

THE ACTIVIST



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PORT TAURANGA STRIKE BALLOT

RMTU members employed by the Port of Tauranga are currently voting in a strike ballot by way of secret ballot conducted in accordance with the Union rules and the requirements of the ERA. Voting will close at midday on Wednesday 21 October. Both the employer and the members will be informed of the ballot result following the vote count. Talks have broken down on several key issues and the members have not taken this action lightly.

PHONES VERSES THRONES- WORLD TOILET DAY 19 NOVEMBER

More people in the world have access to mobile phones than flush toilets. A lack of access to basic sanitation affects billions of people and represents extreme poverty and inequality in the world today. The RMTU is throwing support behind the "Our right to flush campaign" run by the International Transport Workers Federation (ITF) who are lobbying for better access to toilets for transport workers worldwide, including NZ. The 19th of November is "World Toilet Day".



OVERTIME BAN ROCK SOLID AT PORT OTAGO: NEGOTIATIONS CONTINUE

The RMTU and MUNZ overtime ban at Port Otago has entered its second month and

whilst progress has been made in talks no settlement has been reached. Both unions remain united in their resolve to achieve a good deal and rank and file support for their negotiation team is rock solid.

Activist readers will remember that Port Otago opened negotiations in June with over 170 claims, including some significant clawbacks. Members have stuck together and rejected any clawbacks as well as pushing hard for the adoption of a fatigue risk management policy and system and a fair pay deal.

The overtime ban kicked off on 7th September and management have blamed it for the loss of around 15% of Port Otago's volume in container trade alleging that the lucrative tranship business with Maersk has been lost to Lyttelton. We're puzzled by this as at the outset of talks back in June management said the tranship work had already been lost and were using this to justify some of their claims.

Whatever the truth of these claims management's opening pay offer was no better than the rate of inflation but has been increased to an annualised 3% + 3% + 3% over three years. We have

agreement on the fatigue issue with on the establishment of a fatigue and impairment risk management system, as well as over a dozen other items. Reaching agreement on these has been difficult and time consuming however, and the delays have served to anger members and strengthen their resolve. The upshot is that they are demanding annual 4% pay increases and are rejecting a management claim around shifting labour from one department to another.

This is for the information and guidance of RMTU members only!

The irony is that management have stated across the table that real wage increases i.e. inflation plus have to be matched by productivity gains yet they resist establishing the kind of cooperative structure that has yielded such good productivity improvements at Hutt Workshops for example. It is axiomatic that if productivity is to be boosted then investment in plant and people, and the latter includes working cooperatively with unions, is necessary.

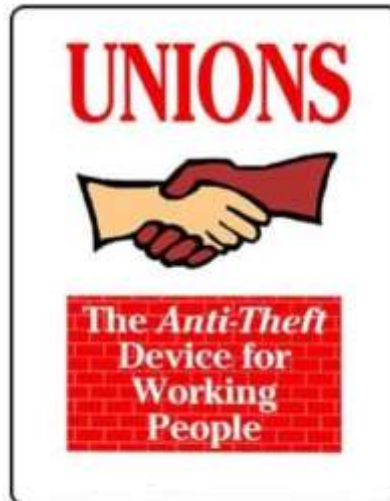
The unions' have signalled we are willing to attend further talks but in the meantime no overtime is being done at Port Otago. We understand an MSC ship is being diverted to Bluff.

KIWI RAIL HOLIDAYS ACT UPDATE

Brent Coates is the project manager for the Holidays Act Payroll Remediation at KiwiRail. This covers the payment calculations and processes, as well as, the remediation of systems and processes to become compliant with the Act.

He confirms;

- KiwiRail has been working with EY to finalise the calculation of the Holidays Act remediation liability owing to current and former employees.
- During July the liability calculation went through extensive internal and external quality assurance. As a result of these assurance exercises, certain calculations are being worked through further to ensure that they correctly comply with the Holidays Act. Once these calculations are complete, they will be sent to the MBIE Labour Inspectorate for endorsement.
- We expect these remaining actions to be completed by the end of calendar 2019 and thereafter, KiwiRail will work as quickly as possible to make payment to affected current and former employees.



