



## Form 73A – Notice of WHS dispute

Work Health and Safety Act 2011, section 102B



NOTICE is hereby given under section 102B of the *Work Health and Safety Act 2011* to deal with a dispute.

<b>BETWEEN</b>	
Australrain Rail, Tram and Bus Industry Union, Queensland Branch	
v	
Aurizon Operations Limited T/A Aurizon	

<b>1. Particulars of party making application to deal with the dispute</b>			
<b>Name:</b>	Australrain Rail, Tram and Bus Industry Union, Queensland Branch		
<b>Phone number:</b>	0738394988	<b>Fax number:</b>	
<b>Mobile number:</b>			
<b>Email address:</b>	industrial@rtbu.com.au		
<b>Name of contact person:</b>	Lucas Kennedy		
<b>Direct phone number of contact person:</b>	0738394988	<b>Mobile number:</b>	
<b>Email address of contact person:</b>	lucas.kennedy@rtbu.com.au		

**Workplace where dispute exists**

*(This information is required to be provided to the workers of the workplace, or to the workers' representatives, in accordance with section 49 of the Act.)*

Aurizon's Callemondah Depot, Callemondah Drive, Callemondah, Queensland, 4680

**WHS matter subject of the dispute**

*(This information is required to be provided to the workers of the workplace, or to the workers' representatives, in accordance with section 49 of the Act.)*


1. The employer holds roster development meetings between Union Representatives and the Employer in respect of developing new master rostering arrangements for workers. 2. The workers of the Callemondah Depot are seeking that their workgroup's Health and Safety Representatives should be present on this committee to assist the representatives in respect of the employer's occupational health and safety duties. 3. Aurizon is duty-bound under the Work Health and Safety Act 2011 (Qld) to ensure adequate consultation with the workgroup's HSRs in respect of any matters relating to the work health and safety of those workers. 4. Further, HSRs are empowered under the Act to participate and provide representation in matters about the work health and safety of the workers of the workgroup. 5. The roster development meeting is consistent with a matter about the work health and safety of the workers of the workgroup, therefore participation by HSRs should be permitted.

Is a decision made by an inspector to exercise, or not to exercise, compliance powers under part 10 to assist in resolving the dispute subject to review under part 12?  YES  NO

**Particulars of the other party/parties to the dispute**

<b>Organisation:</b>	Aurizon Operations Limited t/a Aurizon		
<b>Phone number:</b>	0409725890	<b>Fax number:</b>	
<b>Email address:</b>	Anna.Parfitt@aurizon.com.au		
<b>Name of contact person:</b>	Anna Parfitt		
<b>Direct phone number of contact person:</b>		<b>Mobile number:</b>	0409725890
<b>Direct email address of contact person:</b>	Anna.Parfitt@aurizon.com.au		

**Signature of person notifying the dispute**

<b>Signature:</b>	
<b>Name:</b>	Peter Allen
<b>Position/Capacity:</b>	Secretary, Australian Rail, Tram and Bus Industry Union, Queensland Branch
<b>Date:</b>	05 / 10 / 2021

**From:** [Ayscough, Danielle](#)  
**To:** [Damon, Ralph](#)  
**Cc:** [Lucas Kennedy](#); [Grace, Patrick](#); [Haines, Kylee](#)  
**Subject:** RE: Level 1 dispute  
**Date:** Thursday, 9 September 2021 9:10:23 AM  
**Attachments:** [image003.png](#)  
[image004.png](#)

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Hi Ralph,

Thank you for sending through this dispute as discussed.

I would like to arrange a meeting as requested to discuss this further and work towards a resolution.

I have the following availability;

Friday 10<sup>th</sup> – 4pm

Monday 13<sup>th</sup> – 11:30am

Friday 17<sup>th</sup> – 3pm

Could you please advise which option works best for you and I will send out a meeting invitation.

Regards,  
Danielle



**Danielle Ayscough (Trappel)**

M 0439788731

Callemondah Operations Depot , Callemondah, Qld  
[Danielle.Ayscough@aurizon.com.au](mailto:Danielle.Ayscough@aurizon.com.au) / [aurizon.com.au](http://aurizon.com.au)



I know  
I choose **Safe**

**From:** Damon, Ralph <Ralph.Damon@aurizon.com.au>  
**Sent:** Wednesday, 8 September 2021 2:20 PM  
**To:** Ayscough, Danielle <Danielle.Ayscough@aurizon.com.au>  
**Cc:** [lucas.kennedy@rtbu.com.au](mailto:lucas.kennedy@rtbu.com.au); [Grace, Patrick <Patrick.Grace@aurizon.com.au>](mailto:Grace.Patrick@aurizon.com.au); [Haines, Kylee <Kylee.Haines@aurizon.com.au>](mailto:Haines.Kylee@aurizon.com.au)  
**Subject:** Level 1 dispute

Hello Danielle,

As discussed the RTBU is issuing a level one dispute with Aurizon coal south with regards to there being no HSRs appointed to the roster committee.

The RTBU seeks a positive resolution to this dispute at the earliest possible time.

