cost members their money. Whilst I appreciate some members would have liked to go on strike after the 2019 debacle that saw the Rail Division breach orders and lose our Industrial Action, strike action should be used to assist your position in bargaining, not just as a tool to whack the company or get your face on TV.

We will shortly be organising another round of meetings to take any questions you might have once the draft EA is in the workplace prior to it being voted on. We anticipate this will now be in the New Year.

### V/Line

The EA is progressing well and at the time of writing this article the Locomotive Division is continuing to provide V/Line with proposed draft clauses as part of the negotiations. The draft clauses provide for enhanced rostering conditions, more efficient training structure, RETA and a number of other improved conditions. Unlike Metro, V/Line is constrained by the government wages policy that currently sits at 3% per annum with a preferred 4-year deal. Negotiations will continue early in the New Year and we will keep pushing for improved conditions and a fair pay rise.

### SCT

The SCT agreement appeared to be at a stage that an in-principal agreement could be put into the workplace, but at the 11th hour SCT management took the 40-hour option off the table and stated the only offer was now the 43-hour option. To make matters more confusing, they have now put out a survey with both options back on the table.

Disappointingly SCT management have not communicated this information to us. The Locomotive Division is committed to getting an outcome and will continue to bargain in good faith to get the best result for members.

# YOUR DIVISION

The Locomotive Division (LD) is your one stop shop for all your member and industrial needs. In practice, since the RTBU was amalgamated, we have functioned as a separate and independent entity within the RTBU. There is a high degree of separation between the LD and the rest of the Union and that's how we and our members like it.

## Industrial Representation

LD members are almost exclusively represented & assisted by the delegates and office bearers of the LD alone, including but not limited to:

- Individual member representation and advise in meetings with employers.
- Before regulatory bodies & in Courts & Tribunals.
- Lobbying Federal and State Governments and running campaigns.
- In Enterprise Bargaining:
  - **For Vic only EAs:** we alone negotiate with employers for LD members. The Rail Division and Branch are not in our meetings & have no say in what our negotiations involve.
  - **For National Companies-**
    - Whilst Qube Logistics (Rail) Pty Ltd, Pacific National Bulk Rail Pty Ltd and Rail Train Pty Ltd are national companies, they have Vic only EAs that only cover Vic LD members. Those EAs were bargained for by the Vic LD alone.
    - RailPro Services Pty Ltd, Pacific National Services Pty Ltd & Southern Shorthaul Railroad Pty Ltd have national EAs covering all RTBU members employed by those employers. For those EAs, the LD represented its members in consultation with the National Office.

## Subscriptions

We have our own paid subscription services separate from the rest of the RTBU including legal databases, membership communication system for SMS and emails and membership payment system.

## Employee & Office Holders

We have our own office separate from the rest of the RTBU with three staff members, two full time paid officials & delegates who perform union duties on an as needed basis.

## Membership Functions

The LD administer and process all membership functions & services, cost effectively and mostly in house such as:

- All Membership administration including:
  - Applications, resignations, suspensions, rejoins & record updates,
  - Membership payments and banking.
  - New Membership packs and cards.
- General EA and Employment queries,
- Employment Disputes, Legal advise and legal referrals.
- Yearly Membership diaries, merchandise and membership communications.

## Member Portal

We have a Locomotive Division specific membership portal separate from the rest of the RTBU.

## Systems

We have our own server, email system, telephone and comms system and electronic document management system separate from the rest of the RTBU.

## Website & social media

We also have our own website, Facebook account & twitter account separate from the rest of the RTBU.



## Service Providers

The LD procure and engage all service providers separately from the rest of the RTBU other than for insurances and the Branch membership system.

### **The Locomotive Division has used its autonomy to achieve significant results for you including:**

- 1.LD has negotiated enterprise agreements with some of the greatest entitlements and protections in the rail industry;
- 2.The LD has developed a reputation of strength. Employers know the LD and its members will fight and we will not roll over. They know we will take them to Court if need be & this reputation gives us power;
- 3.The LD delegates are well trained and experienced as we focus on upskilling our people & ensuring they have the guidance and support to fight for you;
- 4.The LD is the most responsive Division with a system in place to ensure you have someone assigned to you and get a response within 24 hours;
- 5.The LD alone took Metro to court for underpayments and got members repaid hundreds of thousands of dollars;
- 6.The LD is the most financially viable Division in Victoria with property and funds worth millions more than the other Divisions. This is because we are fiscally responsible and we spend member money on members.

We have achieved all of these things and come out stronger despite attacks from employers, anti-worker workplace laws and internal attacks from the Vic Branch and Rail Division.

In the last year the LD and its members have faced increased attacks from the Branch and Rail Division who are attempting to take your money and take over your Division. We will defend all such attacks.

We will not allow the Vic Branch and Rail Division's petty quest for power and money to undermine what's best for you.

## Finances

We control, administer & manage our own finances including our own bank accounts, financial records & financial management system. We prepare our own financial reports and budgets; do our own payroll, pay our own GST & engage our own accountants and bookkeepers

## Training

We organise all our own delegate training. This includes specialist indepth training on reading your EA, advocacy and representation.

## Property

We control, administer and manage all our own property including payment of rates, participation in owners' corporations and procurement and engagement of real estate agents & maintenance services to manage such real property;

## Records

We control, administer and manage our own records, both electronic and hard copy, separately from the rest of the RTBU

### RECORDS UPDATE

Members that have changed contact details, employment details or resigned must call or email the Locomotive Division office or log into your Membership Portal and update your details as soon as possible.

Trainees that have recently passed for driving, must notify us to have your membership status updated accordingly.

Please be aware, if you tell your local delegate, or call the state branch office, the Locomotive Division admin staff may not get the message. Please contact the Locomotive Division for all membership updates.

*Merry Christmas and  
have a safe and prosperous 2024*





# V/LINE REPORT

**WAYNE HICKS**

DIVISIONAL PRESIDENT

**STEVEN COX**

SUB-DIVISIONAL SECRETARY

## LOCO AND FACILITY UPGRADES

### **Vlocity's:**

Since their introduction onto the network, the standard gauge Vlocitys have been an issue for bottoming out.

