

**Form 73A – Notice of WHS dispute***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.

NotificationNotice 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**Kristopher Mains****AND****Respondent****Brisbane Container Terminals Pty Ltd**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:	Kristopher Mains		
Postal/Service address:	11 Diana Court		
	Suburb/Town	Alexandra Hills	Postcode 4161
Phone number:		Mobile number:	0405 186 852
Email address:	Mainsk79@gmail.com		
Name of contact person:	Rohan Tate		
Direct phone number:	07 3025 9000	Mobile number:	
Direct email address:	rohan.tate@turnerfreeman.com.au		

2. Particulars of the other party to the dispute			
Name:	Brisbane Container Terminals Pty Ltd		
Postal/Service address:	Bert 11 - 12, Peregrine Drive		
	Suburb/Town	Port of Brisbane	Postcode 4178
Phone number:	+61 2 9578 8500	Mobile number:	
Email address:			
Name of contact person:	Vernon Ferreira		
Direct phone number:	07 3895 6200	Mobile number:	
Direct email address:	ferreira.vernon@hutchisonports.com.au		

3. Workplace where dispute exists
Hutchison Port of Brisbane Terminal

4. WHS matter subject of the dispute	
This dispute (as defined in s 102A of the <i>Work Health and Safety Act 2011</i>) 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

See Annexure A.

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

Hutchison Ports Australia (HPA) and Maritime Union of Australia (MUA) Enterprise Agreement 2021;
Stevedoring Industry Award 2020

8. Signature of the party notifying of the WHS dispute

Signature:	
Name:	Rohan Patrick Tate
Position/Capacity:	Legal Representative
Date:	09/12/2025

ANNEXURE A

1. The Applicant, Kristopher Mains, is a transgender man and employee of the Respondent.
2. The Respondent, Brisbane Container Terminals Pty Ltd ACN 126 650 020, operates a stevedoring terminal at the Port of Brisbane.

Facts

3. The Applicant was subjected to discrimination, harassment and bullying because of his gender transition, and thus has not attended the workplace since August 2024.
4. On 23 August 2024, General Practitioner, Dr Sarah Nunn, opined that the Applicant was suffering from a major depressive disorder because of severe, intractable and persistent workplace bullying.
5. The Respondent's Discrimination, Bullying and Harassment Policy Volume 7 (the **Policy**) contains transgender provisions that provide for the implementation of a formal transition plan for transitioning employees, and a management plan for the whole workforce when a person transitions.
6. On 1 July 2025, the then acting Queensland Branch Secretary of the Maritime Union of Australia, Mr Aaron Johnston, sent correspondence to the Respondent requesting that it comply with clause 6 of the Policy by implementing a formal transition plan for the Applicant, and a management plan for the whole workforce.
7. The Respondent did not reply to Mr Johnston's request.
8. On 8 August 2025, the Respondent sent a letter to the Applicant in which reference was made to Mr Johnston's correspondence of 1 July 2025. The letter did not address Mr Johnston's request for compliance with the Policy, but instead directed the Applicant to show cause why his employment should not be terminated.
9. On 22 August 2025, Mr Johnston sent further correspondence to the Respondent requesting, again, that it comply with the Policy.
10. The Respondent did not reply to Mr Johnston's additional request.
11. On 27 November 2025, the Respondent sent a letter to the Applicant in which reference was made to Mr Johnston's correspondence of 1 July 2025 and 22 August 2025. The letter did not address Mr Johnston's requests for compliance with the Policy, but instead directed the Applicant to, again, show cause why his employment should not be terminated.

12. The Respondent has failed to comply with its Policy by implementing a formal transition plan for the Applicant, and a management plan for the whole workforce when a person transitions.

Contraventions

13. By failing to implement and enforce the Policy and provide the Applicant, so far as is reasonably practicable, a workplace free of discrimination, bullying and harassment, the Respondent has contravened:

- a) section 19 of the *Work Health and Safety Act 2011* (Qld);
- b) section 55C of the *Work Health and Safety Regulation 2011* (Qld); and
- c) section 26A of the WHS Act.

14. Section 26A of the WHS Act 2025 states as follows:

A person conducting a business or undertaking must, if the Minister approves a code of practice for the purposes of this Act—

(a) comply with the code; or

(b) manage hazards and risks arising from the work carried out as part of the conduct of the business or undertaking in a way that is different to the code but provides a standard of health and safety that is equivalent to or higher than the standard required under the code.

15. Regulation 55C of the WHS Regulation states as follows:

(1) A person conducting a business or undertaking must manage psychosocial risks under part 3.1.

Notes—

1 WHS Act—section 19 (see section 9).

2 For general risk management requirements, see part 3.1.

(2) Without limiting subsection (1), the person conducting the business or undertaking must manage the risk to the health or safety of a worker, or other person, from either of the following at work—

(a) sexual harassment;

(b) sex or gender-based harassment.

16. Through the conduct at [3] to [12], the Respondent has failed to comply with the WHS Act and WHS Regulation, in so far as it has failed to manage hazards, in particular psychosocial hazards in the workplace in respect of the Applicant.

Orders Sought

17. The Applicant seeks orders pursuant to s 102C(3) of the WHS Act that the Respondent:

- a) suspend the show cause and proposed termination process that the Respondent has commenced that requires responses from the Applicant by 11 December 2025;
- b) create, implement and monitor compliance with a formal transition plan in accordance with clause 6 of the Policy;
- c) create, implement and monitor compliance with a management plan for the whole workplace in accordance with clause 6 of the Policy;
- d) one month after it has fully complied with orders (b) and (c), commence consultation on a return-to-work plan for the Applicant; and
- e) one month after it has fully complied with order (d), implement a return-to-work plan for the Applicant.