Regards

Ralph Damon



**RTBU**

**Notice of Workplace Health and Safety Dispute**

S 81(2), *Work Health and Safety Act 2011* (Qld)

Part 5, Division 7A, *Work Health and Safety Act 2011* (Qld)

To Danielle Ayscough,

I hereby wish to advise that the Rail, Tram & Bus Union (RTBU) is issuing a dispute notice with Aurizon in respect to Aurizon's failure to adhere to the *Work Health and Safety Act 2011* (Qld) (the Act) regarding the matter of Aurizon's failure to address WHS concerns in respect the failure to include HSRs in roster committees in Coal South.

**Location of Dispute**

Aurizon– Callemondah Depot  
Aurizon – Stirrat sign on site

**Provisions of Importance**

- S 47, *Work Health and Safety Act 2011* (Qld)
- S 48, *Work Health and Safety Act 2011* (Qld)
- S 68(1)(d), *Work Health and Safety Act 2011* (Qld)
- S 70(1)(b), *Work Health and Safety Act 2011* (Qld)

**Detail of Issue**

The RTBU is deeply concerned that Aurizon does not include HSR representatives on Roster Creation Committees ("Rostering Committees"). Rostering Committees, and the rosters that they produce, create risks and hazards in the workplace in matters of fatigue, psychological health and physical health of employees.

In barring HSRs from Rostering Committees, Aurizon are breaching the WHS Act's requirements to permit consultation and involvement of HSRs in a matter that pertains squarely to the health and wellbeing of workers in a workgroup.

**Rail, Tram & Bus Union (Brisbane Office) *The Power of Union***

**Office:** First Floor, 457 Upper Edward Street Brisbane  
**Phone:** 3839 4988 **Fax:** 3832 1278 **Email:** info@rtbu.com.au



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**RTBU**

Proposed solution for the resolution of the Dispute

For Aurizon to commence discussions with RTBU Delegate, Ralph Damon, and RTBU Industrial & WHS Officer, Lucas Kennedy, to resolve this dispute in a manner that facilitates the involvement of HSRs on Rostering Committees.

It would be appropriate that the parties hold a meeting to discuss this dispute so a resolution can be reached.

At your earlier convenience, we would appreciate if Aurizon could provide us information as to whether they would prefer to have this dispute dealt with as per the Dispute Resolution Procedure of the *Agreement* or the default procedure under the *Work Health and Safety Regulation 2011* (Qld).

Yours sincerely,

Ralph Damon  
RTBU Gladstone Sub-branch

**Rail, Tram & Bus Union (Brisbane Office)** *The Power of Union*

Office: First Floor, 457 Upper Edward Street Brisbane  
Phone: 3839 4988 Fax: 3832 1278 Email: [info@rtbu.com.au](mailto:info@rtbu.com.au)



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**Work Health and Safety Act 2011**  
**Complaint about a Work Health and Safety or Electrical Safety Issue**  
Date: 04/10/2021, Ref **57252**



**Details of person making complaint**

Reporter: **MR LUCAS KENNEDY**

Telephone: **0738394988**

Email: **INDUSTRIAL@RTBU.COM.AU**

Relationship to the workplace: **UNION ORGANISER**

Postal address: **Level 1  
457 UPPER EDWARD ST  
SPRING HILL 4000 QLD  
AUSTRALIA**

**Questions answered before complaint submission**

Question	Answer	Special Notes
Do you approve Workplace Health and Safety Queensland or Electrical Safety Office raising the issue with the relevant parties?	Yes	
Do you approve Workplace Health and Safety Queensland or Electrical Safety Office making the parties aware that the issue has been raised by you?	Yes	

**Details of business or undertaking directly associated with the Work Health and Safety or Electrical Safety Issues**

Legal name: **AURIZON OPERATIONS LIMITED**  
Trading name: **AURIZON**  
Business Address: **CALLEMONDAH DR  
CALLEMONDAH 4680 QLD**

ABN:  
ACN:  
Telephone:  
Mobile:  
Email: **ANNA.PARFITT@AURIZON.COM.AU**

**Details of Issues**

Address where issue identified: **CALLEMONDAH DR  
CALLEMONDAH 4680 QLD**  
Date aware of the issue: **01-Mar-2020**

Issue location description: **Aurizon's Callemondah Traincrew Depot**  
Date issue last apparent: **04-Oct-2021**

Description of issue: **At the Aurizon Callemondah Depot, the employer consults with workers via a roster development committee to develop new rosters and work schedules. The workers have requested that the Depot HSRs be given a permanent position to supply input into the roster development committee, via a WHS dispute. The employer has refused to permit this to occur.**

Issue raised with person conducting the business or undertaking directly: **Yes**

Outcome from raising the issue with the workplace: **The Employer has refused the employees' request.**

**HSR details**

Workplace has HSR: **Yes**  
Issue Raised with HSR: **Yes**  
HSR Details: **MR KYLEE HAINES**  
HSR Actions: **Kylee Haines is aware of the dispute and has raised her concerns to management alongside the RTBU Representatives of the dispute**

**Other agency or person details**

Other agencies involved in resolving the issue: **No**

Any other person conducting businesses or undertakings involved in resolving the issue: **No**