

Commission of Inquiry into the CFMEU and Misconduct in the Construction Industry

WITNESS STATEMENT OF JOSE ANTONIO SANCHEZ

I, Jose Antonio Sanchez, say on oath:

Background

- 1 I commenced employment at Acciona Infrastructure Australia Pty Ltd (**Acciona**) in April 2014 as Project Director of the Legacy Way Tunnel project.
- 2 From July or August 2015 to May 2018, I was the Project Director for the Toowoomba Second Range Crossing project (**Project**).
- 3 After leaving the Project in May 2018, I worked on several other projects with Acciona, including the tender process for the Brisbane Metro project, which Acciona later won. I then worked on delivering the project until I left the company to join WeBuild in June 2023. I remain employed by WeBuild.
- 4 Prior to my employment at Acciona, I worked for a Spanish civil engineering firm, Sacyr, for 15 years, from 1999 until 2014. During that time, I held various senior construction management roles including serving as Sacyr's Australian Managing Director for six years from 2008 to 2014, based in Perth.
- 5 I am a civil engineer by profession.

Toowoomba Second Range Crossing Project

- 6 On 21 August 2015, the State of Queensland, through the Department of Transport and Main Roads (**DTMR**) entered into a Project Deed for the design and construction of the Project, being a 41 km road north of Toowoomba, with Special Purpose Vehicle, Nexus Infrastructure, as contractor. Nexus Infrastructure was comprised of:
 - (a) Plenary Investments Pty Ltd;
 - (b) Cintra Toowoomba Limited;
 - (c) Acciona Concesiones S.L;
 - (d) Ferrovial Agroman (Australia) Pty Ltd;
 - (e) Acciona Infrastructure Australia Pty Ltd; and
 - (f) Broadspectrum (Australia) Pty Ltd.
- 7 The Chair of Nexus Infrastructure was John Witheriff AM, and the Chief Executive Officer of Nexus Infrastructure was John Hagan.
- 8 On the same date, Nexus Infrastructure entered into a subcontract for the design and construction of the Project with Nexus Delivery, an unincorporated joint venture between Acciona and Ferrovial Agroman (Australia) Pty Ltd (**NDJV**). I was the Project Director of NDJV.
- 9 After entering into that subcontract, NDJV spent roughly the first year completing design work and geotechnical site investigations. On site construction activities commenced in or about September or October 2016.

Interactions with unions on TSRC Project

Early interactions with unions

- 10 Prior to commencing actual construction work on site, in or around August 2016, we met with the Australian Workers' Union (**AWU**) and the Construction, Forestry, Mining and Energy Union (**CFMEU**). I did not personally attend these meetings. These meetings were attended for Acciona by our Queensland HR/IR Manager.
- 11 At those meetings, I understand that Acciona's Queensland HR/IR Manager explained the blue collar NDJV workers on the Project would be employed by Acciona under its existing *Acciona Infrastructure Australia Pty Ltd Enterprise Agreement 2014 (Agreement)*.
- 12 Both unions expressed dissatisfaction with this approach because they wanted a project-specific enterprise agreement for the Project. The Agreement was an existing, in-term enterprise agreement, approved by the Fair Work Commission on 23 January 2015. The AWU was a bargaining representative for, and party to, the Agreement. The Agreement had a nominal expiry date of 31 August 2018.
- 13 The AWU ultimately accepted use of the Agreement. I understand from discussions with Acciona's Queensland HR/IR Manager that the CFMEU made it clear in the meetings described above that it did not accept this arrangement.

Early activity and interaction with the safety regulator before July 2017

- 14 Prior to or around July 2017, the CFMEU attended site frequently, often several times per week, but their conduct was not highly disruptive.
- 15 During that period prior to around July 2017, safety concerns raised by the CFMEU would be referred to Workplace Health and Safety Queensland (**WHSQ**). At other times, we ourselves would contact WHSQ to seek independent input as to our safety processes.
- 16 At that stage, WHSQ acted very professionally.

Escalation from July 2017

- 17 Until about July 2017, the NDJV had a very good and professional working relationship with WHSQ.
- 18 In about July 2017, that situation changed suddenly. In my perspective, we went from having a very good and professional relationship with WHSQ to feeling as if they had come to site to destroy us.
- 19 From that point, WHSQ began attending the site frequently, often together with representatives of the CFMEU and began proactively raising a range of different issues on site. I considered many of the issues raised by WHSQ to be unwarranted. Some examples of such unwarranted issues (which are attached to this statement and marked **JAS-1A** and **JAS-1B** respectively) include:

- (a) Improvement Notice I1006361 dated 14 July 2017, which stated:

'Construction project inspections has identified repeated systematic process failures to ensure the health and safety of workers whilst undertaking construction work. Common issues include falls, falling objects, access and egress, supervision of subcontractors' systems of work, scaffold and housekeeping.'

- (b) Improvement Notice I1050558 dated 18 July 2017, which stated:

'Nexus Delivery has not ensured so far as reasonable practicable that the lay out of the

workplace allows for, and is maintained to allow for persons to enter, exit and move about without risk to health and safety, both under normal working conditions and in an emergency.

Inspection of the area found that the ground surface was uneven with large rocks causing a risk person entering and exiting the work area.'

- 20 These notices did not have any of the particularity I had normally seen in regulatory improvement notices. They were vague and grouped together as a large number of broadly described complaints in a single notice. In my opinion, the project had no way, on reading notices such as this, to work out the precise nature of the problem identified or how we were expected to correct it.
- 21 By July 2017, CFMEU representatives began entering site almost every day. Their presence caused significant disruption on site, and workers reported feeling upset and threatened. Unusually, it appeared at this time as though WHSQ was working FOR the CFMEU.
- 22 Between July 2017 and February 2018, WHSQ issued 74 improvement notices to the Project. By comparison, between November 2016 and June 2017, the Project received 16 such notices.

Safety incidents and project response

- 23 The Project was large and complex. It involved the movement of almost 20 million cubic metres of dirt in 13 months, approximately 200 pieces of equipment including trucks, excavators and scrapers, and difficult terrain through the Toowoomba Range.
- 24 There were a number of safety incidents, including 17 plant rollovers. None of these rollovers resulted in injuries, but they were still a concern for the Project.
- 25 The NDJV investigated each incident thoroughly and implemented extensive improvements to safety systems and controls.
- 26 In my view, the level of improvement achieved in our systems was amazing. If I were to do another project like this, I would adopt the systems we developed on this Project. These improvements were achieved despite, and not with the assistance of, intense pressure from WHSQ and the CFMEU.
- 27 When I left the TSRC Project in May 2018, the Total Recordable Injury Frequency Rate was 2.95 after 3.5 million hours worked, which is relatively low for a project of this kind. Total Recordable Injury Frequency Rate is a safety metric measuring the number of fatalities, lost-time injuries, substitute work, and medical treatment cases per million hours worked. It is a lagging indicator used to benchmark past safety performance and identify high-risk areas.

Dealings with WHSQ inspectors

- 28 From mid-2017 onwards, we engaged with WHSQ on an almost daily basis.
- 29 Some of the WHSQ inspectors privately expressed to me that they were very uncomfortable with the way WHSQ was treating the Project. Mark Houston, who was a senior manager in WHSQ at the time, also told me that several inspectors, himself and his then boss (Daryl Brooker) had raised the issue with WHSQ management, which then resulted in Daryl being removed from his position. Those inspectors and managers, including Mr Houston and Mr Brooker, were appreciative of what the Project was doing to address the safety issues on the Project, but those inspectors were usually replaced by others who were more willing to act in accordance with the CFMEU's demands.

Challenge to improvement notices and right of entry

- 30 On 19 February 2018, the NDJV received a formal instruction from WHSQ Inspector Jason Plath requiring us to allow CFMEU organisers Kurt Pauls, Beau Seiffert, Marty Albert and Shaun

Desmond access to site under sections 117 and 120 of the *Work Health and Safety Act 2011* (Qld) (**Act**).

- 31 The NDJV decided to challenge the union entry notices as a way to protect the team who were being threatened with prosecution by WHSQ and the CFMEU on a daily basis.
- 32 On the evening of Monday 19 February 2018, the NDJV lodged an application in the Queensland Industrial Relations Commission, challenging the instruction from WHSQ and a number of the entry notices received from CFMEU. The application was amended on 20 February 2018 and again on 23 February 2018, to include some further notices of entry from the CFMEU. The respondents to the application were the CFMEU, WHSQ and WHSQ Inspector John Plath. Copies of the original application, amended application and further amended application are attached to this statement and marked **JAS-1** (together, the **Application**).

February 2018 incident and ministerial intervention

- 33 On 21 February 2018, an incident occurred on site during a lift of a reinforcement cage for a viaduct pier. One of the reinforcement bars dislodged and fell approximately 30 centimetres.
- 34 The Project had the appropriate control in place, being an exclusion and restriction zone set up around the lift. As a result of having the appropriate control in place, no one was injured during this incident.
- 35 At 7.48 am the following day, 22 February 2018, Minister for Education and Industrial Relations, Grace Grace and Minister for Transport and Main Roads, Mark Bailey, issued a media release stating that they were seeking an urgent meeting with senior representatives of Nexus. A copy of that media release is attached to this statement and marked **JAS-2**.
- 36 The Ministers came to site the following day on 23 February 2018. The meeting with the Ministers was held in the Boardroom on the Project site. I recall there was approximately 25 people in attendance. Attendees included the WHSQ manager who had replaced Mr Brooker (whose name I cannot recall), Chair of Nexus Infrastructure, John Witheriff AM, Chief Executive Officer of Nexus Infrastructure, John Hagan, Country Manager of Acciona, Fernando Fajardo, the country manager for Ferrovial, Enrique Blanco, and myself.
- 37 There were a number of CFMEU organisers, not in the meeting, but outside the room.
- 38 Prior to the meeting, the NDJV had prepared a presentation for the Ministers about the Project. A copy of that presentation is attached to this statement and marked **JAS-3**.
- 39 From the outset of the meeting, the Ministers were very aggressive in their approach towards the NDJV.
- 40 Very early in the meeting, Minister Grace clearly said words to the effect of, "*you have to reach an agreement with CFMEU or we will terminate your contract.*" She did not say what type of agreement, but she did say that we needed to reach agreement with the CFMEU. She did not suggest that she could 'consider' termination of the contract - rather, she stated directly that the contract **would be terminated** (emphasis added).
- 41 After the meeting, the Ministers met separately with NDJV Health and Safety Representatives. The Ministers did not allow Mr Witheriff, Mr Blanco, Mr Fajardo or me to be in that meeting, and no NDJV engineers or supervision were allowed to attend, either. Mark Philips (Superintendent) attempted to attend, but was not allowed. We had no formal feedback from that meeting, but workers, and particularly Health and Safety Representatives, were usually supportive of the Project Team.
- 42 I had many conversations with many senior Acciona and Project people around this time during which I expressed my amazement at the way the Government was dealing with the NDJV. I stated to them many times that I would expect this sort of thing to happen in a third world country (I usually mentioned Nigeria) but I had never expected it to happen in a developed country like

Australia.

- 43 While I was working on the Project, I met with Minister Bailey around five or six times when he attended site to observe progress. This was before the Ministerial visit on 23 February 2018. In these site visits, he was always quite friendly and informal.

Aftermath of the Ministerial meeting

- 44 After the meeting with the Ministers, I made a commitment to Mr Hagan, that I would provide written feedback to him, addressing concerns raised by the Ministers. I understand Mr Hagan sent that letter to the Minister. A copy of my letter to Mr Hagan dated 8 March 2018 is attached to this statement and marked **JAS-4**.
- 45 On 21 March 2018, the Minister sent a reply letter to Mr Hagan. A copy of this letter is attached to this statement and marked **JAS-5**.
- 46 After the ministerial meeting, I also met with Fernando Fajardo, Enrique Blanco and John Witheriff to discuss the way forward. I told them that I believed that the ministerial intervention was triggered by the NDJV's Application to the Queensland Industrial Relations Commission. After Mr Witheriff suggested it, the group instructed me to withdraw the application. I instructed our lawyers to discontinue the Application after that meeting. The only reason we did so was because of the threat made by Minister Grace to terminate NDJV's contract and with the intention of smoothing the relations with the Ministers and CFMEU.
- 47 Following withdrawal of its Application, the NDJV then commenced conversations with the CFMEU.

CFMEU demands

- 48 Discussions between the NDJV and the CFMEU were led by a person from Acciona who travelled from Spain, Juan Manuel Cruz. I understand that Mr Cruz was Acciona's Global Human Resources Manager. I was present in some of those meetings. Mr Cruz would report back to me on the meetings that I did not attend. The CFMEU's primary representative in those discussions was Jade Ingham.
- 49 It became clear in those discussions, that the CFMEU (through Jade Ingham) was seeking a range of outcomes, most of them unrelated to workplace health and safety.
- 50 One of the first, if not the first, meetings with CFMEU was held on 21 March 2018 in our Project office. I attended that meeting together with Mr Cruz. Jade Ingham, on behalf of the CFMEU made the following verbal demands:
- (a) a state agreement between CFMEU and Acciona, who was the employing entity for the workers in NDJV;
 - (b) a separate project agreement for TSRC applying to Acciona and its subcontractors;
 - (c) Acciona to employ a number of non-working CFMEU delegates, elected by members of the CFMEU;
 - (d) HSRs be supported, not targeted;
 - (e) Acciona to employ an external safety consultant nominated by the CFMEU;
 - (f) Acciona to reinstate a number of dismissed employees who had lodged unfair dismissal claims;
 - (g) encouragement of union membership; and

(h) unfettered right of entry for CFMEU organisers.

51 A number of those demands would have resulted in Acciona and Ferrovial contravening the Federal Building Code. In particular, attempting to apply an enterprise agreement to subcontractors, the non-working CFMEU delegates, the encouraging of union membership and the unfettered right of entry.

Section 81 campaign and personal action against me

52 On or around 26 to 28 March 2018, the CFMEU launched an industry-wide campaign, to enter sites using section 81(3) of the Act, asserting they did not require a Fair Work Act entry permit.

53 In those initial days of their campaign, CFMEU officials including most regularly Beau Seiffert, attended the site offices a number of times. A great deal occurred during that period, and I made notes at the time so I would not forget the events.

26 March 2018

54 On Monday 26 March 2018, four CFMEU officers, Beau Seiffert, Kurt Pauls, Tearanui Albert and Blake Hynes, turned up to site purporting to enter under s 81 of the Act. Paul Masters, Nexus Delivery General Superintendent, Steve Ingham (Project HR Manager), Wayne Pitt (Project Safety Manager) and I had a discussion with the four CFMEU officers to try to understand what their issue was. The CFMEU officers provided no detail about the safety issue they had, or the workers they were representing, alleging that Nexus might sack the workers if they told us which workers they were speaking to.

55 In the meeting which was held in the on-site Boardroom, CFMEU officers (in particular, Blake Hynes) abused Nexus Delivery staff and swore repeatedly. When I reprimanded Mr Hynes for abusing my staff and swearing at them, he said to me, *'fuck you too'*.

56 At around 11.00 am on 26 March 2018, I called Mark Houston from WHSQ and explained the situation with the four CFMEU officers on site seeking entry under s81(3) of the Act and asked Mr Houston whether WHSQ could mediate. Mr Houston explained that he thought it would be of no help, and that WHSQ Inspectors have no powers to instruct Nexus Delivery to allow CFMEU officers to enter site under s 81, unlike what can happen with an entry under s117 of the Act.

57 Jason Plath (WHSQ Inspector) came to site at around 1.00 pm on 26 March 2018 and said words to the effect that, *'in the view of WHSQ, the CFMEU's request is valid'* and recommended that Nexus Delivery allows the CFMEU entry to site under s81(3) of the Act. We refused to allow the CFMEU officers to enter site under s81(3) relying on our legal advice that they had no power to enter site under s81(3) of the Act.

58 At around 1.00 pm on 26 March 2018, I was advised, probably by Paul Masters, that the four CFMEU officers walked into the project site, without authorisation. Two of the four went to Bridge 12 and the other two went to Bridge 9 (Viaduct). The two CFMEU officers in the Viaduct wandered around, without really raising any issue. Queried by Carlos Ramos, who was the Senior Project Engineer in charge of the Viaduct, about what issue they were there to investigate, they said words to the effect of, *'we are not really sure if the issue is in this bridge or another'*.

59 I instructed Wayne Pitt to call the Police, which he did. Wayne Pitt and Paul Masters later informed me that the Police had removed the CFMEU officers from the site.

27 March 2018

60 On Tuesday 27 March 2018, at or about 8 or 9 am, the same four CFMEU officers who attended the previous day, Mr Seiffert, Mr Pauls, Mr Albert and Mr Hynes, attended at the Bedford Street Project office, purporting to enter site under s81(3) of the Act. Workplace Health and Safety inspectors Jason Plath and Donna Heelan are in attendance and strongly support CFMEU in their requests. I asked the CFMEU officers what the safety issue of concern was, but the CFMEU officers could not provide anything other than a few minor things like *'uneven ground in the*

access from the carpark' at Bridge 12.

- 61 At around 1pm, WHSQ Inspector, Jason Plath, issued Improvement Notice No. 1050569 (**Notice 1050569**) to me personally. A copy of Notice 1050569 is attached to this statement and marked **JAS-6**. This was unusual as these notices are usually issued to a company. Notice 1050569 stated that my action in preventing Mr Seiffert, Mr Pauls, Mr Albert and Mr Hynes from the CFMEU from entering site under section of the 81(3) of the *Work Health and Safety Act 2011* (Qld) (**Act**) was a contravention of that section. It stated that I was required to allow Mr Seiffert, Mr Pauls, Mr Albert and Mr Hynes to enter the workplace under s81(3) of the Act 'before 27 March 2018' (the date the notice was issued).
- 62 At around 2pm, CFMEU officers again entered site without authorisation and went to Bridge 12 and Bridge 11 unescorted. Bridge 12 was very close to the site office, where I was based. The CFMEU had not mentioned Bridge 11 as being the subject of any safety concern in the conversations in the morning. As they arrived on site, a worker climbed to the soffit in the headstock (the underside of the beams joining the piers supporting the bridge) of Bridge 11 without the proper working at heights safety gear. The WHSQ Inspectors and CFMEU highlighted this as a safety issue for the project.
- 63 Police were called by Wayne Pitt or Paul Masters and they again removed the CFMEU officers from site, without any resistance by them. I was told by Wayne Pitt that the Police issued a 48 hour restraining order, to the CFMEU officers.
- 64 I instructed our lawyers to immediately apply for an Internal Review of Notice 1050569, which I understand that they lodged at around 5pm that day. Lodgement of an Internal Review is meant to stay an Improvement Notice (see page two of Notice 1050569).

28 March 2018

- 65 On Wednesday 28th, two CFMEU organisers attempted to enter site using s 81(3) of the Act. They were accompanied by Ms Heelan and Steve Powney from WHSQ.
- 66 Despite filing an Internal Review of Notice 1050569 the previous day, Ms Heelan from WHSQ issued Infringement Notice No 1015055 (**Notice 1015055**) to me personally for failing to comply with Notice 1050569. A copy of Notice 1015055 is attached to this statement and marked **JAS-7**. I received a \$720 by virtue of Notice 1015055. It states:

'Your actions in having the representatives identified in the notice removed from the workplace by police rather than to take all reasonable steps to facilitate their compliance with any conditions of entry (site rules etc.) so they could fulfil the purposes for which the entry was required under s.81(3) was contrary to the following direction given in the improvement notice:

"I am directing you to allow the union organisers set out above to enter the workplace in accordance with the rights conferred by s.81(3) of the Act for the purposes set out that section."


