

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

WITNESS STATEMENT OF ENRIQUE BLANCO GOMEZ

1. I, Enrique Blanco Gomez, affirm:

Background

2. I am the Regional Managing Director of Australia, the United Kingdom, Ireland at Ferrovial Corporación, S.A.U. (**Ferrovial**). I have been an employee of Ferrovial for approximately 28 years. I have held my current role for approximately three years.
3. Prior to my current role, I held various senior leadership positions within the business, including Managing Director of Ferrovial Construction (Australia) Pty. Ltd., formerly known as Ferrovial Agroman (Australia) Pty Ltd (**Company**). I held that position from September 2011 to December 2023. The Company and Ferrovial are both 100% owned affiliates and associates of Ferrovial S.E.
4. I have worked in the construction industry for approximately 28 years. During this time, I have worked in Australia, Spain and the United Kingdom.

Toowoomba Second Range Crossing Project

5. The Toowoomba Second Range Crossing project (**TSRC**) was a major road and infrastructure development that was part of the South West Queensland economic development plan. It involved the construction of a highway north of the city of Toowoomba, effectively allowing traffic, especially heavy vehicle traffic, to bypass the centre of Toowoomba city.
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 TSRC, being a 43 km road north of Toowoomba. A Special Purpose Vehicle, Nexus Infrastructure, was established and engaged as contractor for the TSRC. The parties comprising Nexus Infrastructure were:
 - (a) Plenary Investments Pty Ltd;
 - (b) Cintra Toowoomba Limited;
 - (c) Acciona Concesiones S.L;
 - (d) the Company;
 - (e) Acciona Infrastructure Australia Pty Ltd (**Acciona**); 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. Also on 21 August 2015, Nexus Infrastructure entered into a subcontract for the design and construction of the TSRC with Nexus Delivery. Nexus Delivery was an unincorporated joint venture between Acciona and the Company.
9. After entering into that subcontract, Nexus Delivery spent roughly the first year completing design work and geotechnical site investigations. On-site construction activities commenced in or about September or October 2016.

10. At all times during the Company's involvement in the TSRC, I was its Managing Director.
11. As part of the project governance structure, I was a member of the Steering Committee, which functioned as the supervisory board for the TSRC. I held this role from the tender phase in 2015, through delivery, until completion. The Steering Committee's responsibilities were set out in the project's governance documents and included providing oversight, direction, and high-level decision-making support to the Project Director and Project Team.
12. The Steering Committee consisted of four members:
 - (a) from the Company: David Fanjul and myself; and
 - (b) from Acciona: Fernando Fajardo and Juan Antonio Adán.
13. For a substantial part of the duration of the TSRC, the Project Director was José Antonio Sanchez, an employee of Acciona. He reported to the Steering Committee and provided regular briefings on project progress and issues. Those briefings occurred weekly during the early stages of delivery, then fortnightly, and later monthly.
14. As Managing Director of the Company and Steering Committee member, I maintained ultimate oversight of workplace relations issues on the TSRC. This included being informed of any major developments involving the (then) Construction, Forestry, Mining and Energy Union (**CFMEU**) in respect of the TSRC.

Union dealings

15. Between the commencement of on-site construction activities in or about September or October 2016 and mid-2017, I do not recall anything of note about CFMEU activity in relation to the TSRC.
16. The enterprise agreement which applied to Acciona employees on the TSRC was the *Acciona Infrastructure Australia Pty Ltd Enterprise Agreement 2014 (Agreement)*. The Agreement was an Acciona negotiated Enterprise Agreement and the Company was not involved with the negotiation or implementation of that Agreement.
17. As the TSRC advanced towards the middle stages of delivery, the involvement of the CFMEU officials began to noticeably escalate. In particular, in or around early 2018, I was informed by Mr Sanchez, that certain CFMEU officials were increasingly seeking to enter the construction site without the required right of entry permits. Where the proper processes were not followed, I was informed by Mr Sanchez that Nexus Delivery refused entry to the CFMEU on the basis that the CFMEU officials refused or failed to provide valid notices of entry. I was also informed by Mr Sanchez that the CFMEU reacted adversely to these refusals. Around this time, the CFMEU sought to obtain immediate access to the site by asserting safety breaches. Also around this time, Nexus Delivery began to receive a large number of notices from Work Health and Safety Queensland (**WHSQ**).

Work health and safety at the TSRC

18. The TSRC presented a number of challenges, including mountainous terrain. The works included the construction of an approximately 800 metre viaduct built over the existing Queensland Rail line at Mount Kynoch, followed by a 30 metre deep cutting passing at the top of Toowoomba Range.
19. In the second half of 2017, a range of measures were implemented on the TSRC to ensure the safety and health of workers on the project was given the highest priority. These measures included:
 - (a) establishing a Safety Improvement Committee, which included participation from the JV Steering Committee and met on a monthly basis;

- (b) engaging a Senior Safety Consultant to help change the safety culture and improve dynamics on the TSRC;
 - (c) undertaking several 'stop work days' to focus on health and safety with the participation of members of the Steering Committee;
 - (d) reviewing site rules in relation to embankment protection standards;
 - (e) establishing two Plant and Construction Traffic Crews (East Crew and Central/West Crew) to work on identifying hazards to plant and construction traffic and addressing them to ensure compliance with edge protection and traffic management;
 - (f) implementing a process to, on a daily basis, have a supervisor and safety team member inspect all cuts and batters on the TSRC;
 - (g) undertaking a Safety Culture Health Check;
 - (h) implementing a third party audit of the Nexus Delivery safety system;
 - (i) providing safety culture training for high risk workers;
 - (j) auditing the verification of competency of mobile plant and users process;
 - (k) implementing and inducting all workers into a plant procedure that identifies risks in plant utilisation and suggests control mechanisms;
 - (l) in association with WHSQ, completing two mobile plant audits, covering 80 machines in the field;
 - (m) undertaking a stop works Safe Work Method Statement review; and
 - (n) implementing new site-wide rules for pick and carry loads using Franna cranes.
20. Unfortunately, the difficult terrain led to a number of plant rollovers on the TSRC. However, none of those rollovers resulted in injuries.
21. According to the Company's records, as at 23 February 2018, the TSRC had a total workforce of 944, including 683 subcontractor workers on site. At that time, there had been a total of four lost time injuries with a lost time injury frequency rate of 1.8. There had been 17 plant rollovers, none of which resulted in injury. The TSRC employed a dedicated safety team of 17 personnel responsible for overseeing the health and safety of those on site.

Regulator Notices

22. In February 2018, the Company began receiving an unusually high volume of notices from WHSQ. These included improvement notices and various other types of regulatory notices. Subsequently, some of these notices were issued to directors personally. While I cannot recall the specific details, I had not seen these types of notices issued personally to directors before.
23. In the period of March 2017 to February 2018, the Company received approximately 100 notices. I have not previously experienced this volume of notices on any other construction project in my career.
24. Many notices were directed at matters relating to issues that could ordinarily be resolved immediately on site. The notices covered a range of categories including plant rollovers, access/egress, water quality, traffic and plant-pedestrian separation, scaffolding and SWMS system compliance.

25. A register kept at the time summarising the notices issued by WHSQ in respect of the TSRC is annexed to this statement and marked “**EG-1**”. The register shows a significant spike in the volume of notices issued in February to April 2018.
26. The administrative burden created by the notices affected the TSRC. The project teams were required to divert substantial time and resources to responding to regulatory notices and associated paperwork.

CFMEU entry to site

27. In around early 2018, I was advised by Mr Sanchez that CFMEU officials sought entry to site on multiple occasions, in some instances several times per week. The Company's records show that, in the 22 days of February 2018 prior to 23 February 2018, there were approximately 31 CFMEU entries to site.
28. Nexus Delivery formed the view that these entry attempts by the CFMEU, combined with requirements from WHSQ that the CFMEU be permitted to enter the site under section 117 of the *Work Health and Safety Act 2011* (Qld), placed significant pressure on and caused disruption to, Nexus Delivery.

QIRC Application

29. On the evening of Monday, 19 February 2018, Nexus Delivery filed an application in the Queensland Industrial Relations Commission (**QIRC**) to deal with disputed right of entry exercises by the CFMEU. The purpose of the application was to obtain the assistance of the Commission to address the pattern of conduct we were experiencing on the TSRC described in the previous paragraph. The application was amended on 23 February 2018. The respondents to the application were the CFMEU, WHSQ, and an individual officer within WHSQ, named Inspector Jason Plath. A copy of the application, filed on the evening of 19 February 2018, is annexed to this statement and marked “**EG-2**”.
30. That application was amended on Tuesday, 20 February 2018. A copy of the amended application, dated 20 February 2018, is annexed to this statement and marked “**EG-3**”.
31. A further amended application was filed on Friday, 23 February 2018 (**Application**). A copy of the further amended application, dated 23 February 2018, is annexed to this statement and marked “**EG-4**”.

Incident at site in February 2018

32. On or about 21 February 2018, an incident occurred at site during the lifting of a reo box when a metal bar became dislodged and fell. Prior to the incident occurring, as a mitigation measure to minimise the risk, an exclusion area was established around the pier, restricting personnel from accessing the area. Although the pier's maximum height was approximately 30 metres, the bar was only approximately 30 centimetres off the ground when it slipped and fell. No one was injured and there was no material damage.
33. On 22 February 2018, Minister Grace Grace (the then Minister for Industrial Relations) and Minister Mark Bailey (the then Minister for Transport and Main Roads) released a joint statement titled “Safety Concerns at TSRC”. A copy of this statement is annexed to this statement and marked “**EG-5**”. This statement included the following words:

“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.”

Ministerial Meeting on 23 February 2018

34. On or around Wednesday 21 February 2018, I received an invitation to attend a meeting that Friday, 23 February 2018 with Minister Grace and Minister Bailey.
35. On 23 February 2018, I travelled from Sydney to attend the meeting with the Ministers. I recall that a number of people attended the meeting including myself, Fernando Fajardo, José Antonio Sánchez, and others from the TSRC.
36. The meeting occurred in the on-site Boardroom from 2:00 pm until approximately 2:30 pm to 2.45 pm. Prior to and for the purposes of the meeting, the Steering Committee had prepared a comprehensive presentation including a predictive analysis of incidents, and an implementation plan outlining steps already taken to address safety issues. A copy of this presentation is annexed to this statement and marked “**EG-6**”.
37. When the meeting commenced, we were informed by Minister Grace that we would not be presenting and the purpose of the meeting was for the Ministers to address us. Minister Grace then proceeded to lead the meeting.
38. Shortly after opening the meeting, Minister Grace said the contractor had to work with the Union. My best recollection is Minister Grace said:
 - (a) You [Nexus Delivery] have to at least work with them [the Union]. Unions are good, and they are here to help you and you have to consider whatever they want.
 - (b) If this did not occur, the Government might take the contract out of Nexus Delivery’s hands.
39. I understood that when Minister Grace said ‘Union’, she was referring to the CFMEU, as it was the only union Nexus Delivery was having trouble with on the TSRC.
40. I had not expected and so was very surprised by, Minister Grace’s comments. I have not experienced a meeting of the kind referred to at paragraphs 37 to 38.
41. The comments made by Minister Grace, the refusal to allow us to present, and the threat that the TSRC could be taken out of our hands made me consider the Company’s liability if the TSRC was cancelled given it was a 50:50 joint venture between Acciona and the Company.
42. I took handwritten notes during the meeting, partially in English and partially in Spanish. My notes are annexed to this statement and marked “**EG-7**”. In the third line of that note, I wrote, “Grace -> way forward. [Then in Spanish] *Threatening very difficult for companies*”. Part of my notes record, “*They can’t take the contract off us?*”, which I wrote after Minister Grace said that the government might take the TSRC off our hands if we did not deal with ‘the union’.
43. After this meeting, the Ministers attended a larger meeting with Nexus Delivery’s health and safety representatives committee.
44. Also after the meeting with the Ministers, the Steering Committee met to discuss the meeting with the Ministers. We considered our application to the QIRC was fair. However, the Steering Committee concluded that the application to the QIRC had triggered the content of the meeting and therefore we decided to withdraw the application.
45. Following our meeting on 23 February 2018, Minister Grace and Minister Bailey released another joint statement emphasising their concerns about safety on the TSRC and confirming they had met with Nexus Delivery. A copy of this statement is annexed to this statement marked “**EG-8**”.

Result of meeting

46. Ultimately, Nexus Delivery discontinued the Application on 26 February 2018, three days after the meeting. A copy of the request to discontinue the Application is annexed to this statement marked "**EG-9**".

Personal notices

47. In or around May 2018, I began receiving personally addressed regulatory notifications issued by WHSQ. I recall receiving three or four of these notices, all of which were sent to my business email address and some arrived on Sunday evenings. I have located copies of the following notices:

- (a) Section 155 Notice dated 2 May 2018;
- (b) Notice No. I 1005202 dated 6 May 2018; and
- (c) Notice No. I 188140 dated 24 May 2018.

Copies of these notices is annexed to this statement and marked "**EG-10**".

48. In my experience, communications of this nature are not issued on Sunday nights. I was surprised to receive these notices that were addressed to me personally.
49. I am aware that similar notifications were later received by Fernando Fajardo from Acciona, and ultimately even by the client, DTMR.

Conclusion

50. From early to mid-2018, I considered that multiple levers of pressure were being applied to the TSRC. I have discussed each of them above.
51. The first lever was the conduct of the CFMEU.
52. The second lever was the significant wave of notices issued by WHSQ. In the period March 2017 to February 2018, the Company received approximately 100 notices. There was a significant administrative burden in responding to these notices.
53. The third lever was the direct intervention by Minister Grace and Minister Bailey.
54. The fourth lever was the issuing of notices personally to senior executives of Nexus Delivery by WHSQ.
55. Individually, each of these levers of pressure would have been challenging but manageable. When taken together, it resulted in increased pressure on the TSRC, and the Government did not appear to want to assist Nexus Delivery address its concerns about the CFMEU's conduct.

I affirm the contents of this statement are true.

Signature of Deponent DocuSigned by:
Enrique Blanco Gomez
590A960F31FE403...

Place London Date 15 April 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 Enrique
Blanco Gomez

EG-1

STATUS	26-Jul-19
%CLOSED	54%
TOTAL	175
OPEN	4
CLOSED	103
WITHDRAWN	8
N/A	8
LEGAL CHALLENGE	4
REMAINS OPEN	48

Split of Open/Closed Notices		26-Jul-19
ND Notices Open (Improvement)		0
Contractor Notices Open (Improvement)		3
ND Notices Closed (Improvement)		60
Contractor Notices Closed (Improvement)		43
Total Improvement (Closed)		103
ND Notices REMAINS OPEN (Prohibition)		18
Contractor REMAINS OPEN (Prohibition)		31
Total Prohibition (Remains Open)		49

NOTICE #	NOTICE DATE	NOTICE TYPE	ISSUED TO	INSPECTOR ID	CATEGORY	DESCRIPTION	DIRECTIONS & RECOMMENDATIONS	NOTICE SIGNED	SUPPORTING EVIDENCE	EMAIL TO WHSQ	COMMENTS	SUMMARY OF OUTCOMES - ND	ND STATUS
1004886	30-Mar-17	Prohibition	Rocktown	610	Access and Egress	Allowing access to Formwork Jume systems that have no appropriate emergency access and egress provisions. The risks of safe emergency access and egress provisions have been provided. Workplace inspection has identified via observations, discussion and photos that appropriate emergency access and egress provisions have not been provided to the jump form systems, workers are at risk of not being safely reserved in an emergency when mechanical systems are not operational.	Blank	N/A	SWMS and emergency procedure	Email provided with attachments	Contractor no longer employed on the project, therefore no legal obligation to ensure closure.	WHSQ has set NO Mandatory Directions, Refer to copy of notice *Refer Improvement Notices: 1006352, 1006353, 1041696, 1041697 **Contractor no longer on site	N/A
1006352	30-Mar-17	Improvement	Nexus Delivery (Ferrovia & Acciona)	610	Access and Egress	Workplace inspection has identified via observation, discussions and photos that appropriate emergency access and egress provisions have into been provided to the jump from systems. Workers are at risk of not being safety rescued in an emergency when mechanical system are not operational.	Blank	21/04/2017	SWMS, emergency procedure - unclear if provided		Not i ce has been si gned, t her e f or e deemed compl i ed w l th and can be cl o sed.	*Install additional access/egress system (stretcher stairs). ERP revised, SWMS revised.	CLOSED
1006353	30-Mar-17	Improvement	Nexus Delivery (Ferrovia & Acciona)	610	Access and Egress	Workplace observations discussions and photographs identified systematic failures of management to maintain compliance with the provisions of the workplace environment. Evidence includes scaffold systems not maintained; housekeeping systems not maintained; access and egress systems not maintained and reasonable access drinking water not maintained	Blank	21/04/2017	SWMS, emergency procedure - unclear if provided	Email provided, no attachments	Not i ce has been si gned, t her e f or e deemed compl i ed w l th and can be cl o sed.	*Install additional access/egress system (stretcher stairs).ERP revised, SWMS revised.	CLOSED
1041696	30-Mar-17	Improvement	Rocktown	590	Access and Egress	You have not ensured that adequate and effective access progress has been provided to formwork jump system, for emergency situations Inspector Rees and Hasted have observed, photographed and reviewed. Safe work _ statement, there is no appropriate provisions for emergency access and egress from jump system for when mechanical provisions provided are out of service. No systems for safe retrieval.	Blank	N/A	SWMS and emergency procedure - unclear if provided to WHSQ		Contractor no longer employed on the project, therefore no legal obligation to ensure closure.	*SWMS and Emergency Response Procedure revised. ** ND Need signed Notice	N/A
1041697	30-Mar-17	Improvement	Rocktown	590	Fall From Heights	Site inspection and photographs have identified control measures _ for edge protection do not comply with work health and safety regulations _ Reg 306E. Edge protection only have two land _ and not installed as per design requirements. Persons are at risk of falls from one level o another	Blank	N/A	SWMS and emergency procedure - unclear if provided to WHSQ		Contractor no longer employed on the project, therefore no legal obligation to ensure closure.	*SWMS and Emergency Response Procedure revised. ** ND Confirms need signed notice	N/A
1006354	21-Apr-17	Improvement	Side by Side	610	Scaffolding	Failed to ensure so far as reasonably practicable that the installation of plant namely scaffold is without risk to the health and safety of person's installing plant. I observed and photographed then discussed with Mike The Hiko the failure to provide safe access and egress from scaffold during erection there was no evidence of access stairs or ladder to the scaffold system.	Scaffold Code of Practice 2009 Section 5.10	27/04/2017	Plan, photos	Email provided, with attachments	Not i ce has been si gned, t her e f or e deemed compl i ed w l th and can be cl o sed.	*Works stopped, workers toolboxed, safe stair access constructed, notice closed out, works continued. **ND Submitting evidence	CLOSED
1041695	21-Apr-17	Improvement	Rocktown	590	Scaffolding	Failure to ensure so far as reasonably practicable that the installation of plant (namely scaffold) is without risk to the health and safety of persons installing plant. Issue includes no tie register and use of self-drilling anchors and access system as scaffold is being built.	Scaffold Code of Practice 2009 Section 5.6, 5.10	28/04/2017		Email provided - without attachments	Not i ce has been si gned, t her e f or e deemed compl i ed w l th and can be cl o sed.	*Tie register meeting standard requirements provided to QWHS. **ND submitting email chain from WHSQ confirming evidence and that they sighted it	CLOSED
1028646	31-May-17	Improvement	CES Aust Pty Ltd	365	Electrical	CES AUST PTY LTD, a person conducting a business or undertaking that performs electrical work has failed to ensure that the electrical installation to the extent it is affected by the electrical work complies with the wiring rules and AS/NZS 3012. This is evidenced by the following non compliances observed in relation to the electrical installation at crane #2. AS/NZS 3000 Clause 3.9.5 The wiring system installed vertically has not been provided with adequate cable supports at intervals not exceeding 8m. AS/NZS 3000 Clauses 3.3.2.6 & 3.3.2.8 Wiring systems including the main earth cable have not been provided with adequate protection against impact and other stresses. AS/NZS 3000 Clause 5.3.3.2 The main earth conductor size is smaller than that required by table 5.1 in relation to the largest active conductor.	CES AUST PTY LTD, a person conducting a business or undertaking that performs electrical work must ensure that the electrical installation to the extent it has been affected by the electrical work is in accordance with the wiring rules and AS/NZS 3012.	N/A			Contractor no longer employed on the project, therefore no legal obligation to ensure closure.	31/07/2018 ** ND submitting copy of email for regulator confirming notice closed	N/A
1028647	31-May-17	Improvement	CES Aust Pty Ltd	365	Electrical	CES AUST PTY LTD, a person conducting a business or undertaking that performs electrical work has failed to ensure that the electrical installation to the extent it is affected by the electrical work complies with the wiring rules and AS/NZS 3012. This is evidenced by the following non compliances observed in relation to the electrical installation at crane #1. AS/NZS 3000 Clause 5.5.1.1 the main earthing conductor ahs not been taken from the earthing connection bar to the earth electrode. AS/NZS 3000 Clauses 3.3.2.6 & 3.3.2.8 Wiring systems including the main earth cable have not been provided with adequate protection against impact and other stresses. AS/NZS 3000 Clause 3.9.5 The wiring system installed vertically has not been provided with adequate cable supports at intervals not exceeding 8m.	CES AUST PTY LTD, a person conducting a business or undertaking that performs electrical work must ensure that the electrical installation to the extent it has been affected by the electrical work is in accordance with the wiring rules and AS/NZS 3012.	N/A			Contractor no longer employed on the project, therefore no legal obligation to ensure closure.	31/07/2018 ** ND submitting copy of email for regulator confirming notice closed	N/A
1028648	31-May-17	Improvement	CES Aust Pty Ltd	365	Electrical	CES AUST PTY LTD, a person conducting a business or undertaking that performs electrical work has failed to ensure that the electrical installation to the extent it is affected by the electrical work complies with the wiring rules and AS/NZS 3012. This is evidenced by the following non compliances observed in relation to the electrical installation at crane #1. AS/NZS 3000 Clause 3.3.2.8 & 3.9.3.1 wiring systems have not been installed in a way to minimise damage to the cable insulation. The cables have not been provided with adequate supports or suitable fixings at appropriate intervals. AS/NZS 3000 Clause 3.8.1 & 3.8.2 A conductor other than a conductor coloured green/yellow has been used as an earth conductor and has not been sleeved along its entire length.	CES AUST PTY LTD, a person conducting a business or undertaking that performs electrical work must ensure that the electrical installation to the extent it has been affected by the electrical work is in accordance with the wiring rules and AS/NZS 3012.	N/A			Contractor no longer employed on the project, therefore no legal obligation to ensure closure.	31/07/2018 ** ND submitting copy of email for regulator confirming notice closed	N/A

