

# Form 73A – Notice of WHS dispute

Work Health and Safety Act 2011, section 102B



INDUSTRIAL REGISTRAR

24 OCT 2023



QUEENSLAND

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

## BETWEEN

Queensland Services, Industrial Union of Employees

v

Brisbane City Council

## 1. Particulars of party making application to deal with the dispute

<b>Name:</b>	Queensland Services, Industrial Union of Employees		
<b>Phone number:</b>	3844 5300	<b>Fax number:</b>	
<b>Mobile number:</b>			
<b>Email address:</b>	general@theservicesunion.com.au		
<b>Name of contact person:</b>	Ben Jones, Lead Organiser		
<b>Direct phone number of contact person:</b>	0418715536	<b>Mobile number:</b>	
<b>Email address of contact person:</b>	ben.jones@theservicesunion.com.au		

**Workplace where dispute exists**

1000 character limit. (Note: If more than 1000 characters are required please attach a schedule)

Connected Communities Branch of Lifestyle and Community Services Division - Brisbane City Council. Locations in and around Brisbane CBD.

**WHS matter subject of the dispute**

(must include sufficient detail) 1000 character limit. (Note: If more than 1000 characters are required please attach a schedule)

See schedule 1.

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>	Brisbane City Council		
<b>Phone number:</b>		<b>Fax number:</b>	
<b>Email address:</b>			
<b>Name of contact person:</b>	Mark Deighton, General Manager, Connected Communities		
<b>Direct phone number of contact person:</b>	0423 567 593	<b>Mobile number:</b>	0423 567 593
<b>Direct email address of contact person:</b>	mark.deighton@brisbane.qld.gov.au		

**Signature of person notifying the dispute**

<b>Signature:</b>			
<b>Name:</b>	Neil Henderson		
<b>Position/Capacity:</b>	Secretary		
<b>Date:</b>	24 / 10 / 2023		

## Schedule 1

1. The Person Conducting a Business or Undertaking (*'PCBU or Brisbane City Council'*) is delaying Health and Safety Representative (*'HSR'*) elections and denying workers' written request for Union to assist them to conduct elections, specifically in the Connected Communities Branch of Lifestyle and Community Services Division.
2. The Union has tabled with the PCBU written petitions signed by the majority of workers in each Work Group requesting that our Union assist the workers to conduct electronic elections (should same be required based on the number of nominations) in accordance with section 61 of the *Work Health and Safety Act 2011 ('the Act')*.
3. The PCBU has unilaterally called for nominations for the HSR positions, informing the Union only after the fact. The Union has since requested that the PCBU provide us with the names of the nominating workers, so that if the number of nominations exceeds the number of positions, we can assist the workers to conduct the election/s per the aforementioned petitions.
4. The PCBU has refused this request, and further refused the Union's request that it provide email addresses to enable us to assist the workers to conduct the elections in accordance with section 61(4) of the *Act*.
5. These refusals contravene regulations 18(b)(ii) and 19 of the *Work Health and Safety Regulation 2011 ('the Regulations')*, and section 61 of the *Act*.
6. A complaint has been lodged with Worksafe Queensland (*'the Regulator'*). The complaint is attached and marked as *'QSU1'*.

QSU1

**Work Health and Safety Act 2011**  
Complaint about a Work Health and Safety or Electrical Safety Issue  
Date: 20/10/2023, Ref 72187



**Details of person making complaint**

Reporter: **MR BEN JONES**

Telephone: **0418715536**

Email: **BEN.JONES@TSUQLD.COM.AU**

Relationship to the workplace: **UNION ORGANISER**

Postal address: **32 PEEL  
SOUTH BRISBANE 4101 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:  
Trading name: **BRISBANE CITY COUNCIL**  
Business Address: **266 GEORGE ST  
BRISBANE 4000 QLD**

ABN:  
ACN:  
Telephone:  
Mobile:  
Email:

**Details of Issues**

Address where issue identified: **266 GEORGE  
BRISBANE 4000 QLD**  
Date aware of the issue: **09-Oct-2023**

Issue location description:  
Date issue last apparent: **20-Oct-2023**

Description of issue: **Following a request from workers per s. 50 of the Act, our Union and the PCBU negotiated composition of Work Groups per ss. 51-52 on 30 August 2023 with a view to holding HSR elections.  
We have tabled to the PCBU written petitions signed by the majority of workers in each WG requesting that our Union assist the workers to conduct electronic elections (should same be required based on the number of nominations) per s. 61. The PCBU has unilaterally called for nominations for the HSR positions, informing us only after the fact. Our Union has since requested that the PCBU provide us with the names of the nominating workers, so that if the number of nominations exceeds the number of positions, we can assist the workers to conduct the election/s per the aforementioned petitions. The PCBU has refused this request, and further refused our request that it provide email addresses to enable us to assist the workers to conduct the election per s. 61 (4). These refusals clearly breach ss. 18 (b) (ii) and 19 of the Regulation, and the aforementioned ss. of the Act.**

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

Outcome from raising the issue with the workplace: **Firstly, refusal to acknowledge the effect of the petitions; subsequently refusal to engage in any discussion regarding the resolution of the issue.**

**HSR details**

Workplace has HSR: **No**

**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**