- 67 The two CFMEU organisers entered site at around 9 am, without authorisation and walked to Bridge 12 and Bridge 11. Paul Masters and Mark Phillips asked them to leave site.
- 68 I was told by Wayne Pitt that he called the Police, who attended site, but refused to remove the organisers.
- 69 While the Police were on site, Dr Simon Blackwood (Deputy Director-General of the Office of Industrial Relations) called me on my mobile. I made a note of the phone call which stated:

Simon Blackwood calls JAS and asks that the visitors' book is taken to Bridge 12 [which is where the CFMEU organisers had attempted entry to site and been denied] and a visitor induction is provided to the CFMEU officers so that they comply with the site requirements. I

answered that they are not authorised to be on site so they have to leave site, come to the office and we are keen on following the processes in section 81 and to start discussions about the safety issue once somebody is able to tell us what the issue is. I also said that the rule of law applies in Australia and we expect everybody to abide by the law, including the CFMEU. Dr Blackwood then threatened me with more punitive or enforcing action by WHSQ if the CFMEU was not allowed on the site.

- 70 I recall very clearly feeling that Dr Blackwood threatened me.
- 71 Also on that day, 28 March 2018, Dr Simon Blackwood sent a letter to me urging me to allow representatives of workers to enter the workplace under s81(3) of the Act. A copy of the letter from Dr Blackwood of 28 March 2018 is attached to this statement and marked **JAS-9**.
- 72 The two CFMEU organisers and WHSQ Inspectors Ms Heelan and either Mr Powney or Mr Plath returned to the Bedford Street office. Wayne Pitt and Paul Masters from Nexus Delivery and I met with the organisers and WHSQ Inspectors in the Boardroom for approximately 1 hour. The WHSQ Inspectors increased pressure on me to allow CFMEU in by mentioning section 144 of the Act and threatening me with “injunction or prosecution” for hindering the exercise of right of entry.
- 73 I maintained the Nexus Delivery position to the WHSQ Inspectors that the CFMEU organisers could not enter site under s 81(3) of the Act and asked the WHSQ Inspectors to investigate allegations of CFMEU organisers abusing our HSRs at Bridge 12 a few days prior.
- 74 In or around late April, early May 2018, WHSQ Inspector Julian Hasted attended site following a minor safety incident. During that visit, WHSQ started threatening our engineers with prosecution. That made me really nervous because while I am old enough to deal with this situation, the impact on my young engineers was potentially massive. The most problematic WHSQ inspector was Julian Hasted – I was informed by my young engineers that he had made threats to them about being prosecuted by WHSQ.
- 75 On around 8 May 2018, I decided to have a conversation with my manager at Acciona, Fernando Fajardo, to suggest that I move off the Project to act as a circuit breaker. Fernando Fajardo agreed with my suggestion and I was moved off the Project.

I swear the contents of this statement are true.

Signature of Deponent 

Place **ADELAIDE** Date **16 / 04 / 2026**

Before me (signature of witness)

Full name of witness (please print)

- Justice of the Peace (JP #)
- Notary public
- Lawyer
- Other authorised person (specify)

Commission of Inquiry into the CFMEU

and Misconduct in the Construction Industry

Bundle of Documents

Statement of Jose
Antonio Sanchez

INDUSTRIAL REGISTRAR
20 FEB 2018
QUEENSLAND

JAS-1

Copy Pg 1 of 25



QUEENSLAND INDUSTRIAL
RELATIONS COMMISSION

NUMBER: WHS/2018/28

Form 73 – Application to deal with a dispute about right of entry

Version 2

NOTICE is hereby given under section 142(4)(b) of the *Work Health and Safety Act 2011* to deal with a dispute.

BETWEEN

Nexus Delivery – Toowoomba Second Range Crossing Project

AND

Construction, Forestry, Mining and Energy Union (Queensland Branch) (WHS Entry Permit Holders: Steele, Pauls, Gibson, Stott, Albert, Seiffert, Desmond)

AND

The Regulator (Workplace Health Safety Queensland – Inspector Jason Plath)

Particulars of party making application to deal with the dispute:

Name	Nexus Delivery		
Title <i>(basis on which the application is made)(choose one of the following)</i>			
<input type="checkbox"/>	WHS permit holder		
<input type="checkbox"/>	Relevant union		
<input checked="" type="checkbox"/>	Relevant person conducting a business or undertaking		
<input type="checkbox"/>	Other person in relation to whom the WHS entry permit holder has exercised or purported to exercise the right of entry		
<input type="checkbox"/>	Another person affected by the exercise or purported exercise of the right of entry by a WHS entry permit holder		
<input type="checkbox"/>	The regulator		
Name of Contact person	Matthew Smith, solicitor for the applicant		
Direct phone number of contact person	[REDACTED]	Mobile	[REDACTED]
Email address of contact person	[REDACTED]		
Fax number	[REDACTED]		

Place where dispute exists:

Toowoomba Second Range Crossing

Subject matter of dispute (must include sufficient detail):

The applicant alleges that various WHS Permit Holders, on behalf of the Construction, Forestry, Mining and Energy Union (the CFMEU), have invalidly exercised their right of entry powers under the *Work Health and Safety Act 2011 (Qld) (the Act)*.

Between 9 February 2018 and 19 February 2018 twenty (20) Notice of Entry forms were issued to the applicant by various WHS Permit Holders, on behalf of CFMEU, under the purported power of s 117 of the Act (**the notices**).

The notices are invalid as they fail to sufficiently particularise the suspected contravention as to which the notice relates (Regulations 28 and 29 of the Work Health and Safety Regulations 2011 (Qld)).

The following notices are in dispute:

<u>WHS Entry Permit Holder</u>	<u>Date</u>	<u>Permit no.</u>
Kurt Pauls, Te Aranui Jock Martin Albert	9 February 2018	G04165
Justin William Steele	12 February 2018	G05017
Kurt Daniel Pauls	12 February 2018	G04166
Luke Gibson	12 February 2018	G03748
Luke Gibson	13 February 2018	G03749
Justin William Steele	13 February 2018	G05018
Kurt Daniel Pauls	13 February 2018	G04167
Anthony Lucas Stott	13 February 2018	G03907
Te Aranui Jock Martin Albert	14 February 2018	G04204
Beau Richard Seiffert	14 February 2018	G04203
Luke Gibson	14 February 2018	G05020
Justin William Steele	14 February 2018	G05019
Anthony Lucas Stott	14 February 2018	G03909
Luke Gibson	15 February 2018	G05022
Justin William Steele	15 February 2018	G05021
Marty Albert, Beau Seiffert	15 February 2018	G04205
Kurt Daniel Pauls	15 February 2018	G04169
Kurt Daniel Pauls	19 February 2018	G04172

Shaun James Desmond	19 February 2018	F02979
Beau Richard Seiffert, Te Aranui Jock Martin Albert	19 February 2018	G04206

Review of Inspector's decision

Pursuant to s 142A of the Act, in addition to dealing with the dispute with the CFMEU, the applicant also seeks a review of a decision made by a Workplace Health and Safety Queensland Inspector, Jason Plath.

On 19 February 2018, pursuant to s 141 of the Act, Inspector Plath was appointed by Workplace Health and Safety Queensland to determine whether the WHS Permit Holders had a right to enter the applicant's workplace. Mr Plath provided a written direction to the applicant to allow access to the CFMEU WHS Entry Permit Holders Kurt Pauls, Beau Seiffert, Marty Albert and Shaun Desmond under section 117 and 120 – permit numbers G04172, F02979 and G04206. The inspector provided the following written direction to the applicant:

I Jason Plath an inspector appointed under the Work Health and Safety Act 2011 on this day 19th February 2018 location Toowoomba Range Second Crossing Bridge 10 and 12 give a direction to FERROVIAL AGROMAN (Australia) Pty Ltd ABN: 98150520116 to allow access to CFMEU WHS Entry Permit Holders Kurt Pauls, Beau SEIFFERT, Marty ALBERT and Shaun DESMOND under section 117 and 120. Permit numbers G04172, F02979 and G04206.

A direction must provide the reasons why the inspector is reasonably satisfied about the right to enter(s 141A(3)(b)). The inspector failed to provide the reasons as to how he was satisfied the permit holders had a right to enter the workplace.

The industrial instrument affected is, OR the industry in which the dispute arose and/or type of work being undertaken at the place where the dispute arose:

Civil Construction – road works

Preferred location for [mediation/conciliation/arbitration]

Brisbane

Particulars of the other party to the dispute:

Organisation Construction, Forestry, Mining and Energy Union (Queensland Branch)
Phone number [REDACTED] **Fax number** [REDACTED]
Email address [REDACTED]
Name of contact person Michael Ravbar
Direct phone number of contact person [REDACTED] **Mobile**
Direct email address of contact person [REDACTED]

Organisation The Regulator – Workplace Health and Safety Queensland
Phone number [REDACTED] **Fax number**
Email address [REDACTED]
Name of contact person Simon Blackwood
Direct phone number of contact person [REDACTED] **Mobile**
Direct email address of contact person [REDACTED]

Organisation Inspector Jason Plath
Phone number [REDACTED] **Fax number**
Email address [REDACTED]
Name of contact person Jason Plath
Direct phone number of contact person [REDACTED] **Mobile** [REDACTED]
Direct email address of contact person [REDACTED]

Signature of person notifying the dispute

Signature



Name

Matthew Smith

Position/Capacity

Partner, Sparke Helmore Lawyers

Date

19 February 2018

WHS Entry Permit Holder NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: Karl Paul / The [unclear] Safety Albert

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: [Redacted]

Date of Entry or Proposed Entry: 9-2-18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:

(Who are the persons, how do they contravene the WHS Act, what area of the workplace is affected etc.)

1. SIGNAGE ROLL OVER
2. ACCESS - PORTALS TO WORKERS THROUGH OUT SITE
3. SAFE SYSTEMS OF WORK
4. EMERGENCY PLAN & REHEARSAL

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

1. SIGNAGE ROLL OVER, EMERGENCY PLAN & REHEARSAL
2. SAFE SYSTEMS OF WORK, PORTALS THROUGH OUT SITE
3. ACCESS PLAN, HEALTH & SAFETY

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.

WHS Entry Permit Holder's Signature

Penalties
 The maximum penalty for an individual for failure or refusal to comply is under s. 118 (1) (a) is \$10,000

No. **G 04165**

WHS Entry Permit Holder NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: JUSTIN WILLIAM STEELE

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOOWOOMBA SECOND LARGE CROSSING
NEXUS DELIVERY

Date of Entry or Proposed Entry: 12-2-18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

GENERAL WORKING ENVIRONMENT

ACCESS/EGRESS

AMENITIES

FALLING FROM HEIGHTS

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.

Signature: 

Penalties
The maximum penalty for an individual for failure or refusal to comply under s 118 (1) (b) is \$10,000.

No. **G 05017**

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: KURT DANIEL PAULS

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOOWOOMBA SECOND RANGE CROSSING
NEXUS DELIVERY.

Date of Entry or Proposed Entry: 12-2-18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

- * Access + Egress to work areas through out site
- * Safe systems of work
- * fall from heights, falling objects
- * Drinking water to work areas
- * unsafe failure to provide a safe place of work.
- * Unclean Ammenities (TOILETS, SMOKO/LUNCH SHEDS/FIRST AID.

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

- * SWMS, POLICIES, ANY IMPROVEMENT OR PROHIBITION
- NOTICES WRITTEN BY WHSQ.

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.

WHS Entry Permit Holder's Signature

Penalties
The maximum penalty for an individual for failure or refusal to comply under a 119 (1) (c) is \$10,000.

No. **G 04166**

WHS Entry Permit Holder NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: Luke Gibson

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOOWOOMBA Second Range
Crossing Nexus Delivery

Date of Entry or Proposed Entry: 12/12/18.

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

Plant & Equipment - Log books and Maintenance.

Safe work Procedures for High Risk activities

Scaffolding and Hand rails (Falls from Heights)

Amenities - Water and Grey Water Controls!

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.

Penalties
The maximum penalty for an individual for failure or refusal to comply under s.119 (1) (d) is \$10,000

No. **G 03748**

WHS Entry Permit Holder NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: Luke Gibson

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: Toowoomba Second Range Crossing Nexus Delivery

Date of Entry or Proposed Entry: 13/02/18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

Follow up on 12/02/18 117 Permit
Plants & Equipment - Logbooks and Maintenance
Failure to provide Safe Work environment
Scaffold
Accessories
Falls from Height
Access & Egress
Emergency Evacuation
Form work Systems. - Cranes

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

SWMS - Policy - Notices.

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of those workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.

Penalties
The maximum penalty for an individual for failure or refusal to comply under s 119 (1) (a) is \$10,000

No. **G 03749**

WHS Entry Permit Holder NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: JUSTIN WILLIAM STEELE

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOOWOOMBA SECOND RANGE CROSSING
NEXUS DELIVERY

Date of Entry or Proposed Entry: 13-2-18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117
Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

ACCESS/EGRESS

GENERAL WORKING ENVIRONMENT

FALLING FROM HEIGHTS

CONSULTATION

Additional - for entry under section 120
Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.

WHS Entry Permit Holder's signature

Penalties
The maximum penalty for an individual for failure or refusal to comply under s. 118 (1) (d) is \$10,000.

No. **G 05018**

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: KURT DANIEL PAULS

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOOLWOOMBA SECOND RANGE
CROSSING NEXUS DELIVERY

Date of Entry or Proposed Entry: 13 - 2 - 18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

- * Access & Egress to WORK AREAS THROUGHOUT SITE
- * Safe systems of work
- * fall from heights / falling objects
- * Unclean Ammunities
- * failure to provide a ~~full~~ safe workplace.
- * also CONCILIATION WITH WORKERS

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

SWMS, POLICIES, ANY IMPROVEMENT / PROHIBITION NOTICES
WHILE BY WHSQ

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.

Penalties
The maximum penalty for an individual for failure or refusal to comply under s 116 (1) (a) is \$10,000

No. **G** 04167



REGIONAL OFFICES
Darwin - Ph (08) 4261 5293
Townsville - Ph (07) 4766 8715

HEAD OFFICE
16 Campbell Street
Bowen Hills QLD 4006
Ph (07) 3231 4600
Fax (07) 3231 4690
online@cfmeu.org

WHS Entry Permit Holder
NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: ANTHONY LUCAS STOTT

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOOWOOMBA SECOND RANGE
CROSSING NEXUS DELIVERY

Date of Entry or Proposed Entry: 13/2/18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

- 1) ACCESS EGRESS TO WORK AREAS THROUGH OUT SITE
- 2) SAFE SYSTEMS OF WORK.
- 3) FALL FROM HEIGHTS/FALLING OBJECTS
- 4) AMMENATIES
- 5) FAILURE TO PROVIDE SAFE WORK PLACE.
- 6) NO COUSELTATION WITH WORKERS

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

SWMS, POLACIES, IMPROVEMENT/PROHABITION NOTICES

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.

Penalties
This maximum penalty for an individual for failure or refusal to comply under s.119 (1) (b) is \$10,000

No. G 03907

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: TE ARACU JONK MARTIN ALBANI

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOOWOOMBA SECOND RANGE CROSSING

Date of Entry or Proposed Entry: 14/2/18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

* ACCESS + EGRESS TO WORK AREAS.

* DELINEATION FROM RAILS + PEDESTRIANS.

* 2 FORMS OF ACCESS + EGRESS TO FORMWORK.

* NON COMPLIANT SCAFFOLD.

* EMERGENCY RESCUE PROCEDURES.

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

SWMS

ALL NOTICES WRITTEN INFRINGEMENTS BY WHSQ

HEAT STRESS POLICY

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
 - The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
 - The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- proposed to be inspected relate to that contravention.

[Redacted Signature]

WHS Entry Permit Holder's Signature

Penalties
The maximum penalty for an individual for failure or refusal to comply under s 118 (1)(d) is \$10,000.

No. **G 04204**

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: Ben RICHARD SEIFFERT

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOWLEWINDA SECOND RANGE CROSSING.

Date of Entry or Proposed Entry: 14/2/18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

- * ACCESS + EGRESS TO WORK AREAS
- * DELINEATION FROM PAVEMENT + PEDESTRIANS.
- * 2 FORMS OF ACCESS + EGRESS TO FORMWORK.
- * NON COMPLIANT SCAFFOLD.
- * EMERGENCY RESCUE PROCEDURES

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

- * SWIMS
- * ALL NOTICES / INFRINGEMENTS WRITTEN BY WHSQ.
- * HEAT STRESS POLICY.

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.

.....
WHS Entry Permit Holder's Signature

Penalties
The maximum penalty for an individual for failure or refusal to comply under s 118 (1) (a) is \$10,000

No. **G 04203**

WHS Entry Permit Holder NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: Luke Gibson

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: Townsville 2nd Range Crossing
Delivery

Date of Entry or Proposed Entry: 14/02/19

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

Falls from Height
Heat Stress Management
Emergency Evacuation Plan + Procedure
Safe Systems of Work (High risk tasks)

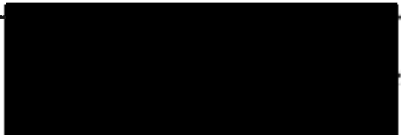
Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

Documents and policy and Notices from stay
before 13/2/18

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.



Penalties
The maximum penalty for an individual for failure to comply under s 119 (1) (f) is \$10,000

No. **G 05020**

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: JUSTIN WILLIAM STEELE

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOONDOOMBA SECOND RANGE CROSSING
NEXUS DELIVERY

Date of Entry or Proposed Entry: 14-2-18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

- ACCESS/EGRESS TO ALL AREAS.
- GENERAL WORKING ENVIRONMENT ON PIERS 9 AND BEYOND.
- EMERGENCY EVACUATION PROCEDURE FOR WORKS INSIDE COMPLETED REINFORCEMENT CAGE

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.

WHS Entry Permit Holder Signature

Penalties
The maximum penalty for an individual for failure or refusal to comply under s 119 (1) (b) is \$10,000.

No. **G 05019**

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: ANTHONY LUCAS STOTT

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOOWOOMBA 2ND RANGE CROSSING, NEXUS DELIVERY

Date of Entry or Proposed Entry: 14/2/18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional – for entry under section 117

Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

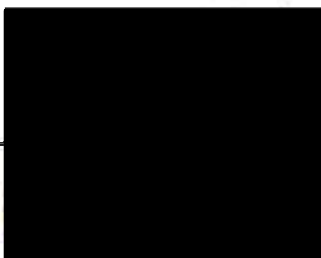
- * ACCESS/EGRESS THROUGHOUT SITE
- * SAFE SYSTEMS OF WORK
- * FALL FROM HEIGHTS
- * EMERGENCY RECOVERY OF INJURED WORKER
- * HEAT STRESS POLICY
- * SAFE WORK AREAS

Additional – for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

IMPROVEMENT / PROHIBITION NOTICES

Declaration:

 to represent the industrial interests of workers at this workplace.
The rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
The records proposed to be inspected related to workers the Union is entitled to represent.
The records proposed to be inspected relate to that contravention.

Penalties
The minimum penalty for an individual for failure or refusal to comply under s 119 (1) (a) is \$10 000.

No. **G 03909**

WHS Entry Permit Holder NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: Luke Gibson

Name of Union Represented: | Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
| Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOONDOOMBA Second Range
CROSSING Nexus Delivery

Date of Entry or Proposed Entry: 15/02/18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

Emergency Drill and Evacuation Flow Areas

Scaffolding

Falls from Height

Safe Systems of Work including low Risk

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

Notices from Work place Health and Safety

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.