WHSQ Notices Register

STATUS	26-Jul-19
%CLOSED	54%
TOTAL	175
OPEN	4
CLOSED	103
WITHDRAWN	8
N/A	8
LEGAL CHALLENGE	4
REMAINS OPEN	48

Split of Open/Closed Notices		26-Jul-19
ND Notices Open (Improvement)		0
Contractor Notices Open (Improvement)		3
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ND Notices REMAINS OPEN (Prohibition)		18
Contractor REMAINS OPEN (Prohibition)		31
Total Prohibition (Remains Open)		49

NOTICE #	NOTICE DATE	NOTICE TYPE	ISSUED TO	INSPECTOR ID	CATEGORY	DESCRIPTION	DIRECTIONS & RECOMMENDATIONS	NOTICE SIGNED	SUPPORTING EVIDENCE	EMAIL TO WHSQ	COMMENTS	SUMMARY OF OUTCOMES - ND	ND STATUS
1028649	31-May-17	Improvement	CES Aust Pty Ltd	365	Electrical	CES AUST PTY LTD, a person conducting a business or undertaking that performs electrical work has failed to ensure that the electrical installation to the extent it is affected by the electrical work complies with the wiring rules and AS/NZS 3012. This is evidenced by the following non compliances observed in relation to the electrical installation at crane supplies. AS/NZS 3010:2017 Clause 2.9(a) All generator switchboards have not been installed in accordance with the requirements of AS/NZS 3000. AS/NZS 3010 figure 2.11 may be of assistance. AS/NZS 3012 Clause 2.5.3 Construction wiring has not been adequately protected against mechanical damage in accordance with a conducted risk assessment or protected by a suitable enclosure or barrier not less effective than items (a) to (e). AS/NZS 3012 Clause 2.5.4 Construction wiring is not readily distinguishable from permanent wiring using cable sheaths of a different colour or by attaching iridescent yellow tape spaced at intervals.	CES AUST PTY LTD, a person conducting a business or undertaking that performs electrical work must ensure that the electrical installation to the extent it has been affected by the electrical work is in accordance with the wiring rules and AS/NZS 3012.	N/A			Contractor no longer employed on the project, therefore no legal obligation to ensure closure.	31/07/2018 ** ND submitting copy of email for regulator confirming notice closed	N/A
1024362	06-Jun-17	Improvement	Ferrovial Agroman (Australia) Pty Ltd	591	Out of Hours Facilities	Ferrovial have not ensured so far as is reasonably practicable the provision of and access to adequate facilities for emergency response and first aid for the welfare of workers performing extended hours and/or night works. Work has been conducted on site outside of normal daylight hours including nights. During these occasions workers have not had access to or support from onsite paramedic with fully equipped 4WD vehicle, full emergency response team or the full array of first aid facilities deemed necessary for works conducted during normal daylight hours. Workers performing the same or similar tasks outside of daylight hours are exposed to a higher level of risk due to but not limited to darkness, artificial lighting, glare and shadowing, fatigue, disruption to normal sleep patterns. The revised procedure does not give further detail from previous procedure to ensure that processes are in place for work outside normal daylight hours. <u>See Addendum pg. 2</u>	Blank	9/06/2017	Procedure, duty card	Email provided, with attachments	Notice has been signed, therefore deemed complied with and can be closed.		CLOSED
1018572	26-Jun-17	Prohibition	Nexus Delivery (Ferrovia & Acciona)	614	Traffic	Carrying out work in a live lane with the risk of injury to workers and others caused by collision. Inspection of the work process revealed that a traffic controller late was involved in a collision with a member of public's vehicle. All of the warning signage had been removed from the worksite and a truck mounted attenuator was not supplied for the task, as had been programmed the work has been carried out in a live lane.	Blank	N/A	Procedure	Have 2/3 emails, with attachment.	Notice cannot be closed and remains open for the tenure of the project.	WHSQ has set NO Mandatory Directions, Refer to copy of notice	REMAINS OPEN
1028403	26-Jun-17	Improvement	Nexus Delivery (Ferrovia & Acciona)	614	Traffic	Inspection of the work process revealed that a traffic controller's ute was involved in a collision with a member of public's vehicle. All of the warning signage had been removed from the worksite. The person conducting the business or undertaking is to develop implement and maintain a system to ensure so far as is reasonably practicable that the Health and Safety of workers and others is not put at risk while carrying out work in a live lane, and a truck mounted attenuator was not supplied for the task, as had been programmed.	Blank	3/07/2017	Incident investigation evidence in folder - unclear if provided	Email provided, no attachments	Notice has been signed, therefore deemed complied with and can be closed.	*ICAM investigation, Corrective actions: TGA to review the SWMS Traffic control working on/or near roads' to ensure compliance to the MUTCD. TGA to train their workers on the amended Traffic control working on/or near roads' SWMS ND to develop a SWMS for Traffic control working on/or near roads. Ensure it aligns with MUTCD requirements and all workers trained in contents. Training needs analysis regarding the MUTCD needs to be investigated to determine who requires training and what level Review the ordering system for supply of plant and materials. Process to be communicated to all stakeholders Review the process of ordering TGS documents. Ensure the correct process is communicated to all stakeholders Ensure adequate contact details are made available to workers on Saturday works in case of emergency or general questions if required. **ND Submitting Evidence	CLOSED
1018573	27-Jun-17	Prohibition	Traffic Group Australia Pty Ltd	614	Traffic	Carrying out work in a live lane with the risk of injury to workers and others caused by collision. Control measures that are reasonably practicable are implemented to prevent or minimise the risk of injury to workers and others due to collision. Inspection of the work area revealed that a traffic controller ute was involved in a collision with a member of public's vehicle. All of the warning signage had been removed from the worksite and a truck mounted attenuator was not supplied for the task, as had been programmed. The work was being carried out in a live lane.	Blank	N/A			Notice cannot be closed and remains open for the tenure of the project.	WHSQ has set NO Mandatory Directions, Refer to copy of notice	REMAINS OPEN
1028404	27-Jun-17	Improvement	Traffic Group Australia Pty Ltd	614	Traffic	The safe work method statement (SWMS) did not make mention of the control measures to be implemented for the task of recovery of signage whilst occupying a live lane.	The person conducting the business or undertaking is to develop, implement and maintain a system to ensure safe work method statements comply with WH&S Regulation 299.	6/07/2017	N/A	Email provided	Notice has been signed, therefore deemed complied with and can be closed.	31/07/2018 ** ND submitting copy of email for regulator confirming notice closed	CLOSED
1041796	10-Jul-17	Improvement	Nexus Delivery (Ferrovia & Acciona)	1862	Site Plant Movements	Multiple items of plant including Manitou, tipper, smooth drum roller, excavator, light vehicles, semitrailer in process of unloading scaffold materials, operating in a work area with multiple pedestrians on ground without effective controls in place to manage the risk of plant/plant and plant/pedestrian interaction.	THE PRINCIPAL CONTRACTOR FOR A CONSTRUCTION PROJECT MUST UNDER PART 3.1 MANAGE RISKS TO HEALTH AND SAFETY ASSOCIATED WITH TRAFFIC IN THE VICINITY OF THE WORKPLACE THAT MAY BE AFFECTED BY CONSTRUCTION WORK CARRIED OUT IN CONNECTION WITH THE CONSTRUCTION PROJECT. Refer Traffic Management - Construction Code of Practice 2008	14/07/2017	Diagrams	Email provided, with attachments	Notice has been signed, therefore deemed complied with and can be closed.	*Workers toolboxed on Crane Safety, SWMS revised.	CLOSED

WHSQ Notices Register

STATUS	26-Jul-19
%CLOSED	94%
TOTAL	175
OPEN	4
CLOSED	103
WITHDRAWN	8
N/A	8
LEGAL CHALLENGE	4
REMAINS OPEN	48

Split of Open/Closed Notices		26-Jul-19
ND Notices Open (Improvement)		0
Contractor Notices Open (Improvement)		3
ND Notices Closed (Improvement)		60
Contractor Notices Closed (Improvement)		43
Total Improvement (Closed)		103
ND Notices REMAINS OPEN (Prohibition)		18
Contractor REMAINS OPEN (Prohibition)		31
Total Prohibition (Remains Open)		49

NOTICE #	NOTICE DATE	NOTICE TYPE	ISSUED TO	INSPECTOR ID	CATEGORY	DESCRIPTION	DIRECTIONS & RECOMMENDATIONS	NOTICE SIGNED	SUPPORTING EVIDENCE	EMAIL TO WHSQ	COMMENTS	SUMMARY OF OUTCOMES - ND	ND STATUS
1041910	13-Jul-17	Improvement	Multifix Construction Pty Ltd	590	Scaffolding	Inspectors observed and photographed that there is no clear access and egress to and from work area, observed excess building material is impeding safe access and egress to and from work area, observed access scaffold has missing component, tie bar in hop up batters, waste material in general work area. PCBU has failed to ensure safe access and egress to work area.	Blank	18/07/2017	Photos - unclear if provided		Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w i t h a n d c a n b e c l o s e d.	*Works ceased, structures superintendent inspected work area with Multifix supervisor, action plan put in place to rectify issues.	CLOSED
1006360	14-Jul-17	Improvement	Multifix Construction Pty Ltd	610	Trip Hazards	Multifix have failed to identify the hazards and associated risks in their SWMS for the construction of a bridge above the headstock. As a result matters including falls, falling objects and systems of safe work in a co-ordinated and professional manner is not taking place.	Blank	24/07/2017			Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w i t h a n d c a n b e c l o s e d.	*Works stopped, toolbox talk held with workers focusing on coordination of works, SWMS and procedures reviewed by Multifix. Nexus inspected work area and documentation. Multifix proceeded with works. **ND Submitting close evidence	CLOSED
1006361	14-Jul-17	Improvement	Nexus Delivery (Ferrovial & Acciona)	610	SWMS/System	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.	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	17/07/2017	SWMS, daily inspection checklist - unclear if provided	Email provided, no attachments	Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w i t h a n d c a n b e c l o s e d.	*Multiple site wide toolbox talks held regarding notice, SWMS reviewed inc. contractors. **ND Submitting Evidence	CLOSED
1050557	18-Jul-17	Improvement	Nexus Delivery (Ferrovial & Acciona)	1412	Site Plant Movements	Effective control measures are not in place between Pier 15-16 to manage the risks associated with plant/plant and plant/pedestrian interaction.	THE PRINCIPAL CONTRACTOR FOR A CONSTRUCTION PROJECT MUST UNDER PART 3.1 MANAGE RISKS TO HEALTH AND SAFETY ASSOCIATED WITH TRAFFIC IN THE VICINITY OF THE WORKPLACE THAT MAY BE AFFECTED BY CONSTRUCTION WORK CARRIED OUT IN CONNECTION WITH THE CONSTRUCTION PROJECT.	19/07/2017	Photos	Email provided with attachments	Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w i t h a n d c a n b e c l o s e d.	*Implemented hard barricade pedestrian access and updated VMP, Workers toolboxed.**ND Submitting evidence of close	CLOSED
1050558	18-Jul-17	Improvement	Nexus Delivery (Ferrovial & Acciona)	1412	Site Plant Movements	Nexus Delivery has not ensured so far as reasonable practicable that the layout 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.	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.	19/07/2017	Photos	Email provided with attachments	Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w i t h a n d c a n b e c l o s e d.	*Rock was implemented and smoothed out. ND Submitting evidence	CLOSED
1006362	20-Jul-17	Improvement	Side by Side	610	Scaffolding	You have failed to ensure so far as reasonably practicable that the installation of plant namely scaffold is without risk to the health and safety of persons who use the plant. I observed and photographed the failure to provide scaffold plans or drawings, access and egress from scaffold stairs to ground unsafe, face braces missing, screening to stair modules incomplete and toe boards missing.	Scaffold Code of Practice	26/07/2017	Toolbox record	Email provided, with attachment	Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w i t h a n d c a n b e c l o s e d.	*Scaffold area in question closed, scaffolders assessed and fixed non-compliant scaffold. SBS safety manager contacted, advised that any scaffold built on the Nexus Project must follow drawings or plans. **ND Submitting evidence	CLOSED
1039366	24-Jul-17	Improvement	Multifix Construction Pty Ltd	963	Scaffolding	You have failed to ensure so far as reasonably practicable that the installation of plant (scaffolding) is without risk to the health and safety of persons who use the plant. I observed and photographed the failure to provide scaffolding which is not following the scaffolding plans. Scaffolding was missing bracings and incomplete.	Blank	25/07/2017	Photos - unclear if provided (but sent by subcontractor, see email)		Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w i t h a n d c a n b e c l o s e d.	*All Multifix bridges stopped, full inspection of four bridges conducted by Multifix and Nexus supervisors, issues closed out bridge by bridge. Works restarted four days later. **ND Submitted email from regulator notice closed	CLOSED
1018574	02-Aug-17	Prohibition	Qld Crane Hire	614	Plant Rollover	Carrying out craning activities on sloping ground outside of the manufacturers specifications for the safe use of the plant resulting in an overturn. A system is in place to ensure craning activates do not exceed the manufacturers instruction for safe use when operating on sloping ground. Inspections of the work process revealed tat a Terek 20t articulated crane (rego 0365KB) had over turned whilst lifting a formwork shutter, the crane was operating on sloping ground, photo's taken.	Blank	N/A			Notice cannot be closed and remains open for the tenure of the project.	WHSQ has set NO Mandatory Directions, Refer to copy of notice	REMAINS OPEN

WHSQ Notices Register

STATUS	26-Jul-19
%CLOSED	84%
TOTAL	175
OPEN	4
CLOSED	103
WITHDRAWN	8
N/A	8
LEGAL CHALLENGE	4
REMAINS OPEN	48

Split of Open/Closed Notices		26-Jul-19
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Contractor REMAINS OPEN (Prohibition)		31
Total Prohibition (Remains Open)		49