After a meeting last week with a management, new restrictive chokes have been installed onto all standard gauge Vlocitys and monitoring equipment will be installed by Monash University possibly by the end of the year.

A new bolt design for a replacement of the offending bolt in the emergency springs is also under way.

Australian Rail Track Corporation have also done a lot of work on the Northeast. The roughest section of the track is currently from westside of Bunbury Street tunnel to Craigieburn and therefore the speed has been capped at 100 KPH.

Further testing is occurring this week with a Vlocity unit being fully instrumented at a crush load followed by further testing with deflated air bags to Seymour and return.

The unit, as part of the testing, will also turn around at the triangle at Tottenham for instrumentation at the driving end.

### **South Dynon:**

South Dynon continues to be shutdown until 2026 with a new wash plant and wheel lathe being installed at the back of the South Dynon sheds.

As the road access and parking is becoming more difficult it made sense to temporarily move the existing meal room to the portable until things settle down. Stephen Coughlan has conducted an inspection for this and compiled a list of requirements before shifting, we will keep you informed as things progress further.

### **Bank wash road:**

No preparation of rolling stock is to occur in the 1 Bank wash road as there is no lighting, minimal distance along the fence side and also tripping hazards within the wash plant.

The Melbourne end of the road has no pathway on the mainline side, no delineation fencing and no preparations are to take place on the pit road in the car sidings as you are unable view the sides of the vehicle for isolation taps.

More updates will be provided and we will ensure all safety is paramount.

## V/Line Enterprise Agreement

Enterprise agreement negotiations are slowly but surely proceeding. V/Line are proposing a training roster to coincide with the removal of the locomotive fleet and trying to get a consensus as to what this will look like. This is still a work in progress.

Other items on our negotiations list include:

- Fuel times at Southern Cross are to be reviewed for driver only fuels
- Shunter assist fuels was completed early December as part of the good faith bargaining.
- Walking times in Traralgon to the Maffra sidings appears to be the only one of interest at this stage.
- Black hole shifts are in management sights, with push back by the Union.
- Our claim to push back to 8 hour shifts.
- Line closure with double runs agreed from the outer depots but not from Southern Cross.
- Off roster clause to opt in rather than the out clause.
- Disciplinary clause to be updated.
- Job Share clause to be reviewed:
  - 3 months notice for the intent to take up job share and must be accepted
  - when someone vacates a job share role, the remaining partner will work the job share role for a period of 3 months and if no new partner is found, that employee will return to a full time roll.
- Rostering improvement clause which is currently being worked on.
- PDT's:
  - Currently not agreed to by V/Line is the PDT Debrief clause with a time allocation.
  - Furthermore, V/Line are pursuing a training roster for PDT'S to facilitate what they believe is a streamlined path to assist trainees to obtain the knowledge they require to qualify within the required time frame. One of our claims is an early and late roster at Southern Cross and this is in its early stages with meetings to commence to see what this will look like.

Member mass meetings have commenced around the state to give members more feedback on EA negotiations.

## SilverTop Taxis



Taxi's have been an ongoing issue since SilverTop won the contract and train crews have been plagued with unreliable drivers and unsafe vehicles.

Up until recently, if you found a safe driver with clean roadworthy taxi, you were able to request that specific taxi using its car number, provided certain requirements had been met. In recent weeks however, this has been rejected by the SilverTop supervisor indicating this is not allowed to be done as per a direction from higher management within SilverTop.

SilverTop were to supply a document on this practice to V/Line management but to-date nothing has appeared.

V/Line are now saying this is not in the contract for us to have a preferred taxi, however we have been doing this for sometime up until this week. V/Line is the paying customer and SilverTop are dictating the terms.

We have written to the V/Line CEO asking him to investigate this matter and hopefully common sense will prevail.

# ONRSR SAFETY MESSAGE: Ageing Infrastructure

Recently the office of the National Rail Safety Regulator (**ONRSR**) wrote an article about the issues with ageing infrastructure on the network and have called for operators to find appropriate solutions to address the issue.

Deterioration of signaling and supporting infrastructure was a main concern as they are key in ensuring the prevention of rail safety risks. A high level of reliance is put on this infrastructure by rail safety workers like signalers and train drivers.

The Acting Chief Executive and National Rail Safety Regulator, Peter Doggett stated that *"ONRSR can no longer sit idly by while the situation worsens"*. He said that some of the signals are so bad and at the end of their "operational lifetime" putting them in a high risk profile, being a major safety concern for all rail workers.

But in the same article, ONRSR advise that the replacement option is not cheap or simple, so is encouraging the industry to "think outside the square"! Dogget said *"Rail is full of lower-cost technologies that can be applied to address what have traditionally been very expensive problems"* therefore excuses that it is "too expensive" are not going to work and that operators can find find a low cost solution.

Let's see what upgrades will be required and which upgrades will fall through or become low-cost alternatives. In any event, we hope ONRSR do not put our rail safety workers at risk. Watch this space.

## UNIONISM

One would think Unions are about representing the members, not feeding one persons ego.

Recently the RTBU State Secretary emailed members condemning another Union and, whilst promoting his details correctly, used the Locomotive Divisional Secretary's name and signature, without our permission or knoweldge, and advertised the wrong phone number.

The Locomotive Divisional Secretary then had to issue a Circular in response correcting the information.

The State Secretary has also moved motions at the Branch Executive to take control of **our** finances, with his minions voting "Yes" to any motions that he puts forward without any thought or critical thinking of their own, detrimental to the Locomotive Division.

It's a sad day to see the Union demise to a point where one person can divide and destroy the Union.

With Disamalgamation, the Locomotive Division can concentrate on the core work to look after the members interest, in unity, not fighting to stay afloat within our own union.



We would like to wish all the members and their families a Merry Xmas and a Happy New Year. We hope you have safe travels and we will continue to fight in the New Year coming.