Penalties
The maximum penalty for an individual for failure or refusal to comply under s 119 (1) (a) is \$70,000

No. **G 05022**

CFMEU

REGIONAL OFFICES
Darwin - Ph (08) 895 15250
Townsville - Ph (07) 4756 8715

HEAD OFFICE
16 Campbell Street
Bowen Hills, QLD 4006
Ph (07) 3231 4000
Fax (07) 3231 4699
info@cfmeu.org

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: JUSTIN WILLIAM STEELE

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOOWOOMBA SECOND RANGE CROSSING
Nexus Delivery

Date of Entry or Proposed Entry: 15-2-18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:

(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

ACCESS/EGRESS INSPECTION OF PIERS 1 TO PIER 9
HOUSE KEEPING
GENERAL WORKING ENVIRONMENT

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- [Redacted] to be inspected relate to that contravention.

Penalties
The maximum penalty for an individual for failure or refusal to comply under s. 118 (1) (a) is \$10 000

No. **G 05021**

WHS Entry Permit Holder NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: Marty Albert, Beau Serratt

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: Cambria Second Ring Crossing NEXUS

Date of Entry or Proposed Entry: 15/2/18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

- access and egress to all work areas.
- Emergency retrieval plan if it is effective = Training Competency
- Heat stress measures
- ~~TVG~~

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

- RTO RECORDS FOR EMERGENCY RETRIEVAL TRAINING
- ANY NOTICES WRITTEN BY WHSQ

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records or documents proposed to be inspected relate to that contravention.

[Redacted Signature]

WHS Entry Permit Holder's Signature

Penalties
The maximum penalty for an individual for failure or refusal to comply under a 119 (1) (a) is \$11,000.

No. **G 04205**

WHS Entry Permit Holder NOTICE OF ENTRY

Section 116 Work Health and Safety Act 2011 ("WHS Act")

Full Name of Entry Permit Holder:

Name of Union Represented: **Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union**

Name and Address of Workplace being entered:

2/25 KALKEBY

Date of Entry or Proposed Entry:

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:

(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

Address + Core

Safe systems

All from below

chickens

structure

structure

structure

structure

structure

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

See

See

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.

WHS Entry Permit Holder's Signature:

Position
This document generally has an effect only in the Territory of Queensland. See section 116(1)(b) of the WHS Act.

No. **G 001 183**

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: KURT DANIEL PAULS

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOOWOOMBA SECOND RANGE
CROSSING - NEXUS DELIVERY.

Date of Entry or Proposed Entry: 19-2-18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

- * Access & Egress to work areas through out site
- * Safe systems of work
- * supply of potable water to work areas
- * heat stress management / Policy
- * fall from heights / falling objects
- * house keeping

* TRAINING - MANUAL HANDLING, FIRE FIGHTING EQUIPMENT

* EMERGENCY EVAC / RESCUE

* Failure to provide a safe work place

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

* SWMS, POLICIES, ANY NOTICES (IMPROVEMENT OR PROHIBITION)
WRITTEN BY WHSQ.

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.

WHS Entry Permit Holder's Signature

Penalties
The maximum penalty for an individual for failure or refusal to comply under s.118 (1) (d) is \$10,000

No. **G** 04172



CFMEU
CONSTRUCTION
AND GENERAL
QLD/NT BRANCH

WHS Entry Permit Holder

NOTICE OF ENTRY

Full Name of Entry Permit Holder: SHAUN JAMES DESMOND

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees Queensland/The Federated Engine Drivers' and Firemen's Association of Queensland, Union of Employees

Name and Address of Workplace being entered: TOOWOOMBA SECOND RANGE
CROSSING - NEXUS DELIVERY

Date of Entry or Proposed Entry: 19.2.18

PURPOSE OF ENTRY:

Section 117 - To inquire into a suspected contravention of the WHS Act that relates to or affects a relevant worker.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:

- * ACCESS & EGRESS ALL AREAS
- * SUPPLY OF CLEAN COLD DRINKING WATER
- * HEAT STRESS MANAGEMENT / POLICY
- * FALL FROM HEIGHTS / FALLING OBJECTS
- * HOUSE KEEPING
- * TRAINING - MANUAL HANDLING, FIRE FIGHTING EQUIPMENT.
- * SAFE SYSTEMS OF WORK.
- * LIFT REGISTER FOR ALL LIFTING GEAR
- * ALL PLANT (SAFE WORKING ORDER)
- * FIRE EXTINGUISHERS IN CORRECT LOCATIONS

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.

W/ [Redacted Signature]

Penalties
The maximum penalty for an individual for failure or refusal to comply under s.118(1)(b) is \$10,000.

No. F02979

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: ^{RICHARD} BEAU SEIFFORT, ^{JEANINE JOCK MARTIN ALBERT} ~~ANABEL ALBERT~~

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOWNUMBA SECOND RANGE CROSSING

Date of Entry or Proposed Entry: 19/2/18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

INADEQUATE HEAT STRESS POLICY.

POOR HOUSEKEEPING.

ACCESS + EGRESS INTO ALL WORK AREAS.

LIFTING GEAR REGISTER.

FALL FROM HEIGHTS, FALLING ^{OBJECTS} HEIGHTS.

SUPPLY OF POTABLE, CLEAN DRINKING WATER (CHILLED) TO WORK AREAS.

EMERGENCY PROCEDURES.

UNHYGIENIC AMENITIES.

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

SWMS

ANY NOTICES WRITTEN BY WHS DEPARTMENT.

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records or documents proposed to be inspected relate to that contravention.

[Redacted Signature]
WHS Entry Permit Holder's Signature

Penalties
The maximum penalty for an individual for failure or refusal to comply under s 118 (1) (b) is \$10,000.

No. **G** 04206

INDUSTRIAL REGISTRAR

20 FEB 2018

QUEENSLAND



QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

NUMBER: WHS/2018/28

Form 73 – Amended Application to deal with a dispute about right of entry
Version 2

NOTICE is hereby given under section 142(4)(b) of the *Work Health and Safety Act 2011* to deal with a dispute.

BETWEEN

Nexus Delivery – Toowoomba Second Range Crossing Project

AND

Construction, Forestry, Mining and Energy Union (Queensland Branch) (WHS Entry Permit Holders: Steele, Pauls, Gibson, Stott, Albert, Seiffert, Desmond)

AND

The Regulator (Workplace Health Safety Queensland – Inspector Jason Plath)

Particulars of party making application to deal with the dispute:

Name	Nexus Delivery		
Title <i>(basis on which the application is made)(choose one of the following)</i>			
<input type="checkbox"/>	WHS permit holder		
<input type="checkbox"/>	Relevant union		
<input checked="" type="checkbox"/>	Relevant person conducting a business or undertaking		
<input type="checkbox"/>	Other person in relation to whom the WHS entry permit holder has exercised or purported to exercise the right of entry		
<input type="checkbox"/>	Another person affected by the exercise or purported exercise of the right of entry by a WHS entry permit holder		
<input type="checkbox"/>	The regulator		
Name of Contact person	Matthew Smith, solicitor for the applicant		
Direct phone number of contact person	[REDACTED]	Mobile	[REDACTED]
Email address of contact person	[REDACTED]		
Fax number	[REDACTED]		

Place where dispute exists:

Toowoomba Second Range Crossing

Subject matter of dispute (must include sufficient detail):

The applicant alleges that various WHS Permit Holders, on behalf of the Construction, Forestry, Mining and Energy Union (the CFMEU), have invalidly exercised their right of entry powers under the *Work Health and Safety Act 2011 (Qld) (the Act)*.

Between 9 February 2018 and ~~2019~~ February 2018 twenty (~~2021~~) Notice of Entry forms were issued to the applicant by various WHS Permit Holders, on behalf of CFMEU, under the purported power of s 117 of the Act (**the notices**).

The notices are invalid as they fail to sufficiently particularise the suspected contravention as to which the notice relates (Regulations 28 and 29 of the Work Health and Safety Regulations 2011 (Qld)).

The following notices are in dispute:

<u>WHS Entry Permit Holder</u>	<u>Date</u>	<u>Permit no.</u>
Kurt Pauls, Te Aranui Jock Martin Albert	9 February 2018	G04165
Justin William Steele	12 February 2018	G05017
Kurt Daniel Pauls	12 February 2018	G04166
Luke Gibson	12 February 2018	G03748
Luke Gibson	13 February 2018	G03749
Justin William Steele	13 February 2018	G05018
Kurt Daniel Pauls	13 February 2018	G04167
Anthony Lucas Stott	13 February 2018	G03907
Te Aranui Jock Martin Albert	14 February 2018	G04204
Beau Richard Seiffert	14 February 2018	G04203
Luke Gibson	14 February 2018	G05020
Justin William Steele	14 February 2018	G05019
Anthony Lucas Stott	14 February 2018	G03909
Luke Gibson	15 February 2018	G05022
Justin William Steele	15 February 2018	G05021
Marty Albert, Beau Seiffert	15 February 2018	G04205
Kurt Daniel Pauls	15 February 2018	G04169
Kurt Daniel Pauls	19 February 2018	G04172

Shaun James Desmond	19 February 2018	F02979
Beau Richard Seiffert, Te Aranui Jock Martin Albert	19 February 2018	G04206
<u>Beau Richard Seiffert</u>	<u>20 February 2018</u>	<u>G04209</u>

Review of Inspector’s decision

Pursuant to s 142A of the Act, in addition to dealing with the dispute with the CFMEU, the applicant also seeks a review of a decision made by a Workplace Health and Safety Queensland Inspector, Jason Plath.

On 19 February 2018, pursuant to s 141 of the Act, Inspector Plath was appointed by Workplace Health and Safety Queensland to determine whether the WHS Permit Holders had a right to enter the applicant’s workplace. Mr Plath provided a written direction to the applicant to allow access to the CFMEU WHS Entry Permit Holders Kurt Pauls, Beau Seiffert, Marty Albert and Shaun Desmond under section 117 and 120 – permit numbers G04172, F02979 and G04206. The inspector provided the following written direction to the applicant:

I Jason Plath an inspector appointed under the Work Health and Safety Act 2011 on this day 19th February 2018 location Toowoomba Range Second Crossing Bridge 10 and 12 give a direction to FERROVIAL AGROMAN (Australia) Pty Ltd ABN: 98150520116 to allow access to CFMEU WHS Entry Permit Holders Kurt Pauls, Beau SEIFFERT, Marty ALBERT and Shaun DESMOND under section 117 and 120. Permit numbers G04172, F02979 and G04206.

A direction must provide the reasons why the inspector is reasonably satisfied about the right to enter(s 141A(3)(b)). The inspector failed to provide the reasons as to how he was satisfied the permit holders had a right to enter the workplace.

The industrial instrument affected is, OR the industry in which the dispute arose and/or type of work being undertaken at the place where the dispute arose:

Civil Construction – road works

Preferred location for [mediation/conciliation/arbitration]

Brisbane

Particulars of the other party to the dispute:

Organisation	Construction, Forestry, Mining and Energy Union (Queensland Branch)		
Phone number	[REDACTED]	Fax number	[REDACTED]
Email address	[REDACTED]		
Name of contact person	Michael Ravbar		
Direct phone number of contact person	[REDACTED]	Mobile	
Direct email address of contact person	[REDACTED]		

Organisation	The Regulator – Workplace Health and Safety Queensland		
Phone number	[REDACTED]	Fax number	
Email address	[REDACTED]		
Name of contact person	Simon Blackwood		
Direct phone number of contact person	[REDACTED]	Mobile	
Direct email address of contact person	[REDACTED]		

Organisation	Inspector Jason Plath		
Phone number	[REDACTED]	Fax number	
Email address	[REDACTED]		
Name of contact person	Jason Plath		
Direct phone number of contact person	[REDACTED]	Mobile	0457 546 282
Direct email address of contact person	[REDACTED]		

Signature of person notifying the dispute

Signature



Name

Matthew Smith

Position/Capacity

Partner, Sparke Helmore Lawyers

Date

~~2019~~ February 2018

INDUSTRIAL REGISTRAR
23 FEB 2018
QUEENSLAND



QUEENSLAND INDUSTRIAL
RELATIONS COMMISSION

NUMBER: WHS/2018/28

Form 73 – Further Amended Application to deal with a dispute about right of entry
Version 2

NOTICE is hereby given under section 142(4)(b) of the *Work Health and Safety Act 2011* to deal with a dispute.

BETWEEN

Nexus Delivery – Toowoomba Second Range Crossing Project

AND

Construction, Forestry, Mining and Energy Union (Queensland Branch) (WHS Entry Permit Holders: Steele, Pauls, Gibson, Stott, Albert, Seiffert, Desmond)

AND

The Regulator (Workplace Health Safety Queensland – Inspector Jason Plath)

Particulars of party making application to deal with the dispute:

Name Nexus Delivery

Title (basis on which the application is made)(choose one of the following)

- WHS permit holder
- Relevant union
- Relevant person conducting a business or undertaking
- Other person in relation to whom the WHS entry permit holder has exercised or purported to exercise the right of entry
- Another person affected by the exercise or purported exercise of the right of entry by a WHS entry permit holder
- The regulator

Name of Contact person Matthew Smith, solicitor for the applicant

Direct phone number of contact person [REDACTED] Mobile [REDACTED]

Email address of contact person [REDACTED]

Fax number [REDACTED]

Place where dispute exists:

Toowoomba Second Range Crossing

Subject matter of dispute (must include sufficient detail):

The applicant alleges that various WHS Permit Holders, on behalf of the Construction, Forestry, Mining and Energy Union (the CFMEU), have invalidly exercised their right of entry powers under the *Work Health and Safety Act 2011 (Qld)* (the Act).

Between 9 February 2018 and 20 February 2018 ~~twenty-three (23)~~ twenty-three (23) Notice of Entry forms were issued to the applicant by various WHS Permit Holders, on behalf of CFMEU, under the purported power of s 117 of the Act (the notices).

The notices are invalid as they fail to sufficiently particularise the suspected contravention as to which the notice relates (Regulations 28 and 29 of the Work Health and Safety Regulations 2011 (Qld)).

The following notices are in dispute:

<u>WHS Entry Permit Holder</u>	<u>Date</u>	<u>Permit no.</u>
Kurt Pauls, Te Aranui Jock Martin Albert	9 February 2018	G04165
Justin William Steele	12 February 2018	G05017
Kurt Daniel Pauls	12 February 2018	G04166
Luke Gibson	12 February 2018	G03748
Luke Gibson	13 February 2018	G03749
Justin William Steele	13 February 2018	G05018
Kurt Daniel Pauls	13 February 2018	G04167
Anthony Lucas Stott	13 February 2018	G03907
<u>Te Aranui Jock Martin Albert</u>	<u>13 February 2018</u>	<u>G04202</u>
<u>Beau Richard Seiffert</u>	<u>13 February 2018</u>	<u>G04998</u>
Te Aranui Jock Martin Albert	14 February 2018	G04204
Beau Richard Seiffert	14 February 2018	G04203
Luke Gibson	14 February 2018	G05020
Justin William Steele	14 February 2018	G05019
Anthony Lucas Stott	14 February 2018	G03909
<u>Kurt Daniel Pauls</u>	<u>14 February 2018</u>	<u>G04168</u>
Luke Gibson	15 February 2018	G05022
Justin William Steele	15 February 2018	G05021

Marty Albert, Beau Seiffert	15 February 2018	G04205
Kurt Daniel Pauls	15 February 2018	G04169
<u>Anthony Stott</u>	<u>15 February 2018</u>	<u>G03910</u>
<u>Luke Gibson, Justin William Steele</u>	<u>15 February 2018 (no date provided on permit)</u>	<u>G05023</u>
<u>Luke Gibson</u>	<u>16 February 2018</u>	<u>G05025</u>
<u>Kurt Daniel Pauls</u>	<u>16 February 2018</u>	<u>G04170</u>
<u>Anthony Lucas Stott</u>	<u>16 February 2018</u>	<u>G03911</u>
<u>Justin William Steele</u>	<u>16 February 2018</u>	<u>G05024</u>
Kurt Daniel Pauls	19 February 2018	G04172
Shaun James Desmond	19 February 2018	F02979
Beau Richard Seiffert, Te Aranui Jock Martin Albert	19 February 2018	G04206
<u>Beau Richard Seiffert, Te Aranui Jock Martin Albert</u>	<u>19 February 2018</u>	<u>G04207</u>
Beau Richard Seiffert	20 February 2018	G04209
<u>Kurt Daniel Pauls</u>	<u>20 February 2018</u>	<u>G04173</u>
<u>Shaun James Desmond</u>	<u>20 February 2018</u>	<u>F02980</u>

Review of Inspector's decision

Pursuant to s 142A of the Act, in addition to dealing with the dispute with the CFMEU, the applicant also seeks a review of a decision made by a Workplace Health and Safety Queensland Inspector, Jason Plath.

On 19 February 2018, pursuant to s 141 of the Act, Inspector Plath was appointed by Workplace Health and Safety Queensland to determine whether the WHS Permit Holders had a right to enter the applicant's workplace. Mr Plath provided a written direction to the applicant to allow access to the CFMEU WHS Entry Permit Holders Kurt Pauls, Beau Seiffert, Marty Albert and Shaun Desmond under section 117 and 120 – permit numbers G04172, F02979 and G04206. The inspector provided the following written direction to the applicant:

I Jason Plath an inspector appointed under the Work Health and Safety Act 2011 on this day 19th February 2018 location Toowoomba Range Second Crossing Bridge 10 and 12 give a direction to FERROVIAL AGROMAN (Australia) Pty Ltd ABN: 98150520116 to allow access to CFMEU WHS Entry Permit Holders Kurt Pauls, Beau SEIFFERT, Marty ALBERT and Shaun DESMOND under section 117 and 120. Permit numbers G04172, F02979 and G04206.

A direction must provide the reasons why the inspector is reasonably satisfied about the right to enter(s 141A(3)(b)). The inspector failed to provide the reasons as to how he was satisfied the permit holders had a right to enter the workplace.

The industrial instrument affected is, OR the industry in which the dispute arose and/or type of work being undertaken at the place where the dispute arose:

Civil Construction – road works

Preferred location for [mediation/conciliation/arbitration]

Brisbane

Particulars of the other party to the dispute:

Organisation Construction, Forestry, Mining and Energy Union (Queensland Branch)

Phone number [REDACTED] **Fax number** [REDACTED]

Email address [REDACTED]

Name of contact person Michael Ravbar

Direct phone number of contact person [REDACTED] **Mobile**

Direct email address of contact person [REDACTED]

Organisation The Regulator – Workplace Health and Safety Queensland

Phone number [REDACTED] **Fax number**

Email address [REDACTED]

Name of contact person Simon Blackwood

Direct phone number of contact person [REDACTED] **Mobile**

Direct email address of contact person [REDACTED]

Organisation Inspector Jason Plath

Phone number [REDACTED] **Fax number**

Email address [REDACTED]

Name of contact person Jason Plath

Direct phone number of contact person [REDACTED] **Mobile** [REDACTED]

Direct email address of contact person [REDACTED]

Signature of person notifying the dispute

Signature 

Name Matthew Smith

Position/Capacity Partner, Sparke Helmore Lawyers

Date ~~2320~~ February 2018

CPMCO

WHS Entry Permit Holder NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: Mr Paul James Anderson

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: CPMCO Pty Ltd 57 2273 BROADWAY
MELBOURNE VIC 3007

Date of Entry or Proposed Entry: 9-2-18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

1. Unsafe Work Area

2. Unsafe Work Area - Unexcused Absence

3. Unsafe Work Area - Unexcused Absence

4. Unsafe Work Area - Unexcused Absence

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected

1. Employee records - Unexcused Absence

2. Employee records - Unexcused Absence

3. Employee records - Unexcused Absence

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2
- The records or documents proposed to be inspected related to workers the Union is entitled to represent
- The records and documents proposed to be inspected relate to that contravention.