NOTICE #	NOTICE DATE	NOTICE TYPE	ISSUED TO	INSPECTOR ID	CATEGORY	DESCRIPTION	DIRECTIONS & RECOMMENDATIONS	NOTICE SIGNED	SUPPORTING EVIDENCE	EMAIL TO WHSQ	COMMENTS	SUMMARY OF OUTCOMES - ND	ND STATUS
1028405	02-Aug-17	Improvement	Qld Crane Hire	614	Plant Rollover	Inspection of the work process revealed that the Terex 20T articulated crane (Rego No 0360KB) had over turned whilst lifting a formwork shutter. The crane was operating on sloping ground photos taken.	The person conducting the business or undertaking is to develop, implement and maintain a system to ensure cranes are operated within the manufacturers specifications for ground conditions, including stability and angle of the ground.				WHSQ confirmed via register. Compliance date 04/08/17.	*Workers toolboxes on Crane Safety, SWMS revised. Refer to Improvement notice 1028406. ND have no evidence of the close out notice by the contractor. **ND Submitting evidence	CLOSED
1028406	02-Aug-17	Improvement	Nexus Delivery (Ferrovial & Acciona)	614	Plant Rollover	Inspection of the work process revealed that the Terex 20T articulated crane (Rego No 0360KB) had over turned whilst lifting a formwork shutter. The crane was operating on sloping ground photos taken.	The person conducting the business or undertaking is to develop, implement and maintain a system to ensure cranes are operated within the manufacturers specifications for ground conditions, including stability and angle of the ground.	4/08/2017	SWMS, toolbox records	Emails provided with attachments	Not i ce has been si gned, t her e f or e d e e m e d c o m p l i e d w i t h a n d c a n b e c l o s e d.	*Workers toolboxes on Crane Safety, SWMS revised. **Needs Email to WHS 24/4/18	CLOSED
1028407	10-Aug-17	Improvement	Ostwald Bros Pty Ltd	614	Plant Maintenance	Inspection of the work process revealed that a number of items of plant did not have first aid kits or snake bite kits available in them. This requirement is referenced in the "Mobilisation Inspection Checklist" and is a requirement as part of the safety system contained within the "Safety Management Plan".	The person conducting the business or undertaking is to develop, implement and maintain a system to ensure requirements with the "Safety Management Plan" are complied with.	N/A			Contractor no longer employed on the project, therefore no legal obligation to ensure closure.	31/07/2018 ** ND submitting copy of email for regulator confirming notice closed	N/A
1050559	10-Aug-17	Improvement	Nexus Delivery (Ferrovial & Acciona)	1412	SWMS/System	Evidence gathered from a 3-day audit of the workplace and evidence gathered from discussions had with workers has shown that workers are not regularly reviewing their SWMS for their work environment and may not be aware of the changing work environment, hazards and controls.	PCBU must ensure that a safe work method statement is reviewed and as necessary revised if relevant controls measure are changed to reflect the changing work environment and hazards. A system needs to be put in place to ensure that workers given regular instruction, training and information in relation to the Work Method Statement.	18/08/2017	N/A	Email provided, no attachments	Not i ce has been si gned, t her e f or e d e e m e d c o m p l i e d w i t h a n d c a n b e c l o s e d.	ND Submitting evidence of Close	CLOSED
1050560	10-Aug-17	Improvement	Mackellar Epsa Pty Ltd	1412	SWMS/System	Evidence gathered from 3 day Audit of the work place and evidence gathered from discussion had with workers has shown that workers are not regularly reviewing their Safe Work Method Statement for their work environment and may not be aware of the changing environment, hazards and controls.	PCBU must ensure that a Safe Work Method is reviewed and as necessary revised if relevant control measures are changed to reflect the changing working environment and hazards. A system needs to be put in place to ensure that workers are given regular instruction, training and information in relation to the Work Method Statements.	10/07/2017	SWMS	Email provided, with attachments	Not i ce has been si gned, t her e f or e d e e m e d c o m p l i e d w i t h a n d c a n b e c l o s e d.	31/07/2018 ** ND submitting copy of email for regulator confirming notice closed	CLOSED
1011738	15-Aug-17	Prohibition	Ferrovial Agroman (Australia) Pty Ltd	590	Fall From Heights	Allowing works at height greater then 2 without a control measure in place to prevail or arrest a persons fall. Systems are in place for work at height to prevent or arrest a persons fall. Inspector has obtained information and discussion with workers identified that workers have been and are likely to work at height greater than 2m without controls in place to prevent or arrest a person's fall from height. Persons are at risk of serious bodily injury from falls from height.	Blank	N/A	Procedure, SWMS and drawings	Emails provided, with attachments	Notice cannot be closed and remains open for the tenure of the project. Internal email confirming verbal close out 21/08/17, copying in Peter Rees.	WHSQ has set NO Mandatory Directions, Refer to copy of notice	REMAINS OPEN
1011802	15-Aug-17	Non-Disturbance	Nexus Delivery (Ferrovial & Acciona)	1412	Plant Rollover	Zone 3 Fill 22 (Everdigm 60m MCP 33Q), falling to be erected to prevent unauthorised access to the area #Everdigm 60m MCP33Q. No persons is to interfere with the concrete pump until WHSQ has finished its inquiries and inspection. The concrete placing boom truck is not to be righted until a methodology has been developed by a competent person and approved by principal Contractor		N/A	N/A	N/A	Notice has expired and no new corresponding notice issued, therefore deemed closed. Notice expired 22/08/17 16.00.		CLOSED
1018576	15-Aug-17	Prohibition	Meales Concrete Pumping	614	Plant Rollover	The truck and concrete pump have been inspected by competent person and found to be serviceable to the manufacturers specifications. Inspection of the work process revealed that a Everdigm 60m 60CS-5 Concrete Pump mounted on a Actros 4144 Truck had overturned whilst setting up to pump concrete.	Blank	N/A			Notice cannot be closed and remains open for the tenure of the project.	WHSQ has set NO Mandatory Directions, Refer to copy of notice	REMAINS OPEN
1018577	15-Aug-17	Prohibition	Meales Concrete Pumping	614	Plant Rollover	Carrying out set up and operation of concrete pumps without setup on ground being with adequate support and in compliance with the manufacturers specifications. A system is in place to ensure concrete pumps are setup and operated on ground compliant with the manufacturers specification. Inspection of the work process had revealed that Everdigm 60m 60CS-5 Concrete Pump on a Actros 4144 Truck had overturned with a risk of serious injury or death to workers.	Blank	N/A			Notice cannot be closed and remains open for the tenure of the project.	WHSQ has set NO Mandatory Directions, Refer to copy of notice	REMAINS OPEN
1028410	15-Aug-17	Improvement	Meales Concrete Pumping	614	Plant Rollover	Inspection of the work process revealed that the SWMS for operation of a Concrete Boom stated that it was to be set up on firm ground and be level. The ground was not level.	The person in control of the or undertaking is to develop implement and maintain a system to ensure safe work method statements are complied with.	18/08/2017	Safety alert - unclear if provided		Not i ce has been si gned, t her e f or e d e e m e d c o m p l i e d w i t h a n d c a n b e c l o s e d.	*Concrete Pump Checklist created. ** ND Submitting emails as evidence of close	CLOSED

WHSQ Notices Register

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%CLOSED	84%
TOTAL	175
OPEN	4
CLOSED	103
WITHDRAWN	8
N/A	8
LEGAL CHALLENGE	4
REMAINS OPEN	48

Split of Open/Closed Notices	26-Jul-19
ND Notices Open (Improvement)	0
Contractor Notices Open (Improvement)	3
ND Notices Closed (Improvement)	60
Contractor Notices Closed (Improvement)	43
Total Improvement (Closed)	103
ND Notices REMAINS OPEN (Prohibition)	18
Contractor REMAINS OPEN (Prohibition)	31
Total Prohibition (Remains Open)	49

NOTICE #	NOTICE DATE	NOTICE TYPE	ISSUED TO	INSPECTOR ID	CATEGORY	DESCRIPTION	DIRECTIONS & RECOMMENDATIONS	NOTICE SIGNED	SUPPORTING EVIDENCE	EMAIL TO WHSQ	COMMENTS	SUMMARY OF OUTCOMES - ND	ND STATUS
1038089	16-Aug-17	Prohibition	Holt Lifting Services Pty Ltd	1412	Fall From Heights	Using Man box (TR51) that is been design Registered. The risk of death or serious injury arising from using plan (man box TR51) Observed man box that is being used to undertake tasks at heights, the work box does not comply with the requirement of the Tower Crane Code of Practice 2017 section 7.5 Work Boxes and First Aid Boxes.	Blank	N/A	Certificate of plant design registration	Email provided, with attachment	Notice cannot be closed and remains open for the tenure of the project.	Submitting Email and evidence	REMAINS OPEN
1018579	17-Aug-17	Prohibition	Nexus Delivery (Ferroviaal & Acciona)	614	Plant Rollover	Operating mobile plant where ground conditions have not been suitably assessed. Until the risk of death of serious injury associated with operation of mobile plant on unusable ground has been eliminated or minimised so far as is reasonably practicable. Mobile plant is operated daily by workers and/or in vicinity of workers on ground that has not been suitably assessed or caused to be assessed by the principal contractor as being adequate to prevent the overturning of mobile plant.	Blank	N/A			Notice cannot be closed and remains open for the tenure of the project.	WHSQ has set NO Mandatory Directions, Refer to copy of notice	REMAINS OPEN
1028411	17-Aug-17	Improvement	Nexus Delivery (Ferroviaal & Acciona)	614	Plant Rollover	Mobile plant is operated daily by workers and/or in vicinity of workers on ground that has not been suitably assessed or caused to be assessed by the principal contractor as being adequate to prevent the overturning of mobile plant.	The person in control of the business or undertaking is to develop, implement and maintain a system to ensure mobile plant is operated on ground that has been assessed as suitably compliant with the manufacturers specifications so far as is reasonably practicable. Investigations have revealed that plant is allowed to be operated in areas where ground compaction has not been assessed and gradients of the ground are outside the plant manufacturers specifications which has resulted in plan rollovers.	21/08/2017	Concrete pumping checklist - unclear if provided		Not i ce has been si gned, t her e f or e deemed compl i ed w l th and can be cl osed.	Concrete Pump Checklist created. ** ND Submitting email confirmation of close	CLOSED
1018582	23-Aug-17	Prohibition	Niepe	614	Fall From Heights	Carrying out work at heights with harness systems with a risk of serious injury or death. A system is put in place to eliminate or minimise the risk of serious injury or death so far as is reasonably practicable whilst using harness system. Inspection of the work process revealed that workers had a lack of knowledge in how to implement harness systems. A synthetic sling with an inertia reel was implemented to be used in a horizontal plane. The inertia reel was a vertical model with an effective operational parameter of a 30° cone from the vertical. Photos taken	Blank	N/A	N/A	N/A	Withdrawn notices are deemed closed and can be removed.	*Notice Withdrawn, evidence submitted	WITHDRAWN
1024367	23-Aug-17	Improvement	Niepe	591	Fall From Heights	A cover on the penetration adjacent to mounting bracket on north eastern side of Pier 20 form deck was not secured. The cover has potential to be dislodged erecting a risk of injury to persons working in the area.	Check all penetration covers on form deck and secure appropriately to prevent accidental or inadvertent dislodging.				WHSQ confirmed via register. Compliance date 24/08/17.		CLOSED
1024368	23-Aug-17	Improvement	Niepe	591	Trip Hazards	Crimped cables on securing pins of jump form have come away from crimped ends. Some are creating trip hazards to workers thereby placing them at risks of injury.	Ensure that securing pin cables are intact and do not circlet trip hazards.		N/A	N/A	Withdrawn notices are deemed closed and can be removed. Mark Houston confirmed notice cancelled on 16/03/18.		WITHDRAWN
1028412	23-Aug-17	Improvement	Niepe	614	Fall From Heights	Inspection of the work process revealed that workers had a lack of knowledge in how to implement harness systems. A synthetic slink with an inertia reel was implemented to be used in a horizontal plane. The inertia reel was a vertical model with an effective parameter of a 30° cone from the vertical.	The person in control of the business or undertaking is to develop, implement and maintain a system to ensure reasonably practicable that workers are competent to implement harness or systems for fall areas restraint.	N/A	N/A	N/A	Withdrawn notices are deemed closed and can be removed.	*ND issue evidence of withdrawal letter from WHS on 02/11/17	WITHDRAWN
1028413	23-Aug-17	Improvement	Nexus Delivery (Ferroviaal & Acciona)	614	Fall From Heights	Inspection of the work process revealed that workers had a lack of knowledge in how to implement harness systems. A synthetic slink with an inertia reel was implemented to be used in a horizontal plane. The inertia reel was a vertical model with an effective parameter of a 30° cone from the vertical.	The person conducting the business or undertaking is to develop implement and maintain a system to ensure so far as is reasonably practicable that workers are competent to implement harness systems for fall arrest/restraint.	25/08/2017	N/A	Email provided, no attachments	Not i ce has been si gned, t her e f or e deemed compl i ed w l th and can be cl osed.	*Works stopped, contractor in question reviewed SWMS and workers competency. Evidence provided. **ND Submitting Evidence	CLOSED
1038090	23-Aug-17	Prohibition	DBS QLD Pty Ltd	1412	Plant Maintenance	Observation of pre start and discussion had with operator. The Manitou's park brake is not holding, control implemented is for the operator to stay in cab. Risk is that if another operator operates the plant and exits plant while running it could run over that person or cause an incident. It has been noted in Pre start for the past week.	DBS QLD Pty Ltd must insure that the MANITOU MT1440 park brake is repaired, inspected and maintained as per manufacturers specification prior to going back into service.	N/A			Notice cannot be closed and remains open for the tenure of the project.	*NTP Forklifts attended the site and carried out repairs to the Manitou which was an adjustment to the park brake. We are awaiting an invoice which we will forward to you. The machine is operational and deemed safe to operate on daily duties. (Invoices received - 25/10/2017) * Emailed DBS 13/06/2018 seeking corro to WHSQ.	REMAINS OPEN
1038091	05-Sep-17	Prohibition	Tox Free	1412	Respiratory Systems	Using Diesel compressors to supply breathing air to workers without devices/controls in place to detect Toxic gases. The risk of death or serious illness from breathing in toxic gases. Observation and discussion had with workers carrying out work activity of water blasting of concrete beams inside of encapsulation, workers using respiratory protection air supplied system fed from a diesel compressor. There were no devices/controls in place to detect toxic gases from entering workers air supply.	Blank	N/A			Notice cannot be closed and remains open for the tenure of the project.	WHSQ has set NO Mandatory Directions, Refer to copy of notice	REMAINS OPEN

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OPEN	4
CLOSED	103
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N/A	8
LEGAL CHALLENGE	4
REMAINS OPEN	48

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1050561	06-Sep-17	Improvement	DBS QLD Pty Ltd	1412	Respiratory Systems	You are not ensuring that personal protective equipment provided under section 44(2) of the work Health and Safety Regulation 2011 (the regulation), is selected in accordance with section 44(3)(a)(ii) of the regulation to minimise risk to health and safety including by ensuring that the equipment is a suitable fit foot the worker who is wearing it. Workers in the process to jackhammering concrete generating dust. No fit testing has been conducted on the worker to test the effectiveness of the seal.	You must ensure personal protective equipment provided under section 44(2) of the regulation complies with sections 44(3) and 44(4) of the regulation. Refer to: Current legislation-Work Health and Safety Regulation 2011. Australian/New Zealand Standard AS/NZ 1715:2009 selection, use and maintenance of respiratory protective equipment. Film-how to properly wear personal protective equipment for airborne contaminants.				WHSQ confirmed via register. Compliance date 22/09/17.	31/07/2018 ** ND submitting copy of email for regulator confirming notice closed	CLOSED
1050562	07-Sep-17	Improvement	Acciona Infrastructure Australia Pty Ltd	1412	Respiratory Systems	PCBU did not have any process/s/procedures in place to ensure that no person at the workplace is exposed to a substance or mixture in an airborne concentration that exceeds the exposure standard for the substance or mixture.	PCBU must put a process/procedure in place to ensure that no person at the workplace is exposed to a substance or mixture in an airborne concentration that exceeds the exposure standard for the substance or mixture.	6/09/2017	N/A	Email provided, no attachments	Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w t h a n d c a n b e c l o s e d.	*Works stopped, contractor reviewed procedures and adjusted accordingly. QWHS inspected and given okay for works to resume.	CLOSED
1018584	15-Sep-17	Prohibition	Castleross Constructions Pty Ltd	614	Fall From Heights	Carrying out from work tasks where there is no secondary rescue process in place that is reasonably practicable. A rescue process including a secondary process is in place that is reasonably practicable. Inspection of the work process revealed that the work process on Pier 11 on the 07.09.2017 consisted of a rescue box/cage being used by the crane situated at the pier. The secondary process was a davit arm system as the stretcher stairs had not been completed. The location of the davit arm was not located at the stretcher bay as it had been installed on Pier 14. The location of the davit arm was not ascertained immediately.	Blank	N/A			Notice cannot be closed and remains open for the tenure of the project.	WHSQ has set NO Mandatory Directions, Refer to copy of notice	REMAINS OPEN
1028415	15-Sep-17	Improvement	Castleross Constructions Pty Ltd	614	Access and Egress	Inspection of the work process revealed that form work was being carried out in pier 11 on the 7/9/17. The ___ method of rescue was fa rescue box and crane. The person conducting the business or undertaking is to comply with the formwork of practice 2016. The secondary method was to be a deviant arm as the stretcher stairs were not complete. The location of the davit arm had not been confirmed.	Blank				WHSQ confirmed via register. Compliance date 16/09/17.	*Workers toolboxes on Maintain Two Forms of Emergency Access At All Times. **Emailed Castleross for more close out details 06/05/2018	CLOSED
1028416	15-Sep-17	Improvement	Nexus Delivery (Ferrovia & Acciona)	614	SWMS/System	Inspection of work process revealed that rescue procedures/processes could not be confirmed and the locations of items such as Davit arm could not be found	The person conducting the business or undertaking is to comply with the formwork code of practice 2016.	18/09/2017	Emergency equipment register, procedure missing	2/3 Emails provided	Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w t h a n d c a n b e c l o s e d.	*Register created at location of davit arm - sign in and out process. **ND Submitting Close	CLOSED
1028417	15-Sep-17	Improvement	Dick Sugden	614	Rescue Plan	Inspection of the work process revealed that a man box was supplied and used without tagged lifting slings attached by hammerlock or mouse shackles.	The person conducting the business or undertaking is to comply with the mobile crane code of practice 2006.	25/09/2017			Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w t h a n d c a n b e c l o s e d.	31/07/2018 ** ND submitting copy of email for regulator confirming notice closed	CLOSED
1028418	19-Sep-17	Improvement	Nexus Delivery (Ferrovia & Acciona)	614	Hazardous Systems	Inspection of the work process revealed that safety data sheets for hazardous chemicals were not available for all items i.e. Sikadur 33 parts A & B.	The person conducting the business or undertaking is to develop implement and maintain a system to ensure safety data sheets are available to workers	20/09/2017	Documents in folder - not provided	Email provided, no attachments	Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w t h a n d c a n b e c l o s e d.	*Workers toolboxes on Hazardous Goods, Dangerous Goods Segregation Chart created. **ND submitting Close	CLOSED
1028419	19-Sep-17	Improvement	Nexus Delivery (Ferrovia & Acciona)	614	Hazardous Systems	Inspection of the work process revealed that 2 stroke fuel and deck guard clear class 3 and class 8 items were stored adjacent to each other - these items are incompatible.	The person conducting the business or undertaking is to develop, implement and maintain a system to ensure incompatible hazards chemicals are not stored together	21/09/2017	Documents in folder - not provided	Email provided, no attachments	Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w t h a n d c a n b e c l o s e d.	*Workers toolboxes on Hazardous Goods, Dangerous Goods Segregation Chart created.	CLOSED
1041924	19-Sep-17	Improvement	Ferrovia Agroman (Australia) Pty Ltd	590	Access and Egress	PCBU has failed to ensure that there is safe access and egress to and from work area. Persons are at risk of slip, trip and fall. Observed no safe access to work area - workers have to climb under stairs.	Blank	21/09/2017	N/A	Email provided - no attachments	Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w t h a n d c a n b e c l o s e d.	*Workers removed from area, stair access built, works resumed following day.** ND Submits email discussing site visit as evidence	CLOSED
1041925	19-Sep-17	Improvement	Side by Side	590	Scaffolding	PCBU has failed to ensure that plant (scaffold) is without risk to health and safety of persons. Observed areas on scaffold with non-compliant edge protection. Observed only two hand rails, missing third rail or toe board. Persons are at risk of falls from one level to another.	Blank	21/09/2017	Photo	Email provided with attachment	Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w t h a n d c a n b e c l o s e d.	*Workers removed from area, stair access built, works resumed following day. ** ND submitting evidence and closed notice	CLOSED
1028420	21-Sep-17	Improvement	Niepe	614	Access and Egress	Inspection of the work process revealed that a ladder made out of timber/Ply was used to access formwork.	The PCBU is to develop, implement and maintain a system to ensure ladders comply with WH&S reservations 306m.	22/09/2017	Toolboxed Ladders and Safe Formwork practices		Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w t h a n d c a n b e c l o s e d.	*New compliant ladder fixed during inspection. **ND Submitting email confirming close	CLOSED
1028421	21-Sep-17	Improvement	Niepe	614	Risk Falling Objects	Inspection of the work process revealed a penetration in the formwork deck with materials stored next to it and workers accessing over the penetration, risk falling objects.	The PCBU is to develop, implement and maintain a system to ensure compliance with Formwork code of practice 2016	22/09/2017	Toolboxed Ladders and Safe Formwork practices		Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w t h a n d c a n b e c l o s e d.	*Fixed during inspection. **ND Submitting Email confirming close	CLOSED
1028422	22-Sep-17	Improvement	Nexus Delivery (Ferrovia & Acciona)	614	Risk Falling Objects	Inspection of the work area revealed that the screening on Pier 13 of the viaduct had gaps where there was a likelihood that objects could fall on workers below	The PCBU is to develop implement and maintain a system to ensure screening complies with WH&S Regulation 315H and the Formwork Code of Practice 2016.	25/09/2017	N/A	Email provided, no attachments	Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w t h a n d c a n b e c l o s e d.	*Discussed with inspector during inspection - no persons at risk. However, fixed during inspection. ** ND Submitting Evidence of Close	CLOSED

