



DECISION

Fair Work Act 2009

s.248—Single interest employer authorisation

Australian Rail, Tram and Bus Industry Union

v

Sydney Trains & NSW Trains

(B2024/1286)

COMMISSIONER CRAWFORD

SYDNEY, 6 DECEMBER 2024

Application by the RTBU for a single interest employer authorisation covering Sydney Trains and NSW Trains – requirements of the Fair Work Act 2009 satisfied – authorisation made

BACKGROUND

[1] The Australian Rail, Tram and Bus Industry Union (**RTBU**) and other employee bargaining representatives are currently bargaining with Sydney Trains and NSW Trains for an enterprise agreement to replace the *Sydney Trains and NSW TrainLink Enterprise Agreement 2022* (**Proposed Agreement**).

[2] On 27 September 2024, the RTBU filed an application for a single interest employer authorisation (**SIEA**) in relation to the Proposed Agreement pursuant to s.248 of the *Fair Work Act 2009* (**FW Act**). The SIEA would cover Sydney Trains and NSW Trains and all employees of Sydney Trains and NSW Trains that are currently covered by the *Sydney Trains and NSW TrainLink Enterprise Agreement 2022*.

[3] A hearing was held regarding the RTBU's application via video on 6 December 2024. I granted permission for the RTBU to be represented by Leo Saunders (of Counsel) and for Sydney Trains and NSW Trains to be represented by Matthew Minucci (of Counsel). Mr Saunders also appeared on behalf of other union bargaining representatives that attended the hearing. I was satisfied that granting permission would enable the matter to be dealt with more efficiently.

CONSIDERATION

[4] I am satisfied that the RTBU has made a valid application as required by s.249(1)(a) of the FW Act.

[5] Sydney Trains and NSW Trains have confirmed they consent to the RTBU's application. The RTBU's application is supported by other union bargaining representatives. I have provided other bargaining representatives with an opportunity to express their views about the application. No concerns have been raised. I am satisfied all bargaining representatives have

had an opportunity to express their views about the authorisation as required by s.249(1)(b)(ii) of the FW Act.

[6] I am satisfied at least some of the employees that will be covered by the Proposed Agreement are represented by an employee organisation as required by s.249(1)(b)(i) of the FW Act.

[7] The RTBU's application contains factual pleadings directed at the requirements in s.249 of the FW Act. These factual pleadings are not contested. I make the following findings based on the uncontested evidence:

- i. Sydney Trains and NSW Trains are common interest employers within the meaning of s.249(3) of the FW Act.
- ii. The operations and business activities of Sydney Trains and NSW Trains are reasonably comparable within the meaning of s.249(1)(b)(vi) of the FW Act.

[8] Given Sydney Trains and NSW Trains have consented to the application, s.249(1)(b)(iv) is satisfied and I do not need to consider the requirements in s.249(1B) of the FW Act.

[9] Based on my findings above, I must make the SIEA. The SIEA will commence operating on 6 December 2024 and will cease to have effect on the earlier of the day on which the proposed enterprise agreement is made, or 12 months after the date of this SIEA, subject to any extension pursuant to s.252 of the FW Act. The SIEA has been issued separately in [PR782180](#).



COMMISSIONER

Appearances

Mr L Saunders of Counsel for the RTBU and other union bargaining representatives.

Mr M Minucci of Counsel for Sydney Trains and NSW Trains.

Hearing details:

2024.

Sydney (by video via Microsoft Teams).

6 December.

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