[Redacted Signature]

WHS Entry Permit Holder's Signature

Penalties
The maximum penalty for an individual for failure to comply with s 114 (1) is a \$10,000

No **G 4185**



REGIONAL OFFICES
Darwin - Ph (08) 8981 3260
Townsville - Ph (07) 4786 8745

HEAD OFFICE
18 Macquarie Street
Brisbane QLD 4000
Ph (07) 3231 4600
Fax (07) 3231 4699
antiquanos@cfmeu.org

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: JUSTIN WILLIAM STEELE

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOOWOOMBA SECOND LARGE CROSSING
NEWS DELIVERY

Date of Entry or Proposed Entry: 12-2-15

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
 Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117
Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)
GENERAL WORKING ENVIRONMENT
ACCESS/EGRESS
AMENITIES
FALLING FROM HEIGHTS

Additional - for entry under section 120
Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

Declaration:
The above Union is entitled to represent the industrial interests of workers at this workplace.
The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
The records or documents proposed to be inspected related to workers the Union is entitled to represent.
The records and documents proposed to be inspected relate to that contravention.

Signature

Penalties
The maximum penalty for an individual for failure or refusal to comply under a 119 (1) (a) is \$10,000.

No. G 05017



REGIONAL OFFICES
Darwin (08) 4961 5780
Townsville Ph (07) 4766 8216

HEAD OFFICE
167 Cairns Road
Bowen Hills QLD 4006
Ph (07) 3237 4600
Fax (07) 3237 4699
qldqueens@cfmeu.org

WHS Entry Permit Holder
NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: KURT DANIEL PAULS

Name of Union Represented: | Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
| Construction, Forestry, Mining and Energy Union.

Name and Address of Workplace being entered: TOOWOOMBA SECOND RANGE CROSSING
NEXUS DELIVERY.

Date of Entry or Proposed Entry: 12-2-18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117
Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

* Access + Egress to work areas through out site
* Safe systems of work
* fall from heights, falling objects
* Drinking water to work areas
* unsafe failure to provide a safe place of work.
* Unclean Ammenities (TOILETS, SMOKE/LUNCH SHEDS/FIRST AID.

Additional - for entry under section 120
Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

* SWMS, POLICIES, ANY IMPROVEMENT OR PROHIBITION
NOTICES WRITTEN BY WHSR.

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.

.....
WHS Entry Permit Holder's Signature

Penalties
The maximum penalty for an individual for failure or refusal to comply under s 118 (1) is \$10 000

No. **G 04166**

CFMEU

REGIONAL OFFICES
Darwin - Ph (08) 2581 5201
Townsville - Ph (07) 4766 8716

HEAD OFFICE
10 Campbell Street
Bowen Hills QLD 4006
Ph (07) 3231 4600
Fax (07) 3231 4699
qof@cfmeu.com.au

WHS Entry Permit Holder NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: Luke Gibson

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOOWOOMBA Second Range
Crossing Nexus Delivery

Date of Entry or Proposed Entry: 12/2/18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117
 Details of the suspected contravention to which this notice relates:
 (What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

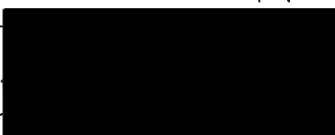
Plant & Equipment - Log books and Maintenance
Safe work Procedures for High Risk activities
Scaffolding and Hand rails (Falls from Heights)
Amenities - Water and Grey Water Controls

Additional - for entry under section 120
 Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.

WHS



Penalties
The maximum penalty for an individual for failure or refusal to comply under s 118 (1) (c) is \$10,000

No. **G 03748**

CFMEU

REGIONAL OFFICES
Darwin - Ph (08) 0941 5250
Townsville - Ph (07) 4786 8715

HEAD OFFICE
17 Campbell Street
Browns Hill QLD 4108
Ph (07) 3231 4000
Fax (07) 3231 4000
qld@cfmeu.com.au

WHS Entry Permit Holder NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: Luke Gibson

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: Topwoomba Second Range
Crossing Nexus Delivery

Date of Entry or Proposed Entry: 13/02/18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117
Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

Follow up on 12/02/18 117 Permit

Plants & Equipment - Logbooks and Maintenance

Failure to provide Safe Work environment

Scaffolding

Accessories

Falls from Height

Access & Egress

Emergency Evacuation

Formwork Systems - Cranes

Additional - for entry under section 120
Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

SWMS - Policy - Notices

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.



Penalties
The maximum penalty for an individual for failure or refusal to comply under s 118 (1) (a) is \$10,000.

No. **G 03749**



REGIONAL OFFICES
Darwin Ph (08) 0981 3200
Townsville Ph (07) 4766 8715

HEAD OFFICE
16 Campbell Street
Brisbane Hills Qld 4006
Ph (07) 3231 4600
Fax (07) 3231 4099
qatquiries@cfmeu.org

**WHS Entry Permit Holder
NOTICE OF ENTRY**

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: JUSTIN WILLIAM STEELE

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOOWOOMBA SECOND RANGE CROSSING
NEXUS DELIVERY

Date of Entry or Proposed Entry: 13-2-18

PURPOSE OF ENTRY:

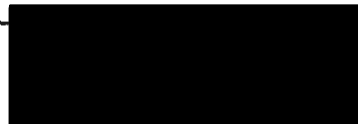
- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117
 Details of the suspected contravention to which this notice relates:
 (What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

<u>ACCESS/EGRESS</u>
<u>GENERAL WORKING ENVIRONMENT</u>
<u>FALLING FROM HEIGHTS</u>
<u>CONSULTATION</u>

Additional - for entry under section 120
 Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

- Declaration:**
- The above Union is entitled to represent the industrial interests of workers at this workplace.
 - The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
 - The records or documents proposed to be inspected related to workers the Union is entitled to represent.
 - The records and documents proposed to be inspected relate to that contravention.



Penalties
The maximum penalty for an individual for failure to
comply under s.118 (1) is \$16,000

No. **G 05018**

CFMEU

REGIONAL OFFICES
Bulawayo: Ph (051) 001 5200
Tlokweng: Ph (07) 4766 8116

HEAD OFFICE
16 Campbell Street
Bowen Hills, QLD 4006
Ph (07) 3231 4600
Fax (07) 3231 4600
info@cfmeu.org.au

WHS Entry Permit Holder NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: KURT DANIEL PAULS

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOOLOOMBA SECOND RANGE
CROSSING NEXUS DELIVERY

Date of Entry or Proposed Entry: 13-2-18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

- * Access + Egress to WORK AREAS THROUGH OUT SITE
- * Safe systems of work
- * fall from heights/falling objects
- * Unclean Ammenities
- * failure to provide a safe workplace
- * NO CONSULTATION WITH WORKERS

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

* SWMS, POLICIES, ANY IMPROVEMENT / PROHIBITION NOTICES
WRITTEN BY WHSQ

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.

Signature

Penalties
The maximum penalty for an individual for failure or refusal to comply under s 118 (1) (b) is \$10,000

No. **G 04167**



REGIONAL OFFICES
Brisbane Ph (07) 4766 8280
Townsville Ph (07) 4766 8215

HEAD OFFICE
16 Campbell Street
Brisbane QLD 4000
Ph (07) 3231 4000
Fax (07) 3231 4029
enquiries@cfmeu.org

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: ANTHONY LUCAS STOTT

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOOWOOMBA SECOND RANGE
CROSSING NEXUS DELIVERY

Date of Entry or Proposed Entry: 13/2/18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional – for entry under section 117

Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

- 1) ACCESS EGRESS TO WORK AREAS THROUGH OUT SITE
- 2) SAFE SYSTEMS OF WORK.
- 3) FALL FROM HEIGHTS/FALLING OBJECTS
- 4) AMMENATIES
- 5) FAILURE TO PROVIDE SAFE WORK PLACE.
- 6) NO CONSELTATION WITH WORKERS

Additional – for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

SWMS, POLACIES, IMPROVEMENT/PROHABITIONAL NOTICES

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- [Redacted] proposed to be inspected relate to that contravention.

Penalties
The maximum penalty for an individual for failure or refusal to comply under s.118 (1) (d) is \$10,000

No. **G 03907**



REGIONAL OFFICES
Brisbane: (07) 3254 1222
Townsville: (07) 4721 2122

HEAD OFFICE
15 Campbell Street
Brisbane QLD 4000
Tel: (07) 3254 1000
Fax: (07) 3254 1001
enquiry@cfmeu.org.au

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: IE Aronau Jack Martin Albert

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: Barrowfield Second Range

Date of Entry or Proposed Entry: Crossing NEXUS
13/2/18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117
Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

- Access and Egress all work areas.
- on dead amenities
- Emergency Rescue Procedures.
- No consultation with workers
- Fall from Heights.
- Rigging Gear Register

Additional - for entry under section 120
Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

Shifting
only Notices written by WHSQ.

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.


WHS Entry Permit Holder's Signature

Penalty
The maximum penalty for an individual for failure or refusal to comply under s 119(1) (b) is \$18,000.

No. © 04202



REGIONAL OFFICES
 Brisbane, Gold Coast, Mackay, Cairns
 Townsville, Ingham, Mackay, QLD

HEAD OFFICE
 10 Campbell Street
 Brisbane Queensland
 4000
 Tel: 07 321 1000
 Fax: 07 321 1001
 www.cfmeu.org.au

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: BEAU RICHARD SEIFFERT

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
 Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOOMBOOMBA SECOND RANGE CROSSING.

Date of Entry or Proposed Entry: 13/2/18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:
 (What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

- * ACCESS + EGRESS TO ALL WORK AREAS
- * UNHYGIENIC AMENITIES.
- * EMERGENCY RESCUE PROCEDURES / EVACUATION DRILL
- * NO CONSULTATION WITH WORKERS
- * FALL FROM HEIGHTS
- * FAILURE TO PROVIDE A SAFE WORKPLACE
- * RIGGING GEAR REGISTER.

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

- SWMS
- ANY NOTICES WRITTEN BY WHSQ

Declaration:

- The above Union is entitled to represent the Industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the Industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.

WHS Entry Permit Holder's Signature

Penalties
 The maximum penalty for an individual for failure to
 comply under s.118 (1) (a) is \$10,000

No. 04998



REGIONAL OFFICES
Dunedin: Ph (03) 476 8715
Townsville: Ph (07) 4766 8715

HEAD OFFICE
18 Campbell Street
Brisbane QLD 4000
Ph (07) 3233 4000
Fax (07) 3233 4099
enquiries@cfmeu.org

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: TE ARANGI JOAK MARTIN ALBON

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOOWOOMBA SECOND RANCE CROSSING

Date of Entry or Proposed Entry: 14/2/18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117
Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

- * ACCESS + EGRESS TO WORK AREAS.
- * DECLINATION FROM PLANS + PEDESTRIANS.
- * 2 FORMS OF ACCESS + EGRESS TO FORMWORK.
- * NON COMPLIANT SCAFFOLD.
- * EMERGENCY RESCUE PROCEDURES.

Additional - for entry under section 120
Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

- SWMS
- ALL NOTICES WRITTEN INFRINGEMENTS BY WHSQA
- HEAT STRESS POLICY

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records or documents proposed to be inspected relate to that contravention.

.....
WHS Entry Permit Holder's Signature

Penalties
The maximum penalty for an individual for failure or refusal to comply under s 118 (1) (a) is \$10,000

No. G 04204



REGIONAL OFFICES
Darwin Ph (08) 4931 1380
Townsville Ph (07) 4786 0215

HEAD OFFICE
10, Campbell Street
Brisbane QLD 4000
Ph (07) 3231 4900
Fax (07) 3231 4699
qsl@cmefu.org.au

**WHS Entry Permit Holder
NOTICE OF ENTRY**

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: BEAU RICHARD SEIFFERT

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOOLBOMBA SECOND RANGE CROSSING

Date of Entry or Proposed Entry: 14/2/18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117
Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

- * ACCESS + EGRESS TO WORK AREAS
- * DELINEATION FROM PUNT + PEDESTRIANS.
- * 2 FORMS OF ACCESS + EGRESS TO FORMWORK.
- * NON COMPLIANT SCAFFOLD.
- * EMERGENCY RESCUE PROCEDURES

Additional - for entry under section 120
Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

- * SWIMS
- * ALL NOTICES / INFRINGEMENTS WRITTEN BY WHSQ
- * HEAT STRESS POLICY.

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the Industrial Interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.

.....
WHS Entry Permit Holder's Signature

Penalties
The maximum penalty for an individual for failure or refusal to comply under s 118 (1) (a) is \$10,000

No. G 04203

CFMEU

REGIONAL OFFICES
Darwin Ph (08) 8981 5201
Townsville Ph (07) 4760 8715

HEAD OFFICE
10 Campbell Street
Bowen Hills QLD 4
Ph (07) 3211 4000
Fax (07) 3231 4691
enquiries@cfmeu.org.au

WHS Entry Permit Holder NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: Luke Gibson

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: Toowoomba 2nd Range Crossing
Delivery

Date of Entry or Proposed Entry: 14/02/19

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117
Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

Falls from Height
Heat Stress Management
Emergency Evacuation Plan + Procedure
Safe Systems of Work (High risk tasks)

Additional - for entry under section 120
Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

Documents and policy and Notices from stay
before 13/2/19

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.



Penalties
The maximum penalty for an individual for failure or refusal to comply under s.119 (1) (d) is \$10,000

No. **G 05020**

CFMEU

REGIONAL OFFICES
Dunwich - Ph (07) 4766-8159
Townsville - Ph (07) 4766-8159

HEAD OFFICE
100 Victoria Road
B. West Hills QLD 4006
Ph (07) 4731 6600
Fax (07) 4731 4699
info@cfmeu.com.au

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: JUSTIN WILLIAM STEELE

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOOWOOMBA SECOND RANGE CROSSING
NEXUS DELIVERY

Date of Entry or Proposed Entry: 14-2-18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

- ACCESS / EGRESS TO ALL AREAS.
- GENERAL WORKING ENVIRONMENT ON PIERS 9 AND Beyond.
- EMERGENCY EVACUATION PROCEDURE FOR WORKS INSIDE COMPLETED REINFORCEMENT CAGE

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.

WHS Entry Permit Holder Signature

Penalties
The maximum penalty for an individual for failure or refusal to comply under s 119 (1) (a) is \$10,000

No. **G 05019**

CFMEU

REGIONAL OFFICES

Dist. 11 130 0700 1200
Townsville 11 171 4765 715

HEAD OFFICE

150 Campbell Street
Brisbane QLD 4000
Ph: 121 469
Fax: 1 231 169
notqca@cfmeu.com.au

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: ANTHONY LUCAS STOTT

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOOWOOMBA 2ND RANGE,
CROSSING, NEXUS DELIVERY

Date of Entry or Proposed Entry: 14/2/18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

- * ACCESS/EGRESS THROUGHOUT SITE
- * SAFE SYSTEMS OF WORK
- * FALL FROM HEIGHTS
- * EMERGENCY RECOVERY OF INJURED WORKER
- * HEAT STRESS POLICY
- * SAFE WORK AREAS

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

IMPROVEMENT / PROHIBITION NOTICES

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provisions of the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records proposed to be inspected related to workers the Union is entitled to represent.
- The records proposed to be inspected relate to that contravention.

Signature: _____

Penalties
The maximum penalty for an individual for failure or refusal to comply under s 119 (1) (d) is \$10,000

No. **G 03909**



REGIONAL OFFICES
Brisbane - PH (07) 8391 5250
Townsville - PH (07) 4765 0715

HEAD OFFICE
15 Campbell Street
Brisbane QLD 4000
Ph (07) 3231 1600
Fax (07) 3231 4699
info@cfmeu.com

WHS Entry Permit Holder
NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: Kurt Daniel Pauls

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOOWOOMBA SECOND RANGE CROSSING
NEXUS DELIVERY

Date of Entry or Proposed Entry: 14-7-18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

- * Access & Egress to WORK AREAS THROUGH OUT SITE.
- * Safe systems of work.
- * Fall from heights/falling objects
- * Unclean Amenities
- * Failure to provide a safe work place
- * NO CONSULTATION WITH WORKERS
- * ~~Heat~~ Heat stress management.
- * Emergency Evac + Retrieval.

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

- * SWMS, POLICIES, ANY IMPROVEMENT / PROHIBITION NOTICES
- * WRITTEN BY WHSQ & EMERGENCY EVAC + RETRIEVAL.

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.

WHS Entry Permit Holder's Signature

Penalties
The maximum penalty for an individual for failure or refusal to comply under s 118 (1) (d) is \$10,000.

No. 04168

CFMEU

REGIONAL OFFICES
Brisbane - Ph (07) 8983 3250
Townsville - Ph (07) 4766 8745

HEAD OFFICE
10 Clarendon Street
Bowen Hills QLD 4006
Ph (07) 3211 1100
Fax (07) 3211 4699
info@cfmeu.org.au

WHS Entry Permit Holder NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: Luke Gibson

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOONDOOMBA Second Range
CROSSING Nexus Delivery

Date of Entry or Proposed Entry: 15/02/18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117
Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

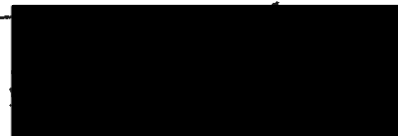
Emergency Drill and Evacuation From Areas
Scaffolding
Falls from Height
Safe Systems of Work including low risk

Additional - for entry under section 120
Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

Notices from Work place Health and Safety:

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.



Penalties
The maximum penalty for an individual for failure or refusal to comply under s 119 (1) (d) is \$10,000

No. **G 05022**



REGIONAL OFFICES
Dunwich Phone (07) 4608715
Townsville Phone (07) 4608715

HEAD OFFICE
170 George Street
Edward Hills QLD 4006
PH: (07) 3231 4000
Fax: (07) 3231 4099
qnt@cfmeu.org.au

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: JUSTIN WILLIAM STEELE

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOONDOOMBA SECOND RANGE CROSSING
NEWS DELIVERY

Date of Entry or Proposed Entry: 15-2-18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

ACCESS/EGRESS INSPECTION OF PIERS 1 TO PIER 9
HOUSE KEEPING
GENERAL WORKING ENVIRONMENT

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.

WHS [Redacted]

Penalties
The maximum penalty for an individual for failure or refusal to comply under s.118 (1) (c) is \$10,000

No. **G 05021**

CFMEU

REGIONAL OFFICES
Dunya Ph (0) 6961 5250
Townsville Ph (07) 4765 8715

HEAD OFFICE
10 Campbell Street
Bowen Hills QLD 4306
Ph (07) 3231 1690
Fax (07) 3231 4699
qntquiries@cfmeu.org

WHS Entry Permit Holder NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: Mary Albert, Beau Sargent

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: Wombamba Second Range
Crossing NEXUS

Date of Entry or Proposed Entry: 15/2/18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117
Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

- Access and Egress to all work areas
- Emergency retrieval plan if it is effective = Training Competency
- Heat stress measures
- Training

Additional - for entry under section 120
Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

RTO RECORDS FOR EMERGENCY RETRIEVAL TRAINING
ANY NOTICES WRITTEN BY WHSQ

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.

WHS Entry Permit Holder's Signature

Penalties
The maximum penalty for an individual for failure or refusal to comply under a 119 (1)(a) is \$10,000

No. **G 04205**



REGIONAL OFFICES
Darwin - Ph (08) 8901 5260
Townsville - Ph (07) 4700 8715

HEAD OFFICE
16 Campbell Street
Bowen Hills QLD 4300
Ph (07) 3251 4000
Fax (07) 3251 4091
qld@cfmeu.org.au

**WHS Entry Permit Holder
NOTICE OF ENTRY**

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: KURT DANIEL PAULS

Name of Union Represented: | Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOOWOOMBA SECOND RANGE CROSSING
NEXUS DELIVERY

Date of Entry or Proposed Entry: 15-2-18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

- * Access + Egress to work area through out site
- * Safe systems of work.
- * fall from heights/falling objects
- * unclean Amenities
- * Failure to provide a safe work place
- * Failure to consult with workers
- * Emergency Evac + rescue
- * PUMP OUT RIGGERS RAISING OFF GROUND.