Regards,  
Wayne and Steve





# VICE PRESIDENT/ PN REPORT

CATHY NOONE  
DIVISIONAL VICE-PRESIDENT

## PN EA and Blank Line Rostering

**With the Pacific National Bulk Enterprise Agreement up for renewal mid next year, the team are working hard to ensure that safety is the number 1 priority, that means that we will work towards issues caused by blank line rostering. Members have had nothing but issues with fatigue management, work/life balance and a range of other concerns raised, all attributed to the ghastly blank line rostering system that needs to go!**

### PN Bulk EA

The Pacific National Bulk Rail Enterprise Agreement is due to expire mid 2024 and the Locomotive Division has already started their list for the log of claims, 1st point being Blank Line rostering!

But of course that is not the only thing on the list. We ask members to please email us any other issues, concerns and ideas for the log of claims. Please email [reception@rtbuvicloco.com.au](mailto:reception@rtbuvicloco.com.au) and ensure you advise if your suggestion is something new, or a change to an existing clause.

### Blank Line Rostering

Some of the main issues Blank Line rostering causes is lack of work/life balance and fatigue! This is concerning as we work to live; and trying to have a life, when you have no clue what work you will be performing is very difficult, exhausting and demoralising to say the least.

Working a blank line roster means that you do not know what work is forecast, what hours you will be doing and have very little time to prepare your days as there is no pattern. You cannot organise to pick up your kids from school, as one day may be a 3pm finish, whilst the next is 8pm. The shifting and changing can cause extreme fatigue.

Not to mention that management are not even using the FAID scoring properly, adding a more detrimental affect.

PN do have a number of trains that are already scheduled where the shift could easily be clearly rostered, providing employees with a clear shift and avoiding the issues caused by Blank Line rostering.

This is something the Locomotive Division will be working on and fighting for, to allow our members to get back some for of normality and work/life balance.

## CALLOUT FOR NEW DELEGATES

At the last election, no other members at Pacific National put their hand up for delegate positions. Whilst the role of a delegate is tough, it is also rewarding and your ability to bring issued affecting you and your colleagues from the workplace to the table at the Divisional Office. Without delegates on the floor, the Divisional Office may be unaware of how they can help you. This may be as simple as being the voice of your workplace. If you have considered becoming a delegate, please contact the Divisional Office for a chat. We would love to have more representatives from PN get involved.



# ASSIST.SECRETARY'S REPORT

JIM CHRYSOSTOMOU  
DIVISIONAL ASSISTANT SECRETARY

## ENTERPRISE AGREEMENT UPDATES

### Metro Enterprise Agreement

Bargaining for an Enterprise Agreement (EA) has progressed to a final draft. An anticipated access period for Members to consider the proposed EA will be held in early January 2024, followed by a vote. This proposed EA will see the 2019 sellout of Train Drivers conditions by Vik Sharma, the Branch and the Rail Divisions (RD) wound back in addition to a number of improvements to rostering, training and pay.

The success of Locomotive Division bargaining team relied upon a number of strategies -

1. We had a great bargaining team comprised of people who have many years of industrial and legal experience but also importantly know the job and have driven trains for decades. In comparison, the RD's main bargaining representative who has no experience in rail operations.
2. We ensured bargaining from the beginning was separated between us vs the RD/Branch – given how the Metro 2019 EA turned out, we knew we had to make a conscious and concerted effort to keep Vik Sharma and his acolytes out of Train Driver bargaining.
3. We kept Vik & his RD/Branch mates from stuffing up bargaining again. For example, they wanted to do industrial action that would never be protected – i.e. writing on trains and train windows which we all know is a clear safety breach. We got them to pull this which avoided the union being stuck in proceedings and potentially losing their ability to organise and promote industrial activity which was the outcome when the RD/Branch stuffed up on industrial action in 2019 Metro EA bargaining. It's not surprising Vik & the RD/Branch didn't know such a basic safety matter about trains given Vik Sharma's experience in the rail industry only extends to checking tickets for fare evaders.

4. We focused on negotiating the best possible agreement as quickly as possible. In comparison, it appeared Vik's goal was to promote himself in the media to further his ultimate goal to become a politician at Locomotive Division Members expense. For example, Vik & the RD/Branch asked to delay taking industrial action until after the voice vote so the action would get better media coverage. We said no as our focus was on you getting your entitlements as soon as possible, not media attention.

5. We didn't muck around, we bargained efficiently and bombarded Metro with draft clauses to get a deal quickly. We knew we had to get a deal before Vik, the RD/Branch sold out train drivers like in 2019. The RD's core claim was a 36-hour working week. The cost of the RD 36-hour working week (i.e. get paid for 38-hours but only work 36-hours) was estimated to be in the vicinity of \$17,000,000. This claim needed to be funded through efficiencies, these efficiencies could only come from our Members. We acted with experience and knowledge which in turn circumvented the Sharma plan.

6. We adopted a position of strength in bargaining, stuck to our guns and got a great deal. In comparison, shortly after our division reached an in-principle agreement, Vik, the self-professed union warrior & strategist, called the Metro CEO and said words to the effect "why did you make a deal with the Locomotive Division, this puts me in a difficult position". He flagged his own weakness to his opponent!! After that he buckled, withdrew protected action and accepted Metro's offer. The offer did not include the key claim of a 36-hour week despite Sharma saying he would not compromise on this. Vik, in true form, then sent out communications taking credit for the entire Metro EA outcome despite having nothing to do with Locomotive Division bargaining & the great result we got for our members.

**Its clear by Viks action that when there are no Driver's Vik has no fight.**

## V/Line Enterprise Agreement

The Locomotive Division has been progressing in EA meetings with V/Line, however due to the Christmas and New Year break there will be a slight delay in the bargaining process.

Bargaining for the Locomotive Division is progressing well. Again, we ensured the LD and the RD bargained separately and we have gotten agreement from V/Line on many of our members key claims.

Unlike the Locomotive Division, the RD have had to front up to the Fair Work Commission after V/Line sought assistance to resolve a bargaining dispute with operations members, saying due to the RD conduct bargaining was not proceeding efficiently.

Vik Sharma, who calls himself a Union warrior, was quoted as saying to the media "we didn't think it was going to be this hard with V/Line". We don't know what he's talking about, but then again our time has been spent on bargaining, not media, so its not surprising we are close to a deal and they're in the Commission having to explain themselves.

