

**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	Australian Rail, Tram and Bus Industry Union of Employees
AND	
Respondent	Queensland Rail Transit Authority t/a Queensland Rail

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:	Australian Rail, Tram and Bus Industry Union of Employees		
Postal/Service address:	Level 1, 457 Upper Edward Street		
	Suburb/Town	Spring Hill	Postcode 4000
Phone number:	0738394988	Mobile number:	
Email address:	industrial@rtbu.com.au		
Name of contact person:	Lucas Kennedy		
Direct phone number:	0738394988	Mobile number:	0430146956
Direct email address:	industrial@rtbu.com.au		

2. Particulars of the other party to the dispute

Name:	Queensland Rail Transit Authority t/a Queensland Rail		
Postal/Service address:	GPO Box 1429		
	Suburb/Town	Brisbane	Postcode 4001
Phone number:		Mobile number:	
Email address:	dion.matley@qr.com.au		
Name of contact person:	Dion Matley		
Direct phone number:		Mobile number:	
Direct email address:	dion.matley@qr.com.au		

3. Workplace where dispute exists

Queensland Rail's Mayne Rail Yard, Bowen Hills, Queensland

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]

☐	A work group determination matter.
☐	A work group variation matter.
☐	Access to information by a health and safety representative under s 70(1)(c) of the Act.
☐	The giving of a notice or information to a health and safety representative under s 70(1)(cb) or (cc) of the Act.
☐	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.
☐	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.
☐	A health and safety committee matter.
☒	A matter about work health and safety that is an issue to which Part 5, Division 5 (Issue Resolution) of the Act applies.
☐	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?

☐	s 54(5) – Negotiations regarding an agreement
☐	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?	☐ Yes	☒ 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?	☐ Yes	☐ 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

Please see "schedule 1" attached to this filing.

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

Queensland Rail Rollingstock and Operations Enterprise Agreement 2023 (Railway Industry)

8. Signature of the party notifying of the WHS dispute

Signature:



Name:

Chris Vicars

Position/Capacity:

Industrial Officer

Date:

17/07/2026

From: Goswell, Samuel <samuel.goswell@qr.com.au>
Sent: Wednesday, May 27, 2026 1:35:38 PM
To: Byron Cubit <byron.cubit@rtbu.com.au>
Cc: Stef Whyte <stef.whyte@rtbu.com.au>; Davidson-Reeves, Lauren <lauren.davidson-reeves@qr.com.au>; Arici, Bec <Bec.Arici@qr.com.au>; McCudden, Reece <Reece.McCudden@qr.com.au>; Smith, David - Train Ops <David.Smith@qr.com.au>
Subject: RE: WHS Dispute

Hi Byron,

Thank you for your correspondence.

The SEQ Yards team has carefully considered this, and all previous concerns raised by the Health and Safety Representatives (HSRs) and has engaged the appropriate subject matter experts to assess these matters. Feedback from these consultations had been provided accordingly. Queensland Rail and the SEQ Yards team remain committed to maintaining the safest possible environment for our personnel, both in the field and within buildings.

The Western Shunters Hut in question is classified as a Class 5, single-storey building under the National Construction Code (NCC). Under this classification, there is no requirement for the installation of smoke detection or fire alarm systems.

The building has undergone independent certification, and a Form 11 Certificate of Occupancy has been issued by a licensed building certifier. As part of this process, the certifier confirmed that the installed fire safety measures comply with applicable building legislation and that the level of risk is managed so far as is reasonably practicable. This certification verifies that the building is compliant and fit for its intended use, which it is being used for.

“A Form 11 must be completed to fulfil the requirements prescribed in sections 102(2) and 103 of the *Building Act 1975* for a Certificate of Occupancy. A Form 11 must also be completed to fulfil the requirements prescribed in section 104 of the *Building Act 1975* for an Interim Certificate of Occupancy.”

Queensland Rail maintains a controlled and standardised approach to the specification,

installation, and maintenance of fire safety systems across its network. The introduction of additional systems outside this framework is not considered appropriate, as they may not be supported through established maintenance processes and could introduce additional risk.

On this basis, Queensland Rail does not propose to install fire alarm systems in the Western Hut.

If you are aware of any specific NCC clause that Queensland Rail may have overlooked, please advise us, and we will review the information in accordance with our standard processes.