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

- * SWMS, POLICIES, ANY IMPROVEMENT OR PROHIBITION WRITTEN BY WHSQ

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.

WHS Entry Permit Holder's Signature

Penalties
The maximum penalty for an individual for failure or refusal to comply under s 118 (1) (d) is \$10,000

No. **G** 04169



REGIONAL OFFICES
Darwin - Ph. 08 5931 5281
Townsville - Ph. 07 4766 6719

HEAD OFFICE
16 Campbell Street
Bower Hills QLD 4806
Ph. (07) 5231 4882
Fax (07) 5231 4899
mlh@cfmeu.org

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: ANTHONY LUCAS STOTT

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOOWOOMBA 2ND CROSSING
RANCE NEXUS DELIVERY

Date of Entry or Proposed Entry: 15/2/18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117
Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

- * ACCESS FORESS THROUGHOUT SITE
- * SAFE WORK SYSTEMS
- * EMERGENCY RECOVERY OF INJURED WORKER
- * SAFE WORK AREAS
- * AMENITIES FOR WORKERS

Additional - for entry under section 120
Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

IMPROVEMENT NOTICES / PROHIBITIONAL NOTICES.

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in [redacted] rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or [redacted] proposed to be inspected related to workers the Union is entitled to represent.
- [redacted] proposed to be inspected relate to that contravention.

Penalties
The maximum penalty for an individual for failure or refusal to comply under a 518 (1) (a) is \$10,000

No. G 03910

CFMEU

REGIONAL OFFICES:
Brisbane - 1111 St Johns Rd
Townsville - 1111 St Johns Rd

HEAD OFFICE:
1111 St Johns Rd
Brisbane QLD 4000
Tel: 07 3211 1111
Fax: 07 3211 1111
www.cfmeu.com.au

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: Luke Gibson, Justin William Steele

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: Abutment B Nexus

Delivery
Date of Entry or Proposed Entry:

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

Access + Egress
Premises
Scaffolding

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.

WHS

Penalties
for an individual for failure or
omission under s 118 (1) (b) \$10,000

No. **G 05023**

CFMEU

REGIONAL OFFICES

HEAD OFFICE

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: Luke Gibson

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: Tandomba Second Range
Crossing Nexus Delivery

Date of Entry or Proposed Entry: 16/02/18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

Traffic Control
Emergency Escape Route

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.

Penalties
The maximum penalty for an individual for failure or refusal to comply under s.118 (1), (4) is \$10,000.

No. 18/00000000



REGIONAL OFFICES
Draughton Ph (08) 9961 5280
Townsville Ph (07) 4766 5717

HEAD OFFICE
16 Campbell Street
Brisbane Hills QLD 4005
Ph (07) 3 31 4500
Fax (07) 3231 4599
enquiries@cfmeu.org

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: KURT DANIEL PAULS

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOOWOODINGA SECOND RANGE
CROSSING - NEXUS DELIVERY

Date of Entry or Proposed Entry: 16-2-18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117
Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

* Access + Egress to work areas through out site

* Swms safe systems of work.

* failure to consult with workers.

* fall from heights / falling objects

Additional - for entry under section 120
Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

swms, POLICIES, ANY IMPROVEMENT / PROHIBITION NOTICES

WRITTEN BY WHSQ.

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.

WHS Entry Permit Holder's Signature

Penalties
The maximum penalty for an individual for failure or refusal to comply under s 118 (1) (a) is \$10,000

No. G 04170

CFMEU

REGIONAL OFFICES
Darwin - Ph (08) 8981 5230
Townsville - Ph (07) 4766 9715

HEAD OFFICE
16 Campbell Street
Epping - NSW - QLD 4000
Ph (07) 7351 4324
Fax (07) 7321 4580
enquiries@cfmeu.org

WHS Entry Permit Holder NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: ANTHONY LUCAS STOTT

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOOWOOMBA 2ND RANGE CROSSING
NEXUS DELIVERY

Date of Entry or Proposed Entry: 16/2/18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117
Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

* ACCESS EGRESS

* DOCUMENTS AS REQUESTED 14/2 AND 15/2.

Additional - for entry under section 120
Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

* DOCUMENTS AS REQUESTED / SWIMS AMENDMENTS

- Declaration:**
- The above Union is entitled to represent the industrial interests of workers at this workplace.
 - The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
 - The records or documents proposed to be inspected related to workers the Union is entitled to represent.
 - The records and documents proposed to be inspected relate to that contravention.

Penalties
The maximum penalty for an individual for failure or refusal to comply under s 119 (1) (d) is \$10,000

No. G 03911



REGIONAL OFFICES

HEAD OFFICE

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: JUSTIN WILLIAM STEELE

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOOWOOMBA SECOND RANGE CROSSING NEXUS DELIVERY

Date of Entry or Proposed Entry: 16-2-18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates: (What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

ACCESS/EGRESS

SIGNAGE

GENERAL WORKING ENVIRONMENT

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
The records or documents proposed to be inspected related to workers the Union is entitled to represent.
The records and documents proposed to be inspected relate to that contravention.

WHS Entry

Penalty: The maximum penalty for a person who fails to comply with s 119 (1) (a) is \$10,000

No. 05024



REGIONAL OFFICES
 Darwin - Ph (08) 8951 3240
 Townsville - Ph (07) 4766 6715

HEAD OFFICE
 16 Campbell Street
 Bowen Hills QLD 4006
 Ph (07) 3254 3600
 Fax (07) 3254 3681
 qld@cfmeu.org.au

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: KURT DANIEL PAULS

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
 Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOOWOOMBA SECOND RANGE CROSSING - NEXUS DELIVERY.

Date of Entry or Proposed Entry: 19-2-18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117	
Details of the suspected contravention to which this notice relates: (What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)	
* Access & Egress to work areas through out site	
* Safe systems of work	
* supply of potable water to work areas	
* heat stress management/Policy	
* fall from heights/falling objects	
* house keeping	
* TRAINING - MANUAL HANDLING, FIRE FIGHTING EQUIPMENT.	
* EMERGENCY EVAC/RESCUE	
* Failure to provide a safe work place.	
Additional - for entry under section 120	
Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.	
* SWMS, POLICIES, ANY NOTICES (IMPROVEMENT OR PROHIBITION) WRITTEN BY WHSQ.	
Declaration:	
<input checked="" type="checkbox"/>	The above Union is entitled to represent the industrial interests of workers at this workplace.
<input checked="" type="checkbox"/>	The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
<input checked="" type="checkbox"/>	The records or documents proposed to be inspected related to workers the Union is entitled to represent.
<input checked="" type="checkbox"/>	The records and documents proposed to be inspected relate to that contravention.

WHS Entry Permit Holder's Signature

Penalties
 The maximum penalty for an individual for failure or refusal to comply under s 118 (1) (d) is \$10,000

No. G 04172

AR



CFMEU
CONSTRUCTION
AND GENERAL
QLD/NT BRANCH

WHS Entry Permit Holder

NOTICE OF ENTRY

Full Name of Entry Permit Holder: SHAUN JAMES DESMOND

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees Queensland/The Federated Engine Drivers' and Firemen's Association of Queensland, Union of Employees

Name and Address of Workplace being entered: TOOWOOMBA SECOND RANGE CROSSING - NEXUS DELIVERY

Date of Entry or Proposed Entry: 19.2.18

PURPOSE OF ENTRY:

Section 117 - To inquire into a suspected contravention of the WHS Act that relates to or affects a relevant worker.

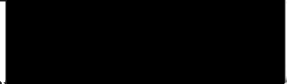
Additional - for entry under section 117
 Details of the suspected contravention to which this notice relates:

- * ACCESS & EGRESS ALL AREAS
- * SUPPLY OF CLEAN (COLD) DRINKING WATER
- * HEAT STRESS MANAGEMENT / POLICY
- * FALL FROM HEIGHTS / FALLING OBJECTS
- * HOUSE KEEPING
- * TRAINING - MANUAL HANDLING, FIRE FIGHTING EQUIPMENT.
- * SAFE SYSTEMS OF WORK.
- * LIFT REGISTER FOR ALL LIFTING GEAR
- * ALL PLANT (SAFE WORKING ORDER)
- * FIRE EXTINGUISHERS IN CORRECT LOCATIONS

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.

WHS Entry Permit Holder Signature



Penalties
 The maximum penalty for an individual for failure or refusal to comply under s.118 (1) (b) is \$10,000.

No. F02979

CFMEU

REGIONAL OFFICES
 Brisbane - Ph (07) 8991 5280
 Townsville - Ph (07) 4766 9715

HEAD OFFICE
 16 Campbell Street
 Bowen Hills - QLD 4006
 Ph (07) 325 1000
 Fax (07) 325 4099
 email: hqs@cfmeu.org.au

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: ^{RICHARD} ~~MARK~~ ALBERT ^{JEFFREY} JACKSON ^{ALBERT} ALBERT

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
 Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOWNUMBA SECOND RANGE CROSSING

Date of Entry or Proposed Entry: 19/2/18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:

(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

INADEQUATE HEAT STRESS POLICY.

POOR HOUSEKEEPING

ACCESS + EGRESS INTO ALL WORK AREAS.

LIFTING GEAR REGISTER.

FALL FROM HEIGHTS, FALLING OBJECTS, FALLING HEIGHTS.

SUPPLY OF POTABLE, CLEAN DRINKING WATER (CHILLED) TO WORK AREAS.

EMERGENCY PROCEDURES

UNHYGIENIC AMENITIES.

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

SWMS

ANY NOTICES WRITTEN BY WHS/CFMEU DEPARTMENT.

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records or documents proposed to be inspected relate to that contravention.

WHS Entry Permit Holder's Signature

Penalties
 The maximum penalty for an individual for failure or refusal to comply under s 118 (1)(d) is \$10,000

No. G 04206



REGIONAL OFFICES
Darwin - Ph (08) 8981 5280
Townsville - Ph (07) 4765 8715

HEAD OFFICE
16 Campbell Street
Brisbane Hill Q1 4006
Ph (07) 3231 4699
Fax (07) 3231 4699
infoqueens@cfmeu.org

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: BEAU RICHARD SCHEFFERT ^{at Ansoni} Belknapin Abbott

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOWMOUBA SECOND RANGE CROSSING

Date of Entry or Proposed Entry: 19/2/18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

ACCESS + EGRESS TO ALL WORK AREAS

POTABLE DRINKING WATER (CLEAN + CHILLED) SUPPLIED TO WORK AREAS BY PC

FALL FROM HEIGHTS

EMERGENCY RETRIEVAL PLAN / RESCUE PLAN

HEAT STRESS POLICY INADEQUATE.

UNHYGIENIC AMENITIES

SAFE SYSTEMS OF WORK.

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

HEAT STRESS POLICY

MANUAL HANDLING TRAINING RECORDS

SWMS

ANY NOTICES WRITTEN BY WHSG DEPARTMENT.

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records or documents proposed to be inspected relate to that contravention.

[Redacted Signature Area]

WHS Entry Permit Holder's Signature

Penalties
The maximum penalty for an individual for failure to comply under s. 118 (1)(a) is \$10,000

No. © 04207

CFMEU

REGIONAL OFFICES
Darwin - Ph (08) 8981 6250
Townsville - Ph (07) 4766 8710

HEAD OFFICE
19 Campbell Street
Parramatta NSW 2150
Ph (02) 9231 4600
Fax (02) 9231 4639
enquiries@cfmeu.org

WHS Entry Permit Holder NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: ^{RICHARD} BEAU SEIFFERT

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOWNSMBA SECOND RANGE CROSSING

Date of Entry or Proposed Entry: 20/2/18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:
(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

INADEQUATE HEAT STRESS POLICY.

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

MANUAL HANDLING TRAINING	CHEMICAL HANDLING/STORAGE HANDLING
FIRE FIGHTING TRAINING	HEAT STRESS POLICY.

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.

WHS Entry Permit Holder's Signature

Penalties
The maximum penalty for an individual for failure or refusal to comply under s 118 (1) (a) is \$10,000

No. G 04209



REGIONAL OFFICES
 Darwin - Ph (08) 4931 5285
 Townsville - Ph (07) 4765 8775

HEAD OFFICE
 10 Garrick Street
 Bowen Hills QLD 4006
 Ph (07) 3231 4000
 Fax (07) 3231 1000
 enquiries@cfmeu.org.au

**WHS Entry Permit Holder
 NOTICE OF ENTRY**

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: KURT DANIEL PAULS

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: TOONJONGRA SECOND RANGE CROSSING
NEXUS DEVELOP

Date of Entry or Proposed Entry: 20-2-18

PURPOSE OF ENTRY:

- Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:
 (What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

Access & Egress to work areas through out site
Safe systems of work.
Supply of potable water to work areas
Heat stress management.
Fall from heights / ~~fall~~ from falling objects
housekeeping
Training, manual handling, fire fighting equipment, chemicals
Emergency Evac/Rescue
failure to provide a safe workplace.

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

* SWMS, POLICIES, ANY NOTICES (IMPROVEMENT/PROHIBITION)
written by WHSQ

Declaration:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records or documents proposed to be inspected related to workers the Union is entitled to represent.
- The records and documents proposed to be inspected relate to that contravention.



WHS Entry Permit Holder's Signature

Penalties
 The maximum penalty for an individual for failure to
 comply with section 119 (1) is \$10,000

No.  04173



WHS Entry Permit Holder
NOTICE OF ENTRY

Full Name of Entry Permit Holder: SHAW JAMES DESMOND

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees Queensland/The Federated Engine Drivers' and Firemen's Association of Queensland, Union of Employees

Name and Address of Workplace being entered: TOOWOOMBA SECOND RANGE CROSSING - NEXUS DELIVERY

Date of Entry or Proposed Entry: 20.2.2018

PURPOSE OF ENTRY:

Section 117 - To inquire into a suspected contravention of the WHS Act that relates to or affects a relevant worker.

<p>Additional - for entry under section 117 Details of the suspected contravention to which this notice relates:</p> <p>* ACCESS & EGRESS ALL AREAS</p> <p>* SUPPLY OF CLEAN DRINKING WATER THROUGH OUT THE SITE.</p> <p>* FALLING FROM HEIGHTS / FALLING OBJECTS</p> <p>* HEATSTRESS MANAGEMENT PLAN / POLICY</p> <p>* TRAINING - MANUAL HANDLING, FIRE FIGHTING, CHEMICAL HANDLING</p> <p>* ALL PLANT (SAFE WORKING ORDER AS PER MANUFACTURE SPECS)</p> <p>* FIRE EXTINGUISHERS IN DATE & IN CORRECT POSITIONS</p> <p>* SAFE SYSTEMS OF WORK</p> <p>* HOUSE KEEPING / AMENITIES</p> <p>* LIFT REGISTER ON ALL LIFTING GEAR</p> <p>* FIRST AID FACILITIES</p> <p>* EVACUATION PLAN OF A INJURED WORKER</p> <p>Declaration:</p> <p><input checked="" type="checkbox"/> The above Union is entitled to represent the industrial interests of workers at this workplace.</p> <p><input checked="" type="checkbox"/> The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.</p> <p><input checked="" type="checkbox"/> The records or documents proposed to be inspected related to workers the Union is entitled to represent.</p>

WHS Entry Permit Holder Signature

[Redacted Signature]

Penalties
 The maximum penalty for an individual for failure or refusal to comply under s.118 (1) (a) is \$10,000.

No. F02980

Improvement notice

This notice is issued under the *Work Health and Safety Act 2011* section 191, *Safety in Recreational Water Activities Act 2011* applied section 191 *Work Health and Safety Act 2011* or *Electrical Safety Act 2002* section 146. This notice requires the person (which includes a body corporate, government department or public authority) to whom it is issued to remedy a contravention of the Act or Regulations. The legislation requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

Work Health And Safety Act 2011
Electrical Safety Act 2002
Safety in Recreational Water Activities Act 2011

Notice No. I **1006361**

Notice issued to:

Legal name of person/business or undertaking: KLIONA INFRASTRUCTURE AUST PTY LTD + PERIODICAL AGRIMAN

ABN: 17 496 840 413 ACN: (AUST) PTY LTD

Trading as: NEXUS DELIVERY

Address: 80 BEDFORD ST, CRAWLEY Postcode: 4350

Details of contravention:

Site location: TOOWOOMBA SECOND RANGE CROSSING ENTIRETY

I, J.L. HASTED Inspector name, reasonably believe on 13TH JULY 2017 date at 14:00 24 hour time

that you are contravening a provision or have contravened a provision in circumstances that make it likely that the contravention will continue or be repeated; of the:

Work Health and Safety Act 2011, section 27/19/33 *Work Health and Safety Regulation 2011*, regulation _____

Electrical Safety Act 2002, section _____ *Electrical Safety Regulation 2002*, regulation _____

Safety in Recreational Water Activities Act 2011, section _____ *Safety in Recreational Water Activities Regulation 2011*, regulation _____

Brief description of how the provision is being or has been contravened:

CONSTRUCTION PROJECT INSPECTIONS HAS IDENTIFIED REPEATED SYSTEMATIC PROBLEMS FAILURES TO ENSURE THE HEALTH AND SAFETY OF WORKERS WHILST UNDERTAKING CONSTRUCTION WORK. COMMON ISSUES INCLUDE - FALLS; FALLING OBJECTS; ACCESS

Directions (if any) as to the measures to be taken to remedy or prevent the contravention or likely contravention:

AND EGRESS - SUPERVISION OF SUB CONTRACTORS SYSTEMS OF WORK; SCAFFOLD AND HOUSEKEEPING.

Recommendations (if any):

IF A PERSON CONDUCTING A BUSINESS OR UNDERTAKING HAS A DUTY OR OBLIGATION UNDER THIS ACT, AN OFFICER OF THE PCBU MUST EXERCISE "DUE DILIGENCE" TO ENSURE THAT THE PCBU COMPLIES WITH THAT DUTY OR OBLIGATION

Issuing inspector:

[Signature] Signature of inspector Date issued: 14/07/2017

610 Inspector's ID Inspector's location: MAROOCHYDORE

[Redacted] Inspector's contact number

This contravention must be remedied before:

Service method:

20 / 07 / 2017

Delivered personally Left for a person at the workplace Post

Fax Email

Left at the person's last known place of residence or business

Ron JACKSON Notice given to Relationship to person to whom notice is issued: PROJECT SAFETY MANAGER

This portion may be signed and returned where a contravention has been remedied before the stated date. I certify that the requirements of this notice have been complied with:

Name (in block letters): _____ Position: _____

Signature: _____ Date complied: / / Notice No. I **1006361**

An Inspector may make minor technical changes to this notice in certain circumstances. This does not change the validity of the notice. You must comply with this notice within the period stated. Failure to comply with this notice may incur a maximum penalty of \$50 000 for an individual and \$250 000 for a body corporate, government department or public authority.

PRIVACY COLLECTION STATEMENT

The Department of Justice and Attorney-General collects, uses, discloses and stores information in accordance with legislation it administers and all applicable privacy laws. This includes information collected by inspectors of the Department. Note that privacy laws do not apply if other laws conflict or allow or require the collection of information, and do not apply to the collection of information by the Department of Justice and Attorney-General to the extent that it is exercising its law enforcement functions and non-compliance with privacy legislation is deemed necessary to fulfil those functions. The Department of Justice and Attorney-General privacy information is on our website at www.justice.qld.gov.au.



