

Submission
No 4

INQUIRY INTO WESTERN SYDNEY SCIENCE PARK AND AEROTROPOLIS DEVELOPMENTS

Organisation: Transport Workers' Union of New South Wales

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Western Sydney Science Park and Aerotropolis Developments

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Transport Workers' Union of New South Wales



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1. Summary of Recommendations

1.1 The Transport Workers' Union of NSW (TWU) believes that both the Sydney Science Park and Western Sydney Aerotropolis are developments that have the potential to transform and enhance greater Western Sydney. However, there will undeniably be implications for various sectors within the transport industry, and thus, these impacts, as well as the effects on workers, must be considered.

1.2 Below is a summary of the TWU's recommendations, which are elaborated on and contextualised further within this submission.

- Development and delivery of the Sydney Science Park and Western Sydney Aerotropolis will create an immense jobs boom that, by extension, will generate significant increases in transport demand. Planning for public transport services, especially buses, must be conducted in a proactive manner.
- The NSW Government should reflect upon the historically disproportionate transport budget spend allocated to the bus sector, and the subsequent industry-wide effects that have emerged as a result. Remuneration, general conditions and the facilities available to bus drivers, such as bathrooms, must remain a key priority.
- A tripartite agreement, or similar arrangement, between the NSW Government, business and the TWU on the development and subsequent management of bus routes to, from and across the Sydney Science Park and Western Sydney Aerotropolis.
- In the hypothetical creation of new bus routes for the Science Park and Aerotropolis, and by extension, the Western Sydney International Airport, the NSW Government must establish and apply industry-wide minimum standards for the bus drivers who would work said routes. This would effectively communicate to interested operators that the NSW Government would not accept any breaches to the specified standards, and would serve as a means of enforcing them as well – all while addressing some of the key industry stressors that bus drivers face.
- Industrial agreements and related processes of transport companies (public transport, general freight, waste management, concrete / construction, etc.) that are contracted to the NSW Government and / or work in the satellites of the Sydney Science Park and Western Sydney Aerotropolis, should be subject to TWU examination and approval, alongside the NSW Government. In an industry that is unfortunately saturated with downward pressure and poor conditions, this is the most effective way of ensuring best practice from the onset.
- Government procurement policy should similarly prioritise best practice, and by extension, afford equitable consideration of workers. Policy should recognise unions and union inductions.
- Currently, job security protections throughout the waste contract tendering process are contained within *Section 173 of the Local Government (General) Regulation 2021*.



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Given that waste management solutions will be a key transport contributor to the operation of the Western Sydney Science Park and Aerotropolis, the NSW Government should consider adopting these protections in full and enshrining them in the *Local Government Act 1993 No 30*, rather than just the Regulation, to ensure worker protections aren't torn down at any given time.

- If the Sydney Science Park and Western Sydney Aerotropolis will demand an increase in freight movements within its vicinities, then the NSW Government should consider establishing HVRAs in suitable places.
- Further consultation between the NSW Government and the TWU, as well as other parties of interest. The TWU's primary interest is to ensure safe and fair conditions for all transport workers. However, the TWU also wants to see the successful integration of transport tasks on the network across these new developments, and believes that collaboration between the NSW Government, business and unions is the best way to achieve this.

2. About the TWU

- 2.1 The TWU represents tens of thousands of people in Australia's road transport, aviation, oil, waste management, gas, passenger vehicle and freight logistics industries.
- 2.2 With over one hundred years' experience representing the workers who conduct Australia's crucial passenger and freight transport tasks, the TWU has been proactive in advocating for the establishment and improvement of industry standards which advance the lives and safety of transport workers, their families and the community at large.

3. Introduction

- 3.1 The TWU welcomes the opportunity to contribute to the *Inquiry into Western Sydney Science Park and Aerotropolis Developments*. By virtue of a long-standing representational history of transport workers, the TWU is uniquely positioned to provide insight into the impacts these developments will have on the transport industry, and subsequently, the impacts on the transport workers conducting the associated tasks.
- 3.2 Primarily, the TWU's submission will focus squarely on the impacts these developments will have on transport, including public transport, as well as other sectors such as general freight, waste management, concrete and construction, and so on. In addition to policy considerations, the TWU will also provide industry context pieces that may prove beneficial for the intended purpose of this inquiry, as well as understanding the nuances of the information provided.
- 3.3 Fundamentally, the TWU believes that the Sydney Science Park and the Western Sydney Aerotropolis are both exciting developments that have the potential to transform the economy. However, appropriate proactive consideration must be given to the various sectors of transport that would consistently interact with the precincts in question.