WHSQ Notices Register

STATUS	26-Jul-19	Split of Open/Closed Notices	26-Jul-19
CLOSED	24%		
TOTAL	175	ND Notices Open (Improvement)	0
OPEN	4	Contractor Notices Open (Improvement)	3
CLOSED	103	ND Notices Closed (Improvement)	60
WITHDRAWN	8	Contractor Notices Closed (Improvement)	43
N/A	8	Total Improvement (Closed)	103
LEGAL CHALLENGE	4	ND Notices REMAINS OPEN (Prohibition)	18
REMAINS OPEN	48	Contractor REMAINS OPEN (Prohibition)	31
		Total Prohibition (Remains Open)	49

NOTICE #	NOTICE DATE	NOTICE TYPE	ISSUED TO	INSPECTOR ID	CATEGORY	DESCRIPTION	DIRECTIONS & RECOMMENDATIONS	NOTICE SIGNED	SUPPORTING EVIDENCE	EMAIL TO WHSQ	COMMENTS	SUMMARY OF OUTCOMES - ND	ND STATUS
1038093	25-Sep-17	Prohibition	Nexus Delivery (Ferrovia & Acciona)	1412	Plant Rollover	Observation and photos of fuel truck that has rolled down embankment, operator was in the process of reversing the truck and has reversed off the road causing the truck to roll down the embankment causing extensive damage to the truck.	before the truck can be recovered an approved methodology must be developed by a competent person and approved by the Principal Contractor	N/A	Recovery procedures	Email provided, with attachments	Notice cannot be closed and remains open for the tenure of the project. Jason Plath confirmed notice complied with and closed out on 21/03/18.	•Notice Withdrawn •ND issue evidence of withdrawal letter from WHS on 02/11/17 •JSEA Rollover recovery, under lift recovery & walk around recovery	REMAINS OPEN
1018585	26-Sep-17	Prohibition	Ferrovia Agroman (Australia) Pty Ltd	614	Rescue Plan	Entering steel reinforcing cages without an effective rescue process in place. An effective process in place to ensure the rescue of any worker that enters still reinforcing cages. Inspection of the work area revealed that a worker had entered the steel reinforcing cage without an effective rescue plan in place. The steel reinforcing cage was fully enclosed	Blank	N/A	N/A	N/A	Withdrawn notices are deemed closed and can be removed.	•Notice Withdrawn •ND issue evidence of withdrawal letter from WHS on 21/03/18 30/05/18 ND-CLC-00659 • Nexus Delivery had an adequate emergency rescue and response system in place to ensure that workers could be swiftly evacuated • No worker was exposed to risk; • The Inspector misunderstood the works in progress; there was always a sufficient space to egress an injured worker. Notice Withdrawn • ND issue evidence of withdrawal letter from WHS on 21/03/18	WITHDRAWN
1050564	26-Sep-17	Improvement	Bulk Fuel Australia Pty Ltd	1412	Plant Rollover	The person in control of the vehicle has not followed NEXUS delivery vehicle, Mobile plant and Equipment Procedure section 4.25. Check the rear side to your vehicle to ensure that the area that you are reversing into is safe and free from other vehicles and obstructions. Operator was in the process of reversing up hill and has failed to ensure the area behind him was safe and free for obstructions.	Bulk Fuel Australia Pty Ltd must ensure that procedure are followed to ensure that workers and other are not put at risk of death or serious injury from reversing plant.	28/09/2017	SWMS - unclear if provided		Not i ce has been si gned, t her e f o r e deemed compl i ed w t h and can be cl o sed.	31/07/2018 ** ND submitting copy of email for regulator confirming notice closed	CLOSED
1050565	26-Sep-17	Improvement	Bulk Fuel Australia Pty Ltd	1412	Plant Rollover	The person in control of the vehicle has not followed NEXUS delivery vehicle, Mobile plant and Equipment Procedure section 4.25. Check the rear and side to your vehicle to ensure that the area that you are reversing into is safe and free from other vehicles and obstructions. Operator was in the process of reversing up hill has failed to ensure the area behind him was safe and free for obstructions. Bulk Fuel Australis Pty Ltd Safe Work Method Statement does not identify the risks associated with reversing plant.	Bulk Fuel Australia Pty Ltd must review their Safe Work Method Statement to identify the risks associated with reversing plant.	28/09/2017	SWMS, Risk Management System - unclear if provided		Not i ce has been si gned, t her e f o r e deemed compl i ed w t h and can be cl o sed.	31/07/2018 ** ND submitting copy of email for regulator confirming notice closed	CLOSED
1010164	11-Oct-17	Prohibition	Holt Lifting Services Pty Ltd	963	Site Plant Movements	Using crane Marked HL901 with serial number 062039 was set near the edge of the embankment with the out rigger and bog mat in a pit (stormwater) area which was out of the level [5-6]edges] which posed a risk of rollover and impeded the safety of the operator and others in the area. Until the risk of death or serious injury associated with operation of crane on unsuitable ground has been eliminated or minimised so far as is reasonable practicable. Inquires and inspection of crane, inspectors official notes, photographs and inquires.	To reposition crane in a safe position on stable ground to ensure operation of crane is without risk of rollover.	N/A			Notice cannot be closed and remains open for the tenure of the project.	ND - Inspector issued Notice •The crane operator moved the crane 1 metre & set it up again while the inspectors were onsite • ND Submits Email from regulator ** the mention of photo's was by the inspector and we have no record of receiving photos from the inspector	REMAINS OPEN
1011806	09-Nov-17	Non-Disturbance	Nexus Delivery (Ferrovia & Acciona)	1412	Plant Maintenance	Blank	Plant GC270 serial number 110910089 is not touched or tampered with until relapsed back to VTS. Flaggng erected around to prevent access to it and locked out	N/A	N/A	N/A	Notice has expired and no new corresponding notice issued, therefore deemed closed. Notice expired 09/11/17 at 16:00.		CLOSED
1038094	10-Nov-17	Prohibition	VT Services Contracting Pty Ltd	1412	Plant Maintenance	Using SC270GD serial number: 110910089 Man and Material hoist. The risk of death or serious injury arising from using unsafe plant. I observed and photographed the damaged trailing carriage. Man and Materials Hoist has had sustained damage when the power cable has become dislodged causing the trailing carriage to detach from hoists mask.	VT SERVICES CONTRACTING PTY LTD must ensure that the plant (Man & materials Hoist) is repaired as per manufactures specification, and inspected by competent person prior to going back into service.	N/A			Notice cannot be closed and remains open for the tenure of the project.	ND - Submitting •Maintenance and repaired carried out on Man and Materials Hoist at Pier 17 * Email chain confirming no physical record of email to WHSQ could have been confirmed over the phone	REMAINS OPEN
1039382	15-Nov-17	Improvement	Casteross Constructions Pty Ltd	963	Plant Maintenance	You have not so far as reasonably practicable ensured that Plant is maintenance of plan (mainly) Telehandler marked unit 16 is safely maintain. I observed and photograph fire extinguishers were out of date as per safe work procedure is a requirement for safe operation	Blank	16/11/2017	Photos	Email provided with attachments	Not i ce has been si gned, t her e f o r e deemed compl i ed w t h and can be cl o sed.	•The close out was 15/11/2017 notice sent 16/11/2017 ** ND submits evidence of close	CLOSED
1024358	18-Nov-17	Prohibition	DBS QLD Pty Ltd	1364	Plant Rollover	Operating the Terrex 20T Franna Serial 3449 outside the manufactures working limits. Until the risk of death or serious injury associated with operation of crane on unsuitable ground has been eliminated or minimised so far as is reasonable practicable. Observations and investigations reveal the Terrex 20T Franna serial 3449 was operating outside of the manufactures specifications. The load on the Franna was 3.3T. Given the boom length/hook block weight and side slope of the Franna all of which have been calculated the Franna would require de-rating by 40%. Derating the Franna by 40% and given the load would mean the plant was overloaded. A Job Safety Analysis describes a control measure for accessing the load and hazard of unconfirmed weight as "housekeeping" giving me a reasonable belief this activity may occur again.	The person with management or control of plant at a workplace must ensure, so far as is reasonably practicable, that the plant is without risks to the health and safety of any person.	N/A			Notice cannot be closed and remains open for the tenure of the project.		REMAINS OPEN

WHSQ Notices Register

STATUS	26-Jul-19
%CLOSED	54%
TOTAL	175
OPEN	4
CLOSED	103
WITHDRAWN	8
N/A	8
LEGAL CHALLENGE	4
REMAINS OPEN	48

Split of Open/Closed Notices	
26-Jul-19	26-Jul-19
ND Notices Open (Improvement)	0
Contractor Notices Open (Improvement)	3
ND Notices Closed (Improvement)	60
Contractor Notices Closed (Improvement)	43
Total Improvement (Closed)	103
ND Notices REMAINS OPEN (Prohibition)	18
Contractor Notices REMAINS OPEN (Prohibition)	31
Total Prohibition (Remains Open)	49

NOTICE #	NOTICE DATE	NOTICE TYPE	ISSUED TO	INSPECTOR ID	CATEGORY	DESCRIPTION	DIRECTIONS & RECOMMENDATIONS	NOTICE SIGNED	SUPPORTING EVIDENCE	EMAIL TO WHSQ	COMMENTS	SUMMARY OF OUTCOMES - ND	ND STATUS
1024359	18-Nov-17	Prohibition	Nexus Delivery (Ferrovial & Acciona)	1364	Site Plant Movements	Observations and investigations reveal that mobile plant is being operated outside of manufacturers specifications. A Franna has been moving construction material. The weight of the material has not been assessed. The Franna has operated outside of its recommended working limit and rolled over. A Nexus Delivery Job Hazard Analysis for a Franna states a hazard being an unconfirmed weight. The stated control measure for this is "housekeeping". This gives me a reasonable belief that this activity may occur again. Workers are at risk of death of serious injury associated with operating plant outside manufacturers specifications.	Blank	N/A			Notice cannot be closed and remains open for the tenure of the project.		REMAINS OPEN
1038095	20-Nov-17	Prohibition	DBS QLD Pty Ltd	1412	Plant Rollover	Using FRANNA serial number; 3449. The risk of death or serious injury arising from using unsafe plan. Observed and photographed Franna serial number: 3449, the Franna has rolled on its side while carrying a load with boom fully extended.	DBS QLD Pty Ltd must ensure that the plant (Franna serial number 3449) is repaired as per manufacturer specification and inspected by competent person prior to going back into service.	N/A			Notice cannot be closed and remains open for the tenure of the project.	**ND Franna not in use DBS confirmed 24/04/218 Franna still not repaired - ** ND Submitting email confirming Franna is not in use	REMAINS OPEN
1017369	08-Dec-17	Prohibition	Ferrovial Agroman (Australia) Pty Ltd	591	Plant Rollover	Recovery of overturned excavator involving the use of lifting equipment and/or cranes. Sufficient ground load bearing capacity to adequately support cranes of other lifting equipment, has not been determined and/or certified by a suitably qualified competent person. Discussion on site indicated the intent to utilise a 100 Tonne Crane to retrieve overturned excavator. Discussions also revealed that sufficient ground load bearing capacity could not be achieved with current ground conditions including soil type and proximity to excavations.	Engage a suitably qualified competent person to determine load bearing capacity of ground where crane is intended to be set up to recover overturned excavator. Ensure that ground load bearing capacity can adequately support loads imposed by 100 Tonne crane	N/A	Geotechnical report and calculations	Email provided, with attachments	Notice cannot be closed and remains open for the tenure of the project.	*Engineer from BH Mining carried out compaction testing. Recovery undertaken and completed. Relates to Rollover	REMAINS OPEN
1017370	08-Dec-17	Prohibition	BH Mining & Civil Pty Ltd	591	Site Plant Movements	The excavator was observed on site to have overturned into an excavation. Potential exists for critical sections of the excavator to have been damaged due to the forces of coming to rest while overturning, such as slowing, pivot points/knuckles on the arm, counter weight and fixings cabin structural elements etc.	Engage a suitably qualified competent person to inspect, test and repair the excavator, as necessary and deem safe for use, prior to being placed back into service.	N/A			Notice cannot be closed and remains open for the tenure of the project.	WHSQ has set NO Mandatory Directions, Refer to copy of notice	REMAINS OPEN
1024375	13-Dec-17	Improvement	BH Mining & Civil Pty Ltd	591	Plant Rollover	<u>Refer to Addendum: (page 2)</u> An excavator overturned whilst being operated in the near vicinity of excavation edges.	Provide instruction training and supervision regarding implementation of hazard identification and risk management principals to relevant personnel giving regard. To section 17 of WHS Act 2011.	20/12/2017	Toolbox records - unclear if provided		Notice has been signed, therefore deemed complied with and can be closed.	Seeking update from Viaduct Zone GSTG, Evidence of completed pre-starts submitted submitting 22/06/2018	CLOSED
1010167	17-Jan-18	Prohibition	Holt Lifting Services Pty Ltd	963	Site Plant Movements	Using crane in areas where ground condition is not compacted to control the risk of crane roll over while carrying loads. as per Safe Work Method. Operation of crane on compacted ground to ensure the safe use. I observed and photographed operation of crane in an unsafe manner, operating on side of track on uncompact ground.	Blank	N/A	N/A	Email chain provided.	Notice cannot be closed and remains open for the tenure of the project. John Azcune confirmed notice lifted on 19/01/18.	*Operator issued with first & final warning from employer, toolboxed on safe operations and reviewed SWMS.	REMAINS OPEN
1042031	18-Jan-18	Improvement	Ferrovial Agroman (Australia) Pty Ltd	1862	Hazardous Systems	Concrete pour observed occurring on steep slope. Workers required to access pour area by way of steep, rounded hinge point adjacent to V-drain pour activity. Workers required to finish concrete screeding standing on steep slope cut adjacent to v-drain and/or on rounded hinge point. Access surface, and working surface comprised of excavator bucket finished design cut, with some loose material over cut surface. Multiple impalement hazards - star pickets with rounded caps only in vicinity of works. Safe Work Method Statement identified administrative risk management controls only. Workers exposed to risk of slips, trips & falls with associated impalement consequence.	Without limiting subsections 19 (1) and 19 (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable the provision and maintenance of a work environment without risks to health and safety.	24/01/2018	Photos, SWMS	Emails provided, with attachments	Notice has been signed, therefore deemed complied with and can be closed.	*Risk Assessment and SWMS updated ** ND Submits email chain with WHSQ on further risks discussed and assessed	CLOSED
1042220	07-Feb-18	Improvement	Multifix Construction Pty Ltd	590	SWMS/System	Work method statement does not adequately address risk and hazards and appropriate control measures for work at height while installing access scaffold stairs. There are no safe systems of work to prevent a arrest of person fall during erection of scaffold.	Blank	9/02/2018	N/A		Notice has been signed, therefore deemed complied with and can be closed.	*Notice confirmed closed by WHSQ ** ND received copy of email from WHSQ to Contractor confirming correct steps are now in place and action is close. ND there fore accepts the evidence was sufficient for the WHSQ	CLOSED
1025570	13-Feb-18	Prohibition	Uni-span Formwork Solutions Pty Ltd	963	Scaffolding	Using the scaffolding on Pier 8 until scaffold /competent person installs drill - in anchors correctly as per scaffolding designed draws to achieve scaffold integrity. I observed and photographed tie brackets with anchors not correctly installed have drill in anchors protruding past the plate and not seated to achieve correct design strength. This posed a risk to worker of collapse who require work platform form for access and egress formwork area.	Blank	N/A		Email provided, without attachments	Notice cannot be closed and remains open for the tenure of the project. John Azcune confirmed could continue works 14/02/18.	19/7/2018 Submitting evidence of 1.Signed notice 2. Toolbox 3. SWMS-0108 Flying Man Box 4. Email to WHSQ for close out *Evidence of Action Undertaken. Notice confirmed closed out by Email from WHSQ	REMAINS OPEN
1039397	13-Feb-18	Improvement	Uni-span Formwork Solutions Pty Ltd	963	Scaffolding	I observed and photographed, Scaffolding on Pier 1 has openings which exceed 25mm on floor level and entrance to top level of pier this requires sporting screen to prevent the risk of falling object to workers below and entering the scaffolding.	Follow Work Health and Safety Regulations 3151	14/02/2018		Email provided without attachments	Notice has been signed, therefore deemed complied with and can be closed.	*Evidence of Action Undertaken. Notice confirmed closed	CLOSED

WHSQ Notices Register

STATUS	26-Jul-19
%CLOSED	54%
TOTAL	175
OPEN	4
CLOSED	103
WITHDRAWN	8
N/A	8
LEGAL CHALLENGE	4
REMAINS OPEN	48

Split of Open/Closed Notices		26-Jul-19
ND Notices Open (Improvement)		0
Contractor Notices Open (Improvement)		3
ND Notices Closed (Improvement)		60
Contractor Notices Closed (Improvement)		43
Total Improvement (Closed)		103
ND Notices REMAINS OPEN (Prohibition)		18
Contractor REMAINS OPEN (Prohibition)		31
Total Prohibition (Remains Open)		49

