



Community and Public Sector Union, NSW Branch
General Secretary Stewart Little **President** Nicole Jess

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Troy Ittensohn
Managing Director
MTC Australia
PO Box 4396
Springfield Central QLD 4300

11 August 2023

BY EMAIL: troy.ittensohn@mtctrains.com.au

Dear Mr Ittensohn

RE: Breach of good faith bargaining obligations

The CPSU NSW writes pursuant to s 229(4)(b) of the *Fair Work Act 2009* (Cth) to notify MTC Australia that it has concerns it is not meeting good faith bargaining requirements namely those required under ss 228(1)(b) and (c) of the Act.

The CPSU NSW is bargaining with MTC Australia on behalf of its members employed as Correctional Officers at Parklea Correctional Centre. In an appearance before Cross DP at the Commission on 27 June 2023 an in-principle agreement was essentially made, however the company's actions since have done nothing to progress the agreement to finalisation and in fact may have jeopardised its prospects of acceptance by its workers.

Most recently, the CPSU NSW identified four casual employees that were being excluded from the scope of the agreement. MTC was notified of the issue on 24 July 2023, and we were advised the matter would be considered.

On 30 July 2023 we received correspondence on the issue by email from Ms Debbie Frazer, the company's Human Resources & Industrial Relations Director that was contradictory and non-sensical. We sought further clarification via correspondence emailed on 4 August 2023, requesting a response in what the CPSU NSW submits was a reasonable timeframe of forty-eight (48) business hours. At the time of writing almost three days have elapsed since the expiry of that deadline and no response has been received.

The CPSU NSW is considering applying for a bargaining order based on conduct by MTC that it considers obfuscating at best and intentional, disrespectful and unprofessional tardiness at worst.

Before doing so, we request in order to determine whether such an application is necessary:

1. A response to all the questions placed to the company in the correspondence dated 4 August 2023; and
2. An explanation why the reasonable deadline of 8 August 2023 was ignored by the company.

This response can be sent to me at twright@psa.asn.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'T Wright'.

Troy Wright
Branch Assistant Secretary