- KiwiRail is encouraging former employees who believe they may be owed payments to register their details at HolidaysAct@kiwirail.co.nz.
- He is contactable on 022 4090 470

TRANSDEV WELLINGTON HOLS ACT UPDATE

Transdev Wellington (TDW) cloned the KiwiRail payroll in the changeover in 2016 and so their issues are very likely to be the same. TDW have retained EY to undertake an examination of their payroll and so it is prudent for them to await clarity on KiwiRail's issues before too much work is done.

RMTU OUTPOST AT TOLL IN CROMWELL

Our South Island Organiser had the pleasure of visiting Toll in Cromwell recently, where he caught up with a long standing member and had the opportunity to meet another Toll worker in a small but busy operation. The RMTU Toll Networks Collective Agreement has a wide coverage clause and good terms and conditions, including penal rates, and any Toll workers who do work that falls under the coverage and who join our union are eligible to receive the benefits of this Collective Agreement and other benefits like the Welfare Trust.

There are a few myths out there about workers on individual agreements 'not being able to join the union' – these are factually incorrect. Anyone has the right to join a union and if there is a collective agreement in place that covers their work then once they join the union they join the collective, it's automatic. If members and delegates are talking with non-union workers remember our ability to secure a good deal is largely determined by membership density i.e. the percentage of workers working for a given employer or in an industry who are union members. So, encourage people to join the RMTU family. If people have questions about membership and coverage of collective

agreements contact your regional organiser or the Union National Office.

NOMINATIONS RESULT FOR THE KIWI RAIL INDUSTRIAL COUNCILS RMTU REPS

Nominations for the KiwiRail Industrial Councils closed on Friday 4 October 2017 at 5pm and the results are as follows.

KR Freight Industrial Council

Following the recent NMC election, Howard Phillips will fill the Locomotive Central position, Jed O'Donoghue the Locomotive Southern position and Rebecca Hauck the Southern Terminals position.

Locomotive Northern – A preferential ballot will be conducted as we have three candidates for election. They are Debbie Brown, Stuart Gratton and Brendan Smith. We anticipate issuing ballot papers to members in the Locomotive Northern voting group week commencing 14 October 2019.

Upper North Island Terminals – A first past the post ballot will be conducted as we have two candidates for election. They are Josh Goodwin and Dean Ngatai. We anticipate issuing ballot papers to members in the Upper North Island Terminals voting group week commencing 14 October 2019.

C T Site – A first past the post ballot will be conducted as we have two candidates for election. They are Joseph Harding and Antoon Whiu. We anticipate issuing ballot papers to members in the Container Transfer (CT) sites voting group week commencing 14 October 2019.

Lower North Island Terminals – Logan Rusling is declared elected unopposed.

Congratulations to Logan Rusling on his successful nomination to the position and good luck to all of the nominees who are going to ballots. Organiser Todd Valster will be in contact to advise the successfully elected candidates of the next meeting and the ongoing matters being addressed by the Council. As usual the retiring or outgoing members will attend the next meeting as part of the handover process.

KiwiRail Interislander Industrial Council

There are no Interislander Representatives on the NMC and therefore all positions on the council were open for nominations.

Scale 1 (Inside Wellington Terminal) – Annelies Griemink elected unopposed.

Scale 1 (Inside Picton Terminal) – A first past the post ballot will be conducted as we have two candidates for election. They are Nicola Gapper and Emma McMillan. We anticipate issuing ballot papers to members in the Picton Terminal voting group week commencing 14 October 2019.

Ferry Operations (Wellington Outside Terminal) – John Finch elected unopposed.

Ferry Operations (Picton Outside Terminal) – Patrick Ogle-Turner elected unopposed.

Congratulations to those successful nominees, Wayne Butson will be in contact to advise you of the next meeting and the current matters being addressed by the Council.

Kiwirail Mechanical Industrial Council

Following the recent NMC election, Shane MacNae will fill the Train Examiner Maintenance position.

Hutt Workshops – Mathew Cordell-Bain elected unopposed.

Servicing Mechanical – Bruce Mander elected unopposed.

North Island Depots – A first past the post ballot will be conducted as we have two candidates for election. They are Justin Anderson and Matthew Hermann. We anticipate issuing ballot papers to members in the North Island Depots voting group week commencing 14 October 2019.