NOTICE #	NOTICE DATE	NOTICE TYPE	ISSUED TO	INSPECTOR ID	CATEGORY	DESCRIPTION	DIRECTIONS & RECOMMENDATIONS	NOTICE SIGNED	SUPPORTING EVIDENCE	EMAIL TO WHSQ	COMMENTS	SUMMARY OF OUTCOMES - ND	ND STATUS
1003373	14-Feb-18	Infringement	Ferroviaal Agroman (Australia) Pty Ltd	610	SWMS/System	Workplace site inspection observed and photographed the risks of falls greater than 2 meters into the diaphragm formwork system. Incomplete fall prevention rail systems over 2 meters and being impaled onto started bars. There was no instructions or barricading in place to exclude workers from the area. Photograph taken. Discussions with work group concluded no exclusions have been directed for the work area in mention. P/L SWMS provided for work at heights not followed.	Blank	N/A	N/A	N/A	PAID - deemed closed.	<ul style="list-style-type: none"> •Notice Paid, however withdrawal requested Letter of 22/03/2018. WHSQ has deferred their decision and will advise, as per email received 06/04/2018 from Sparkes (VH) • 30/05/18 ND-CLC-00659 • Nexus delivery had engaged an expert contractor and was entitled to rely upon the expertise of the contractor; • No worker was exposed to risk, there was no contravention; • Nexus had an adequate Safe work method instrument which if followed would have prevented any exposure to risk. • The Regulator's compliance policy favoured unofficial action rather than an infringement notice. (* NS Submitting Email from ND Finance confirming payment. 02/07/2018 	CLOSED
1004890	14-Feb-18	Prohibition	Ferroviaal Agroman (Australia) Pty Ltd	610	Access and Egress	Allowing access to formwork systems that have not appropriate emergency access/egress provisions. Safe emergency access and egress provisions have been provided and maintain. Workplace inspection has identified via observation, discussions and photos that appropriate access and egress provisions have not been provided to the form systems. Workers are at risk of not being safely rescued in an emergency when performing formwork activities	Formwork code practice 2016 - Table 3 (Section 3.2.1)	N/A	Diagram and photos, evidence of training, procedure, toolbox attendance record	Email chain provided, with attachments	Notice cannot be closed and remains open for the tenure of the project. Julian Hasted confirmed notice addressed 26/02/18.	<ul style="list-style-type: none"> •Paramedic was called in to complete a rescue from inside the reinforcement cage, Emergency Evacuation Procedure updated ** ND Submitting Email from WHSQ, Evidence of close out and acceptance 	REMAINS OPEN
1006365	14-Feb-18	Improvement	Ferroviaal Agroman (Australia) Pty Ltd	610	SWMS/System	Construction project inspections has identified repeated systematic process failures to ensure the health and safety of workers whilst undertaking construction work. Common issues to regularly address include but not limited to: consultation, communication and co ordination; plan roll overs; work at height; scaffolding; access and egress; housekeeping and supervision of sub-contractors systems of work. "due diligence" have failed.	<ul style="list-style-type: none"> - Refer to Project Safety Management Plan - Refer to Principal contractor Health and Safety duties - Refer to duty of officers of the person conducting a business or undertaking 	N/A	N/A	N/A	Withdrawn notices are deemed closed and can be removed.	<ul style="list-style-type: none"> •Evidence of action undertaken, copy of closed out notice ** ND submitting evidence of withdrawal • 30/05/18 ND-CLC-00659 • The notice is invalid because it does not provide details of the breaches by Ferroviaal, and does not provide particulars of how it is said that Jose Sanchez failed to ensure that Ferroviaal complied with the Work Health and Safety Act. • The notice was cancelled. 	WITHDRAWN
1031350	14-Feb-18	Prohibition	Ferroviaal Agroman (Australia) Pty Ltd	1412	Site Plant Movements	Operating mobile plant outside of manufactures specification. Until risks associated with operating mobile plant outside manufactures instructions has been controlled. Observations and investigations reveal that mobile plant is being operated outside manufactures specifications. A Franna has been moving construction material. The Franna has operated outside of it recommended working limit and rolled over. A Nexus Delivery Job Hazard Analysis for the franna states a hazard being crane tipping. the stated control measure for this is "operate to chart". This gives me reasonable belief that this activity may occur again. workers are at risk of death or serious injury associated with operating plant outside manufactures specification.	Blank	N/A			Notice cannot be closed and remains open for the tenure of the project.	<ul style="list-style-type: none"> WHSQ has set NO Mandatory Directions, Refer to copy of notice • 30/05/18 ND-CLC-00659 • Nexus delivery had engaged an expert contractor and operator and was entitled to rely upon the expertise of the contractor; • Nexus Delivery ensured that the contractor had a compliant safe work method statement and operating specifications for the crane; • The expert contractor and operator allowed the crane to be used outside operating specifications relating to lift load; • Nexus (Ferroviaal) was not an appropriate recipient for the notice. • Acciona is not the principal contractor. 	REMAINS OPEN
1042224	14-Feb-18	Improvement	Ferroviaal Agroman (Australia) Pty Ltd	590	Rescue Plan	PCBU has failed to carry out testing of emergency procedures	Blank	16/02/2018	Photos, plan and toolbox - unclear if provided	Email provided	Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w i t h a n d c a n b e c l o s e d.	<ul style="list-style-type: none"> •Rescue plan updated, workers toolboxed, emergency rescue drill undertaken 	CLOSED
1006366	15-Feb-18	Improvement	Ferroviaal Agroman (Australia) Pty Ltd	610	Hazardous Systems	Construction workplace inspection identified via discussions observations and photos that drinking water provisions for workers failing:- cool, signage indicating drinkable/potable; reasonably accessible; provided with appropriate waste provisions; cross contamination risks; evidence that holding tanks are regularly checked for drinking quality.	Managing the work environment and facilities code of practice 2011 - Clause 3.2	20/02/2018	Various internal emails, SWMS, photos, purchase order and testing organisation	Email provided, with attachments	Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w i t h a n d c a n b e c l o s e d.	<ul style="list-style-type: none"> •Purchased 20L water bottles for across site, labelled taps that are drinkable/potable water ** ND Submitting evidence of close out • 30/05/18 ND-CLC-00659 • The notice does not provide sufficient particulars to establish a potential contravention; • Nexus Delivery has an adequate health and safety system addressing hydration and fatigue; • The notice is too widely framed and provides insufficient evidence to establish any breach; • No worker has been exposed to risk. 	CLOSED
1006367	20-Feb-18	Improvement	Ferroviaal Agroman (Australia) Pty Ltd	610	Hazardous Systems	Construction workplace inspection identified via discussions, statements, observations and photos heat fatigue management policies not managed appropriately or in accordance with policy statements. As a result workers and visitors on site including myself suffer the effects of heat fatigue / stress because of poor management of conflicting policies and procedures in relation to heat stress and fatigue not being suitably monitored at a site level.	Managing the work environment and facilities Code of Practice 2011. Sections 2.8 and 4.1.	8/03/2018	Procedure	Email provided, with attachment	Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w i t h a n d c a n b e c l o s e d.	<ul style="list-style-type: none"> •Evidence of action undertaken, copy of closed out notice, Updated Procedure 39 Fatigue, fitness for work and heat stress **ND Submitting evidence and signed copy 	CLOSED

WHSQ Notices Register

STATUS	26-Jul-19
%CLOSED	84%
TOTAL	175
OPEN	4
CLOSED	103
WITHDRAWN	8
N/A	8
LEGAL CHALLENGE	4
REMAINS OPEN	48

Split of Open/Closed Notices		26-Jul-19
ND Notices Open (Improvement)		0
Contractor Notices Open (Improvement)		3
ND Notices Closed (Improvement)		60
Contractor Notices Closed (Improvement)		43
Total Improvement (Closed)		103
ND Notices REMAINS OPEN (Prohibition)		18
Contractor REMAINS OPEN (Prohibition)		31
Total Prohibition (Remains Open)		49

NOTICE #	NOTICE DATE	NOTICE TYPE	ISSUED TO	INSPECTOR ID	CATEGORY	DESCRIPTION	DIRECTIONS & RECOMMENDATIONS	NOTICE SIGNED	SUPPORTING EVIDENCE	EMAIL TO WHSQ	COMMENTS	SUMMARY OF OUTCOMES - ND	ND STATUS
1006368	20-Feb-18	Improvement	Ferrovia Agroman (Australia) Pty Ltd	610	Hazardous Systems	Construction workplace inspection identified via discussions, observations and photo's the risk management practices relating to the safe use and storage of hazardous chemicals at the workplace not effective and the associated risks not being suitably managed or maintained. Examples include fuels being repeatedly stored in the open hot sun; SDS / registers not readily available; containers not labelled; fuels and chemicals not stored separately away from general tools and equipment.	Managing risks of hazardous chemicals in the workplace - Code of practice 2013.	9/03/2018	Invoice for table, toolbox records, photos, SWMS	Emails provided, with attachments	Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w i t h a n d c a n b e c l o s e d.	*Evidence of action undertaken, copy of closed out notice, Updated SDS/s Corrected Labels and signage around the areas **ND Submitting evidence	CLOSED
1006369	20-Feb-18	Improvement	Ferrovia Agroman (Australia) Pty Ltd	610	Hazardous Systems	Construction workplace inspection identified via discussions, observations and photographs that site first aid facilities are not being adequately designated or maintained. Examples include designated first aid rooms being used as offices and storage sheds; no provision of first aid beds; first aid kits and supplies not being maintained; fire extinguishers missing and no evidence of fire extinguisher training available.	First aid in the workplace - Code of Practice 2014	1/03/2018	Invoice for table, toolbox records, photos, SWMS. Additional evidence - unclear if provided.	Emails provided, with attachments	Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w i t h a n d c a n b e c l o s e d.	*Evidence of action undertaken, copy of closed out notice. ** ND Confirming still at Legal Challenge 21/04 **Need Signed Notice, Evidence & Email to WHS 24/4/18 30/05/18 ND-CLC-00659 • The notice does not provide sufficient particulars to establish a potential contravention; • Nexus Delivery has an adequate health and safety system addressing first aid; • Nexus had adequately risk managed the provision of first aid to the project (as a ratio of facilities to workers) • The notice is too widely framed and provides insufficient evidence to establish any breach; • No worker has been exposed to risk.	CLOSED
1006370	21-Feb-18	Improvement	Ferrovia Agroman (Australia) Pty Ltd	610	Hazardous Systems	Construction workplace inspections identified via discussions, observations and verbal requests have failed to identify evidence of appropriate training and planning in relation to: - Fire Extinguisher Training - Manual Handling Training - Safe use and storage of hazardous chemicals training - Ongoing requests to ensure emergency training trials are applied to suit job progress (e.g. Viaduct Diaphragm wall construction emergency access & egress) Workers are at serious risk of injury because the Principal Contractor hasn't applied appropriate training and planning relevant to the risks as mentioned above. Directions (if any) as to the measures to be	Blank	9/05/2018	Training records and photos	Emails provided with attachments	Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w i t h a n d c a n b e c l o s e d.	*Evidence of action undertaken, copy of closed out notice **Need Signed Notice, Evidence & Email to WHS 24/4/18 ** ND Submitting email to WHSQ to NI 22/06/2018	CLOSED
1027462	22-Feb-18	Prohibition	Holcim (Australia)	590	Plant Maintenance	Operation of plant front and loader serral No CAT 0938GJB9400208 unfit it is safe and without risks. Plant has been maintained and serviced at appropriate intervals, all safety features are functional. Inspector Rees has observed and photographed flashing light is not functional, that plant Front End Loader is 95 hours over its scheduled maintenance timeframe, bucket welds incomplete and fire extinguisher out of date. Persons are at risk of serious bodily injury.	Blank	N/A	Service report and photos	Emails provided	Notice cannot be closed and remains open for the tenure of the project. Peter Rees confirmed notice closed on 01/03/18.	*Evidence of action undertaken. Notice confirmed closed by email from WHSQ	REMAINS OPEN
1042225	22-Feb-18	Improvement	Holcim (Australia)	590	Fall From Heights	PCBU has failed to ensure adequate edge protection is provided to prevent or arrest a persons fall. Edge protection only has two hand rails. Persons are at risk of fall from one level to another.	Blank	27/02/2018		Email provided - attachments missing	Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w i t h a n d c a n b e c l o s e d.	*Notice confirmed closed by WHSQ **Seeking evidence	CLOSED
1004592	23-Feb-18	Improvement	Ferrovia Agroman (Australia) Pty Ltd	311	Hazardous Systems	The person conducting a business or undertaking has not consulted with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to work health and safety.	Refer to Code of Practice - Work Health and Safety Consultation, co-operation and co-ordination	13/04/2018	List of workers who completed training	Email provided, with list	Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w i t h a n d c a n b e c l o s e d.	*Evidence of action undertaken ** ND Under Legal Challenge Sparkes ** ND submitting evidence and email from WHSQ accepting 30/05/18 ND-CLC-00659 • The notice does not identify any contravention at a sufficiently particular level for Ferrovia to meaningfully respond the contents; • The notice does not identify a discrete example or instance where it is said that the failure to consult has resulted in a deficient safety instrument; • In any event Nexus (Ferrovia) had in place a system and policy to consult with workers; • The Inspector could not reasonably believe that a contravention existed, needed improvement or would be repeated.	CLOSED

WHSQ Notices Register

STATUS	26-Jul-19
CLOSED	54%
TOTAL	175
OPEN	4
CLOSED	103
WITHDRAWN	8
N/A	8
LEGAL CHALLENGE	4
REMAINS OPEN	48

Split of Open/Closed Notices	
26-Jul-19	26-Jul-19
ND Notices Open (Improvement)	0
Contractor Notices Open (Improvement)	3
ND Notices Closed (Improvement)	60
Contractor Notices Closed (Improvement)	43
Total Improvement (Closed)	103
ND Notices REMAINS OPEN (Prohibition)	18
Contractor REMAINS OPEN (Prohibition)	31
Total Prohibition (Remains Open)	49

NOTICE #	NOTICE DATE	NOTICE TYPE	ISSUED TO	INSPECTOR ID	CATEGORY	DESCRIPTION	DIRECTIONS & RECOMMENDATIONS	NOTICE SIGNED	SUPPORTING EVIDENCE	EMAIL TO WHSQ	COMMENTS	SUMMARY OF OUTCOMES - ND	ND STATUS
1003374	27-Feb-18	Infringement	Ferrovia Agroman (Australia) Pty Ltd	610	Hazardous Systems	Must comply with Safe Work Method Statement Workplace site inspection observed and photographed the principal contractor not suitably managing the risks associated with work carried out in an area that may have a contaminated or flammable atmosphere. Abutment B evidence - fuels repeatedly stored in the open hot sun; SDS/Site Register unavailable; containers not labelled; fuels and chemicals not stored separately from general tools and equipment. Bridge 10 - did not have available SDS's/Register to confirm storage requirements are compliant. No evidence of procedures or training when requested.	Blank	N/A	N/A	N/A	PAID - deemed closed.	<ul style="list-style-type: none"> Withdrawal requested Letter of 22/03/2018. WHSQ has deferred their decision and will advise, as per email received 06/04/2018 from Sparkes (VH) 30/05/18 ND-CLC-00659 We requested that the Regulator reconsider this notice on the basis that the compliance policy for the WHS Act suggested that a notice was not the first preference response from the Regulator (i.e. unofficial action would be sufficient – warning or email request). 	CLOSED
1003375	02-Mar-18	Infringement	Ferrovia Agroman (Australia) Pty Ltd	610	SWMS/System	Must comply with Safe Work Method Statement. Construction inspection observed and photographed the formwork jump system having numerous fall risk areas. Photographs taken. Measurements taken. 3100mm fall height risk. Formwork jump system decks poorly constructed, installed and maintained creating above fall risks.	Blank	N/A	N/A	N/A	Withdrawn notices are deemed closed and can be removed.	<ul style="list-style-type: none"> Letter from WHSQ advising that this notice has been withdrawn, and that further investigation into the issue will be undertaken. 30/05/18 ND-CLC-00659 - Ferrovia had engaged expert contractors to ensure the safety of formworks and installation of formworks; Ferrovia had ensured that a complaint safe work method statement had been developed and implemented; Ferrovia is entitled to rely on the expertise of contractors in installing safe formworks; In any event there is no evidence that any worker was exposed to risk; The prohibition notice on which the infringement notice was based, was not valid. 	WITHDRAWN
1004891	02-Mar-18	Prohibition	Ferrovia Agroman (Australia) Pty Ltd	610	Fall From Heights	Allowing works on Formwork systems containing fall risks. The principal contractor controls Formwork system fall risk. Contraction inspection observed and photographed the Formwork Jump system having numerous fall risk areas. Photographs taken measurements taken 300mm fall height risk from work jump system decks poorly constructed, installed and maintained.	Formwork code of practice 2016 - managing the risk of falls at workplaces. Code of practice 2014 - project safety plan and safe work method statement.	N/A	N/A	Email provided, no attachments	Notice cannot be closed and remains open for the tenure of the project. Julian Hasted confirmed notice closed out 12/03/18.	<ul style="list-style-type: none"> Evidence of action undertaken. Formwork Issues rectified with WHSQ Inspectors ** ND Submitting Email from WHSQ Confirming Closed 30/05/18 ND-CLC-00659 Ferrovia had engaged expert contractors to ensure the safety of formworks and installation of formworks; Ferrovia had ensured that a complaint safe work method statement had been developed and implemented; Ferrovia is entitled to rely on the expertise of contractors in installing safe formworks; In any event there is no evidence that any worker was exposed to risk. 	REMAINS OPEN
1008177	02-Mar-18	Prohibition	Ferrovia Agroman (Australia) Pty Ltd	787	Hazardous Systems	Use of all of the water that monitoring results confirmed was contaminated due to testing positive for the presence of Escherichia coli, Enterococci and Pseudomonas aerogonosa bacteria. Until monitoring results show there is no longer bacterial contamination of Escherichia coli, Enterococci and Pseudomonas aerogonosa bacteria and a competent person has confirmed that the water systems in the affected area have been adequately decontaminated (i.e. by flushing/scrubbing and chlorination). I observed monitoring results that showed that four areas (FGG Couper, Wirth Road, Gowrie Junction and Mort Street.) tested positive for the presence of Escherichia coli, Enterococci and Pseudomonas aerogonosa. Further monitoring results and information to confirm that flushing and chlorination has ensured that the four areas are now free from bacterial contamination was not readily available. Conversations with workers revealed that they are not prevented from using all of the taps in the affected areas, observations showed that hot water taps were still attached and accessible for use.	Guidance may be sought from the Managing the Work Environment and Facilities Code of Practice 2011.	N/A	Test results	Email chain provided (without attachments)	Notice cannot be closed and remains open for the tenure of the project. Karen Wiersma confirmed compliance 12/03/18.	<ul style="list-style-type: none"> Evidence of action undertaken, Water quality tested, notice confirmed closed by Karen Wiersma WHSQ after results returned back showing clean water 	REMAINS OPEN
1039246	05-Mar-18	Improvement	Ferrovia Agroman (Australia) Pty Ltd	787	Hazardous Systems	You have not ensured the provision of clean and safe drinking and washing facilities at this workplace. I observed monitoring results that showed that four areas (FGG Couper, Wirth Road, Gowrie Junction and Mort Street) out of thirteen areas tested positive for the presence of Escherichia coli, Enterococci and Pseudomonas aerogonosa. I observed workers continuing to use facilities at this workplace. A system of ongoing water quality and chlorine testing to ensure that water is adequately chlorinated and continues to meet the Australian Drinking Water Guidelines after it has been transported and stored on site was not readily available.	Guidance may be sought from the Managing the Work Environment and Facilities Code of Practice 2011 and the Australian Drinking Water Guidelines 2011.	21/03/2018	Formal investigation report	Email provided, with attachments	Not i ce has been si gned, t her e f or e deemed compl i ed w th and can be cl osed.	<ul style="list-style-type: none"> Evidence of action undertaken, copy of closed out notice 	CLOSED
1003376	07-Mar-18	Infringement	Ferrovia Agroman (Australia) Pty Ltd	610	Hazardous Systems	Drinking water provisions as required to be addressed by given date requested not met. No historical test results to prove water quality acceptable and in accordance with guidelines, cross contamination risks not suitably addressed, not provided with waste provisions to prevent cross contamination	Blank	N/A	N/A	N/A	PAID - deemed closed.	<ul style="list-style-type: none"> Legal Challenge upheld notice now paid, Notice paid 20/04/2018 30/05/18 ND-CLC-00659 The issue could have been dealt with by unofficial action – see the Regulator’s compliance policy; There was no contravention, and no evidence of contravention. 	CLOSED