4. Impacts of the Sydney Science Park and Aerotropolis Developments on Buses

- 4.1 Being major developments that will transform Western Sydney as a whole, both the Sydney Science Park and Western Sydney Aerotropolis will undoubtedly require the extensive adjustment of public transport services. Naturally, this would include careful transport planning, with specific consideration of new bus routes (or the appropriate enhancement of existing ones), stops and frequencies, as well as accessibility and amenities that are available to both passengers and bus drivers respectively, among other factors.
- 4.2 Proactive measures must be taken, and the appropriate investment must be afforded for the bus sector to be fit for purpose from the onset. It is forecasted that up to 12,000 jobs will be created through the development of the Sydney Science Park alone¹, with further projections suggesting that the Aerotropolis will generate more than 100,000 new jobs across its core area, all the way to satellite hubs such as Badgerys Creek and the Northern Gateway².
- 4.3 The NSW Government itself has defined the Aerotropolis' expected feats as "the biggest jobs boom in NSW's history". In transport terms, this means that serious planning must be made to ensure that the explosive growth of commuters can be received in a sustainable manner. Historically speaking, the NSW Government has considered reducing road usage a priority, and these developments are no exception. Without quality public transport, the delivery of these developments will leave Western Sydney with even more traffic congestion, strained roads, and frustrated commuters.
- 4.4 Buses prove to be a heavily-utilised mode of transport by the broader public, yet remain under-invested towards by the NSW Government – receiving (up to) roughly 3% of the transport budget spend, in comparison to other modes³.
- 4.5 Financial Year 2022 – 2023 saw bus patronage boast about 41.9% of the total public transport usage in the state; overall, this figure is not overwhelmingly lower than that of hard rail⁴, and clearly indicates a genuinely noteworthy reliance on part of the public. As such, it can reasonably be concluded that the current, disproportionate spend afforded to the bus task is inequitable, and is a fundamental stressor to the struggles of this critical transport sector.
- 4.6 The aforementioned lack of funding is a significant contributing factor to many of the declining workplace standards suffered in the sector. One example would be the commonly abhorrent, and entirely unsatisfactory state of bathroom facilities available to bus drivers. In the TWU's experience in representing its members, drivers find that allocated bathrooms in their layover areas can often be unusable due to uncleanliness, being in a state of disrepair, or both. Beyond the TWU's own observations, the industry's issues with facilities have been thoroughly noted in the NSW Bus Taskforce's First Report⁵.

¹ Sydney Science Park – Economic and Retail Analysis. (2013) HillPDA.

² www.planning.nsw.gov.au. (n.d.) *Western Sydney Aerotropolis explained*. [online] Available at: <https://www.planning.nsw.gov.au/Plans-for-your-area/Priority-Growth-Areas-and-Precincts/Western-Sydney-Aerotropolis/Western-Sydney-Aerotropolis-explained>.

³ Portfolio Committee No. 6 – Transport and the Arts. 2024. Examination of proposed expenditure for the portfolio area.

⁴ Transport for NSW Annual Report. Volume 1 | 2022 – 23. *NSW Government*.

⁵ NSW Bus Industry Taskforce – First Report (2023). *Transport for NSW*.



4.7 Another frequent experience is where bus drivers will struggle to even access a bathroom in the first place, though, this can be attributed to a number of reasons. It is often the case that an allocated route will have a layover that is not in the immediate vicinity of an accessible bathroom, and sometimes, bus drivers are unable to access nearby bathrooms due to whatever arrangement the facilities are subject to by the operator of the site in question. In short, there are times where bus drivers do not possess the means to enter a locked bathroom, and in some cases, can even be denied access by an authority operating the facility.

