



Matter No:

WHS / 2024 / 243

Form 73A – Notice of WHS dispute

INDUSTRIAL REGISTRAR

26 SEP 2024

QUEENSLAND

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(3) of the Work Health and Safety Act 2011.**
- If a relevant union for a worker affected by the WHS matter not already named as a party 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*.

Has a *Form 74 – Application for WHS review* been filed in relation to the matter/s in dispute? No Yes [Matter No. WHS/___/___]

Notifier	The Australian Workers' Union
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AND

Respondent	Isis Central Sugar Mill
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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:	
Direct email address:	As above.		

2. Particulars of the other party to the dispute			
Name:	Isis Central Sugar Mill Company Limited		
Postal/Service address:	PMB 1		
	Suburb/Town	Childers	Postcode 4660
Phone number:		Mobile number:	
Email address:	craig.wood@isissugar.com		
Name of contact person:	Mr Craig Wood		
Direct phone number:	(07) 4126 4426	Mobile number:	0419 476 354
Direct email address:	As above.		

3. Workplace where dispute exists
Isis 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]	
<input type="checkbox"/>	A work group determination matter.
<input type="checkbox"/>	A work group variation matter.
<input type="checkbox"/>	Access to information by a health and safety representative under s 70(1)(c) of the Act.
<input type="checkbox"/>	The giving of a notice or information to a health and safety representative under s 70(1)(cb) or (cc) of the Act.
<input type="checkbox"/>	A request by a health and safety representative for a person assisting the representative to have access to the workplace under s 70(1)(g) of the Act.
<input type="checkbox"/>	A matter mentioned in s 72(2)(aa), (a) or (b), or s 72(4)(a), (b) or (c) of the Act relating to training for a health and safety representative.
<input type="checkbox"/>	A health and safety committee matter.
<input checked="" type="checkbox"/>	A matter about work health and safety that is an issue to which Part 5, Division 5 (Issue Resolution) of the Act applies.
<input type="checkbox"/>	An issue about cessation of work under Part 5, Division 6 (Right to cease or direct cessation of unsafe work) of the Act.
Does this dispute relate to any of the following decisions made by an Inspector?	
<input type="checkbox"/>	s 54(5) – Negotiations regarding an agreement
<input type="checkbox"/>	s 76(6B) – Regarding a health and safety committee

5. Compliance powers	
Has an inspector been appointed to assist the parties reach an agreement or resolve the dispute?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, was a decision made by an inspector to exercise, or not to exercise, compliance powers under Part 10 of the Act subject to review under Part 12 of the Act?	<input type="checkbox"/> Yes <input type="checkbox"/> No

6. Issues in dispute

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

Background

1. On or around 12 September 2024, the Respondent advised its employees that they were installing audio and visual recording devices. The Respondent also included material notification of the recording attached and marked as AWU-01.

2. On 13 September 2024, the Notifier sent correspondence to the Respondent outlining concerns with regards to the Cane mill safety Code of Practice 2024 ('Code'), in particular, that the Respondent's application of same is consistent with section 4.2.1, in particular, 'Rail operators must maintain a record of all voice transactions between trains and the traffic office.' Additionally, the Notifier outlined concerns under the Invasion of Privacy Act 1971 (Cth). The correspondence is attached and marked as AWU-02 and Code is attached and marked as AWU-03.

Issue

3. The issue for this matter is if the steps taken by the Respondent are consistent with the Code. The Notifier submits that they are not and are overarching the intent outlined in paragraph 2 of this submission.

4. In summary, the Notifier states that as evident by the plain and ordinary words of the Code that the Respondent has an obligation to record the conversations between the trains and traffic office. However, it does not provide the scope that the Respondent is attempting to implement which is the inclusion of recording the offices.

Outcome

5. The Notifier is seeking that the Respondent rescind the implementation of the audio and visual recording devices.

7. Briefly state the relevant industrial instrument/s affected (e.g. award, agreement, determination) OR the industry in which the dispute arose and/or type of work being undertaken by those in dispute

Isis Central Sugar Mill Enterprise Agreement Number 11 2023

8. Signature of the party notifying of the WHS dispute

Signature:	
Name:	Aaron Santelises
Position/Capacity:	Industrial Advocate and Legal Advisor of the Notifier
Date:	26/09/2024