Improvement notice

This notice is issued under the *Work Health and Safety Act 2011* section 191, *Safety in Recreational Water Activities Act 2011* applied section 191 *Work Health and Safety Act 2011* or *Electrical Safety Act 2002* section 146. This notice requires the person (which includes a body corporate, government department or public authority) to whom it is issued to remedy a contravention of the Act or Regulations. **The legislation requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.**

Notice No. I1050558

Notice issued to:

Legal name of person/business or undertaking: ACCIONA INFRASTRUCTURE AUSTRALIA PTY LTD & FERROVIAL AGROMAN (AUSTRALIA) PTY. LTD.	
ABN: 17496840413	ACN:
Trading as:	
Address: 32 TURBOT ST, BRISBANE 4000 QLD	

Details of contravention:

Site location
Nexus Delivery Roaches Road, Withcott the Viaduct area between Pier 16-17
I, Jason Plath reasonably believe on 18-JUL-2017 at 13:00 that you are contravening a provision of the: <i>Work Health and Safety Regulation 2011</i> - regulation 40(A)

Brief description of how the provision is being or has been contravened:

Nexus Delivery has not ensured so far as reasonable practicable that the lay out of the workplace allows for, and is maintained to allow for persons to enter, exit and move about without risk to health and safety, both under normal working conditions and in an emergency. Inspection of the area found that the ground surface was uneven with large rocks causing a risk person entering and exiting the work area.

Directions (if any) as to the measures to be taken to remedy or prevent the contravention or likely contravention:

It is mandatory to comply with these directions

Nexus Delivery must ensure that the work area is maintained to allow person to enter, exit and move about without risk to health and safety under normal working conditions and emergency.
--

Recommendations (if any): Recommendations may be followed or you may adopt and follow another way that gives at least the same level of protection against the risk

--

Issuing inspector:

	1412	
Signature of inspector	Inspector's ID	Inspector's contact number
18-JUL-2017	PO BOX 234, TOOWOOMBA 4350 QLD	
Date issued	Inspector's location	

This contravention must be remedied before: Service method:

19-JUL-2017	Delivered directly to the person named by electronic transmission
RONALD JACKSON	Management Representative For Person Conducting A Business Or Undertaking
Notice given to	Relationship to person to whom notice is issued

An inspector may make minor technical changes to this notice in certain circumstances. This does not change the validity of the notice. You must comply with this notice within the period stated. Failure to comply with this notice may incur a maximum penalty of \$50 000 for an individual and \$250 000 for a body corporate, government department or public authority.

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The Department of Justice and Attorney-General privacy information is on our website at www.justice.qld.gov.au.

**This portion may be signed and returned where contravention has been remedied before the stated date.
I certify that the requirements of this notice have been complied with:**

Name *in block letters*: _____ Position: _____
Signature: _____ Date complied: / / **Notice No. I1050558**

An inspector may make minor technical changes to this notice in certain circumstances. This does not change the validity of the notice. You must comply with this notice within the period stated. Failure to comply with this notice may incur a maximum penalty of \$50 000 for an individual and \$250 000 for a body corporate, government department or public authority.

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The Department of Justice and Attorney-General privacy information is on our website at www.justice.qld.gov.au.

Internal review of decision

If a decision to issue an improvement notice was made by an inspector, an eligible person may apply for an internal review of that decision.

An eligible person is:

1. The person to whom the notice was issued.
2. A person conducting a business or undertaking whose interests are affected by the decision.
3. A worker whose interests are affected by the decision.
4. A health and safety representative who represents a worker whose interests are affected by the decision.

How does a person apply for a review of a decision?

The person must complete and lodge the Internal Review Application form before the date specified on the notice has expired or 14 days, whichever is the lesser. There is no application fee.

The operation of the improvement notice is stayed (that is suspended) once the application for review of decision is lodged with the regulator. The stay remains in effect until a decision is made by the regulator and whichever of the following is earlier – an external review is applied for or 28 days have elapsed since the person became aware of the regulator's decision.

Information about how to apply for a review of decision, including application forms is available online at www.worksafe.qld.gov.au, or by phoning Advisory Services on 1300 369 915.

What happens next?

Applications are reviewed as soon as reasonably practicable and within 14 days unless additional information is required. The applicant will receive written confirmation of the result of the internal review including the reasons for the decision.

External review

If a decision to issue an improvement notice was made by the regulator or the regulator has made a decision through internal review, an eligible person may apply to the Queensland Civil and Administrative Tribunal for an external review. An external review application must be made within 28 days of the person becoming aware of the regulator's decision.

Please refer to www.worksafe.qld.gov.au or phone Advisory Services on 1300 369 915 for more information on how to apply for an external review.

Privacy collection statement

The Department of Justice and Attorney-General collects, uses, discloses and stores information in accordance with legislation it administers and all applicable privacy laws. This includes information collected by inspectors of the Department. Note that privacy laws do not apply if other laws conflict or allow or require the collection of information, and do not apply to the collection of information by the Department of Justice and Attorney-General to the extent that it is exercising its law enforcement functions and non-compliance with privacy legislation is deemed necessary to fulfil those functions.

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The Queensland Cabinet and Ministerial Directory

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Published Thursday, 22 February, 2018 at 07:48 AM



JOINT STATEMENT

Minister for Education and Minister for Industrial Relations

[The Honourable Grace Grace](#)

Minister for Transport and Main Roads

[The Honourable Mark Bailey](#)

Safety concerns at TSRC

The Palaszczuk Government is aware of safety concerns surrounding the Toowoomba Second Range Crossing project and is taking firm action by instigating an urgent meeting with the project's principal contractor.

Industrial Relations Minister Grace Grace and Transport and Main Roads Minister Mark Bailey are seeking an urgent meeting about worker safety with senior representatives of the principal contractor, Nexus, on the Toowoomba Range Second Crossing construction project.

"Serious health and safety concerns have been raised with me by Workplace Health and Safety Queensland," Minister Grace said.

"We are deeply concerned about the abnormally high number of Workplace Health and Safety investigations and incidents that have occurred at the site.

"I want to meet with representatives from Nexus to stress that the safety of workers must come first.

"Frankly, the number of incidents involving plant rollovers is unacceptable and demands immediate action.

"This is an unusual step and should convey the gravity with which the Palaszczuk Government views this matter and our commitment to safety at work."

Minister Bailey said an independent auditor would also be appointed by the Department of Transport and Main Roads to investigate safety concerns at the site.

"The safety of workers is a top priority for the government and we need to be reassured by Nexus and other contractors that they share that sentiment and have a clear plan to improve their safety record," Mr Bailey said.

"We want to sit down with those concerned to hear what they plan to do to improve safety on this project."

The terms of reference for the independent auditor will be finalised in the coming days.

Media contact: Adrian Taylor 0448 994 172

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[Jobs in Queensland Government \(https://www.smartjobs.qld.gov.au/\)](https://www.smartjobs.qld.gov.au/) | [Français \(Other languages\) \(https://www.qld.gov.au/languages/\)](https://www.qld.gov.au/languages/)

The State of Queensland 1997-2026 (Department of the Premier and Cabinet)

[Queensland Government \(https://www.qld.gov.au/\)](https://www.qld.gov.au/)

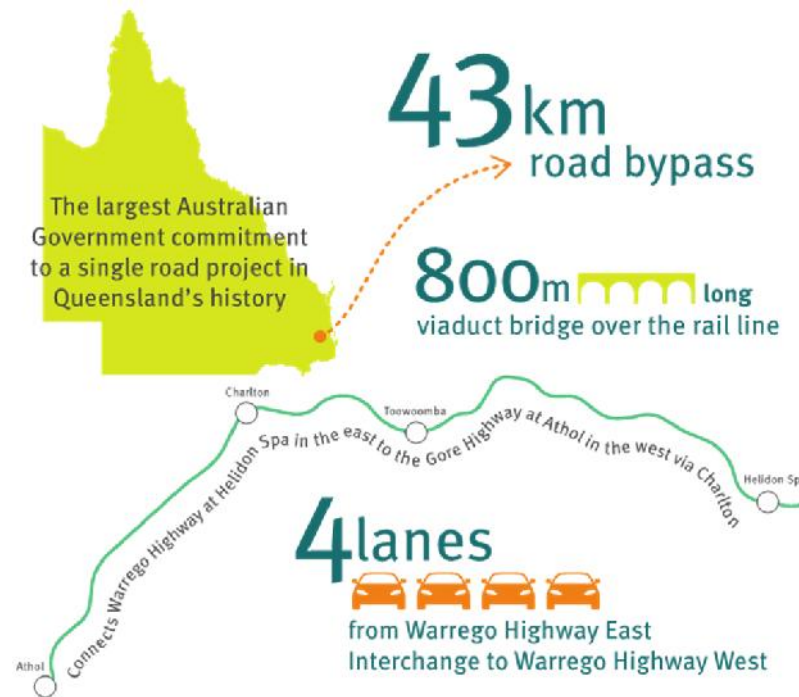


Project overview

The **Toowoomba Second Range Crossing (TSRC)** is a 43km heavy vehicle route to the north of Toowoomba.

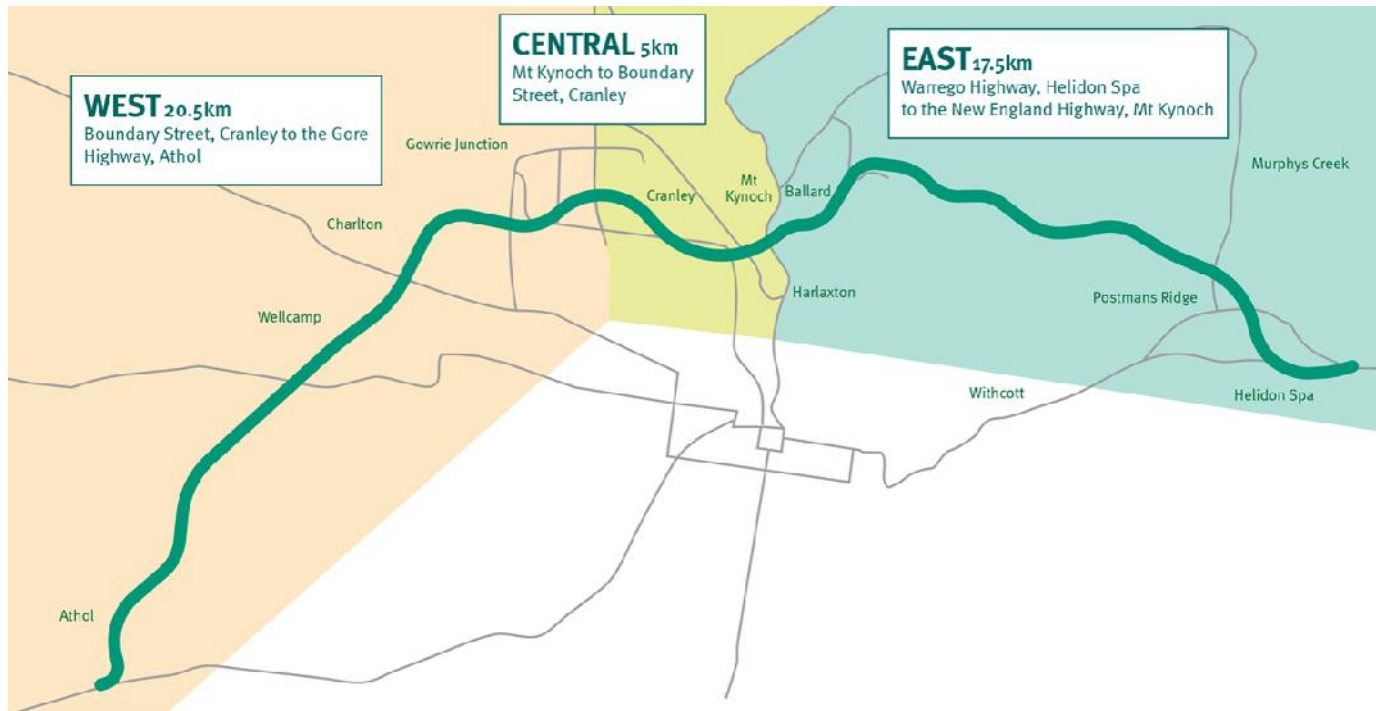
When finished, it will connect the Warrego Highway at Helidon Spa in the east to the Gore Highway at Athol in the west, via Charlton.

The project will ensure **freight efficiencies** and significantly **improve driver safety and community amenity** by removing heavy vehicles from Toowoomba's CBD.



Project overview

The project is being delivered across three work fronts



Project overview

10 million
m³ of cut earthworks

30m deep
cutting at the
top of the range

6 grade separated
interchanges

24 bridges

42 cut excavations
on the main
alignment

500,000
tonnes of
asphalt

40 road embankments

28 km
four lane
carriageways

15 km
two lane
carriageways

600m
TSRC altitude at the top
and bottom of the range

160m

Bypass uses some of road building's biggest machinery

15th Sep 2017 10:32 AM

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Tonka trucks are being used on the Toowoomba Second Range Crossing project. Contributed THE Toowoomba Second Range is showcasing some of road building's biggest machinery.

Nexus released a video of its workers using Tonka trucks on the eastern work zone.

In a post on Facebook it said: "Here's a video for the kids, or you, of the real life Tonka toys working in the eastern work zone."

The one-minute clip has been viewed more than 2500 times and parents are loving being able to show it to their children, with mum Janelle Ridley saying: "My four-year-old thanks you."

This September Nexus is getting on with the job of building bridges, switching local traffic in Cranley, finalising pavement design and helping return koalas to the wild.

Spring has sprung and so has landscaping works across the project.

This month Nexus has reopened lanes on the Warrego Hwy at Helidon Spa for the Carnival of Flowers, planting seeds and helping fight fires during bushfire season.

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TOPICS: [FACEBOOK](#) [NEXUS](#) [SECOND RANGE CROSSING](#) [TOOWOOMBA](#)

The Chronicle

40 OPINION

Des Houghton

Email: desmond.houghton@news.com.au Twitter: @DesHoughton



ROAD IN THE SKY

ARCHITECT and property tycoon Mac Stirling says it's the tourist attraction we didn't see coming.

A sky high viaduct being built as part of the new \$1.6 billion Toowoomba Range crossing will not only cut travelling times; it will also give drivers sweeping views of the Toowoomba mountain ranges and the Lockyer Valley when it opens later this year.

Toowoomba, home of the annual Carnival of Flowers, is one of Australia's prettiest towns.

The viaduct is an 800m "bridge" that is not only a spectacular engineering feat, but a tourism attraction in its own right, Stirling said.

Stirling's enthusiasm is shared by Toowoomba Regional Council's environment and community chairman Geoff McDonald, who sees the crossing as a regional tourism generator.

McDonald said the bypass makes Darling Downs towns more accessible to tourists.

And there will be a reduction of heavy vehicle traffic on Toowoomba roads. Heavy vehicles can avoid 18 sets of traffic lights in the flower city, saving them up to 40 minutes each way.

He said 20,000 vehicles, including 3500 trucks and heavy vehicles, made the steep climb up the Toowoomba Range each day.

The Toowoomba Second Range Crossing is a 41km heavy vehicle bypass route on Toowoomba's north.

When finished, it will connect the Warrego Highway at Helidon Spa in the east to the Gore Highway at Athol in the west via Chaffton.

Main Roads Minister Mark Bailey said the project generated 1800 direct and indirect jobs.



TAKE A LOOK: New photos of award-winning TSRC

3rd Dec 2017 9:46 AM

49



Bridge over Gowrie Creek and works for the Mort Street interchange. Above Photography PTY LTD

Use this content



by Amy Lyne



Amy Lyne

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NEW photos of the \$1.6 billion Toowoomba Second Range Crossing have been released just as it has been awarded as a top transport project.

The crossing took out the silver award for Best Transport Project at the inaugural PPP Awards in Sydney last week.

TSRC wins top project

THE \$1.6 billion Toowoomba Second Range Crossing has been awarded as a top transport project.

The crossing took out the silver award for Best Transport Project at the inaugural PPP Awards in Sydney last week.

New photos show the progress of the project, which started in April 2016 and it expected to be complete by December next year.

The gold award went to the Logan Enhancement Project, a \$512 million project upgrading parts of the Logan and Gateway Extension motorways.

The awards, for public private partnerships, is run by international Partnerships Bulletin and recognise and reward outstanding achievement in public private partnerships across the Asia Pacific.

Toowoomba's much anticipated project is a 41km bypass which runs to the north of Toowoomba from the Warrego Highway to the Gore Highway via Charlton.

Time-lapse clip shows project progress

eghan Harris
gharris@toowoomba.com.au
TIME-LAPSE clip shared
Nexus shows just how
much work goes into
building the mammoth
Toowoomba Second Range
Crossing.
The one-minute video
shows work being

completed at the Rocky
Gatton Creek bridge.
Cranes and cars are seen
moving in and out of frame
as workers build the bridge.
The clip has had more
than 3300 views and Nexus
transport residents know that it
could be sharing more
time-lapse footage of the

project under construction.
Nexus advised more
changes and progress was
coming and it would
continue to keep people
up-to-date.

"Throughout this month
and into 2018 we'll be
sharing information about
the project's design, key
interchanges and how this
crossing will improve
national freight efficiency
and driver safety."

The company also asked
parents to make sure their
children were aware of the
dangers of construction
sites.

"School has finished and

kids are out and about.

While we take every
precaution to control
unauthorised access to
work zones, please help
keep your family safe and
make sure your children
are aware of the dangers of
unauthorised access to
construction sites."



ONLINE VIDEO: The one-minute time-lapse clip from Nexus shows work being completed at the Rocky Gatton Creek bridge.

PHOTO: CONTRIBUTED

VIDEO: Toowoomba's billion-dollar bypass starts to take shape



By

Alex Bernhardt



Toowoomba's billion-dollar bypass starts to take shape

Oversized deliveries for Nexus

MORE oversized deliveries will be made in the first part of the year to keep the Toowoomba Second Range Crossing project moving.

This month the Toowoomba Second Range Crossing kicks off the year with oversized deliveries and bridge building, constructing interchanges at Wellcamp and Charlton, completing local roads and starting asphaltting on the main alignment.

Roadworks to connect the New England Highway arch bridges with the existing New England Highway started last year and will continue during 2018.

Motorists will see work occurring on the northern tie-in area as well as the newly realigned section of the road. Activities will include drainage, grooving, asphaltting and general construction.

Tie-in works have also started on Postmans Ridge Rd near Whitcott Seedlings.

This work will allow traffic access to the soon to be completed 1.6km section of Postmans Ridge Rd.

There are temporary lane closures in place with load and release traffic control during the day.

Outside work hours, traffic lights are in operation.

Traffic will be switched on to the new Postmans Ridge Rd alignment after the works are completed.

Due to be completed at the end of this year, parts of the project are beginning to take shape including the 80m viaduct.

Nexus has completed five

of 22 spans with the installation of 55 Super T girders, 13 of 21 piers and 10 of 21 headstocks.

FIRST QUARTER

- Continued precast deliveries and bridge building
- Increased foam bitumen pavement construction
- Start of asphaltting
- Ongoing landscaping
- Start of concrete barrier construction
- Start of maintenance building construction
- Start of construction on the Warrego Highway west interchange at Charlton, including access to the Nass Rd truck stop, and Toowoomba-Great Plains Rd interchange at Wellcamp



RANGE CROSSING: Oversized deliveries will be made to keep the project moving.

PHOTO: CONTRIBUTED

New photos show the progress of the project, which started in April 2016 and it expected to be complete by December next year.

Photos

View Photo Gallery

Copyrighted Image



NEXUS: Works on the Toowoomba Second Range Crossing are progressing.

PHOTO: CONTRIBUTED

Timeline of TSRC works for 2017

THIS year was all about earthworks, local road upgrades and building bridges on the Toowoomba Second Range Crossing.

Nexus has created a highlight reel to look back on the year that was. Check it out at theelectronicle.com.au.

Here is a timeline of the work on the \$1.6 billion project.