WHSQ Notices Register

STATUS	26-Jul-19
%CLOSED	94%
TOTAL	175
OPEN	4
CLOSED	103
WITHDRAWN	8
N/A	8
LEGAL CHALLENGE	4
REMAINS OPEN	48

Split of Open/Closed Notices		26-Jul-19
ND Notices Open (Improvement)		0
Contractor Notices Open (Improvement)		3
ND Notices Closed (Improvement)		60
Contractor Notices Closed (Improvement)		43
Total Improvement (Closed)		103
ND Notices REMAINS OPEN (Prohibition)		18
Contractor REMAINS OPEN (Prohibition)		31
Total Prohibition (Remains Open)		49

NOTICE #	NOTICE DATE	NOTICE TYPE	ISSUED TO	INSPECTOR ID	CATEGORY	DESCRIPTION	DIRECTIONS & RECOMMENDATIONS	NOTICE SIGNED	SUPPORTING EVIDENCE	EMAIL TO WHSQ	COMMENTS	SUMMARY OF OUTCOMES - ND	ND STATUS
1003377	07-Mar-18	Infringement	Ferrovial Agroman (Australia) Pty Ltd	610	Hazardous Systems	Failure to comply with Improvement Notice 1006369 within period stated. 1st March 2018 - First Aid Crib Hut at Postman's Ride Compound used as storage/office; no provision for an examination bed/couch; no privacy curtain to treat an insured worker.	Blank	N/A	N/A	N/A	Withdrawn notices are deemed closed and can be removed.	*Evidence of action undertaken, copy of closed out notice	WITHDRAWN
1003378	09-Mar-18	Infringement	Ferrovial Agroman (Australia) Pty Ltd	610	Hazardous Systems	Drinking water not available at Bridge 12 crib location. East Shade Station - paper cups not secured and laying on bare ground. Unable to have a drink from container provided. Drinking water provisions not suitably met. No evidence available to confirm adequate clean water for washing hands and face including washing utensils in lunch room.	Blank	N/A	N/A	N/A	PAID - deemed closed.		CLOSED
1025574	13-Mar-18	Prohibition	BK Hire Pty Ltd	963	SWMS/System	I was told and photographed that you were transporting an excavator and that it came into contact with Bridge 18 causing damage to bridge and plant	Blank	N/A			Notice cannot be closed and remains open for the tenure of the project.	WHSQ has set NO Mandatory Directions	REMAINS OPEN
1040155	13-Mar-18	Improvement	Nexus Delivery (Ferrovia & Acciona)	963	SWMS/System	At a construction site plant namely excavator was being transported to another area when it struck a bridge damaging the excavator, Bridge and potentially injuring workers/others. The PC has not ensured a "Safe System of Work" to ensure the health and safety of persons/workers in not put at risk from work carried out.	Blank	5/07/2018	Photos	Email provided, with attachments	Noti ce has been si gned, t her e f or e deemed compl i ed w t h and can be cl o sed.	Requested close out evidence for BK Hire, chasing AP 30/05/18 ND-CLC-00659 - • The contractor and operator had an independent duty to abide by the road rules on a public road and ensure that the load was adequately restrained and not held too high. • In any event no worker was exposed to risk; • Ferrovia had not contravened any obligation to ensure the health and safety of a worker. 04/07 ND Submitting images of the B18 Signage and email communicating the Catenary lines are to longer in place	CLOSED
1031354	27-Mar-18	Prohibition	Ferrovial Agroman (Australia) Pty Ltd	1412	Fall From Heights	Observation, discussion with workers and photos evidence provided I reasonably believe that workers were working at height without control measures in place to prevent a fall from one level to another, construction material was being craned in and landed one to the form work deck, workers walking out to unchain the load exposing them self to an internal fall. No controls in place to prevent a fall.	Blank	N/A	Toolbox record	Email provided, with attachment	Notice cannot be closed and remains open for the tenure of the project.	*Toolboxes Form work COP and Heights and SWMS's	REMAINS OPEN
1025987	12-Sep-18	Improvement	Niepe Construction Pty Ltd	940	SWMS/System	On Tuesday 11th September 2018 two metal rods approximately 1750mm long 27mm width fell approximately 48m from the catch platform on pier 8 of the viaduct on the Toowoomba Second Range Crossing project and hit the ground below the pier landing within 10m of workers that were carrying out tasks below. This poses a risk of death or serious injury to works below, if they had been struck by the rods.	Niepe Construction Pty Ltd must develop, implement and maintain a safe system of work to ensure workers are not exposed to hazard/risk that may result in death or serious injury.				Noti ce has been si gned, t her e f or e deemed compl i ed w t h and can be cl o sed.	19/03/2019 Evidences received with a copy of email to WHSQ advising of close out	CLOSED
1050570	27-Mar-18	Improvement	Ferrovial Agroman (Australia) Pty Ltd	1412	Fall From Heights	Observation, discussion with workers and photo evidence provided I reasonably believe that workers are not following their Work Method Statement by working at height without controls in place to prevent a fall from one level to another. Workers exposing them self to a fall while unchaining construction material that was craned on to working deck.	Ferrovial Agroman (Australia) Pty Ltd must ensure workers follow their Work Method Statement	24/04/2018	Toolbox record	Email provided, with attachments	Noti ce has been si gned, t her e f or e deemed compl i ed w t h and can be cl o sed.	Toolboxed Work Crew, Evidence submitted	CLOSED
1015055	28-Mar-18	Infringement	Jose Antonio Sanchez	793	Right of Entry	As a person to whom an improvement notice was issued, you failed to comply with improvement notice 1050569 within the compliance timeframe stated in the notice. 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."	Blank	N/A	N/A	N/A	Withdrawn notices are deemed closed and can be removed.	*Email from WHSQ withdrawing Notice 29/03/2018 30/05/18 ND-CLC-00659 • This notice was based upon a contravention of s.81 the previous day. • This notice was withdrawn because Ferrovia had obtained a 'stay' of the improvement notice 1050569.	WITHDRAWN
1050569	27-Mar-18	Improvement	Jose Antonio Sanchez	1412	Right of Entry	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: "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 to 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 issues 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.	Blank	N/A	N/A	N/A	Remai ns stay ed unt il l e vi ew deci si on has been made.	*Legal challenge , notice withdrawn *Emailed copy form Legal 30/05/18 ND-CLC-00659 • Section 81(3) of the Work Health and Safety act (WHS) was misapplied by the Inspector; • The preconditions for entry in s.81(1) and (2) had not been satisfied by the crystallisation of a discrete safety issue to justify entry; • Properly construed Section 81(3) (WHS) does not create a right of entry which can be contravened; • There was no contravention of s.81(3). 04/06/2018 " internal review unsuccessful – external review now proceeding to the Qld Industrial Relations Commission to dispute the validity of the improvement notices."	LEGAL CHALLENGE

WHSQ Notices Register

STATUS	26-Jul-19
%CLOSED	54%
TOTAL	175
OPEN	4
CLOSED	103
WITHDRAWN	8
N/A	8
LEGAL CHALLENGE	4
REMAINS OPEN	48

Split of Open/Closed Notices		26-Jul-19
ND Notices Open (Improvement)		0
Contractor Notices Open (Improvement)		3
ND Notices Closed (Improvement)		60
Contractor Notices Closed (Improvement)		43
Total Improvement (Closed)		103
ND Notices REMAINS OPEN (Prohibition)		18
Contractor REMAINS OPEN (Prohibition)		31
Total Prohibition (Remains Open)		49

NOTICE #	NOTICE DATE	NOTICE TYPE	ISSUED TO	INSPECTOR ID	CATEGORY	DESCRIPTION	DIRECTIONS & RECOMMENDATIONS	NOTICE SIGNED	SUPPORTING EVIDENCE	EMAIL TO WHSQ	COMMENTS	SUMMARY OF OUTCOMES - ND	ND STATUS
1028424	28-Mar-18	Improvement	Ferrovial Agroman (Australia) Pty Ltd	614	Right of Entry	On 27 March 2018 2 CFMEU workers were refused entry at Bridge 12, Bridge 11 and Bridge 10 by Jose Sanchez as they didn't hold an entry permit. Their purpose of entry to the worksites was to attend and hold discussions with workers and others with a view to resolving WHS issues.	To allow the union organisers to enter the worksite in accordance with the rights conferred by s.81(3) of the Act for the purposes set out in that section.				Remains stayed until review decision has been made.	With Corrs 30/05/18 ND-CLC-00659 • Section 81(3) of the Work Health and Safety act (WHSa) was misapplied by the Inspector; • The preconditions for entry in s.81(1) and (2) had not been satisfied by the crystallisation of a discrete safety issue to justify entry; • Properly construed Section 81(3) (WHSa) does not create a right of entry which can be contravened; • There was no contravention of s.81(3).	LEGAL CHALLENGE
1030358	17-Apr-18	Prohibition	Nexus Delivery (Ferrovia & Acciona)	1720	Hazardous Systems	I observed at the time of visiting site persons walking on Fibre Cement infill sheets. Further discussions with workers and management indicated that workers are required to walk on Fibre Cement Sheets at various times. I observed fibre cement infill sheets on Super T perimeter beam on the viaduct with installed and cracked fibre cement sheets. WHSQ records indicate two workers have fallen through fibre cement infill sheets.	Blank	N/A			Notice cannot be closed and remains open for the tenure of the project.	WHSQ has set NO Mandatory Directions, Refer to copy of notice ** Seeking photos of how the sheets are now used from GS JC DB 04/07	REMAINS OPEN
53757	24-Apr-18	Electrical Safety Protection	Ferrovial Agroman (Australia) Pty Ltd	606	Hazardous Systems	(2) A person has placed the manual for the maintenance behind the 2nd door. Second door, has the digital display and electrical controls. The key for access was in the lock and door was unlocked and open exposing workers to the live electrical within. The generator was working @ the time of the inspection took digital images of generator inspect documents made notes in inspectors note book. Tested with fluke.	(3) When worker are electrically safe @ generator.	N/A	Photo	Email provided, with attachment	Notice complied with once evidence supplied to WHSQ. Verification email sent to WHSQ 10/05/2018.	Cabinet now locked photo to show key in place	CLOSED
1003379	24-Apr-18	Infringement	Ferrovial Agroman (Australia) Pty Ltd	610	SWMS/System	- Must comply with Safe Work Method Statement - Workplace site inspection intensified that 3 forms of emergency access and egress for formwork activities were not provided to workers on piers 1 and 2. Pier 2 - Only stretcher stairs and crane with rescue box Pier 1 - Only stretcher stairs and crane with rescue box SWM's - FRP all piers version 0057 E pages 4 5 7 and 8 verify davit arm to be provided to meet formwork code 2016 requirements	Blank	N/A	N/A	N/A	PAID - deemed closed.	Across Legal Challenge Notice Paid 21/05/2018 ND Submitting confirmation 22/06/2018	CLOSED
1004892	24-Apr-18	Prohibition	Ferrovial Agroman (Australia) Pty Ltd	610	Fall From Heights	Performing work at height where there is an uncontrolled risk of fall from one level to another. The risk of injury from a fall is controlled as far as reasonably practicable. I observed and photographed workers performing construction work namely Formwork activities to the top level of Pier 2 of the Viaduct bridge at a height without control measures in place to prevent minimise, so far as reasonably practicable the risk of injury associated with a fall from one level to another.	Blank	N/A			Notice cannot be closed and remains open for the tenure of the project.	WHSQ has set NO Mandatory Directions, Refer to copy of notice	REMAINS OPEN
1004893	24-Apr-18	Prohibition	Ferrovial Agroman (Australia) Pty Ltd	610	Risk Falling Objects	Performance work where it is reasonably likely that falling objects could cause injury to a person. The risk of injury from falling objects is controlled as far as reasonably practicable. I observed and photographed workers to the top level of pier 2 of the Viaduct where building materials and tools are likely to fall onto other persons working below. The work area has not been provided with adequate protection. To prevent an object freely so far as reasonably practicable or if not reasonably practicable to prevent objects falling freely, provide a system to arrest the falling object.	Blank	N/A			Notice cannot be closed and remains open for the tenure of the project.	WHSQ has set NO Mandatory Directions, Refer to copy of notice 30/05/18 ND-CLC-00659 • Ferrovia had engaged an expert contractor to ensure both the technical standard and safety of the relevant works; • Ferrovia was entitled to rely upon the expertise of the contractor to ensure that no person was exposed to risk; • In any event the notice is based upon an incorrect appraisal of the facts at the time – no worker was present and the works were encapsulated pending works to expose aggregate for ongoing works; • The works were not at a stage where it was anticipated any worker would be present. • There was no contravention. 04/06/2018 internal review decision is negative but potential consideration being given to further external legal review (to QIRC)."	REMAINS OPEN
1004894	24-Apr-18	Prohibition	Ferrovial Agroman (Australia) Pty Ltd	610	SWMS/System	Allowing access to Formwork systems that fail to have 3 Forms of Emergency Access/Egress provisions. 3 Forms of safe emergency access and egress provisions have been provided and maintained. Workplace inspection has identified via observations, photos and discussions that 3 Forms of emergency access and egress for Formwork activities.	Formwork code of Practice 2016 - Table 3 (Section 3.2.1)	N/A			Notice cannot be closed and remains open for the tenure of the project.	WHSQ has set NO Mandatory Directions, Refer to copy of notice 30/05/18 ND-CLC-00659 • Ferrovia had engaged an expert contractor to ensure both the technical standard and safety of the relevant works; • Ferrovia was entitled to rely upon the expertise of the contractor to ensure that no person was exposed to risk; • In any event the notice is based upon an incorrect appraisal of the facts at the time – no worker was present and the works were encapsulated pending works to expose aggregate for ongoing works; • The works were not at a stage where it was anticipated any worker would be present. • There was no contravention. 04/06/2018 internal review decision is negative but potential consideration being given to further external legal review (to QIRC)."	REMAINS OPEN
1018990	24-Apr-18	Improvement	Ferrovial Agroman (Australia) Pty Ltd	606	SWMS/System	PCBU conducting a business has not ensured so far as is reasonably Practicable, the health and safety of workers engaged or caused to be engaged by the person and persons/workers who's activities in carrying out work are influenced or ___ by the person. PCBU has not ensured there is a provision and maintenance of safe systems of work. Workers @ pier 3 and 4 are not checking/prestart on plant prior to use. 2 hoists and one generator and no systems to ensure prestart are done and documented. Prior to hoists being used. During inspection identified workers, inspected documents, spoke to workers and took digital images of observations and made notes in inspectors official note book.	Blank	10/05/2018	Prestart	Email provided with attachments	Not ice has been signed, therefore deemed complied with and can be closed.		CLOSED

WHSQ Notices Register

STATUS	26-Jul-19
%CLOSED	84%
TOTAL	175
OPEN	4
CLOSED	103
WITHDRAWN	8
N/A	8
LEGAL CHALLENGE	4
REMAINS OPEN	48

Split of Open/Closed Notices		26-Jul-19
ND Notices Open (Improvement)		0
Contractor Notices Open (Improvement)		3
ND Notices Closed (Improvement)		60
Contractor Notices Closed (Improvement)		43
Total Improvement (Closed)		103
ND Notices REMAINS OPEN (Prohibition)		18
Contractor REMAINS OPEN (Prohibition)		31
Total Prohibition (Remains Open)		49