4.8 For the sake of greater understanding, the TWU would supply a succinct summary of a real-life case, *'Marmara v Transdev South Pty Ltd'*, where the aforementioned example of being denied access has been officially documented.

1. Christopher Marmara was employed by Transdev NSW South Pty Ltd (Transdev) as a bus driver.
2. On 2 May 2021, Mr. Marmara's schedule involved replacing trains, picking up passengers and taking them to different train stations. His shift started at 2:33 AM.
3. At 5:55 AM, Mr. Marmara arrived at Macarthur station and went to use the bathroom upstairs. He found that the bathrooms were closed.
4. Shortly thereafter, Mr. Marmara was directed to a train attendant by a bus marshal. However, the attendant declined Mr. Marmara's request to access the toilet. The attendant did not want to open the bathrooms because they were dirty.
5. After pleading with the attendant a few times, Mr. Marmara turned to go downstairs, when he felt a bowel movement. He told the attendant to "open the f**k door. I am going to do my bathroom business outside the toilet door if you do not open them for me". As he turned away, the attendant pushed him on his back.
6. Mr. Marmara pretended to undo his zipper out of further desperation. The attendant eventually unlocked the doors.⁶

4.9 Ultimately, this case concluded with an award for Mr. Marmara pursuant to section 60 of the *Workers Compensation Act 1987*, due to the determination that Mr. Marmara suffered a psychological injury.

4.10 This is a lived example of what could happen in the case where a bathroom is unavailable to a driver for any given reason. With poorly resourced routes being commonplace in the industry, as well as inadequate provisions for scenarios such as train replacement, it is important to bear in mind just how impairing a lack of suitable amenities can be for any given driver, or any given run. The TWU would also raise that it has encountered numerous situations of a similar nature to the one recorded in Mr. Marmara's case, where drivers have actually been denied access to a bathroom.

4.11 The TWU raises this example as a means to illustrate the importance of affording

⁶ Marmara v Transdev NSW South Pty Ltd [2022] NSWPIIC 84.



consideration to transport infrastructure, and in particular, the amenities that are available for bus drivers. The successful operation of public transport is subject to numerous influences, but one that certainly remains undeniable is the lived experience of the very workers who conduct the transport task.

- 4.12 Inherently, the bus industry is one that is struggling – and bus drivers are the ones faced with the downward pressure that is cast upon them by operators. Many of these impacts find their roots in the influence of competitive tendering, where operators have undercut their workers in their bid to secure contracts by offering the lowest price to the NSW Government, conclusively decimating industry standards and rates of pay.
- 4.13 Functionally, to ensure that the management of buses working the routes to, from and between the Sydney Science Park and Aerotropolis remains fair for bus drivers, and in best practice, the TWU would recommend a tripartite agreement (or equivalent arrangement) between itself, the NSW Government and business.
- 4.14 Needless to say, another recommendation for the NSW Government would be for consultation between itself and the TWU on ways forward for buses in both the context of the Sydney Science Park and Aerotropolis, as well as in general.

5. Concrete Trucks in the Construction of Sydney Science Park and Aerotropolis

- 5.1 Labour in construction and cement transportation has long been subject to negative experiences and difficulties in work. Construction is a sector within the transport industry that often sees direct interaction with the NSW Government, whether through contracting, or some other manner of influence.
- 5.2 Reflected in this sector is a space where companies have a repeated history of undermining the pay and conditions of workers, with workers being subject to poor treatment in general. The following examples are some general observations, and notable experiences of the TWU in its representation of workers in this area of transport.
 - Management written enterprise agreements where pay structure is negatively impacted.
 - Attempts to reduce superannuation.
 - Difficulties in negotiation between employees and their employer.
 - Difficulties in negotiation between the TWU and the employer, with instances of negotiation processes for in-principle agreements being strung out by operators over an extended period of time.
 - Poor dispute resolution practices.
 - Outright bullying and unethical behaviour from operators towards workers, with immense hostility being directed towards workers taking protected industrial action on pay parity throughout negotiations.



- Companies attempting to profit from wage differences.

5.3 Simply put, with the aforementioned elements in mind, the NSW Government must ensure, to a reasonably practicable degree, that all cement trucks and transport work involved in the construction of the Sydney Science Park and Aerotropolis are subject to enforceable conditions, with industrial instruments present for any contract carriers that work may be sourced to.