As our bargaining has been going well our division didn't notify V/Line of industrial action. Vik however did for the RD. He gave notice to V/Line of a 4-hour stoppage between 3am-7am for operations staff after doing an about-face from the threatened 24-hour stoppage. What did this achieve? Vik got media attention which is good for him but the back down was not good for members. V/Line will undoubtedly see it as a sign of weakness and this will likely hurt operations members in bargaining going forward.

The Metro and V/Line bargaining processes are a clear demonstration of why it's so important the Locomotive Division retains its autonomy. We are experienced, we know the industry, the work you do, we put your interests ahead of everything and we get you great results.

If our Division is taken over by Vik & the Branch (which is what Vik wants) then what happens to train drivers in bargaining? Would you be represented by people who have never driven a train and have no idea what you do? Would your bargaining be hijacked and delayed to increase media attention for officials? Would your ability to take industrial action be lost due to the conduct of officials? Would your conditions be sold off for RD members benefits? We will fight Vik & his mates grubby attempts to take over our Division and do everything in our power to ensure you never have to answer those questions.

## NEWS FLASH- VIK SHARMA CRIES FOUL

Vik and the Branch have been increasingly attacking the Locomotive Division, its officials and members and then sending out circular after circular crying foul on alleged "in-fighting" while continuing his attacks in those very circulars.

What a pathetic PR stunt. There are thousands of Locomotive Division members who have serious concerns with Vik & the Branch - it's not just some spat between officials. But this doesn't look good for Vik, so he ignores this reality just like he ignores Locomotive Division members & their concerns.

According to Vik, he will **"fight until there is no fight left" or "take it all the way to the top"** and while he is doing whatever any of that means he says he will make sure that the Locomotive Divisions funds are used in the best interest of all members. Should we believe Vik? According to Vik over \$1,000,000 has been spent on legal fees opposing actions brought by Paris. This includes the disamalgamation application Paris filed in the Fair Work Commission

in accordance with the wishes of Locomotive Division members. What did Vik do, he led the RTBU opposition to this application which cost a fortune and sought to deprive Locomotive Division members from having their voices heard in a vote on whether or not to establish a standalone Victorian driver union. Is this how Vik looks after Locomotive Division members? Despite this, according to Vik **"Your voice matters and funds will always be there to support locomotive division members...I recognise the important role train drivers play in our industry"**.

I know this sounds concerning (because it is) but you can rest assured that Vik will apply his thorough knowledge of the Union rules in managing the Locomotive Divisions financial affairs. Oh wait, under cross examination in the Australian Federal Court Vik said, **"I didn't do a comprehensive study as to what the rules say or require of me to do"** while most of his RD mates on the Branch Executive gave evidence in Federal Court that they had never even read the rules. But rules shmooles, who needs rules anyway?

Now, I know it probably looks bad (because it is) but you can be guaranteed that the Branch Executive (heavily stacked with a majority of RD members) will manage Locomotive Division Members money at their discretion in the interests of Locomotive Division members because after all according to Vik **"it is the Branch's money"**. Oh wait, the Branch Executive recently passed a resolution that endorsed RD merchandise, RD events and RD officials' accommodation and travel as "Branch expenses". Any other Division's expenses treated that way? No, of course not but apparently money will be used in the interests of all members.

Look, I know it probably looks worrying (because it is) but there are Locomotive Division members on Branch Executive to be a check and balance on what happens to your funds. Oh, wait they're in the minority so even when they join with the Tram & Bus Division, they get over-ruled by the RD majority. In fact, before each Branch Executive, Vik & his mates in the RD on Branch Executive have what they told the Federal Court is a "caucus meeting" where they discuss what will be done at Branch Executive. Then at Branch Executive they all vote in a block. Is there even a point in Locomotive Division & Trams going to Branch Executive meetings if everything is already decided?

Again, I know this probably sounds distressing (because it is) but you can be assured the money will be better managed under the Branch (controlled by the RD) than the Locomotive Division.

Oh wait, the Locomotive Division has over \$3 million in funds and three properties worth approximately \$5 million, the Tram & Bus Division have around \$1 million in funds, units worth approx. \$1 million and a share of the Queen Street union office while the RD has no funds and only a share in the Queen St office.

I guess the Locomotive Division's history of being the most financially responsible Division and the RD's history of being the least, isn't important - according to Vik its best if Locomotive Division funds are in the hands of the Branch (being the RD).

I know what you're probably thinking, how can we rely on or believe that Vik will do the right thing by Locomotive Division members when all that he does is the opposite to what he says? Well according to Vik, he has a fix. Under cross examination in the Australian Federal Court, he stated, **"if members were unhappy and they left and a new union were to be formed, they would join them, because they were so unhappy about the financial structure but they were happy with the, you know, with the new union and the leaders so they would join them."** So Viks fix is, that if Locomotive Division Members don't like it, they can look elsewhere.

I will leave it with you, the reader to form a view on the above, but one thing is for certain, Vik cannot deny the above didn't occur because these statements were made under oath in addition to being recorded in transcripts for the Australian Federal Court.

I wish everyone a happy and safe  
holiday season



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for a range of savings.

[www.unionshopper.com.au/union/rtbu-vic-locomotive](http://www.unionshopper.com.au/union/rtbu-vic-locomotive)



# THIS TIME IN....*DEC 1921*

## Automatic Signals.

On Thursday the 22nd December 1921 the Automatic and Track Control (ATC) single line automatic signal system between Upper Ferntree Gully and Belgrave was established. This was the first such installation in Australia. The section was a narrow-gauge section and was converted to automatic signalling from the original Staff and Ticket safeworking system. The Staff and Ticket safeworking system was a physical object (the staff) at the entry point to the single line track that the train driver would carry or where a staff member would provide the driver with a written "ticket" to safely enter the single line section of track. The conversion to the faster mechanical system of the automatic signal allowed for an increase in the volume of trains on the line.