Kind regards,

Sam



SAMUEL GOSWELL
TEAM LEADER SEQ YARDS

Mayne Rail Complex – Upper C Block – Yard Masters
33 Lanham St, Bowen Hills, QLD, 4006
M: 0472 545 868
Ph: 3072 5032
[W: queenslandrail.com.au](http://queenslandrail.com.au)

From: Byron Cubit <byron.cubit@rtbu.com.au>
Sent: Friday, 22 May 2026 4:01 PM
To: Goswell, Samuel <samuel.goswell@qr.com.au>
Cc: Stef Whyte <stef.whyte@rtbu.com.au>
Subject: WHS Dispute

Good Afternoon Sam,

I hereby wish to advise you that the Australian Rail, Tram and Bus Industry Union, Queensland Branch (“RTBU”) is in dispute with Queensland Rail Transit Authority (“QR/ Queensland Rail”) in respect to the failure of QR to properly discharge their obligations under the *Work Health and Safety Act 2011* (Qld) (the Act) in the matter of supplying shunters grade workers with safe facilities at Mayne Yard .

Location of Dispute

Queensland Rail’s, Western Hut, Mayne Yard, Bowen Hill, Queensland

Provisions of Importance

- s 17, Work Health and Safety Act 2011 (Qld)
- s 19(3)(a), Work Health and Safety Act 2011 (Qld)

- s 19(3)(b), Work Health and Safety Act 2011 (Qld)
- s 19(3)(c), Work Health and Safety Act 2011 (Qld)
- s 19(3)(d), Work Health and Safety Act 2011 (Qld)
- s 19(3)(e), Work Health and Safety Act 2011 (Qld)
- s 19(3)(f), Work Health and Safety Act 2011 (Qld)
- s 19(3)(g), Work Health and Safety Act 2011 (Qld)
- Chapter 3, “General Risk and Workplace Management”, Work Health and Safety Regulation 2011 (QLD)

Details of Issues

It has been identified that QR has failed to adequately address their duties to provide a fire alarm system in the Western Hut in Mayne Yard. We understand that staff, including Health and Safety Representatives have been requesting the installation of fire alarms into this building, but have not seen any activity by Queensland Rail on these actions.

The simple installation of fire alarms in the Western Hut will ensure that workers required to carry out duties in or around the building will have improved safety outcomes in the workplace for a very minor cost.

Additionally, QR has a duty under the WHS Act to seek to eliminate, foreseeable and identifiable risks and hazards in the workplace. If it is not reasonable to eliminate the risks or hazards, QR must seek to mitigate the risk in a manner that lowers the exposure and severity of the risk or hazard. The installation of a fire alarm system will help discharge this duty.

Proposed Solution

We propose that QR engages in immediate consultation with the Union’s Workplace Representatives, Byron Cubit, RTBU Traincrew Delegate, and RTBU President, Stefanie Whyte and Health and Safety Representatives.

With a mind to commence the immediate installation of a fire alarm system in the Western Hut.

We also request that this matter be dealt with under Queensland Rail’s dispute resolution procedure in line with the requirements of the WHS Act.

Regards,

Byron Cubit

Organiser

RAIL TRAM AND BUS UNION (QLD BRANCH)

M: 0499 701 180 | E: byron.cubit@rtbu.com.au



UNITY ^{IS} STRENGTH



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Schedule 1

1. In early 2026, it came to the attention of the Australian Rail, Tram and Bus Industry of Employees (the “RTBU”) that members employed by Queensland Rail Transit Authority t/a Queensland Rail (“QR”) undertaking shunting duties held concerns about the lack of fire alarms and other fire control systems in QR’s recently renovated “Shunters’ Huts”.
2. These Shunter Huts contain a flexible workspace for Shunters to take/make meals, direct the movement of people and plant in the Railyard, toilet, and shower amongst other duties relating to their work.
3. Historically, previous iterations of these structures possess fire alarm systems of some kind or another as a form of fire control system, and safety control system.
4. It is the RTBU’s belief the lack of / removal of these fire alarms represent a breach of QR’s duties under the WHS Act, specifically:
 - a. s 17 ; and
 - b. s 18 ; and
 - c. s 19(3)(a); and
 - d. s 19(3)(b); and
 - e. s 19(3)(c); and
 - f. s 19(3)(d); and
 - g. s 19(3)(e); and
 - h. s 19(3)(f); and
 - i. s 19(3)(g).
5. Consequently, on 22 May 2026, the RTBU commenced a formal disputation of the matter with Queensland Rail. (This initial notice has been attached and marked, “RTBU1”).
6. From 22 May 2026 to 17 July 2026, the RTBU and Queensland Rail have met, corresponded, and discussed this dispute with no resolution.
7. Having exhausted the dispute resolution procedure, and Queensland Rail’s intransigence in relation to the Union’s and workforces’ request to reinstall/install fire alarm systems in the “Shunters Huts” the RTBU has been left with no option but to escalate the dispute to the Commission.