South Island Depots – Luke James elected unopposed.

Hillside Workshops – Dave Barclay elected unopposed.

Woman's rep – No nomination received.

Congratulations to those successful nominees and good luck to those who are subject to ballots. Organiser Rudd Hughes will be in contact to advise successful candidates of the next meeting and the



current matters being addressed by the Council.

Kiwirail I&A (Networks) Industrial Council

There are no I&A (Networks) Representatives on the NMC and therefore all positions on the council were open for nominations.

Infrastructure Bridges & Structures – A first past the post ballot will be conducted as we have two candidates for election. They are Joe Gibson and Ron Nijssen. We anticipate issuing ballot papers to members in the voting group week commencing 14 October 2019.

Machine Group Fitters – Steve Allen elected unopposed.

Gangers-Inspectors – Gareth Bachop elected unopposed.

Train Control – Signal Boxes – Craig McSkimming elected unopposed

Track Auckland Metro – no candidate nominated

Track Wellington Metro – Whitu Kelleher elected unopposed.

Track Non Metro Nth and Sth Island – A first past the post ballot will be conducted as we have two candidates for election. They are Cody Cooper and Boaz Lovelock. We anticipate issuing ballot papers to members in the Track Non Metro North and South Island voting group week commencing 14 October 2019.

Sigs, Comms, Traction – Ian Walker elected unopposed.

Congratulations to those successful nominees and good luck to those who are subject to a ballot. Organiser John Kerr will be in contact to advise the successful candidates of the next meeting and the current matters being addressed by the Council.

LYTTELTON INLAND PORTS BARGAINING ENTERS MBIE FACILITATED DISCUSSIONS

The RMTU and Lyttelton Port Company has enlisted the assistance of the Ministry of Business, Innovation and Employment (formerly the Department of Labour) in negotiations for an Inland Ports Agreement to cover both Woolston and Rolleston sites.

The proposal for such an agreement came from the RMTU and LPC have indicated that it is not averse to such an arrangement but wants to explore deployment of staff across the two sites and working different tasks. In good faith the parties have agreed to take a problem solving or interest based approach to this and therefore sought the assistance of MBIE.

The above represents a departure from the traditional positional, or adversarial, culture of bargaining at LPC. Our KiwiRail members will be aware we have adopted such an approach with mixed success through HPHE and in collective bargaining with their employer. Time will tell how successful we are with LPC. In the meantime we remain positive. The contrast with this approach compared to that of Port Otago could not be starker.



NOMINATIONS ARE RECALLED FOR KIWIRAIL INDUSTRIAL COUNCILS AS BELOW

Women's Representative – Mechanical Council – new position.

If you are employed by KiwiRail RSAS in any role and identify as a woman then you are eligible for nomination to this position.

Track Auckland Metro – Networks Council – new position

If you are employed by KiwiRail as a trackworker/maintainer (other than leading) in the Auckland Metro Area you are eligible for nomination to this position.

Correctly completed nomination forms must be received by the National Returning Officer at the National Office of the Rail & Maritime Transport Union, PO Box 1103 Wellington 6140 no later than 1700 hrs. on Friday 8 November 2019.

In the event that there is more than one nomination for any position, a postal ballot shall be run. Nominees must have their photo and a short promotional statement of up to 250 words to the National Office no later than 1700 hrs on Monday 11 November 2019. Electronic receipt of this information is preferred.

Please ensure you advise National Office if you have changed addresses or your designation in the Company since the last RMTU mail-out. Call RMTU 04-4992066 or alternatively update your details online www.rmtunion.org.nz or email admin@rmtunion.org.nz.

PORT NAPIER BARGAINING UPDATE.

After 7 days of face to face negotiations the Union negotiating team reached a conclusion that getting an agreement on a number of key claims will be difficult by just "talking". As such we have advised the Port of Napier of our intention to apply for mediation assistance to try to resolve the outstanding claims. Obviously if this is unsuccessful then members will need to give strong guidance to the negotiating team as to whether the remaining claims have wide support amongst members and whether there is an appetite for backing the claims with industrial action.