■ **January:** Start of precast deliveries

■ **February:** Launching truss gantry delivered to the viaduct

■ **March:** First Super T deliveries for the viaduct

■ **April:** Start of project landscaping

■ **May:** First Super T launches in viaduct

■ **June:** McNamara Rd underpass complete, Bonriary St bridge complete

■ **July:** Pynnters Rd underpass complete, Bonriary St local road works complete and bridge to open to traffic, Mort St local road works complete and open to traffic

■ **August:** Mort St

interchange deck with installation started, central zone landscaping started, second span of viaduct started

■ **September:** Rocky (Gatton Creek) bridge complete, piling for all structures complete

■ **October:** Gittins Rd underpass complete, bridge over Gowrie Junction Rd complete

■ **November:** Ganzer Rd local road works complete and open to traffic

■ **December:** Fifth span of viaduct complete

Eastern work zone

Key features

- ▶ approximately 17.5km
- ▶ 8 million cubic metres of earthworks (cut to fill). 6 million executed in 14 months
- ▶ 800m long viaduct along the escarpment between Wallens Road at Ballard and the New England Highway at Mount Kynoch
- ▶ 1 grade-separated interchange: the Warrego Highway at Helidon Spa
- ▶ 1 bridge to take the TSRC over Murphys Creek Road at Postmans Ridge
- ▶ 2 creek crossings: Gatton Creek and Six Mile Creek at Postmans Ridge
- ▶ 4 underpasses: Paynter Road at Postmans Ridge, Gittins Road and McNamaras Road at Withcott, and Morleys Road at Ballard











Central work zone

Key features

- ▶ approximately 5km
- ▶ 2.2 million cubic metres of earthworks
- ▶ 30m deep cutting at the top of the Toowoomba Range
- ▶ realignment of the New England Highway between Harlaxton and Mount Kynoch, including twin arch bridges
- ▶ 2 grade-separated interchanges: Mort Street and Boundary Street at Cranley
- ▶ 3 bridges to take the TSRC over Boundary Street, Goombungee Road and Gowrie Creek, Queensland Rail and Mort Street at Cranley, Boundary Street
- ▶ realignment of Mort Street and Hermitage Road at Cranley









Western work zone

Key features

- ▶ approximately 20.5km
- ▶ 3 million cubic metres of earthworks
- ▶ 3 grade-separated interchanges: the [Warrego Highway](#) at Charlton, [Toowoomba-Cecil Plains Road](#) at Wellcamp and the [Gore Highway](#) at Athol
- ▶ 7 bridges to take the TSRC over [Gowrie Junction Road](#) at Gowrie Junction, the [Warrego Highway](#) and [Wirth Road](#) at Charlton, [O'Mara Road](#) and [Toowoomba-Cecil Plains Road](#) at Wellcamp, [FGG Couper Road](#) at Westbrook and the [Gore Highway](#) at Athol
- ▶ 3 creek crossings: [Dry Creek](#) at Charlton, [Spring Creek](#) at Wellcamp and [Westbrook Creek](#) at Westbrook





Industrial Relations

- ▶ Current resourcing:
 - ▶ Direct workforce employed under EA (22/02): 68
 - ▶ Estimated total workforce: 350-400
 - ▶ Staff (common law contracts): 220
- ▶ Industrial instrument for ND labour: Acciona / AWU agreement applicable to construction work in Queensland
- ▶ Union visits to date:
 - ▶ AWU: 23 (all accepted)
 - ▶ CFMEU: 56 (54 accepted, 1 rejected, 1 rejected and subsequently instructed by WHS to allow access)

Safety systems

- ▶ Accreditation (JV partners):

- ▶ Office of Federal Safety Commissioner (OFSC)
- ▶ AS/NZS 4801:2001
- ▶ OHSAS 18001:2007

- ▶ ComplyFlow:

- ▶ Contractor Management
- ▶ Safety statistics
- ▶ Plant Management
- ▶ Incident Management

Principal Contractor: Ferrovial Agroman

External audits to date:

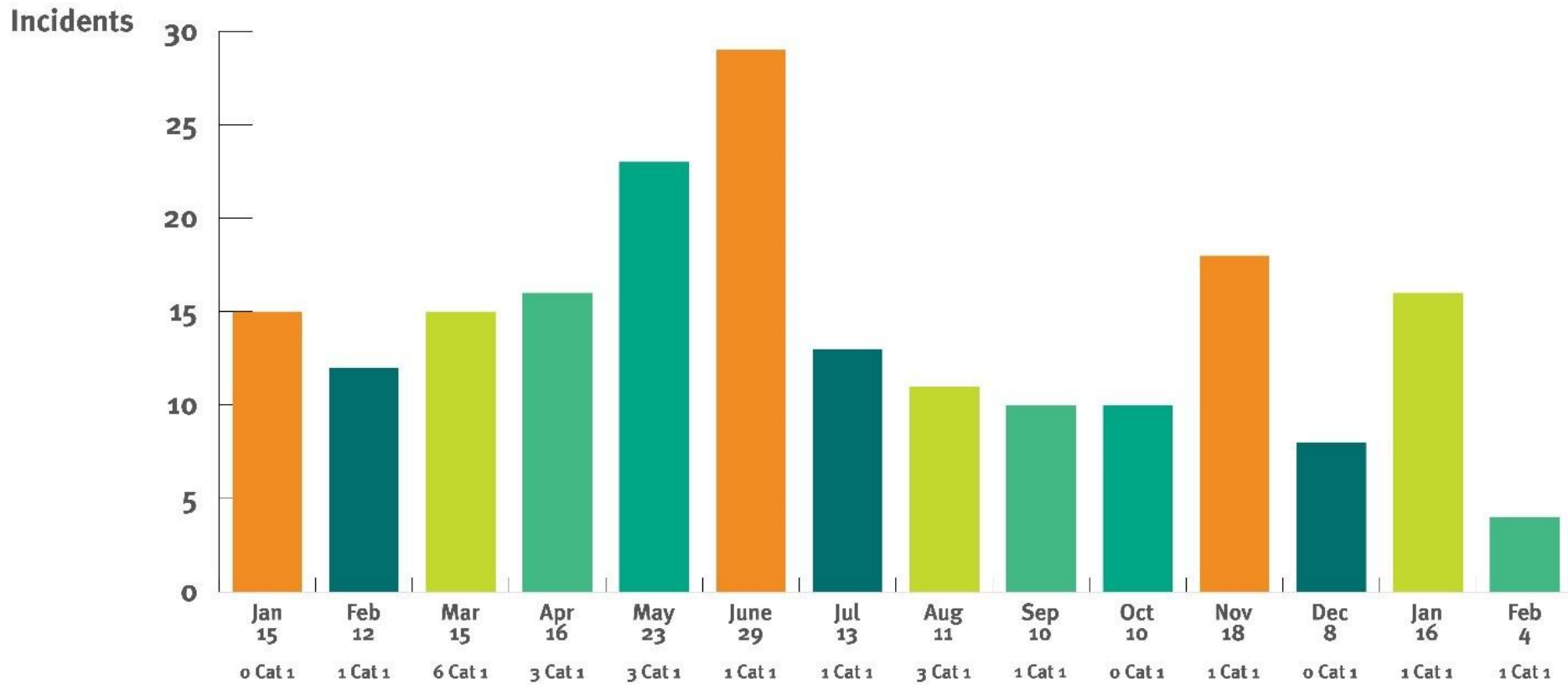
- ▶ OFSC: 2
- ▶ OHSAS & AS/NZS: 2
- ▶ SMEC (Nexus Infrastructure): 2
- ▶ Independent Reviewer: 1

Work hours and safety statistics

- ▶ 2,222,754 manhours (Jan 2018 report)
- ▶ Training:
 - ▶ Requirement (at completion): 321,703 hrs
 - ▶ Actual completed to date: 269,130 hrs
- ▶ Injuries to date:
 - ▶ LTI: 4
 - ▶ MTI: 3
 - ▶ FAI: 56
 - ▶ Total incidents: 253 (includes procedural breaches)
- ▶ Injury rates:
 - ▶ LTIFR: 1.80 (Industry average: 8.00 for SWA, 4.61 for OFSC accredited)
 - ▶ MTIFR: 1.35 (average 7.95 for OFSC accredited)
 - ▶ TRIFR: 3.15
- ▶ Plant incidents: 17 (with no injuries)



Incidents trend



What we have done

- ▶ Safety Improvement Committee: SC members, corporate HS, Safety Improvement Advisor, CM, PD => Strategic Safety Improvement Plan
- ▶ Engagement of safety resources in addition to ordinary safety team:
 - ▶ Safety Improvement Advisor (Greg Rutherford) reporting to PD
 - ▶ Plant safety crews (safety advisor, leading hand, labourers) reporting to General Superintendents
- ▶ 2 General Superintendents
- ▶ 2 “stop work days” to review SWMS, hazard hunting and safety reset (following 2 incidents). SC members participating
- ▶ Safety culture health check
- ▶ Behavioural based safety training (ongoing)
- ▶ Golden Rules implemented
- ▶ Third party audits
- ▶ External audit of VOC process
- ▶ Changes to processes and systems:
 - ▶ Plant Management Plan implemented in conjunction with previous procedure, more focused on task
 - ▶ Batter permit required for plant working on batters

- ▶ Changes to processes and systems (continued)
 - ▶ Lessons learnt
 - ▶ 3 month risk planning tool
- ▶ 7 to 9 rule for construction, safety and environment teams
- ▶ Processes implemented to eliminate work on batters:
 - ▶ Hydromulch spray truck instead of mechanical topsoil spreading
 - ▶ Topsoil placed by truck mounted conveyor belt
 - ▶ Posy track dragging chain along batters for surface roughening
 - ▶ Hydromulching the gypsum to sediment basins

What we will do next

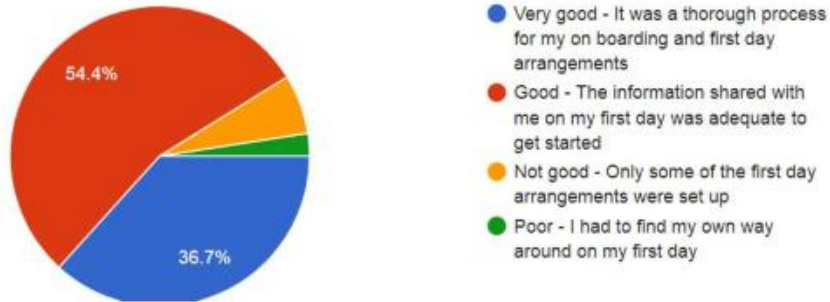
- ▶ All plant assigned and inspected weekly by engineers and safety advisors, using WHS template
- ▶ Reassessment of tasks undertaken by frannas and subsequent elimination. Any new requirement for a franna to be risk assessed and approved by PD.
- ▶ Restructure of the team.
- ▶ Improvement on consultation and communication.
- ▶ Increased HSRs numbers and more accountability.

Outcomes of health check



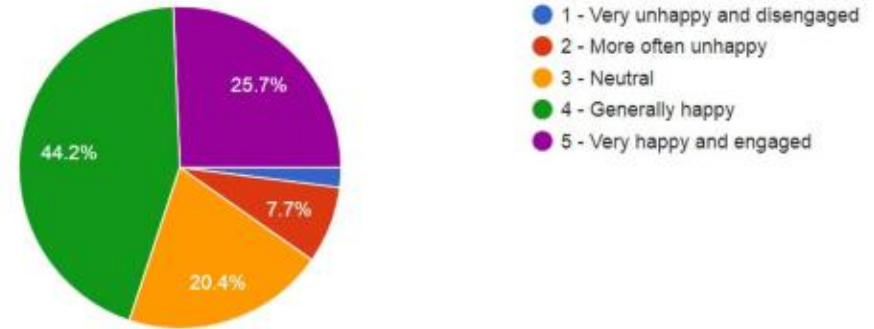
4. How well were you inducted onto the project?

452 responses



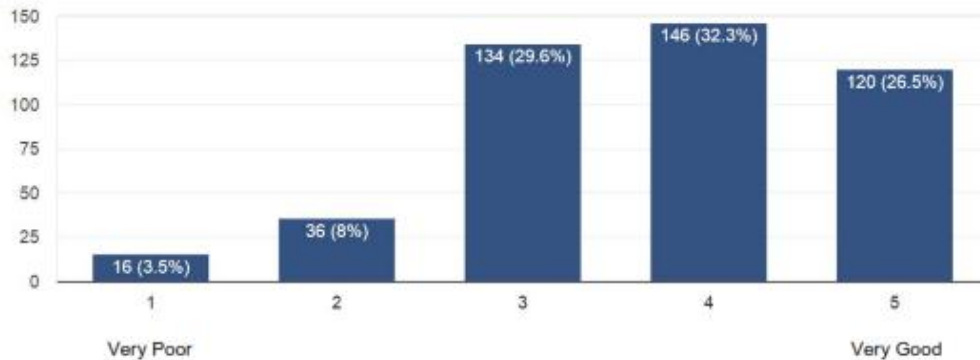
6. On a scale of 1 to 5, how happy are you at work?

452 responses



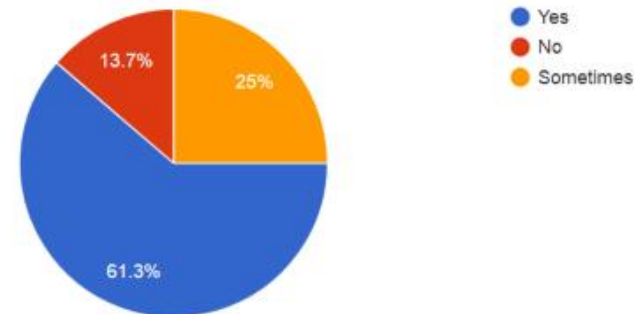
5. How effective do you find pre-start meetings

452 responses



8. Do you feel comfortable speaking up at pre-start meetings?

452 responses



Outcomes of health check



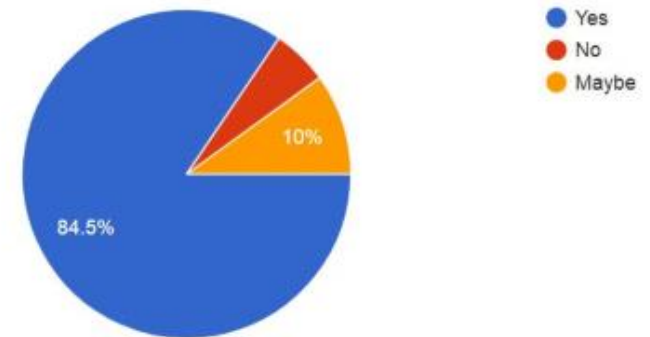
10. Hypothetically, if you were to leave the Project tomorrow, what would your reason be?

452 responses



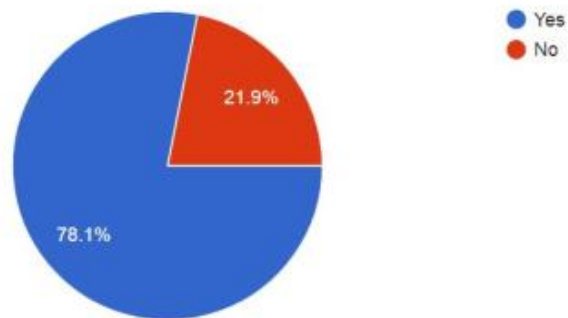
20. Do you feel confident to stop work if you feel it is unsafe?

452 responses



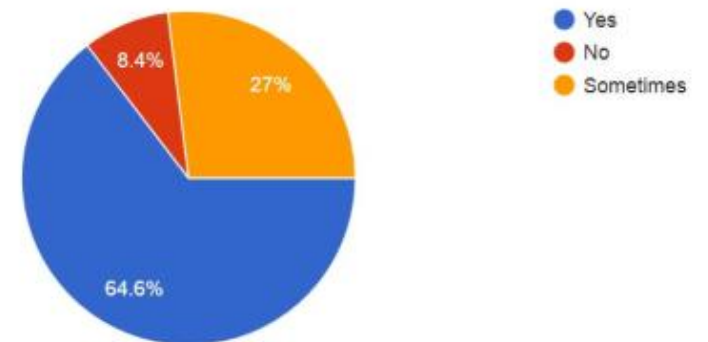
12. Would you promote and refer others to come and work on this Project?

452 responses



21. Do you feel listened to when you raise a safety concern?

452 responses



Way forward...discussion

Nexus is committed to the safety of all employees and contractors working on the Toowoomba Second Range Crossing project. We will continue to work collaboratively with Workplace Health and Safety, our workers and subcontractors to ensure we maintain high safety standards across all our activities.

**THE HEALTH AND SAFETY OF THOSE WORKING ON OUR PROJECTS IS DEEPLY EMBEDDED
WITHIN NEXUS' CORE VALUES**

THERE IS NO SUCCESSFUL PROJECT IF SOMEBODY GETS INJURED

<https://www.youtube.com/playlist?list=PLO-TH9ejqswscODBTrnX2vug8cpgcpHyY>



Ref: TSRC-ND-NI-LET-0530

8 March 2018

Mr. John Hagan
Chief Executive Officer
Nexus Infrastructure Pty Ltd
Toowoomba Second Range Crossing Project

Re: Ministerial visit on 23rd February 2018

Dear John:

In the Ministerial visit held on 23rd February 2018, we committed to provide written feedback to Ministers Grace Grace and Mark Bailey about some questions that were discussed during the meeting. The purpose of this letter is to summarise our discussions on the day and provide more information on some of the questions posed by the Government during the visit. We would appreciate if Nexus Infrastructure could forward it to the Ministers' offices.

First of all we would like to thank the Honourable Ministers Grace and Bailey for their visit to the Toowoomba Second Range Crossing project. Nexus Delivery appreciates the constructive spirit of their visit and acknowledges the Government's efforts to work together with Nexus to make our Project a safer workplace.

You can find, as an attachment to this letter the presentation we covered during our meeting.

Key messages in the presentation are:

1. Safety of our workers and stakeholders is Nexus' key priority.
2. Nexus wants to have a positive and collaborative relationship with the Unions. To date, 79 Right of Entry notices have been presented to Nexus, with 77 of them having been accepted without any issues.
3. From June 2017, we have experienced a downward trend in total incidents on site, apart from November and January.
4. Actual data demonstrates that Safety performance on the Project thus far is better than the industry average:
 - a. LTIFR of 1.80 on TSRC vs 8.00 (Safe Work Australia) and 4.61 (OFSC average)
 - b. MTIFR of 1.35 on TSRC vs 7.95 (OFSC average)
5. There has been 17 plant incidents (rollovers). Even though no injuries have been sustained as a consequence of those incidents, they are serious in nature and Nexus is genuinely concerned about them.

6. A significant number of actions have been undertaken by Nexus as we strive to eliminate these types of incidents. These actions commenced in January 2017, and have been implemented at various stages during 2017 and early 2018. Some of these actions have been included in the presentation. Throughout this process, we have been working with Nexus Infrastructure and the Department of Transport and Main Roads. They have been regularly informed of the actions that were being undertaken and have provided valuable input into different workshops and discussions held on the matter.
7. One of the actions included conducting a Safety Health survey in December 2017, with 452 workers responding to the survey. The presentation includes the aggregate results for the most relevant questions. The results show a reasonably healthy workplace, with 70-80% positive responses received to all questions. Comments were also made by the workers, both positive and negative. Nexus is working on the negative feedback to produce an Action Plan that will be ready by 20th March.