NOTICE #	NOTICE DATE	NOTICE TYPE	ISSUED TO	INSPECTOR ID	CATEGORY	DESCRIPTION	DIRECTIONS & RECOMMENDATIONS	NOTICE SIGNED	SUPPORTING EVIDENCE	EMAIL TO WHSQ	COMMENTS	SUMMARY OF OUTCOMES - ND	ND STATUS
1031357	24-Apr-18	Prohibition	ALFASI Equipment Hire Pty Ltd	1412	Hazardous Systems	Observation and discussions had with operator/witnesses, while undertaking construction task (patching concrete) the operator manoeuvred the basket into position, the operator released the controls and was about to undertake patching task, medical attention, the boom was damaged as a result.	ALFASI EQUIPMENT HIRE PTY LTD must ensure that the plant 860SJ Diesel Straight Boom SN: 0300096257 is repaired as per manufactures specification and inspected by competent person prior to going back into service.	N/A	Job card, work order	Email provided, with attachments	Notice cannot be closed and remains open for the tenure of the project. Jason Plath confirmed notice closed on 11/05/18.	ND Submitting 1) JLG repairs works order 2) Email from WHSQ closing actions 22/06/2018	REMAINS OPEN
1050572	24-Apr-18	Improvement	Multifix Construction Pty Ltd	1412	SWMS/System	Discussion had with workers on site following and incident, I reasonably believe that workers are not fully aware of site procedure if an incident/injury occurs. A worker was involved in an incident and sustained injuries that workers was transported by vehicle before site Paramedic had assessed him. Multifix must ensure that workers provided with information, training and supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking.	Blank	30/04/2018	Toolbox record	Email provided, with attachments	Not i ce has been si gned, t her e f or e deemed compl i ed w th and can be cl o sed.	Working through the incident close outs, Toolboxed workers	CLOSED
1018587	27-Apr-18	Prohibition	BE Steel Fixing Pty Ltd	614	Hazardous Systems	Inspection of the Work revealed that an end mat steel structure had been lifted and long bars approx. 28mm by 6.8m long g had fallen out of the mat coming into contact with a dagger	A system in place to prevent falling objects being a risk to workers and others	N/A			Notice cannot be closed and remains open for the tenure of the project.	Submitting email chain from Steven Powney of satisfaction to Compliance Prohibition	REMAINS OPEN
1028427	27-Apr-18	Improvement	BE Steel Fixing Pty Ltd	614	Hazardous Systems	A Reinforcing steel mat had been lifted without being inspected before the lift, The SWM's stated that it was to be inspected	The person conducting the business or undertaking is to develop implement and maintain a system to ensure SWMS are complied with	15/05/2018			Not i ce has been si gned, t her e f or e deemed compl i ed w th and can be cl o sed.		CLOSED
1011807	30-Apr-18	Non-Disturbance	Ferrovial Agroman (Australia) Pty Ltd	1412	Plant Maintenance	Required to preserve the site at which a notifiable incident has occurred, prevent the disturbance of a particular site (including any plant, substance, structure or thing associated with the site).	Flagging to be erected to prevent unauthorised access to the area. No person is to interfere with the plant water truck rego 332 YAU.	N/A	N/A	N/A	Notice has expired and no new corresponding notice issued, therefore deemed closed. Notice expired 07/05/18 at 16:00.		CLOSED
1031358	30-Apr-18	Prohibition	BK Hire Pty Ltd	1412	Plant Maintenance	The tub of the Kenworth water truck rego 332 YAU has been ripped off as a result of the hoist mistakenly being raised while the truck was in motion this action resulted in the tub and tank coming away from the chassis causing extensive damage to the truck.	The Kenworth water truck rego 332 YAU is not to be righted until a methodology has been developed by a competent person and approved by the Principal Contractor.	N/A	Crane details, SWMS, photos	Email provided, with attachments	Notice cannot be closed and remains open for the tenure of the project. Terry Mutze approved recovery procedure 18/05/18.	ND Submitting photos of recovery, Lifting Study, SWMS on recovery Email approval for WHSQ and EMAIL instructions of approval to recovery team	REMAINS OPEN
1031359	30-Apr-18	Prohibition	BK Hire Pty Ltd	1412	Plant Maintenance	The tub of the Kenworth water truck rego 332 YAU has been ripped off as a result of the hoist mistakenly being raised while the truck was in motion this action resulted in the tub and the tank coming away from the chassis causing extensive damage to the truck.	BK Hire Pty Ltd must ensure that the plant KENWORTH T350 8x4 rego 332 YAU is repaired as per manufactures specifications and inspected by competent person prior to going back into service.	N/A			Notice cannot be closed and remains open for the tenure of the project.	02/07/2018 ND TB letter issued TSRC-ND-SUB-LET-0016 requesting close out details. Email response back stating not finalised, no documents to submit ** 02/07/2018 BK Hire advise the notices are still open	REMAINS OPEN
1050573	30-Apr-18	Improvement	BK Hire Pty Ltd	1412	SWMS/System	BK Hire Pty Ltd must ensure that any operator's controls are (a) identified on the plant so as to indicate their nature and function and direction of operation; and (b) located so as to be readily and conveniently operated by each person using the plant; and (c) located or guarded to prevent unintentional activation; and (d) able to be locked into the 'OFF' Position to enable the disconnection of all motive power.	Blank		1) Repairers qualifications 2) Images of the repairs 3) letter from the repairer confirming works completed 4) Email from WHSQ confirming notice is closed	20/08/2018	Email from WHSQ acknowledging receipt and closure.	02/07/2018 ND TB letter issued TSRC-ND-SUB-LET-0016 requesting close out details. Email response back stating not finalised, no documents to submit	CLOSED
1050574	30-Apr-18	Improvement	BK Hire Pty Ltd	1412	Plant Maintenance	BK Hire Pty Ltd has not provided information, training and instruction to operators operating new plant namely KENWORTH T340 8x4 water truck. Inspection of control panel and discussion had with operator of the plant, he was not provided with any information, training and instruction on this item of plant and was unsure of it's operation, operator required assistance on site from fellow operators as to how the controls work.	BK Hire Pty Ltd must ensure, so far as is reasonably practicable the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking.				WHSQ confirmed via register. Compliance date 25/05/18.	02/07/2018 ND TB letter issued TSRC-ND-SUB-LET-0016 requesting close out details. Email response back stating not finalised, no documents to submit ** 02/07/2018 BK Hire advise the notices are still open	CLOSED
1025980	04-May-18	Improvement	Ferrovial Agroman (Australia) Pty Ltd	940	Hazardous Systems	Whilst undertaking a walk-through of the construction site, I observed and photographed pieces of construction waste, rocks and materials on the ground in areas where workers are undertaking work tasks or use as walkways. Workers are at risk of injury through slipping, tripping or falling over these objects whilst carrying out their work tasks	The person in control of the business or undertaking is to develop, implement and maintain a system to ensure workers are not at risk of slipping, tripping or falling over construction waste, risk, or other materials while they carry out work takes on the site. Further guidance could be sought from the following: Managing The Work Environment and Facilities Code of Practice 2011.	4/05/2018	Photos	Email provided, with attachments	Not i ce has been si gned, t her e f or e deemed compl i ed w th and can be cl o sed.	*Challenging WHSQ - Fixed during Inspection **Need Signed Notice, Evidence & Email to WHS 24/4/18	CLOSED
1025981	04-May-18	Improvement	Ferrovial Agroman (Australia) Pty Ltd	940	SWMS/System	Intentionally Left Blank	Review and amend the SWM's to reflect the requirements of section299(2) of the work Health and Safety Regulations 2011	4/05/2018	SWMS	Email provided with attachment	Not i ce has been si gned, t her e f or e deemed compl i ed w th and can be cl o sed.	Email from Mark Houston confirming this notice is cancelled issuing to NI 31/07/2018	CLOSED
1014551	19-May-18	Non-Disturbance	Ferrovial Agroman (Australia) Pty Ltd	614	Plant Rollover	The area where the Hitachi ZX135-3 serial n#HCM1R400L00095916 Excavator Overturned between cut 7 & Bridge 4 is to be cordoned off and preserved as is, including the excavator and its attachments.	Blank	N/A	N/A	N/A	Notice has expired and no new corresponding notice issued, therefore deemed closed. Notice expired 26/05/18 at 10:00.		CLOSED

WHSQ Notices Register

STATUS	26-Jul-19
%CLOSED	54%
TOTAL	175
OPEN	4
CLOSED	103
WITHDRAWN	8
N/A	8
LEGAL CHALLENGE	4
REMAINS OPEN	48

Split of Open/Closed Notices		26-Jul-19
ND Notices Open (Improvement)		0
Contractor Notices Open (Improvement)		3
ND Notices Closed (Improvement)		60
Contractor Notices Closed (Improvement)		43
Total Improvement (Closed)		103
ND Notices REMAINS OPEN (Prohibition)		18
Contractor REMAINS OPEN (Prohibition)		31
Total Prohibition (Remains Open)		49

NOTICE #	NOTICE DATE	NOTICE TYPE	ISSUED TO	INSPECTOR ID	CATEGORY	DESCRIPTION	DIRECTIONS & RECOMMENDATIONS	NOTICE SIGNED	SUPPORTING EVIDENCE	EMAIL TO WHSQ	COMMENTS	SUMMARY OF OUTCOMES - ND	ND STATUS
1018589	19-May-18	Prohibition	Dirtworx Civil Contracting	614	Plant Rollover	Operating plant outside of the manufacturers parameters with a risk of overturning. The person carrying out the business or undertaking has developed, implemented and maintained a system to ensure plant is operating within manufactures specification. Inspection of the work process revealed that an excavator (site no 6623 Hitachi ZX135-3 Serial # HCM1R4000095916) Had overturned whilst traveling a fill area. The scope of the fill was between 26.6 & 27.5 degrees The maximum allowable side scope for the excavator was 15 degrees as indicated in the manufacturers specification.	Blank	N/A			Notice cannot be closed and remains open for the tenure of the project.	WHSQ has set NO Mandatory Directions, Refer to copy of notice however ND - Evidence received from Dirtworx is 1 Email from WHSQ confirming notice complied with and received evidence. 03/07/2018 ND issues letter requesting balance of documents be submitted	REMAINS OPEN
1018590	19-May-18	Prohibition	Dirtworx Civil Contracting	614	Plant Rollover	Operating the Hitachi ZX135-3 Serial # HCM1R4000095916 Excavator. The item of plant has been inspected by a competent person and deemed safe to use in compliance with the manufacturers specifications. Inspection of the work process revealed that a Hitachi ZX135-3 Serial # HCM1R4000095916 excavator had overturned, causing damage to the item of plant.	Blank	N/A			Notice cannot be closed and remains open for the tenure of the project.	Evidence received from Dirtworx is 1 Email from WHSQ confirming notice complied with and received evidence. 03/07/2018 ND issues letter requesting balance of documents be submitted	REMAINS OPEN
1028430	19-May-18	Improvement	Dirtworx Civil Contracting	614	Plant Rollover	Inspection of the work process revealed that a Hitachi ZX135-3 Excavator had been operated outside of the manufactures specifications resulting in the item of plant overturning	The person in control of the business or undertaking is to develop, implement and Maintain a system to ensure plant is operated in compliance with manufactures specifications		Incident reports - unclear if provided		Email from WHSQ acknowledging receipt and closure.	Evidence received from Dirtworx is 1 Email from WHSQ confirming notice complied with and received evidence. 03/07/2018 ND issues letter requesting balance of documents be submitted	CLOSED
1018591	21-May-18	Prohibition	Ferrovia Agroman (Australia) Pty Ltd	614	SWMS/System	Placing safety barriers or excavating so that the safety barriers is on a zone of influence with a risk of collapse which could cause influence to workers or others. Inspection of work process revealed that a precast concrete barrier was on a zone of influence with a risk of collapse and engulfment to workers and others	Blank	N/A			Notice cannot be closed and remains open for the tenure of the project.	WHSQ has set NO Mandatory Directions, Refer to copy of notice	REMAINS OPEN
1028431	21-May-18	Improvement	Ferrovia Agroman (Australia) Pty Ltd	614	SWMS/System	Inspection of the work process revealed that a precast concrete safety barrier was a zone of influence with a risk of collapse and engulfment to workers and others	The person in control of the business or undertaking is to develop, implement and maintain a system to ensure safety barriers do not pose a risk to persons due to collapse of the zone of influence	8/06/2018	Batter permit, procedure and toolbox + document not provided	Email provided with attachments	Not i ce has been si gned, t her e f or e deemed compl i ed w th and can be cl o sed.	•ND to submit via TeamBinder signed Notice with Supporting Documents and email to WHSQ. •12/06/18 - Signed noticed and email to WHSQ provided by ND, Toolbox of batter permit and PRO-34 Plant and Equipment	CLOSED
1006371	13-Jun-18	Improvement	Ferrovia Agroman (Australia) Pty Ltd	610	Hazardous Systems	The principal contractor has failed to ensure as far as reasonably practicable the safe set up and operation of mobile plant namely a concrete pump. Concrete pumping checklist TSRC-HS-FOR-0316 was not completed prior to set up and as a result the concrete pump outrigger was set up on disturbed ground. No verification on site available that the ground conditions were suitable. Risk failure of outrigger to then cause plant rollover	Blank	15/06/2018	Internal emails, meeting notices, checklist and DCP, safety alert	Email provided, with attachments	Not i ce has been si gned, t her e f or e deemed compl i ed w th and can be cl o sed.	** ND submitting Signed Notice, Evidence of Close and email to WHSQ advising close 20/06/2018	CLOSED
1006374	13-Jun-18	Improvement	Ferrovia Agroman (Australia) Pty Ltd	610	Scaffolding	The principal contractor has failed to ensure evidence is available on site (example - scaffold tag) that bridge bracket scaffold systems have been inspected by a competent person every 30 days, as an example - scaffold screening, Ply infills and coupling systems rewire maintenance to maintain the integrity of the scaffold systems provided	Blank	15/06/2018	Photos, internal email, safety alert	Email provided with attachments	Not i ce has been si gned, t her e f or e deemed compl i ed w th and can be cl o sed.	•15/06/2018 - attachment provided in ND-LETTER-01082 15th June 2018, Noticed is not signed, Supporting Documents and email to WHSQ not included. •19/06/2018 - Signed noticed and email to WHSQ provided, Safety Alert for Scaffold Handovers Inspections issue via Outlook.	CLOSED
1006375	13-Jun-18	Improvement	Kat Concrete Pumping	610	SWMS/System	Kat Concrete Pumping has failed with their SWMS regarding the set up of the concrete pump on disturbed or backfilled ground, risking the failure of an outrigger to cause plant rollover.	There was no evidence on site that the ground conditions have been approved or certified to set up the concrete pump outriggers on disturbed or backfilled ground.	16/06/2018			Not i ce has been si gned, t her e f or e deemed compl i ed w th and can be cl o sed.		CLOSED
1050577	14-Jun-18	Improvement	Ferrovia Agroman (Australia) Pty Ltd	1412	Risk Falling Objects	Worker was about to secure ladder to the scaffold rail to allow access to walkway on parapet shutter. Worker turned away to assist in unloading material from back of ute. The ladder was 4800mm long heave a gust of wind has blown it over the 1800mm high rail falling 20m below into the rail corridor. The item of plant (4.8 meter aluminium ladder) was too long and not appropriate for the application	Blank	21/04/2018	Toolbox, prestart, photos, JHA, etc. + Safety alert not provided	Email provided, with attachments	Not i ce has been si gned, t her e f or e deemed compl i ed w th and can be cl o sed.	ND Submitted signed notice, evidence of close and email to WHSQ 21/06/2018	CLOSED
1031361	19-Jun-18	Prohibition	Porter Equipment Australia Pty Ltd	1412	Plant Maintenance	I direct the person with control over the following matters that will give rise to the risk have been remedied: the risk of death or serious injury arising from using unsafe plant while the 2012 Hyundai Wheel Loader Rego 56137C was being operated the front left Axel has broken causing potential mechanical or structural damage. Operation of the plant without being inspected and or structural or mechanical failure.	Porter Equipment Australia Pty Ltd must ensure that the plant 2012 Hyundai Wheel Loader Rego 56137C is repaired as per manufactures specification and inspection by competent person prior to going back into service.	N/A			Notice cannot be closed and remains open for the tenure of the project.	Email to Porter issued 20/06/2018 requesting copies of evidence and corro to WHSQ ** ND issuing Notice to NI 20/06/2018	REMAINS OPEN
1050578	27-Jun-18	Improvement	Ferrovia Agroman (Australia) Pty Ltd	1412	SWMS/System	Workers were in the process of installing approx. 300mm PVC conduit between girder ends to allow services to be run through headstock. Conduit to be encased in concrete. Workers were videoed working/standing on live edge assisting in lowering conduit down into void with the assistance of mobile crane. Workers have exposed themselves to a risk of a fall from one level to another. Top of girder to top of headstock below was approx 2500mm.	Ferrovia Agroman (Australia) Pty Ltd must ensure that a safe system of work is developed and implemented to ensure workers are not exposed to hazards/risks that could result in death or serious injury.	10/09/2018	SMWS Sign off Toolbox talk	10/09/2018	Not i ce has been si gned, t her e f or e deemed compl i ed w th and can be cl o sed.		CLOSED
1025802	30-Jun-18	Non-Disturbance	Acciona Infrastructure Australia Pty Ltd & Ferrovia Agroman (Australia) Pty Ltd	1905	Plant Rollover	Site location Toowoomba second range crossing - Bottomed of ramp on embankments 10 between cut 10 and cut 11, prevent the disturbance of a particular site (including any plant, substance, structure or thing associated with the site)	No Equipment or materials are to be removed or altered or interfered with in anyway at the location identified in this notice. This includes the Ford Tipper registration number 162-XPU and any contents inside the tipper.	N/A	N/A	N/A	Notice has expired and no new corresponding notice issued, therefore deemed closed. Notice expired 07/07/18 at 17:00.	Submitting evidence of close	CLOSED

WHSQ Notices Register

STATUS	26-Jul-19
%CLOSED	84%
TOTAL	175
OPEN	4
CLOSED	103
WITHDRAWN	8
N/A	8
LEGAL CHALLENGE	4
REMAINS OPEN	48

Split of Open/Closed Notices		26-Jul-19
ND Notices Open (Improvement)		0
Contractor Notices Open (Improvement)		3
ND Notices Closed (Improvement)		60
Contractor Notices Closed (Improvement)		43
Total Improvement (Closed)		103
ND Notices REMAINS OPEN (Prohibition)		18
Contractor REMAINS OPEN (Prohibition)		31
Total Prohibition (Remains Open)		49