PAY AND PROGRESSION WORK ON TARGET WITH KIWIRAIL NETWORK SERVICES

This was a piece of work we kicked off back in March. The good news is that that we are on target for delivering a result in time for the next MECA renewal next year.

The scope of the project is to review the current pay and progression system in network services and identify areas for improvement, if any. Including, but not limited to:

1. Review of current job families/levels for relevancy, accuracy etc
2. Review of career progression plans & role profiles
3. Review of recruitment & retention patterns
4. Review of current remuneration against the market

This project to be complete by 30 June 2020 i.e. expiry of the current collective agreement. Our intermediate deadlines are:

1. Commission market survey 20 February 2020
2. Finalise reviews of Career Progression Plans & Job Families/Levels Christmas 2019 (anticipated this will involve the use of focus groups to identify what is working well and what isn't)

3. Review of recruitment/retention patterns – the initial work was to be done by 10 April 2019 and has been. Information gathered will inform the need for further work

The key piece of news is that given the pressure on the recruitment and retention of traction staff we are using these jobs as 'the first cab off the rank' in order to review the Career Progression Plans & Role Profiles and then undertake a market survey.

It was agreed the RMTU would have a meeting on 17th October with Traction delegates and management. In the meantime KiwiRail, and in particular Learning and Development, are reviewing the Career Progression Plans & Role Profiles. We will get a report on that work and discuss the mechanics of the market survey and get that underway thereafter.



C3 BOP BARGAINING UPDATE

The parties have agreed to attend Mediation on the 22nd October in an effort to reach a settlement to the current C3 Collective Agreement bargaining. After the mediation date was confirmed, C3 requested an additional two bargaining dates which we have been agreed to, which are the 15th and 16th October. The two extra days of bargaining may assist the parties to achieve a settlement at Mediation. We shall see.

RMTU CALLS FOR BETTER TRAUMA SUPPORT POLICY IN RAIL

The RMTU is urging KiwiRail to follow through on their commitment to roll-out a jointly developed KiwiRail and Union worker support program aimed at helping people who are at risk of suffering psychological harm from exposure to a traumatic event, such as level crossing incidents. The programme would include the development of a buddy support system, education for families and assistance from EAP services.



FORWARD FACING VIDEO CAMERAS

The RMTU Mechanical and Freight Industrial Councils have indicated support for the implementation of a trial for forward facing cameras on 3 x DL locomotives (North Island) and 3 x DX Locomotives (South Island).

KiwiRail have advised they will use the Otari supplied system integrated to our existing TranzLog for the trial, however this may not be the final solution that KR will look to roll out across the fleets.

KR and the Union are actively investigating products available in the market at the moment, but we would like to proceed with this trial in parallel so we can work through

the associated learnings and organisational processes we will need in place around monitoring, storage and access to the vision etc.

We must utilise the existing Management of Change process in the KiwiRail Safety Management System to introduce this change. We would like to review this document once complete as the first step to ensure we have all stakeholders identified and have covered off all associated risks prior to beginning the physical installation.

The RMTU is to be kept involved through all stages of this process and has full buy-in prior to the "go live" of the camera trial once they are installed.

NEW COURSE ON FIGHTING FATIGUE

WorkSafe Repts our H&S training provider is offering a one-day training course for Roster Delegates and Health & Safety Repts and Managers to learn about how to manage the hazard of workplace fatigue and prevent injury and ill health caused by fatigue.

Course dates:

- 19th September 2019 Christchurch
- 20th September 2019 Auckland

KiwiRail and the Union are encouraging HSAT members to attend the fatigue course by getting in touch with Learning and Development's Claire Savage at Claire.savage@kiwirail.co.nz, Or

you can contact RMTU H&S [Organiser kfletcher@rmtunion.org.nz](mailto:kfletcher@rmtunion.org.nz)

1ST DIESEL/BATTERY HYBRID RUNS

The UK's first passenger carrying diesel-battery hybrid train ran between Evesham and Moreton-in-Marsh on Monday 9 September. The unit was built by Vivarail. The run was part of a series of tests ahead of delivery to Transport for Wales to run on the Wrexham to Bidston Line.