There were some specific questions raised by the Ministers and their teams in the meeting that probably were not covered in the presentation, and for which we committed to provide a response:

1. Communication/Consultation with the workforce: Our main mechanism in this area is our Safety Committees and HSRs. We have recently increased the number of HSRs on the Project, and the number of Safety Committees (five). We have had Workplace Health and Safety attending most of our Safety Committee meetings since September 2017. Consultation as prescribed by the Workplace Health and Safety Act (2011) QLD and our procedure TSRC-HS-PRO-08 have been implemented on site but there will be further actions employed to improve in this area, these include:
 - a. Quarterly joint meetings of all Safety Committees on the Project. To commence in March.
 - b. Area Managers to attend all area Safety Committee meetings.
 - c. Construction Manager and Project Director to attend a minimum of one safety committee meeting each fortnight.
 - d. Additional training to be provided to HSRs, starting in March and finishing by mid-April.
2. Communication with stakeholders: Nexus wants to have a healthy relationship with all of our stakeholders. You raised specific concerns regarding our engagement with the Unions. Nexus operates (for our own workforce) under an existing Enterprise Agreement with the AWU, that covers the majority of our works. Our subcontractors have their own Code-compliant arrangements. I think we were able to explain that we have to date been open to the Unions coming on to site, as long as it has been done within the applicable legislative requirements. This will continue to be the case moving forwards. Further discussions will be had with the CFMEU with a view to improve our relationship into the future. As a gesture of good will, Nexus has withdrawn an application with the QIRC that was to be heard on Monday 26th February 2018
3. Process for incident reporting and investigation: The Project has in place a process for reporting incidents as soon as is reasonably practicable, that includes not only key people on the delivery side, but also to Nexus Infrastructure and the State. Incidents are investigated and the outcomes included in the incident file within ComplyFlow. The investigation may take from 3 to 10 days depending on the type and severity of the incident. In some instances, an external investigation may be required and this would

then take longer. Immediate corrective actions and further corrective actions that unfold from those investigations are included within ComplyFlow for close out.

4. Common elements in plant incidents: Unfortunately, there is no common trend that we have been able to identify with the plant incidents. In most cases, the human factor played an integral role. In regards to frannas, after the last incident we conducted a full assessment of the tasks for which they were being used. As a result of that assessment all frannas have been removed from site. However, there will be other tasks in the future for which the franna is safer to use than any other alternative. Consequently, their use has not been banned but any franna coming on to site will need to have a risk assessment completed for the specific task, a Pick and Carry permit signed and will need authorisation from the Project Director.
5. Risk Management framework on the Project: Nexus' Risk Management framework follows the requirements of applicable Australian and International standards, namely AS/NZS ISO 31000:2009 Risk Management – Principles and Guidelines.

The project welcomes the independent safety audit commissioned by the Department of Transport and Main Roads and agrees to cooperate fully and implement its findings and recommendations in our endeavours to improve our safety performance and culture on site.

Please don't hesitate to contact us if you would like any additional information. As explained in the meeting, Nexus Delivery and its parent companies are committed to making TSRC a safe place to work. We will be fine-tuning and improving our processes with the feedback received from the Regulator, our internal audits and our inspections.



Jose Antonio Sanchez
Project Director

Attachment: *Nexus presentation Ministerial Visit 23/02/2018*



JAS-5

Minister for Education and
Minister for Industrial Relations

1 William Street Brisbane 4000
PO Box 15033 City East
Queensland 4002 Australia

21 MAR 2019

Mr John Hagan
Chief Executive Officer
Nexus Infrastructure Pty Ltd

[REDACTED]
[REDACTED]

Dear Mr Hagan *John,*

Work Health and Safety – Toowoomba Second Range Crossing Project (Project)

Thank you for your letter dated 13 March 2018, including correspondence sent to you from Mr Jose Sanchez dated 8 March 2018.

A commitment to ensuring the health and safety of workers and others on this Project is a clear and unambiguous expectation of the Palaszczuk Government.

As you are aware, the regulator under the *Work Health and Safety Act 2011* (the WHS Act) has undertaken a number of ongoing work health and safety interventions on this Project. These have included many audits and inspections undertaken by inspectors as a result of significant concerns expressed about safety on this Project by workers, their union representatives and the community at large.

Despite the assurances expressed in the correspondence from Mr Sanchez, the regulator's concerns about health and safety on this Project have not abated.

The reality of what is being encountered by the Workplace Health and Safety Queensland (WHSQ) inspectorate on this site is best illustrated by a hazard identified by an inspector with the Special (TSRC) Project Team as recently as 1 March 2018 at Pier 3 on the Project viaduct. I am informed that Mr Sanchez was present during the inspector's audit of the site and was given a choice of piers on the viaduct for audit by the inspector. I am told Mr Sanchez selected Pier 3 for the inspection. During that inspection, the inspector encountered a significant fall risk, see the enclosed photograph.

The inspector identified and photographed what is an obvious and significant hazard presenting serious risks of death and injury to workers. The photograph shows that a protruding Z-bar prevents the trapdoor from closing resulting in the risk of a worker falling through the open access point. The other protruding Z-bars also create obvious trip hazards to workers.

While the hazard and its risks were managed through immediate enforcement action taken by the inspector, this is a clear example of the ongoing and serious health and safety risks not being appropriately managed at the Project level.

Assurances made by Nexus in relation to lost time injury rates and the other steps taken do little to reassure workers on the Project and the Queensland Government more broadly that health and safety is taken seriously by Nexus when one views these matters within the context of the kind of risks shown in the enclosed photograph.

WHSQ is extremely concerned that hazards and risk of this level of seriousness can be found on the Project after such a significant amount of inspectorate resources have been directed to enforce compliance on the Project.

The Project has a significant history of inadequate risk management as evidenced by the number and type of enforcement notices that have been issued on it since April 2017. Safety concerns expressed by unions representing members on this site are well justified by this history.

In relation to the incidents of plant roll overs on site, it is no comfort to workers and their representatives that the risk of death or injury from workplace hazards may not have resulted in actual death or injury. The WHS Act is directed at requiring duty holders to manage risk. I note that the assertion that no one was injured during the plant roll over incidents referred to at point five of your correspondence, is contradicted by advice from WHSQ that the Nexus Infrastructure incident report discloses the worker exposed to that roll over risk was in fact injured.

I also seek to raise concerns with respect to Nexus's conduct in relation to the positive results of E.Coli and Enterococci found in four of the Project's 13 water tanks. While I am informed that on delivery of these test results on 26 February 2018 Nexus undertook immediate action to flush out the affected water systems and provide bottled water and hand sanitiser to workers, it is noted that Nexus did not disclose the test results to WHSQ until 28 February 2018. Further I am informed that this disclosure occurred after the CFMEU raised a complaint with WHSQ about the matter. These actions are contrary to the spirit of the meeting held on 23 February 2018, particularly in relation to communication and consultation. I am personally and deeply disappointed with Nexus's conduct.

Since the Honourable Mark Bailey MP, Minister for Transport and Main Roads and I met with Nexus, nine notices have been issued by WHSQ. As you would be aware these notices related to four infringement notices, three prohibition notices and two improvement notices. It is very troubling that despite assurances made at the meeting on 23 February 2018 and reiterated in recent correspondence from Nexus that the safety record at the Project has not improved.

I have instructed WHSQ to continue to monitor and enforce compliance with the WHS Act on the Project.

While the safety initiatives undertaken by duty holders under the WHS Act on this site disclosed by your correspondence are commendable and to be encouraged, regrettably the ongoing issues at the Project, including the serious risk identified by the inspector on 1 March 2018 and the manner in which the contamination of water was dealt with evidences that much more needs to be done at an operational level.

A focus on improving work health and safety risk management on this Project must be the highest priority of all duty holders.

Yours sincerely



GRACE GRACE MP
Minister for Education and
Minister for Industrial Relations

Ref: 18/142092, F0000003797, R0000034718

Enc



JAS-6

Improvement notice



ABN 13 846 673 994

Work Health And Safety Act 2011

Electrical Safety Act 2002

Safety in Recreational Water Activities Act 2011

QUEENSLAND GOVERNMENT

This notice is issued under the Work Health and Safety Act 2011 section 191, Safety in Recreational Water Activities Act 2011... This notice requires the person to whom it is issued to remedy a contravention of the Act or Regulations. The legislation requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

Notice No. I 1050569

Notice issued to:

Legal name of person/business or undertaking: Jose Antonio Sanchez
ABN:
ACN:
Trading as:
Address: Toowoomba Second Range Crossing Compound
Postcode: 4350 QLD

Details of contravention:

Site location: Toowoomba Second Range Crossing (Bridge 2)
I, Jason Plath reasonably believe on 27-3-2018 at 13:37
that you are contravening a provision or have contravened a provision in circumstances that make it likely that the contravention will continue or be repeated; of the:
Work Health and Safety Act 2011, section/s 81(3)
Electrical Safety Act 2002, section/s
Safety in Recreational Water Activities Act 2011, section/s

Brief description of how the provision is being or has been contravened:

See attachment.

Directions (if any) as to the measures to be taken to remedy or prevent the contravention or likely contravention:

It is mandatory to comply with these directions

See attachment.

Recommendations (if any): Recommendations may be followed or you may adopt and follow another way that gives at least the same level of protection against the risk

[Handwritten scribbles]

Issuing inspector:

Inspector's ID: 1412
Inspector's location: Toowoomba
Date issued: 27/3/2018

This contravention must be remedied before:

Service method:

27 / 3 / 2018
Delivered personally
Left for a person at the workplace
Post
Fax
Email
Left at the person's last known place of residence or business

Notice given to: Jose Antonio Sanchez
Relationship to person to whom notice is issued: Project director

This portion may be signed and returned where a contravention has been remedied before the stated date. I certify that the requirements of this notice have been complied with:

Name (in block letters):
Position:
Signature:
Date complied: / /
Notice No. I 1050569

An inspector may make minor technical changes to this notice in certain circumstances. This does not change the validity of the notice. You must comply with this notice within the period stated. Failure to comply with this notice may incur a maximum penalty of \$50 000 for an individual and \$250 000 for a body corporate, government department or public authority.

PRIVACY COLLECTION STATEMENT

The Department of Justice and Attorney-General collects, uses, discloses and stores information in accordance with legislation it administers and all applicable privacy laws. This includes information collected by inspectors of the Department. Note that privacy laws do not apply if other laws conflict or allow or require the collection of information, and do not apply to the collection of information by the Department of Justice and Attorney-General to the extent that it is exercising its law enforcement functions and non-compliance with privacy legislation is deemed necessary to fulfil those functions. The Department of Justice and Attorney-General privacy information is on our website at www.justice.qld.gov.au.

Internal review of decision

If a decision to issue an improvement notice was made by an inspector, an eligible person may apply for an internal review of that decision.

An eligible person is:

1. The person to whom the notice was issued.
2. A person conducting a business or undertaking whose interests are affected by the decision.
3. A worker whose interests are affected by the decision.
4. A health and safety representative who represents a worker whose interests are affected by the decision.

How does a person apply for a review of a decision?

The person must complete and lodge the Application for Internal Review of Decision form before the date specified on the notice has expired or 14 days, whichever is the lesser. There is no application fee.

The operation of the improvement notice is stayed (that is suspended) once the application for review of decision is lodged with the regulator. The stay remains in effect until a decision is made by the regulator and whichever of the following is earlier – an external review is applied for or 28 days have elapsed since the person became aware of the regulator's decision.

Information about how to apply for a review of decision, including application forms is available online at www.worksafe.qld.gov.au, or by phoning Infoline on 1300 369 915.

What happens next?

Applications are reviewed as soon as reasonably practicable and within 14 days unless additional information is required. The applicant will receive written confirmation of the result of the internal review including the reasons for the decision.

External review

If a decision to issue an improvement notice was made by the regulator or the regulator has made a decision through internal review, an eligible person may apply to the Queensland Civil and Administrative Tribunal for an external review. An external review application must be made within 28 days of the person becoming aware of the regulator's decision.

Please refer to www.worksafe.qld.gov.au or phone Infoline on 1300 369 915 for more information on how to apply for an external review.

Privacy collection statement

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The Department of Justice and Attorney-General's privacy information is on our website at www.justice.qld.gov.au.

An inspector may make minor technical changes to this notice in certain circumstances. This does not change the validity of the notice.

You must comply with this notice within the period stated. Failure to comply with this notice may incur a maximum penalty of \$50 000 for an individual and \$250 000 for a body corporate, government department or public authority.

Improvement Notice (Attachment)



Notice Number 11050569

Brief description of how the provision is being or has been contravened:

On 27 March 2018, I was appointed by the regulator to attend the site location of Toowoomba Second Range Crossing Compound at 80 Bedford Street, Cranley to resolve work health and safety issues on the Toowoomba Second Range Crossing Construction Project ("Project").

I spoke with organisers from the CFMEU who told me about concerns they and their members held about work health and safety issues at a location known as Bridge 12 on the Project.

During my attendance at the site I was informed by the Project Director, Mr Jose Sanchez, that he had the authority to refuse access to any person to the Project site including Bridge 12. I was told by him that he was refusing to grant them access to the site without a right of entry permit. Section 81 of the Act deals importantly with the resolution of safety issues at workplaces. Section 81(3) of the *Work Health and Safety Act 2011* ("Act") states:

- (3) A representative of a party to an issue **may enter the workplace** for the purpose of attending discussions with a view to resolving the issue.

I reasonably believe that Beau Seiffert, Kurt Pauls, Tearanui Albert and Blake Hynes are union organisers of the CFMEU (union) and that they represent parties to work health and safety issues, namely workers on the Toowoomba Second Range Crossing Project. They told me that the issues in question that have arisen on the Project include the adequacy of: access and egress, safe systems of work and emergency procedures on Bridge 12.

I have been advised by the above organisers that the purpose of their entry to the site location is to attend and hold discussions with workers and others with a view to resolving the above work health and safety issues that they believe have arisen at the workplace.

You have informed me that you have control over rights of entry on the Project and that you are preventing these organisers from exercising their right to enter the Project site under s.81(3) for the important purposes set out in s.81 unless they hold a right of entry permit. I consider that s.81(3) of the Act grants the organisers in this case the right to enter the premises provided the conditions in s.81 are satisfied, whether or not they have a permit issued under s.171.

I believe those conditions are satisfied and that your prevention of their entry to the workplace is a contravention of s.81(3) in the sense in which that word is used under s.191 of the Act.

Directions:

I am directing you to allow the union organisers set out above to enter the workplace in accordance with the rights conferred by s.81(3) of the Act for the purposes set out that section.

Jason Piath	Inspector's ID: 1412	Date Issued: 27 March 2018
Signature of Inspector		

Infringement notice

This notice is issued under the *State Penalties Enforcement Act 1999* section 13 to a person who is contravening or has contravened a provision that has been designated an offence under the Act or the regulations that may attract an infringement notice. This notice requires the person to whom it is issued to ensure payment by the due date unless other available action is taken (refer to reverse side of notice for relevant information).

Notice No. F **1015055**

Notice issued to:

Legal name of alleged offender: <u>Jose Antonio Sanchez</u>	
ABN:	ACN:
Trading as (if applicable):	
Address: [Redacted]	
Postcode: <u>4350</u>	
Date of birth: [Redacted]	Gender: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female
Contact number: [Redacted]	
Identification type: <u>Drivers Licence Qld</u>	ID number: [Redacted]

Details of alleged contravention:

Location of offence
Toowomba Second Range Crossing, [Redacted]

I, Donna Louise Heelan reasonably believe on 27 March 2018 at between
Inspector name date 24 hour time
14:47 to 16:45

you committed an infringement notice offence by contravening a provision of the:

Work Health and Safety Act 2011, section 193 *Work Health and Safety Regulation 2011*, regulation _____

Electrical Safety Act 2002, section _____ *Electrical Safety Regulation 2002*, regulation _____

Safety in Recreational Water Activities Act 2011, section _____ *Safety in Recreational Water Activities Regulation 2011*, regulation _____

Offence code: 7000

Penalty amount \$ 720.00 *Payment must be received within 28 days after the date of this notice.*

Description of the offence:

see attachment

Issuing inspector:

[Signature] 793 [Redacted]
Signature of inspector Inspector's ID Inspector's contact number

28/3/18 [Redacted]
Date issued Inspector's work address

Service method:

Delivered personally Left for a person at the workplace Registered Post Fax Left at the person's last known place of residence or business

Jose Sanchez Relevant person.
Notice given to Relationship to person to whom notice is issued

Information about payment options is detailed on the back of this notice.

PRIVACY COLLECTION STATEMENT

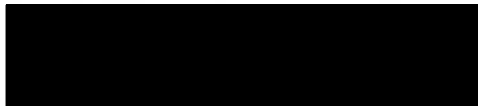
The Department of Justice and Attorney-General collects, uses, discloses and stores information in accordance with legislation it administers and all applicable privacy laws. This includes information collected by inspectors of the Department. Note that privacy laws do not apply if other laws conflict or allow or require the collection of information, and do not apply to the collection of information by The Department of Justice and Attorney-General to the extent that it is exercising its law enforcement functions and non-compliance with privacy legislation is deemed necessary to fulfil those functions.

The Department of Justice and Attorney-General privacy information is on our website at www.justice.qld.gov.au.

Infringement Notice (Attachment)



Notice Number F1015055.....

<p>Description of the offence:</p> <p>As a person to whom an improvement notice was issued, you failed to comply with improvement notice I1050569 within the compliance timeframe stated in the notice.</p> <p>Your actions in having the representatives identified in the notice removed from the workplace by police rather than to take all reasonable steps to facilitate their compliance with any conditions of entry (site rules etc.) so they could fulfil the purposes for which the entry was required under s.81(3) was contrary to the following direction given in the improvement notice:</p> <p>“I am directing you to allow the union organisers set out above to enter the workplace in accordance with the rights conferred by s.81(3) of the Act for the purposes set out that section.”</p>		
 Donna Heelan	793	28 March 2018
Signature of Inspector	Inspector's ID	Date Issued



Office of
Industrial Relations

Our Ref: F0000003996, R0000036525

28 MAR 2018

Mr Jose Sanchez
Project Director
Nexus Delivery
PO Box 124
HARLAXTON QLD 4350

Email: [REDACTED]

Dear Mr Sanchez

I refer to the incident yesterday at the Toowoomba Second Range Crossing Project (the Project).

I am informed that you initially refused to allow the representatives of workers working at the site to enter the workplace for the purposes set out in section 81(3) of the *Work Health and Safety Act 2011* (the Act).

I am instructed that an improvement notice was issued requiring you to allow the representatives to enter the site under section 81(3) of the Act and that the representatives were subsequently moved on by the police for reasons associated with non-compliance with site rules.

The work health and safety issues the representatives stated that they had concerns about included safe systems of work and access and egress at a location known as Bridge 12 on the site. I am instructed that inspectors subsequently identified a falls from height issue at Bridge 12 on the Project and were required to take enforcement action to remediate the risk presented.

The health and safety history of this Project is of significant concern to me. I am concerned for the safety of workers and others on the Project. Union representatives may, in some instances, be the only source of information about safety issues of concern conveyed to them by workers. They have a legitimate role to play to assist all parties to resolve safety issues as enshrined in provisions such as section 81(3) of the Act. The legislation has seen fit to authorise their entry to a workplace under the conditions described in section 81 of the Act.

It is important, particularly on a project with the health and safety history of this one, that duty holders reasonably cooperate with worker representatives seeking to resolve safety issues.

Level 11, 1 William Street Brisbane
Queensland 4000 Australia
GPO Box 69 Brisbane
Queensland 4001 Australia
Telephone 13 QGOV (13 74 68)
WorkSafe +61 7 3247 4711
Wageline +61 7 3225 2299
Website www.worksafe.qld.gov.au
www.business.qld.gov.au
ABN 13 846 673 994

(2)

I have appointed inspectors to attend at the site again today. They will exercise any powers that may be needed to give effect to the requirements of the Act. I would urge Nexus Delivery to cooperate with inspectors in the exercise of their functions and to allow representatives to enter the workplace under the conditions set out in section 81 of the Act.

Workplace Health and Safety Queensland will give serious consideration to escalating any enforcement response for any identified non-compliance with the Act including making application for an injunction under section 215 of the Act if appropriate.

We look forward to your reasonable cooperation.

Yours sincerely



Simon Blackwood
Deputy Director-General
Office of Industrial Relations