## History of Upper Ferntree Gully

- In December of 1889 the line from Ringwood to Upper Ferntree Gully was opened. The safe working system was by Train Staff and tickets with only one section. Only the staff stations Upper Ferntree Gully and Gembrook had signals.
- By December 1900 a narrow-gauge, distance between the rails on the track being 75 cm or 2 foot 6 inches, line from Upper Ferntree Gully to Gembrook was opened and in 1910, the station yard was rebuilt to cater for the passengers travelling on the Gembrook line.
- In December 1921, the single line automatic signal system was established. Upwey was an unattended crossing station.
- The line was a narrow gauge line from Upper Ferntree Gully to Belgrave.
- In November 1925, electrification of the railway to Upper Ferntree Gully was implemented.
- By 20 August 1930 the section was reverted back to a train staff and ticket safe working system.
- The Line was then formally closed in April 1954, except for a "farewell special" and Puffing Billy Preservation Society.
- In February 1957 the line was partially duplicated between Bayswater and Ferntree Gully with the last narrow gauge train departing in 1958
- By 1962 the section between Upper Fern Tree Gully and Belgrave was converted to the broad gauge (the gauge used by Victoria) being 5 foot 3inch or 157.5cm between the rail, and joined the suburban network.
- In 1972, the line was officially renamed Upper Ferntree Gully.
- By December 1982 the duplication of the line from Ringwood was completed.
- In 1996, Upper Fern Tree Gully Station became a Premium Station.

## **GUESS WHERE?:**

*Can you identify the automatic signal in the picture to the right.*

Current members can email or call us (reception@rtbuvicloco.com.au or 9682 1122) with your guess. Correct answers will go into a draw to win a Loco Gift Pack.



## **Last editions winner:**

Congratulations to Aaron Henderson of Pacific National Intermodal for guessing last editions Guess Where which was Wangaratta Railway Station.



# LEGAL REPORT

JENNA VARDI  
SENIOR LEGAL OFFICER

## EA BARGAINING Q & A

2023 has been a big year for EA bargaining for the Locomotive Division (**LD**) and its members.

**What's an EA** – a legal agreement that covers certain employers and employees that contains terms and conditions of employment, including wages, for a period of up to 4 years.

**When does an EA come to an end** – an EA keeps operating until it gets replaced by a new EA or it is terminated by an order of the Fair Work Commission (**FWC**).

**How do we start bargaining for a new EA** – the employer starts or agrees to bargain for a new EA to replace the old EA and issues a notice of representational rights to employees. This can only happen after the nominal expiry date listed in the old EA.

**What happens in bargaining** – different bargaining teams approach bargaining differently. The LD has always taken the approach that its best to be honest and efficient in bargaining & seek the same from employers so the LD:

- Always has an initial meeting with an employer where we discuss how we will bargain. We always propose protocols to make sure bargaining proceeds fairly. The protocols include putting in writing all agreements and action items to avoid disputation and ensure bargaining proceeds fairly and efficiently to get you a deal as quickly as we can.
- The LD and the employer then send each other a log of claims which lists what each want in the new EA. The LD log of claims is based on your feedback to us.
- The LD meets with the employer regularly and works through the log of claims. Usually, we start with meetings every second week and ramp up to weekly and then multiple meetings a week.

- The LD and the employer exchange draft clauses for the new EA and work through them. We always try and get these clauses to the employer quickly to get you a quick deal.
- If agreement can be reached at a high level, then the LD and employer sign a memorandum of understanding (**MOU**) which locks in a deal. After the MOU is signed, the LD and the employer finalise all the draft clauses.

**What happens if agreement can't be reached** – the law has a number of mechanisms available to try and assist the parties reach an agreement including:

- **Good faith bargaining orders** – either party can apply to the FWC for bargaining orders if the other is not bargaining in good faith. The LD have done this in previous rounds of bargaining and got orders against employers to provide info & respond to proposals.
- **Bargaining dispute** – either party, at any time, can apply to FWC to resolve a bargaining dispute about an EA. FWC may make recommendations or express an opinion but can't arbitrate & make a binding decision unless everyone agrees to arbitration. The LD have done this in previous rounds of bargaining & gotten helpful FWC recommendations.
- **PABO** – the LD can apply to the FWC for a protected action ballot order so members can decide to take protected industrial action to support or advance their claims in EA bargaining. Protected industrial action can take many forms but mainly it involves strikes and work bans. If an order is made, 50% of eligible voters vote and of those 50% vote to take action then the action can be taken and will be protected – so you can't be punished by your employer for taking the action and you are protected from legal liability. We have applied for PABO's for Metro & V/Line this year.

- **Intractable bargaining declaration** - after 9 months following the nominal expiry date of the old EA or 9 months after bargaining commenced (whichever is the later), a party can apply to FWC to make an intractable bargaining declaration. The FWC will make such an order determining the terms of the EA if it is of the view there is no reasonable prospect of agreement & its reasonable to do so in the circumstances.

#### **What happens if agreement is reached between the LD and an employer-**

- Employees are provided a copy of the proposed EA and the LD holds mass meetings around the network to discuss the EA with you and answer any questions you have.

- Employees covered by the proposed EA then vote to endorse it or not.
- If a majority of employees covered by the EA vote in favor of it then the proposed EA is provided to the FWC for approval.
- The FWC reviews the proposed EA to make sure it complies with the law and meets standards. If the FWC makes a decision to approve the new EA then the new EA will come into effect 7 days after the decision unless the EA says a later day. The LD will negotiate with an employer to ensure payments are backdated and any delay in approval won't delay your pay increases.

## **New Improved Employment Laws for Workers**

In December this year the Federal Government passed new laws called the Fair Work Legislation Amendment (Closing Loopholes) Bill 2023 which make various amendments to employment law to better protect workers in Australia.

In summary, the new laws:

**1. Increase protections for family and domestic violence victims** – it introduces family and domestic violence as a protected attribute under the Fair Work Act so its unlawful for employers to treat a treat worker adversely because they have been subjected to family and domestic violence.

**2. Criminalise intentional wage & super theft** – if workers are intentionally underpaid under the FW Act, an EA or modern award this is now a criminal offence with significant penalties. For body corporates - the higher of \$7.825 million or 3 x the underpayment. For individuals' imprisonment of up to 10years or a fine of the greater of \$1.565 million or 3 x the underpayment.