RAIL OPERATING MANUAL – SECTION 3 TRANSDEV WELLINGTON

The TDW ROM S3, Rostering Locomotive Engineers, had not been formally updated since 1992 so it was well overdue. The ROM S3 review was supposed to take place during the term of the last MECA but it is fair to say the environment at the time was not conducive to having decent engagement and outcomes. A new management team is now in place. The new management team is motivated to get this review done with the RMTU Roster reps. An added pressure is the new ROM S3 will be part of the ratification for the updated MECA so it's full steam ahead.

RMTU roster reps and management met early August to start the review and now, 2 months later, that work is nearly complete with the last meeting next week. The current draft is looking good. It is specific to the Wellington operation with all the outdated terms removed.

The RMTU roster reps have done an outstanding job with this review. It was particularly important that this review was done before some of our Roster experts retire in the near future and so that their knowledge is passed on.

Also big thanks has to go to TransDev Wellington Operational management for their participation and for making sure the roster reps were regularly released to do the ROM work.

ROM S3 reviews can take a long time but not this time – Well done to all!

MEMBERSHIP DATABASE UPDATES

The RMTU membership database is an important tool in contacting Union Members or ensuring members are kept up to date with the latest information. We are concerned at the number of "unknown" or "return to sender" envelopes returned to National Office as part of this year's officer elections. We remind members that if you

wish to exercise their rights and participate in the decision making aspects of the Union they should ensure they inform National Office of any change of address or contact details as soon as possible. This includes any change of designation or employer.

Branch Secretaries hold "update of membership forms" that you can post or fax in or alternatively for immediate action members are reminded to utilise the update of membership details link on our website www.rmtunion.org.nz.

For example – All national Union elected positions are up for election this year and so there may be votes conducted by mail. If we have the incorrect address info you will not get a vote as you will never receive a voting paper. Update now!

KIWI RAIL NETWORK SERVICES STAFFING LEVELS PROJECT

This is another piece of work that arose out of last year's MECA talks. Its catalyst was pressure from members about staffing levels after the so-called 'cost reduction programme' and the attendant redundancies and reduction in the establishment numbers back in 2013. The RMTU had been concerned about two man gangs in rural areas, amongst other matters.

The project started back in March with a meeting between the RMTU and KiwiRail and an issue statement was agreed:

"How do we ensure we have the right staffing levels across network services to improve productivity and better manage safety and well-being and best meet customer needs."

The project stalled somewhat thereafter. On Tuesday 1 October RMTU Industrial Council members

Ian Walker and Lou Watene, together with RMTU Organiser John Kerr, met with KiwiRail Management represented by Maryan Street and Adele Liliva, Mike Todd, and Jake Barbarich.

We have restarted the project and have agreed to:



- a) Focus on non-Auckland and Wellington metro areas as these are funded separately and differently
- b) Review establishment numbers and compare to current and future workload requirements
- c) Review current numbers and demographics of people in post i.e. compare establishment with actual staffing.

This is with a view to identifying a baseline staffing level that meets the issue statement question.

We have agreed to meet again in early November to review the data we will have gathered by then.

Rostering of Yard Workers (ROM Section 9) - Joint Project Communication

Background - The 2018 KR/RMTU Multi Employer Collective Agreement settlement included that during the term of the agreement the parties would review the ROM Section 9 (Rostering of Yard Workers). A team has been established to undertake this work and this communication is an update of this activity and progress.

ROM S9 Review Team

- KR – Paul Ashton, Allan Adams, Telai Sefesi and Chris Stoop
- RMTU – Todd Valster, Dean Ngatai, Toni Yorke, Logan Rusling and Marty Duncan

Purpose of the Review - "This working group will review and update where necessary to ensure the new ROM S9 is fit for purpose to deliver safe and efficient life balance rosters for terminal employees"

Process and Outcome - The ROM S9 review team met on 19 July in Wellington. At this meeting, a list of 22 items were identified for this review. It was also agreed to use the ROM S9 draft developed in 2010 as reference for this new ROM.

This team met again 29 August to commence this work. Excellent progress occurred in addressing a significant number of the identified issues. At the conclusion of this meeting it was agreed to update the draft 2010 ROM with the confirmed changes for review at the next meeting.

