



**NUMBER:** WHS/2018/103

**Form 73A – Notice of WHS dispute**

Work Health and Safety Act 2011, section 102B

*Version 2*

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

BETWEEN

*Australian Rail, Tram and Bus Industry Union of Employees*

AND

*Queensland Rail Transit Authority T/A Queensland Rail*

**Particulars of party making application to deal with the dispute:**

<b>Name</b>	Australian Rail, Tram and Bus Industry Union of Employees		
<b>Phone number</b>	0738394988	<b>Fax number</b>	
<b>Mobile number</b>			
<b>Email address</b>	<a href="mailto:Industrial@rtbu.com.au">Industrial@rtbu.com.au</a>		
<b>Name of Contact person</b>	Lucas Kennedy		
<b>Direct phone number of contact person</b>		<b>Mobile</b>	
<b>Email address of contact person</b>	<a href="mailto:Lucas.kennedy@rtbu.com.au">Lucas.kennedy@rtbu.com.au</a>		

**Workplace where dispute exists:**

Queensland Rail-Mayne Train Yard, Brisbane, Queensland

**WHS matter subject of the dispute (must include sufficient detail):**

1. The RTBU is seeking the assistance of the Commission to have a dispute heard concerning a failure to consult by Queensland Rail regarding the election process of Health and Safety Representatives for the Train Crew Workgroup located out of Mayne Yard, Bowen Hills.
2. This failure to consult is consistent with a failure by Queensland Rail to discharge their duty to consult with workers under s 47 of the *Workplace Health and Safety Act 2011* (Qld).
3. S 47 requires PCBUs to do the following:  
*“(1) The person conducting a business or undertaking must, so far as is reasonably practicable, consult, as required under in this division and any regulation, with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to work health or safety.”*
4. The Applicant has requested on several occasions for Queensland Rail to commence consultation with the workforce and the Union concerning this issue.
5. Queensland Rail thus far has refused to commence consultation proceedings and has commenced the election process of Health and Safety Representatives.
6. The Union requested the presence of an investigator from the Regulator on 23 July 2018.
7. As of the time of filing this application the Regulator has not released an investigator to assist in this matter.

**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?**

<input type="checkbox"/>	<b>YES</b>	<input checked="" type="checkbox"/>	<b>NO</b>
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**Particulars of the other party/parties to the dispute:**

<b>Organisation</b>	Queensland Rail Transit Authority T/A Queensland Rail		
<b>Phone number</b>	0730720332	<b>Fax number</b>	
<b>Email address</b>	Michael.reeves@qr.com.au		
<b>Name of contact person</b>	Michael Reeves		
<b>Direct phone number of contact person</b>	0730720332	<b>Mobile</b>	
<b>Direct email address of contact person</b>	Michael.reeves@qr.com.au		

**Signature of person notifying the dispute**

<b>Signature</b>	
<b>Name</b>	Owen Doogan
<b>Position/Capacity</b>	State Secretary, RTBU Queensland Branch
<b>Date</b>	20/08/18