**3. Better workplace rights and protections for union delegates which make it easier for us to represent and protect you** – under the new laws' employers can't unreasonably fail or refuse to deal with a workplace delegate, knowingly or recklessly make a false or misleading misrepresentation to a workplace delegate or unreasonably hinder, obstruct or prevent the exercise of rights of a workplace delegate. Workplace delegates are also entitled to communicate with employees who are current or prospective union members at the workplace, reasonable access to the workplace to undertake their duties as delegates and paid time during normal working hours to attend training in relation to their role.

**4. Stop companies underpaying workers through the use of labour hire** – currently, labour hire workers often work side-by-side with direct employees, perform the same work but receive less pay. The new laws will require employers with EAs to pay labour hire at least the same as the direct workforce.

**5. Close the small business redundancy loophole** – small businesses are mostly exempt from paying redundancy under the Fair Work Act. This created a loophole where if a large business became insolvent and downsized, they wouldn't have to pay redundancy. The new laws protect redundancy pay for workers working for larger businesses that have become technically a small business due to insolvency.

**6. Improved workplace health & safety laws** –

- a. the new laws make it easier for emergency service workers to claim for PTSD.
- b. have brought silica into line with asbestos under the Asbestos Safety and Eradication Agency, including coordination on silica safety and silica related diseases
- c. Create a new federal criminal offence of industrial manslaughter. A body corporates and their officers covered by the Commonwealth WHS Act face a new industrial manslaughter offence, if gross negligence or recklessness is found to have contributed to the death of a worker. Penalties for individuals are up to 25 years imprisonment and body corporates face a penalty of up to \$18 million.

The LD welcomes these new laws which increase protections for workers across Australia.



# RTBU Locomotive Division **SCHOLARSHIPS**

The RTBU Locomotive Division, through the Department of Education, offer the children of financial members the below scholarships.

**For Students completing Year 8 this year and commencing tertiary education next year:**

Glenn Moorhead Memorial Scholarship

- One Scholarship
- Valued at \$300.

**For Students completing Year 10 this year and commencing year 11 next year:**

The Frank Carey Memorial Scholarship

- Two Scholarships awarded each year.
- Valued at \$300

The Steve Gibson Memorial Scholarship

- Two Scholarships awarded each year
- Each valued at \$600 for two years.

**For Students completing Year 12 this year and commencing tertiary education next year:**

Ken Matthews Memorial Scholarship

- One Scholarship
- Valued at \$600 for two years.

**Applications are open NOW  
and can only be made online.**

**APPLICATIONS CLOSE  
1st Feb 2024**

**To register or find out more, go to:**

<https://www.eduweb.vic.gov.au/scholarships/>

Scholarships are available for children of financial members of the RTBU Locomotive Division .



# NEED LEGAL ADVICE?

The Locomotive Division help with legal referrals for members to legal firms in Victoria for Workplace, Wills, Property, Victims of Crime, Family and Criminal Matters respectively.

Please contact Suzi at the Loco Office on 9682 1122 or email [reception@rtbuvicloco.com.au](mailto:reception@rtbuvicloco.com.au) and provide a brief description of your matter so she can make the appropriate referral.



**maurice  
blackburn  
lawyers**

*For a referral, please contact us or download and complete the referral form in the Member Portal.*

## **Maurice Blackburn Lawyers**

All Locomotive Division members are entitled to be referred to Maurice Blackburn and receive a free 1 hour consultation with a Lawyer who specializes in either employment law, superannuation claims due to illness or injury, personal injury law, wills and estates and Social Justice.

**Maurice Blackburn also provide a FREE WILL KIT to our members upon request.**

**DOOGUE + GEORGE**  
defence lawyers

Doogue + George Defence Lawyers handle Criminal matters and offer a 45 min Free Consultation in person or over the phone.

**Grant & Co**  
LAWYERS

Grant + Co Lawyers provide fixed legal services for Property Conveyancing. They will review your contract of sale and Section 32 for FREE before starting your work. Grant + Co Lawyers can also assist with Victims of Crime claims



**Berry Family Law**

Berry Family Law offer a 1 hr Free Consultation as well as a 10% discount on the next appointment. Berry Family Law specialize in Separation and Divorce, Parenting, Maintenance and Property and Financial agreements under the Family Law Act.

**Please contact us for a referral. Note that these firms are only recommendations- You are welcome to do your own research.**



# METROPOLITAN REPORT

STEPHEN BUTLER  
METRO Sub-Divisional Secretary

## INCORRECT WAGES

**Welcome to my report for this years Loco Lines. It has been an extremely busy year with hundreds of member questions answered and meetings attended with and on members behalf.**

**This was my first full year as the Sub-Divisional Secretary and I would like to thank the delegates of the Metropolitan Sub-Division for their support, assistance and dedication to the driving grade here at the Sparks.**

**We are always looking for members to assist the Metropolitan Sub-Division and it's a great way to get involved in the Union and help shape your workplace. Contact a delegate or the Locomotive Division office if you wish to know more.**

There were a lot of matters that we dealt with over the year, with numerous issues continuing to appear such as mobile phone use, rostering, day of operations problems and use of social media.

Incorrect wages have continued to be a problem with some members not being paid at all for any of their fortnightly wages. One of the biggest problems that exists is the lack of communication (including the auto generated message) from the payroll department. We have thankfully been able to support members in getting these issues fixed quickly. If you do have a payroll issue please continue to contact payroll fortnightly, your manager and also cc the Union. If the issue still does not get resolved in timely manner please request assistance from the Locomotive Division.

Another pay issue is drivers not getting paid their Annual leave. You are required to "apply" for your rostered annual leave through InForm. If you don't apply Metro will not automatically pay you. It would be nice for depot managers to remind us when our Annual Leave is near but this usually isn't the case.

By the way when, you are on leave for 5 days or more you are entitled to apply for Annual Leave Pass (also known as First Class Pass or Intrastate Pass). The entitlements of this pass are the same as your Employee Free Travel Pass but free travel is available for anyone nominated on the pass, including your partner and dependent children. Travel is available on any Metro Train, V/Line service (including busses to Canberra and Adelaide) and most bus services within Victoria.

You will need to apply for the pass on InForm filling in the required details. It is best to then inform your manager that you have applied for pass and for them to follow it up.