On Wednesday 2 October the project met again. At this meeting we confirmed the changes made at the earlier meeting and agreed on the remaining identified issues. We are now updating the draft ROM for a final review over the next two weeks.

Subsequent to this (late October) members of the project team will be engaging with local people to obtain feedback on the draft ROM. Once this is completed the draft ROM will be referred to KIC in November for endorsement and subject this it will then progress to ratification and formal acceptance as per the MECA provisions.

Should you have any questions on this please don't hesitate to contact any of the project team members.



KIWI RAIL NETWORK SERVICES FLEXIWORK PROJECT

The origin of this was a claim from KiwiRail to clarify the current arrangements with a view to getting consistency of

application. Discussions between management and the RMTU, represented by South Island Organiser John Kerr and Industrial Council Delegate Kevin Gubb have identified the following agreed objectives:

- To retain flexibility
- Reward staff who work across shifts
- Any agreed resolution has to be affordable
- Simple application of any agreed terms and conditions
- Any changes have to be future proofed

The parties will continue to discuss this after the current round of Industrial Council elections are concluded.

KR RDO DEFINITION AGREED

A longstanding irritant for members is a day on a master roster which has either a finishing or commencing time shown on it and being labelled an RDO (Rostered day Off). This matter has been sitting in the KIC for sometime and was referred to the joint RMTU-KiwiRail Admin Council for determination. The Admin Council was set up to have oversight and governance of issues that came out of the 2018 wageround.

The Council has agreed the following;

"A Rostered Day Off (RDO) is a whole day (00:01 – 11:59) when a worker is not commencing or ending a shift." It is also agreed, in conjunction with this, that there is no contractual or other MECA requirement for rosters to have 4 RDO shown per fortnight. The contractual framework in the MECA is for "at or about 80 hours and 10 working shifts".

The agreed definition will be added to the MECA in the 2020 wageround and will meanwhile be dealt with by an exchange of letters between the parties.

SOLAR FARM POWERS RAIL

In the UK a solar farm at Aldershot has become the first in the world to power a railway line after being plugged into the track on South Western Railways Wessex Route. The pilot scheme, called riding sunbeams, developed by 10:10 Climate Action and Imperial College London if successful it could be rolled out elsewhere.

TRANSDEV CRAB

Transdev Wellington approached the Union in 2017 and advised that they wished to use an electric shunt vehicle to replace the winch system in the EMU depot that moves the rolling stock to, on and from the wheel lathe. Out of the blue the Greater Wellington Regional Council purchased two Zephir 1800E electric shunt vehicles (Crab) and so the focus shifted to finding work for both vehicles and the debate began. Meanwhile KiwiRail "borrowed" one of the crabs and sent it to the Hutt Workshops with no consultation with the Union. The proverbial hit the fan and the crab was sent back to Wellington. Whilst it was at Hutt However it became a hit with the workers as it was superior to the Tr that they use for moving rolling stock. The focus is now back on again for the EMU Depot to use the crab and we are confident that we can reach an agreement provided the employer is realistic in the work undertaken by the vehicle.

BITS AND BOBS

- **UK - DELOITTE** has been hit with a 4.2 million pound fine for failing to spot SERCO's dead prisoner tagging scandal and signing off on the company's dodgy accounts. DELOITTE's admitted misconduct for audits which overcharged for electronically tagging prisoners who were either back in prison or dead. Helen George, a partner, was fined 97,500 pounds for her part in the fiasco. She remains at the firm.
- Ritchies Transport Holdings was fined \$210,000.00 and ordered to pay