5.4 Remuneration rates offered by the companies the NSW Government award contracts to must also remain at the forefront of the discussion. A practical and effective method of ensuring that rates of pay remain fair would be for Government procurement policy to recognise the TWU and union inductions. By validating union inductions in an official capacity, stronger workforces can be cultivated, and by extension, operators will be held to account for the decisions they make in regard to management and remuneration.

5.5 Furthermore, the TWU recommends that the industrial agreements and related processes of operators working on Sydney Science Park and Aerotropolis development be subject to its review and approval. Allowing the TWU to work with the NSW Government in examining the conditions, instruments and rates of pay proposed by operators is the most effective way of ensuring that best practice is maintained from the onset, and that workers are not subject to undercutting or other bad faith applications.

6. Waste Management in the Sydney Science Park and Aerotropolis

6.1 Local Governments will award contracts to waste management companies, and to fulfill the obligations of their contracts, it has been all too common for operators to attack the pay and conditions of their workers. Until recent times, the standard practice in the waste management space was one similar to that in buses; waste contracts are put to tender, where operators bid to secure the work by offering the lowest possible price – thereby undercutting the remuneration of their workers, and cutting corners in other areas to maintain their ideal profit margins – a combination that results in an absolute degradation of workplace standards.

6.2 However, in December 2023, the NSW Government announced stronger employment protections for waste workers employed by itself and contractors. Amendments to *Section 173 of the Local Government (General) Regulation 2021* were introduced, ensuring greater employee protection when waste management contracts go to tender.

6.3 One of the key flaws in the prior system was that prospective tenderers were not required to offer employment to employees of the occupying operator. By extension, had the prospective company intended to inherit the occupying workforce, they were by no means required to preserve existing terms and conditions – employees who had been at the same site for years could very well see their conditions evaporate and remuneration rate crumble.

6.4 The NSW Government's action has changed this, and prospective tenderers are now required to offer employment to existing staff while also maintaining their current terms, with no loss of entitlements. In practice, this means that waste contractors have been prevented from undercutting throughout the tendering process.



- 6.5 What the NSW Government has done aligns with many of the key agendas the TWU has long campaigned for in its representation of waste workers. Given the volatile nature of conditions and job security in the waste management space, the TWU has consistently fought for the rights of these critical workers, and has worked with Local Governments in securing worker friendly contracts under the previous, flawed Regulation. On a multitude of occasions, the TWU has written to Local Councils where residential waste contracts were expiring or about to be released for tender.
- 6.6 It has often been the case that the TWU would achieve what was asked for and recommended, and if not entirely, at least partly. An example of this would be when the TWU exchanged with the Randwick City Council for their tender. The TWU asked for the following.
- That existing employees must be offered employment by the new contractor.
 - That existing employees must not be subject to any probationary period and that no offers of employment by the incoming contractor would contain any reference to a probationary period.
 - That the incoming contractor must recognise the continuity of service recognised by the existing contractor immediately prior to the contract commencement date.
 - That the incoming contractor must recognise any accrued but unused statutory entitlements (being annual leave – inclusive of leave loading – long service leave, and sick leave) of the existing employees immediately prior to the contract commencement date.
 - That the incoming contractor must maintain the wage rate and conditions applying to the existing employees immediately prior to the contract commencement date, including for any new employees employed by the incoming contractor.
 - That the incoming contractor must increase wage rates for existing employees by a minimum of 3 per cent on every 12-month anniversary of the contract commencement date.
 - That the incoming contractor must allow employees to be given the opportunity to be informed of their rights and entitlements in paid inductions performed by the TWU.
- 6.7 In reference to the above, Randwick Council agreed to incorporate all of the conditions the TWU asked for into its tender documentation. The Council also developed a tripartite agreement between itself, the TWU and Suez (waste management operator) to formalise the agreement.
- 6.8 Though the NSW Government has undeniably taken a step in the right direction, the changes are merely an amendment to the Regulation, rather than the Act (*Local Government Act 1993 No 30*). This means that the changes in place, whilst effective in practice, can simply be amended by the relevant minister of the time, without needing to go to Parliament.
- 6.9 Maintaining the standing of waste worker protections would require the NSW Government to



adopt these changes in full and enshrine them in the Local Government Act, rather than the Regulation. Doing so would require Parliament to vary the terms should any changes be proposed. Otherwise, waste workers could have their hard-earned protections torn down at any given time, and once again be subject to the same flawed tendering cycle that has plagued the industry for the longest time.

