



20 December 2016

Mr Steve Butler
Secretary
CEPU, Electrical Energy and Services Division
NSW Divisional Branch
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Chief Executive Officer

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By e-mail: steveb@etunsw.asn.au

Dear Mr Butler

Re: Ausgrid Management Pty Ltd

I refer to the dispute proceedings before Senior Deputy President Hamberger of the Fair Work Commission on 20 December 2016. I also refer to your letter dated 20 December 2016 received by email timed at 12.20pm after the proceedings.

In accordance with the request made by you during those proceedings, I confirm the following factual matters.

1. I enclose a copy of the Employee Transfer Order signed by the Treasurer of the State of NSW on 1 December 2016. This Order was made under s21 of the Electricity Network Assets (Authorised Transactions) Act 2015 (ENA).
2. As is evident from the Order, all employees are now employed by Ausgrid Management Pty Ltd, ACN 615 449 548.

Pursuant to the terms of the ENA this transfer has taken place on the date specified in the Order. Ausgrid Management Pty Ltd is therefore the employing entity of all staff.

I also refer to our telephone discussion on 19 December 2016. As discussed, I would like to meet with you in January 2017 to discuss a number of matters, including a discussion which may involve a joint agreement to initiate bargaining with the new entity.

Contrary to your assertion I neither agreed to bargain nor initiated bargaining in our discussion on 19 December 2016. What we did discuss was a meeting in January next to explore a number of issues including the commencement of bargaining.

I would be happy to discuss the date for the Notices of Employee Representational Rights which will need to be timed to ensure that at least a clear majority of our employees are returned from annual leave. Accordingly we envisage that date being nearer to the end of January.

I trust this correspondence is of assistance to you and the union.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R. Gross', with a stylized flourish at the end.

RICHARD GROSS
Chief Executive Officer

cc. Associate to His Honour
Senior Deputy President J Hamberger

TREASURER OF NEW SOUTH WALES

EMPLOYEE TRANSFER ORDER

Electricity Network Assets (Authorised Transactions) Act 2015.

Order under section 21

I, Gladys Berejiklian, Treasurer of the State of New South Wales, pursuant to section 21 of the *Electricity Network Assets (Authorised Transactions) 2015*, order that:

- (1) the employment of each person who is an employee of Ausgrid on the day immediately before the transfer date specified in paragraph (3) of this Order be transferred from Ausgrid to Ausgrid Management Pty Ltd (ACN 615 449 548) (the *New Employer*);
- (2) the employment of each employee so transferred under paragraph (1) of this Order with the New Employer shall be on the same terms and conditions as applied to that employee as an employee of Ausgrid immediately before the transfer date specified in paragraph (3) of this Order; and
- (3) the transfer date for the purposes of the transfer of employment in paragraph (1) shall be the beginning of the day on which completion of the authorised transaction for Ausgrid's electricity network assets occurs under the *Electricity Network Assets (Authorised Transactions) 2015*.

In this Order, *Ausgrid* means the corporation of that name constituted as a statutory State owned corporation under the *Energy Services Corporations Act 1995*.

Dated this 1st day of December 2016.

Executed as an order by:



The Hon. Gladys Berejiklian
Treasurer of the State of New South Wales