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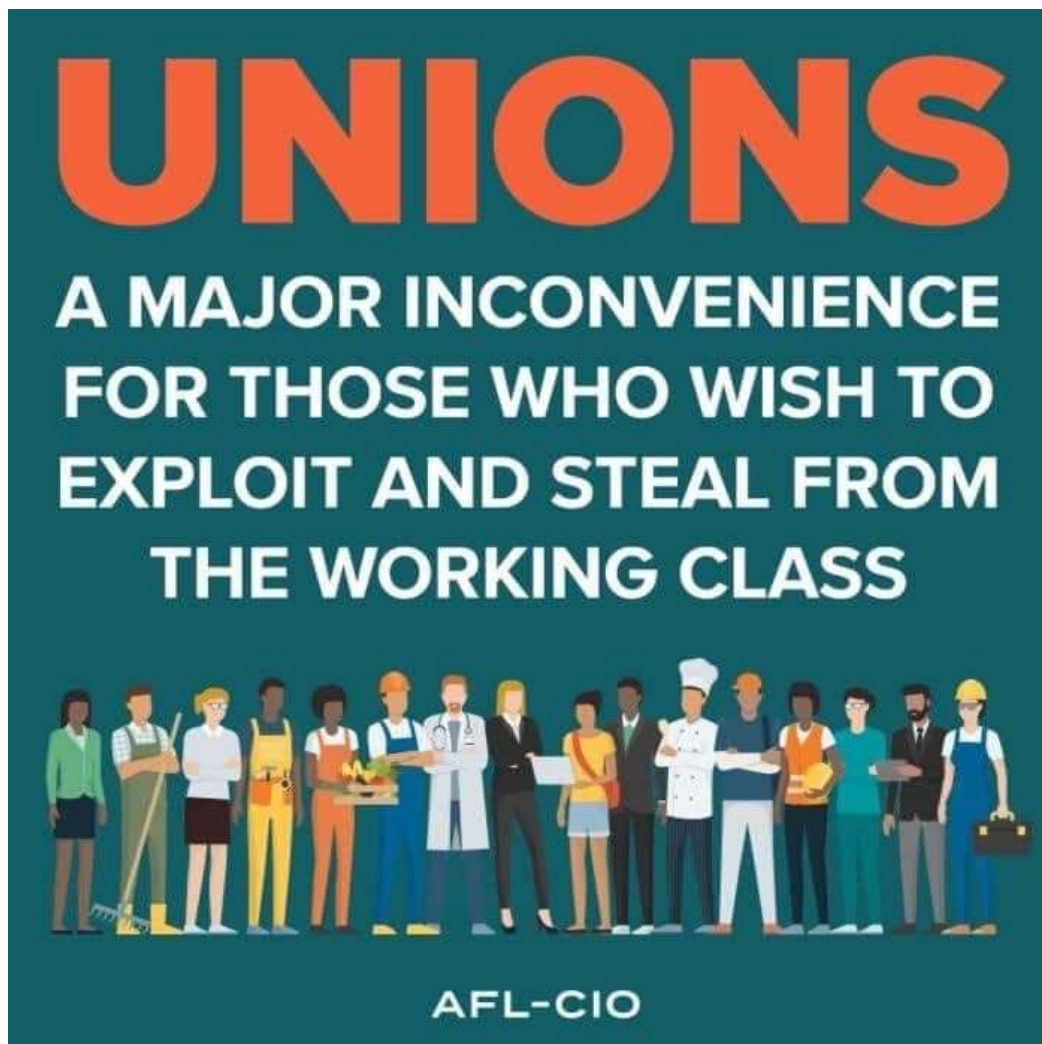
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reparations of \$750,000.00 after a bus crashed near Gisborne in 2016, leaving 3 passengers dead and many others injured. WorkSafe said the bus was overdue for service and the company did not have an effective system to ensure buses for hire were safe. Separately the Police charged the bus driver, who was sentenced to home detention, disqualified from driving and ordered to pay reparation.

- The Captain and Chief Officer of an Isle of Man registered bulk carrier were fined \$13,500 and \$4050 respectively for providing false information to Maritime NZ after a crewman lost consciousness in the oxygen depleted hold and had to be rescued. The Captain also pleaded guilty to permitting dangerous activity. The victim was awarded \$10,000 in reparation. Charges were laid under the Maritime Transport Act.

- Parliamentary staff and MP's are set to be equipped with lone worker alarms in a bid to increase their personal security.
- A KiwiRail-RMTU joint study has gotten underway at reviewing the two workshops and some RSAS depots for the suitability of introducing small electric shunt vehicles for moving rolling stock within depots.
- Work is also resuming looking at the purchase of new shunt and South Island Mainline Locomotives and the development of a suitable spec for each to go out to tender.

**Remember -
Let's be Safe at
all times**



9-OCT-19

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