



Form 73A – Notice of WHS dispute

INDUSTRIAL REGISTRAR

15 MAR 2024



Work Health and Safety Act 2011, s 102B

Information

- Use this form to notify of a WHS dispute.
- Once filed, this notice must be **immediately** served on all other parties to the dispute.
- **This Notice will be published on the QIRC website pursuant to s 102B(4) of the Work Health and Safety Act 2011.**
- Should any relevant union for the WHS matter wish to participate in the resolution of the dispute, they may notify the Industrial Registrar in writing.
- Please read this form carefully and complete all relevant sections.
- Documents which are longer than 30 pages in length must be provided to the Industrial Registry in hard copy before it will be accepted for filing.
- For further information on please refer to the website www.qirc.qld.gov.au or contact the Industrial Registry on 1300 592 987 or via email at qirc.registry@qirc.qld.gov.au.

Notification

Notice is hereby given of a dispute in accordance with s 102B of the *Work Health and Safety Act 2011*.

Notifier	The Australian Workers' Union
AND	
Respondent	Wilmar Sugar Australia

If there are more parties to the WHS dispute, please complete a **Form 1 – Parties List** and file it together with this form.

1. Particulars of the party notifying of the dispute

Name:	The Australian Workers' Union		
Postal/Service address:	Level 13, 333 Adelaide Street		
	Suburb/Town	Brisbane	Postcode 4000
Phone number:		Mobile number:	0447 332 934
Email address:	aaron.santelises@awu.org.au		
Name of contact person:	Aaron Santelises		
Direct phone number:		Mobile number:	As above.
Direct email address:	Aas above.		

2. Particulars of the other party to the dispute

Name:	Wilmar Sugar Australia		
Postal/Service address:	5-21 Denham Street		
	Suburb/Town	Townsville	Postcode 4810
Phone number:		Mobile number:	0419 476 047
Email address:	eric.motti@au.wilmar-intl.com		
Name of contact person:	Eric Motti		
Direct phone number:		Mobile number:	As above.
Direct email address:	As above.		

3. Workplace where dispute exists

Victoria Sugar Mill

4. WHS matter subject of the dispute

This dispute (as defined in s 102A of the *Work Health and Safety Act 2011*) is in relation to: [Please pick one or more of the options below]

- Access to information by a health and safety representative under s 70(1)(c) of the *Work Health and Safety Act 2011*.
- A request by a health and safety representative for an assistant to have access to the workplace under s 70(1)(g) of the *Work Health and Safety Act 2011*.
- A matter about work health and safety that is an issue to which division 5 of the *Work Health and Safety Act 2011* applies.
- An issue about cessation of work under division 6 of the *Work Health and Safety Act 2011*.

Please outline the issues in dispute between the parties: [Please note that any details you provide will be published as part of this Notice]

Please attach a schedule if more room required

Please see attachment one.

5. Compliance powers

Has a decision been 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 of the *Work Health and Safety Act 2011*?

Yes

No

6. Signature of the party notifying of the WHS dispute

Signature:	
Name:	Aaron Santelises
Position/Capacity:	Industrial Advocate and Legal Advisor for the Applicant
Date:	15/03/2024

ATTACHMENT ONE

BACKGROUND

1. On 11 March 2024, at approximately 12:35 PM, the Applicant's organisers Mr Darren Lee and Mr Travis Phillips were informed of a suspected contravention under the Ash Plant which involved rusted beams/columns & corroded pipes/ walkways and the erection of a Scaffold.
2. The dispute started when the said Organisers returned from the notice of entry under the *Fair Work Act 2009* (Cth) section 484 to hold a discussion at around 12:45 PM. The Organisers returned to Admin and requested to see the Site Manager to escort us to the suspected contravention.
3. When the Manager arrived, Mr Phillips explained to Mr Aston Craig that a suspected contravention under section 117 of the *Work Health and Safety Act 2011* (Qld) involving rusted beams/columns, corroded pipes/ walkways, and the erection of a Scaffold was taking place, and Mr Craig was to escort the Organisers to the area.
4. The Manager advised us that Mr Eric Motti had informed him that we were not to enter unless we had written documentation. Mr Phillips then advised Mr Craig that he would not be providing documentation currently as there is a hazard in their workplace that may cause imminent potential harm, and that the Organisers would provide documentation at a reasonably practicable time.
5. Mr Phillips once again asked Mr Craig to escort them to the inspection site, but Mr Craig again denied entry unless they had documentation. The Organisers then once again reminded them of their rights under the *Health and Safety Act 2011* (Qld).
6. Mr Phillips then asked him whether he was hindering and obstructing our Organisers, to which Mr Craig stated, and I quote "*I am not hindering or obstructing you, all I'm saying is that I need to see documentation before you can proceed forward*"
7. The Applicant's member Lennard then offered to escort us, given that Mr Craig could not due to a meeting he had to be in until 1:30 PM, which led to Mr Craig stating that the job would cease. However, the Organisers were still denied entry because they did not have our notice of entry, but only our permits.
8. Again, the Organisers said to Mr Craig that they would not be providing the notice of entry that day. However, the Organisers advised Mr Craig that they had their permits, and that would be sufficient until it is reasonably practicable to get the outstanding paperwork for their review.
9. However, the Organisers were still denied.
10. Mr Phillips then said, well, we aren't getting anywhere, so considering work is stopped, we will follow this up at a later time.
11. The situation has remained unresolved.

ISSUE

12. The Applicant submits that the issue with this matter is the Respondent's non-compliance with the *Work Health and Safety Act 2011* (Qld) and permitting the said Organisers of the Applicant access to the site in question.

REMEDY

13. The Applicant submits and requests that the Respondent's conduct is rectified regarding entry to areas of suspected contravention, and that the Applicant's Organisers are permitted access to the site outlined above.