We have seen the introduction of CBCT and the tunnel testing commence for the Metro Tunnel. This has not been without several major issues. One weekend in September saw the Senior at Metrol suspended CBTC/Automatic mode operation after 3 HCMTs in automatic mode overshoot Caulfield! More recently CBCT enable trains have only been able to run on CS (conventional signalling) on certain parts of the CBCT network.

This is proof of what we were suspicious of and sought to protect all along. Whilst we are stuck with HCMT and CBTC, the Loco Division will ensure that we protect our role, and ultimately the travelling public, from these evolutions!

EA negotiations started mid-year and were progressing slowly until the Union applied for, and were successful in obtaining, a Protected Action Ballot Order (PABO). Once this PABO was voted in favour by the members, Metro's Senior management began attending the EA meetings with Loco Division expatiating the process and protected action was not required. The EA is in final drafting stages and should be out to members mid-January 2024 with a vote to be held around the end of January/early February. There are a significant number of positive changes to the conditions for drivers and we will be holding meetings during January to answer any questions.

**I would like to wish everyone a Merry Christmas and safe and happy New Year.**



# SIGNAL SIGHTING REPORT

COLIN HOLLY  
VLINE

## NEW SERVICE AND SYSTEMS

### New Service from Castlemaine

V/Line's new service is formed by a down empty movement from Bendigo. It arrives in the platform and returns 20 minutes later as the first down. It was identified at the pedestrian crossing on the down end of the platforms and opens when the train arrives from Bendigo. It was found the terminating service could depart with the pedestrian crossing still open.

The interlocking does cater for originating trains from Castlemaine in these circumstances. When the signaller calls the signal for the down train, the pedestrian crossing closes, 27 seconds later the down departure signal clears to proceed and the train can depart safely. This was tested with a special train prior to the new service commencing. To assist drivers, a reminder "notice board" has been placed at the down end of each platform.

### TPWS Application

At Seymour, signals in the local area with a posted track speed of 40k/h will have the TPWS overspeed activated for a normal speed aspect.

Should an overspeed intervention occur, this would become an issue as the driver and train controller may not readily identify the cause. It may be assumed the intervention is a result of defect equipment and the train permitted to proceed after an incident. To avoid this problem, a TPWS40 board will be placed at each signal so that drivers are more aware which signals are active for all aspects.

There is also an intention to have the same arrangements for the signals at Ballarat in the 40kph area.

### Wiltshire Loop

The Wiltshire Loop is programmed to be commissioned this month and is the first of the new trailable points loops. The current in service hydraulic trailable loop point mechanisms are difficult to maintain and V/Line have proposed to create a new system.

The locations will have distance signals at braking distance and home signals with route indicators 200m from the points. The signals will be uncontrolled and repeat the position of the points when set and locked for an arrival.

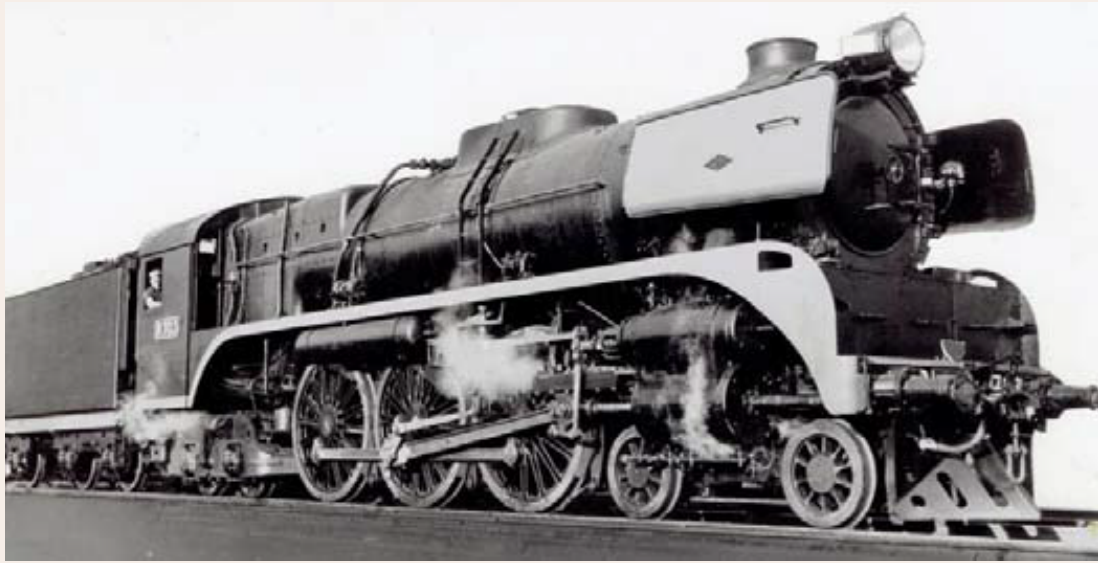
There will be a LED illuminated indicator board at the departure end of the loop able to display "T" trail through and "X" for points not set. The loops are setup for simultaneous arrivals with axle counters over the points to control the electric motors.

For the departure, when the indicator is displaying "T" the points can be trailed through. The leading wheels will drive the points across and be held in that position until the train is clear of the point. At that time the motor will reset the points for the next arrival. If there is a train between the distant signal and the fouling point at the arrival end, the indicator will display "X".

Drivers in the loop waiting for a cross will see the indicator change from "T" to "X" as the opposing train approaches. When the opposing train arrives in clear the indicator will display "T". Should a driver require to run-a-round their train, the loco can be detached and move out past the arrival home, the point will run and signal clear. To take charge of the loop for an assisting loco to attach or a pass movement on the adjacent road, the dual control points machines need to be placed in the hand position and operated manually.



# VICTORIAN RAILWAYS REUNION 2024



Are you an ex, retired or a current railway employee?  
Come and spend an afternoon, have a chat and  
share a yarn or two at our 2024 reunion.

**Saturday 2nd March 2024**  
**Midday onwards**  
**at**  
**The Royal Hotel**  
**26 Emily Street Seymour**

Please RSVP for catering purposes.  
Thank you.