- 6.10 The TWU raises these examples, and pushes these recommendations, as it is important to ensure that all essential workers who conduct tasks that directly interact with, or somehow contribute to the Sydney Science Park and Western Sydney Aerotropolis, are afforded fair consideration, and that the flaws of their working environment are acknowledged by the NSW Government prior to the delivery of these developments.

7. Road Transport & General Freight in the Sydney Science Park and Aerotropolis

- 7.1 Much like the other transport industry sectors, road transport and general freight demand their own unique considerations when it comes to policy outcomes and planning. Characteristics of the road transport industry indicate a variety of factors that all come together to create a complicated picture.
- 7.2 For truck drivers, road transport is often categorised by limited bargaining power and control over their work conditions. Operators of heavy vehicles commonly face challenges related to compensation and impractical demands from management that are swelled by the clients at the top of supply chains, leading to extensive work hours.
- 7.3 The daily conditions that truck drivers experience have raised the flag on fatigue management practices in the past, and the TWU has consistently been advocating for the advancement of industry practice and government recognition. To the TWU and its members, driver fatigue is a matter of great importance, and should be a priority focus of Government policy.
- 7.4 If the Sydney Science Park and Western Sydney Aerotropolis are to have any impact on freight movements, or produce an increase of freight within its own vicinities, then consideration should be afforded to the establishment of heavy vehicle rest areas (HVRAs) in suitable places.

8. Conclusion

- 8.1 The TWU would like to thank the Public Accountability and Works Committee for the opportunity to contribute to the inquiry.
- 8.2 Below is a summary of the TWU's recommendations, which is also available at the beginning of this submission.
- Development and delivery of the Sydney Science Park and Western Sydney Aerotropolis will create an immense jobs boom that, by extension, will generate significant increases in transport demand. Planning for public transport services, especially buses, must be conducted in a proactive manner.



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- The NSW Government should reflect upon the historically disproportionate transport budget spend allocated to the bus sector, and the subsequent industry-wide effects that have emerged as a result. Remuneration, general conditions and the facilities available to bus drivers, such as bathrooms, must remain a key priority.
- A tripartite agreement, or similar arrangement, between the NSW Government, business and the TWU on the development and subsequent management of bus routes to, from and across the Sydney Science Park and Western Sydney Aerotropolis.
- In the hypothetical creation of new bus routes for the Science Park and Aerotropolis, and by extension, the Western Sydney International Airport, the NSW Government must establish and apply industry-wide minimum standards for the bus drivers who would work said routes. This would effectively communicate to interested operators that the NSW Government would not accept any breaches to the specified standards, and would serve as a means of enforcing them as well – all while addressing some of the key industry stressors that bus drivers face.
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- Government procurement policy should similarly prioritise best practice, and by extension, afford equitable consideration of workers. Policy should recognise unions and union inductions.
- Currently, job security protections throughout the waste contract tendering process are contained within *Section 173 of the Local Government (General) Regulation 2021*. Given that waste management solutions will be a key transport contributor to the operation of the Western Sydney Science Park and Aerotropolis, the NSW Government should consider adopting these protections in full and enshrining them in the *Local Government Act 1993 No 30*, rather than just the Regulation, to ensure worker protections aren't torn down at any given time.
- If the Sydney Science Park and Western Sydney Aerotropolis will demand an increase in freight movements within its vicinities, then the NSW Government should consider establishing HVRAs in suitable places.
- Further consultation between the NSW Government and the TWU, as well as other parties of interest. The TWU's primary interest is to ensure safe and fair conditions for all transport workers. However, the TWU also wants to see the successful integration of transport tasks on the network across these new developments, and believes that collaboration between the NSW Government, business and unions is the best way to achieve this.