**Peter Clarey:** 0427 957 928  
**Keith Hoffman:** 0419 353 800

**IMPORTANT  
NOTICE**



# Things to consider before making a WorkCover claim

*When you have been injured at work, you need to remember that WorkCover claims can help you secure the medical treatment and financial assistance you need.*



**maurice  
blackburn  
lawyers**

## 1. It's illegal for your employer to tell you NOT to make a WorkCover claim.

## 2. Provide as many details of your workplace injury as you can

When you inform your GP of your workplace injury, they'll take a history and note what happened to you. It's crucial to provide your doctor with accurate details of the incident, even if those details seem unimportant at the time. If there are any issues about the cause of your injury at a later date, your GP may need to know exactly how the work injury happened.

If you need any time off work, you should also ask your doctor for a WorkCover certificate, also known as a certificate of capacity.

## 3. A WorkCover claim won't work against you

Some injured employees feel guilty or anxious about making a WorkCover claim. They worry that taking action will give them a bad reputation, cause their employer to reduce their work hours, or cost them their jobs. If your employer is discriminating against you in such a way, remember that the law can assist you. The fact is that if you've suffered an injury at work, you're entitled to make a workers' compensation claim. Taking the time to rest, heal and receive medical treatment on your doctor's advice is likely to be better for you in the long run.

## 4. Your employer is insured for workplace injury

We spend a lot of time at work, so a lot of injuries occur in the workplace. As a result, the law requires employers to have WorkCover insurance. This is a no-fault scheme, so in making a workers' compensation claim, you're not saying your employer is to blame; you're simply saying that you've been injured at or from work and you need time off or cover for medical expenses to recover, or both. Again, your employer's insurance covers these requirements—it doesn't come out of your employer's pocket.

## 5. Give Maurice Blackburn a call

If you suffer an injury at work, seek legal advice at the earliest opportunity.

It's best to seek advice even if WorkCover accepts your claim, because you may be entitled to other rights or substantial compensation.

Whatever WorkCover's assessment of your claim, give Maurice Blackburn a call to find out whether you're entitled to anything else. It costs nothing to find out where you stand.

The best thing to do is get in contact with the RTBU Union Relationship Organiser Liam Fitzgerald to discuss your options. You can reach Liam at 03 8102 2127 or [lfitzgerald@mauriceblackburn.com.au](mailto:lfitzgerald@mauriceblackburn.com.au)

# HAPPY RETIREMENT

ENJOY YOUR PERMANANT WEEKEND



Congratulations to all of our members who have retired in 2023. On behalf of the Team at the Locomotive Division, we would sincerely like to thank and acknowledge all of these incredible people for all their hard work, dedication and contributions over the years. We wish you a Merry Christmas and a prosperous Retirement!

## List of Retirees (Jul- Dec 2023)

- Peter J Davis- Jul 2023
- Michael Collins- Jul 2023
- Michael Lysaght- Jul 2023
- David Barton- Jul 2023
- Bernard Skerys- Aug 2023
- Frank Szentmiklossy- Aug 2023
- Edward Cole- Aug 2023
- Joseph D'Silva- Aug 2023
- Stephen Curran- Sept 2023
- Keith Biggs- Sept 2023
- Phillip Pitt- Sept 2023
- Norman Cloke- Oct 2023
- Paul Mann- Oct 2023
- John Driscoll- Oct 2023
- Stephen Waters- Oct 2023
- Alvin Guest- Nov 2023
- Mark Banfield- Dec 2023
- John W Wilson- Dec 2023

## ELECTRIC TRAIN DRIVERS SOCAL CLUB (E.T.D.S.C) END OF YEAR FUNCTION



**Above (from left to right):** Retired Members Peter Simos, Joe D'silva and Paul Humphries receiving their Retirement Plaques at the ETDSC end of year Function. Thank you to all that came out to this event.

## THINKING ABOUT RETIREMENT?

If you are thinking about retiring please ensure you seek financial advice and have a chat with the Union prior to sending a letter of retirement to Metro.

We have previously had a number of Drivers that have notified their employer that they want to retire on a particular date in the future and have then changed their minds. For example, when notifying Metro, the company will normally reply with an acceptance of the retirement email and are holding the Drivers to that date.

Whilst we have had some success when Drivers change their mind in the past Companies are taking a much harder line so it's important you make the right decision for you before notifying your company of your intention to retire.

# [CLICK HERE TO GO TO THE ONLINE MEMBERSHIP FORM](#)



## RAIL, TRAM & BUS UNION VICTORIA LOCOMOTIVE DIVISION

ENTERED:        /        /

Member No.:

### Membership Form

I..... the undersigned hereby apply to become a member for the Australian Rail, Tram & Bus Industry Union, An Organisation of Employees registered under the Australian Industrial Relations Act 1988 as amended, and hereby undertake to comply with the rules and by-laws for the time being of the union.

Mr Mrs Ms Miss (Cross out which is not applicable)

Surname:.....Given Name:.....

Address:.....Suburb:.....Post Code:.....

Home Ph.:..... Mobile: .....

Email:.....Date of Birth:...../...../.....

Employer:..... Employee Number:.....

Date Commenced:...../...../.....Grade: Trainee or Qualified.

Location:.....Work Address:.....

Work Ph. No:.....Work Fax No:.....

I certify that I have received a copy of rule 14, Notification of Registration from Membership

Date:...../...../..... Signature:.....

#### **Rule 14:**

- A member may resign from membership of the Union by written notice addressed and delivered to the Secretary of his/her branch.
- A notice of resignation from membership of the Union takes effect:
  - On the day on which the notice is received by the Union; or
  - On the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member, whichever is later; or
- In other cases;
  - At the end of three months; or
  - On the day which is specified in the notice: Whichever is later.
- Any subscription, fees, fines and levies owing but not paid by a former member of the Union in relation to a period before the member's resignation took effect, may be sued for and recovered in the name of the Union in a Court of competent jurisdiction, as a debt to the Union.
- A notice delivered to the Branch Secretary shall be deemed to have been received by the Union when it was delivered.
- A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered to the Branch Secretary.
- A resignation from membership of the Union is valid even if it is not effected in accordance with this Rule if the member is informed in writing by or on behalf of the Union that the resignation has been accepted.

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LOCO LINES JUL-DEC 2023