NOTICE #	NOTICE DATE	NOTICE TYPE	ISSUED TO	INSPECTOR ID	CATEGORY	DESCRIPTION	DIRECTIONS & RECOMMENDATIONS	NOTICE SIGNED	SUPPORTING EVIDENCE	EMAIL TO WHSQ	COMMENTS	SUMMARY OF OUTCOMES - ND	ND STATUS
1025850	30-Jun-18	Prohibition	Joe Wagner Group Pty Ltd	1905	Plant Rollover	Operation of Ford Tip Truck registration 162-XPU involved in overturning incident on Toowoomba 2nd Range Crossing. The truck has reportedly been damaged in the overturning and has to be determined safe for use by a suitably qualified and Competent person.	Engage a suitably qualified person to inspect the truck and make necessary repairs. Do not operate the truck until such time as it is deemed safe to operate.	N/A			Notice cannot be closed and remains open for the tenure of the project.	WHSQ has set NO Mandatory Directions, Refer to copy of notice * Under Legal Privilege 30/05/18 ND-CLC-00659 * Nexus delivery had engaged an expert contractor and operator and was entitled to rely upon the expertise of the contractor; * Nexus Delivery ensured that the contractor had a compliant safe work method statement and operating specifications for the crane; * The expert contractor and operator allowed the crane to be used outside operating specifications relating to lift load; * Nexus (Ferrovia) was not an appropriate recipient for the notice – the contractor was entrusted with the works.	REMAINS OPEN
1025851	30-Jun-18	Prohibition	Joe Wagner Group Pty Ltd	1905	Plant Rollover	Recovery , moving or righting of Ford Tip Truck registrations162-XPU. The risk of serious injury/death arising from the recovery of the Ford Tip Truck rego #162-XPU has been reduced using an approved methodology for recovering the truck. I observed and photographed the Ford Tip Truck registration #162XPU at the bottom of the ramp located on embankment 10, in between cuts 10 & 11. I observed damage to the truck that appears to have been caused as a result of the rollover.	Prior to recovery of the truck on approval methodology must be development by a competent person, this methodology must be approved by the principal Contractor	N/A			Notice cannot be closed and remains open for the tenure of the project.	*Implemented "Pre-Shift Planning - Duty Card Checklist", Workers toolboxed, incident controllers toolboxed, lux meters purchased, light checks conducted using checklist. **ND Submitting evidence of close	REMAINS OPEN
1031362	02-Jul-18	Prohibition	Ferrovia Agroman (Australia) Pty Ltd	1412	Fall From Heights	I Direct the person with control over the following activity to stop the activity of: allowing workers to be exposed to the risk of a fall/roll down embankment until an inspector is satisfied that the following matters that give rise to the risk have been remedied; the risk of death or serious injury arising from a fall/roll from one level to another. Basis for inspectors belief workers were in the process of pouring spoon drain, no controls measure in place to prevent a worker fall/rolling down an embankment on to form work below.	Ferrovia Agroman (Australia) Pty Ltd must ensure that a safe system is developed and implemented to ensure workers are not exposed to hazards/risks that should result in death or serious injury.	N/A			Notice cannot be closed and remains open for the tenure of the project.	Gabriel to submit evidence and steps for safe system of work	REMAINS OPEN
1006140	10-Jul-18	Improvement	VT Services Contracting Pty Ltd	1333	Hazardous Systems	Crane lifted first aid boxes provided to the project for emergency response and retrieval do not comply with section 7.5.2 of the tower crane code of practice namely heights, widths, lengths & sides	Guidance can be sought from the tower crane code of practice 2017				WHSQ confirmed via register. Compliance date 01/08/18.	VTS request issued for close out 10/7/18	CLOSED
1018994	11-Jul-18	Improvement	Ferrovia Agroman (Australia) Pty Ltd	606	SWMS/System	A person conducting a business or undertaking have not ensured as far as reasonably practicable, the health and safety of workers engaged or caused to be engaged by the person by implementing the provision and maintenance of a safe system of works associated with the use of work boxes to preform elevated works on piers @ Viaduct Bridge. Inspection and further enquiries have identified workboxes/flying loading platforms do not comply with a minimum standard noted in the tower crane code of practice. A safe system of works could have reduced the risk of injury or death to workers through the implementation of a further safe systems of work. Further inspection of hired VTS Crane Flying loading platforms has also identified further issues which a safe system of works could have identified	Blank	18/07/2018	SWMS, toolbox sign off	Email provided with attachments	Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w i t h a n d c a n b e c l o s e d.		CLOSED
1025984	11-Jul-18	Improvement	BH Mining & Civil Pty Ltd	940	Site Plant Movements	On Tuesday 10th July 2018 a CAT 972H Wheeled Loader serial #0972HEA7G00184 was carrying out work tasks on the Toowoomba Second Range Crossing. The Loader reversed approximately 400m along the roadway. As there is restricted vision to the rear of the loader, the operator did not see a light vehicle which has stopped on the road and came into contact with it. As a result the light vehicle was extensively damaged and its driver was taken to hospital for precautionary check-up. The light vehicle was equipped with and using its flashing visual warning device at the time. Operating heavy equipment in such a manner and for an extended time, poses a risk to workers health and safety should the loader come into contact with other plant or workers carrying out tasks on the site.	Without limiting subsections 19 (1) and 19 (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable the provision and maintenance of safe systems of work; Develop, implement and maintain a safer system of work to eliminate or minimise the risk to workers health and safety whilst they carry out work near to heavy equipment.	13/07/2018	Hazard Card - Original Scanned onsite-traffic-management Procedure - 18 Hazard Reporting TBM-002_18 - Delivered & Signed TRA Card - Original Scanned West Zones 2, 3, 4 Pavement Works Rev 04	BH Mining emailed 13/0/2018	Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w i t h a n d c a n b e c l o s e d.	*Risk Management Toolbox * Submitting evidence	CLOSED
1048452	13-Jul-18	Improvement	Ferrovia Agroman (Australia) Pty Ltd	606	SWMS/System	A person conducting a business has not ensured so far as reasonably practicable the health and a safety of workers engaged so caused to be engaged by the person. The person conducting a business has not ensured so far as reasonably practicable the provisions and maintenance of safe plant and structures inspections of documentation for men and materials hoist on the 11th July 2018 has identified there is no pre inspection documentation and signoff on the footings for the hoist by a competent person. The hoist is approximately 25 metres in height and set up on the footing and being used by workers and others. I have reviewed documents, took digital images and made notes in inspectors note book. On the Friday 13th I reinspected and no document able to be identified.	Blank	19/07/2018	ITP, photos, design	Email provided with attachments	Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w i t h a n d c a n b e c l o s e d.	19/07/2018 Submitting evidence of 1.Signed notice 2. Inspection & Test Procedure 3. & 3a. Photo evidence 4. Design drawings of hoist 5. Email to WHSQ for close out	CLOSED
1018594	18-Jul-18	Prohibition	VT Services Contracting Pty Ltd	614	Fall From Heights	Placing items into an area that may allow them to fall-namely the area between the bridging flap and door of a man/materials hoist. A system is in place to prevent the risk of falling items from the area between the bridging flap and door. Inspection of the work processes revealed that a piece of plywood (600x750x17mm) was placed in between the bridging flap and door of a man/materials hoist, when the door was opened at a height of approximately 28m the ply fell into a non exclusion zone with risk of hitting a worker. Photos and note book notes.	Blank	N/A	Prestart, SWMS, incident report	Email provided, with attachments	Notice cannot be closed and remains open for the tenure of the project.	19/07/2018 Submitting evidence of close 1. 20180719 - VTS Prestart Discussion 2. Falling Ply Pier 3 Incident Investigation 180718 3. SWMS07 - H001 (Rev 02) Hoist Operations 4. Email of first submission prestart and SMWS 5. Email of second submission to WHSQ	REMAINS OPEN
1028434	18-Jul-18	Improvement	VT Services Contracting Pty Ltd	614	Fall From Heights	Inspection of the work process revealed that a piece of plywood (600mmx750mmx17mm) was placed in between the bridging flap and door. The person conducting the business or undertaking is to develop, implement and maintain a system to prevent items falling from the bridging flap door area of man/materials hoist. A materials hoist, when the door was opened at a heights of approximately 28m, the ply fell into a non exclusion zone with a risk of hitting a worker. Photos and notebook notes.	Blank	19/07/2018	Prestart, SWMS, incident report	Emails provided with attachments	Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w i t h a n d c a n b e c l o s e d.	19/0+U108+Q104:U108+Q108:U108+U108+Q104:U108+U108+Q104:U108	CLOSED
1050581	07-Aug-18	Improvement	Ferrovia Agroman (Australia) Pty Ltd	1412	SWMS/System	Discussion had with workers and observation from evidence provided I reasonable believe that Ferrovia Agroman (Australia) Pty Ltd has failed their duty by allowing workers to work underneath concrete pour, boom type pump being used to pour barriers. No controls measures were in place to protect workers below from falling objects. A small amount of concrete has fallen approx. 20-25 meters to the ground below nearly missing workers.	Ferrovia Agroman (Australia) Pty Ltd must ensure that a safe system of work is developed and implemented to ensure workers are not exposed to hazards/risks that may result in death or serious injury.	10/08/2018	Training, SWMS, toolbox, etc.	Email provided, with attachments	Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w i t h a n d c a n b e c l o s e d.	ND Submitting 14/08/2018 1) Signed Notice 2) Toolbox Bridge 12 3) Evidence of Procedural Training 4) Safety Alert 5) Email to WHSQ advising of closeout	CLOSED
1018995	14-Aug-18	Improvement	Uni-span Formwork Solutions Pty Ltd	606	SWMS/System	PCBU has not ensured the provision and maintenance of safe plant and structures. A person conducting a business has not ensured so far as reasonably practicable the health and safety of workers engaged or caused to be engaged by the person. Scaffold at base of pier 11 to surveyors area and scaffold from pier 11 to pier 10 has had an inspection on the 07/08/2018 and issues identified relating to scaffold stability. I spoke to persons took digital images made notes of issues identified.		20/08/2018	Scaffold hand over Certificates Photos of Inspection Tags register of WHSQ close out confirming Inspector has close the notice		Not i ce has been si gned, t her e f o r e d e e m e d c o m p l i e d w i t h a n d c a n b e c l o s e d.		CLOSED

WHSQ Notices Register

STATUS	26-Jul-19
CLOSED	24%
TOTAL	175
OPEN	4
CLOSED	103
WITHDRAWN	8
N/A	8
LEGAL CHALLENGE	4
REMAINS OPEN	48

Split of Open/Closed Notices	
26-Jul-19	26-Jul-19
ND Notices Open (Improvement)	0
Contractor Notices Open (Improvement)	3
ND Notices Closed (Improvement)	60
Contractor Notices Closed (Improvement)	43
Total Improvement (Closed)	103
ND Notices REMAINS OPEN (Prohibition)	18
Contractor REMAINS OPEN (Prohibition)	31
Total Prohibition (Remains Open)	49

NOTICE #	NOTICE DATE	NOTICE TYPE	ISSUED TO	INSPECTOR ID	CATEGORY	DESCRIPTION	DIRECTIONS & RECOMMENDATIONS	NOTICE SIGNED	SUPPORTING EVIDENCE	EMAIL TO WHSQ	COMMENTS	SUMMARY OF OUTCOMES - ND	ND STATUS
1018996	14-Aug-18	Improvement	VT Services Pty Ltd	606	Electrical	On inspection voids in electrical distribution boards on the hoist and the Generator to tower crane. Also have identified electrical cable damaged past the 1st layer which have exposed workers and others to single insulated or live electrical, PCBU must ensure the workers and others are not exposed to risk of injury or death from live or single insulated parts. I saw, took digital images and made notes.	N/a	16/08/2018	Email confirming works undertaken Notice Signed Email to WHSQ	16/08/2018	Notice has been signed, therefore deemed complied with and can be closed.	OPEN	CLOSED
1042784	14-Aug-18	Improvement	Castleross Constructions Pty Ltd	590	Plant Maintenance	Observed and photographed that the person conducting a business and undertaking has failed to ensure plant namely platform ladder trestle platform and step platform are safe and without risk when used properly. Items of plant were damaged and had been poorly maintained. Persons are at risk from failure of items of plant causing serious bodily injury.		16/08/2018		16/08/2018	WHSQ confirmed via register. Compliance date 16/08/18.		CLOSED
1050582	29-Aug-18	Improvement	Castleross Constructions	1412	SWMS/System	Discussions had with witness and discussion had with worker involved with incident. I reasonably believe a worker has placed soft lift slings on hand rail of live edge which is against Nexus policies and procedures. (No construction materials to be placed/stored on live edges) the slings fell approx 45 meters below nearly missing workers below.	Castleross Constructions Pty Ltd must ensure that workers are aware of policies and procedures to ensure workers are not exposed to risk and hazards that may result in death or serious injury		Email from WHSQ confirming notice is complied with and now closed	4/09/2018	WHSQ confirmed via register. Compliance date 31/08/18.		CLOSED
1004596	11-Sep-18	Improvement	Ferrovial Agroman (Australia) Pty Ltd	311	SWMS/System	Workers were performing high risk construction work at a height of about 10m from a boom-lift EWP. The system of work is to dismantle the bracket platform from the side of Bridge 12 out of the EWP and load the components into and on top of the EWP rails and lower to the ground. The system of work is not in accordance with manufacturers specification for the plant or the safe Work Method statement for the activity. There is the risk of injury to workers and the risk of falling objects.	N/A	18/09/2018	SWMS Updated	18/09/2018	Notice has been signed, therefore deemed complied with and can be closed.		CLOSED
1006383	12-Sep-18	Improvement	Wagners Quarries Pty Ltd	610	SWMS/System	Construction Inspections has identified the following re screening machine 808 in operations: - Operator has not been VOC'd - 1 Emergency stop cable not operational - 1 Emergency stop button full of dust and not operating freely and unknown when repairs will take place - Documented procedures outlined in the SWMS identify that the operator is to be VOC'd and the plant is to have emergency devices operational to ensure operators and persons in the vicinity are not at risk of injury re safe operation of plant	PCBU should comply with approved codes of practice, or manage hazards in a different way that provides an equivalent or higher standard of health and safety that the standard required under to code - Refer to these duties outlined in section 3.4 managing risks of plant in the workplace code of practice 2013.	13/09/2018	Evidence of E stop repairs VOC of Operator Email to WHSQ of close	14/09/2018	Notice has been signed, therefore deemed complied with and can be closed.		CLOSED
1028425	28-Mar-18	Improvement	Jose Antonio Sanchez	614	Right of Entry	On 27 March 2018 2 CFMEU workers were refused entry at Bridge 12, Bridge 11 and Bridge 10 by Jose Sanchez as they didn't hold an entry permit. Their purpose of entry to the work sites was to attend and hold discussions with workers and others with a view to resolving WHS issues.	To allow the union organisers to enter the worksite in accordance with the rights conferred by s.81(3) of the Act for the purposes set out in that section.		N/A	N/A	Remains stayed until review decision has been made.	With Corrs 30/05/18 ND-CLC-00659 • Section 81(3) of the Work Health and Safety act (WHS Act) was misapplied by the Inspector; • The preconditions for entry in s.81(1) and (2) had not been satisfied by the crystallisation of a discrete safety issue to justify entry; • Properly construed Section 81(3) (WHS Act) does not create a right of entry which can be contravened; • There was no contravention of s.81(3). 04/06/2018 'internal review unsuccessful – external review now proceeding to the Qld Industrial Relations Commission to dispute the validity of the Improvement notices.'	LEGAL CHALLENGE
1018998	12-Sep-18	Improvement	Ferrovial Agroman (Australia) Pty Ltd	606	SWMS/System	Inspection has identified a person conducting a business or undertaking has not ensured so as as reasonably practicable the health and safety of workers engaged or causing to be engaged by the person by providing the provision and maintenance of safe systems of work inspection has identified worker operating the screener has had no information instruction and training on plant, not been VOC on plant as per site SWMS and the plant currently has two damaged or inoperative E Stop buttons or systems and still being operated and screening risk earth. PCBU must ensure the health and safety of workers by providing and maintaining a safe system of works.	N/A	13/09/2018	Operator VOC E Stop Installation Fixed E Stop images	13/09/2018	Notice has been signed, therefore deemed complied with and can be closed.		CLOSED
1017998	12-Sep-18	Prohibition	Niepe Construction Pty Ltd	940	SWMS/System	On 11 September 2018 two metal rods approx. 1750mm in length and 27mm in width were accidentally dropped from the head stock of pier 8 and fell approx. 48 metre onto the ground below landing within approximately 10m of workers carrying out tasks below.	Niepe Construction Pty Ltd must ensure control measures are in place to prevent objects from falling	N/A			Notice cannot be closed and remains open for the tenure of the project.	19/03/2019 Evidences received with a copy of email to WHSQ advising of close out	REMAINS OPEN
1025988	13-Sep-18	Improvement	Ferrovial Agroman (Australia) Pty Ltd	940	SWMS/System	My interviews with workers onsite indicate that workers were carrying out work task at the head stock of pier 8 of the Viaduct when two metal rods fell approximately 45m to the ground below. At the same time three workers were occupying the area below pier 8. Both these work groups had no knowledge that work was being carried out above and below them. This poses a risk to workers health and safety should the workers be struck by falling objects coming from work tasks being carried out above them.	Ferrovial Agroman (Australia) Pty . Ltd must ensure a safe system of work is in place to make sure that effective co-ordination and communication between work groups is in place to eliminate or minimise the risk of injury to workers carrying out tasks on the site.	28/09/2018	SWMS 0038, 0071, 0102 amended	28/09/2018	Notice has been signed, therefore deemed complied with and can be closed.		CLOSED
1054359	27-Sep-18	Improvement	Ferrovial Agroman (Australia) Pty Ltd	614	SWMS/System	Inspection of the work process and conversations with persons onsite revealed that an excavation was not protected by a safety berm or flagging/delineation. This is mentioned in the safe work method statement for the task. A truck has traversed over the edge and was at risk of overturning.	The person conducting the business or undertaking is to develop, implement and maintain a system to ensure safe work method statements are complied with.	28/09/2018	SWMS Toolboxed with workers, SWMS sign off and Toolbox Sign off	28/09/2018	Notice has been signed, therefore deemed complied with and can be closed.		CLOSED
1008487	09-Oct-18	Prohibition	Castross Construction	1103	Hazardous Systems	I direct the person with control over the following activity to stop the activity of working in an environment that contains airborne respirable crystalline silica (RSC) I observed workers dry scabbling concrete material on the headstock of pier 11. This scabbling was being done dry, with no water suppression of dust extraction and was observed to be generating dust and debris. Workers were not wearing respirable protective. Conversations with the workers also revealed that dry grinding of concrete was occurring without controls in place to manage the risk of workers inhaling RCS. The workers had substantial facial hair (beard). No respiratory protective equipment was observed in the area.	A person conducting a business or undertaking must manage under part 3.1 risks to health and safety associated with using, handling, generating or storing a hazardous chemical at a work place	N/A	Purchase of respiratory masks SWMS and Toolboxes	10/10/2018	Notice cannot be closed and remains open for the tenure of the project. Confirmed closed via register by Peter Rees.		REMAINS OPEN
1008488	09-Oct-18	Prohibition	Ferrovial Agroman (Australia) Pty Ltd	1103	Hazardous Systems	I direct the person with control over the following activity to stop the activity of working in an environment that contains airborne respirable crystalline silica (RSC) I observed workers dry scabbling concrete material on the headstock of pier 11. This scabbling was being done dry, with no water suppression of dust extraction and was observed to be generating dust and debris. Workers were not wearing respirable protective. Conversations with the workers also revealed that dry grinding of concrete was occurring without controls in place to manage the risk of workers inhaling RCS. The workers had substantial facial hair (beard). No respiratory protective equipment was observed in the area.	A person conducting a business or undertaking must manage under part 3.1 risks to health and safety associated with using, handling, generating or storing a hazardous chemical at a work place	N/A	SWMS 123 - A - reviewed and updated and implemented controls across project	13/11/2018	Notice cannot be closed and remains open for the tenure of the project. Confirmed closed via register by Jared Bentzen.		REMAINS OPEN
1042797	09-Oct-18	Improvement	Castleross Construction	590	Hazardous Systems	Persons in control of business and undertaking has failed to provide Adequate instruction training and information in regards to correct use of personal protection equipment for concrete grinding operations, persons are at risk of silica dust exposure	N/A	10/10/2018	Purchase of Respiratory Masks SWMS and Toolboxes	10/10/2018	WHSQ confirmed via register. Compliance date 10/10/18.		CLOSED

WHSQ Notices Register

STATUS	26-Jul-19
%CLOSED	94%
TOTAL	175
OPEN	4
CLOSED	103
WITHDRAWN	8
N/A	8
LEGAL CHALLENGE	4
REMAINS OPEN	48

Split of Open/Closed Notices		26-Jul-19
ND Notices Open (Improvement)		0
Contractor Notices Open (Improvement)		3
ND Notices Closed (Improvement)		60
Contractor Notices Closed (Improvement)		43
Total Improvement (Closed)		103
ND Notices REMAINS OPEN (Prohibition)		18
Contractor REMAINS OPEN (Prohibition)		31
Total Prohibition (Remains Open)		49

NOTICE #	NOTICE DATE	NOTICE TYPE	ISSUED TO	INSPECTOR ID	CATEGORY	DESCRIPTION	DIRECTIONS & RECOMMENDATIONS	NOTICE SIGNED	SUPPORTING EVIDENCE	EMAIL TO WHSQ	COMMENTS	SUMMARY OF OUTCOMES - ND	ND STATUS
1054376	26-Oct-18	Improvement	Ferrovia Agroman (Australia) Pty Ltd	614	SWMS/System	Through inspection and conversations regarding the work site and processes, it was ascertained that a rock had fallen down from the first bench of cut 32 at approximately 16:19 hrs on the 25/1/2018. The rock had come into contact with a parked vehicle. No exclusion zone was in place at the time of the incident and workers may be at risk of serious injury or death.	The person conducting the business or undertaking is to develop, implement and maintain a system to:- 1. Carry out inspections to ascertain if any rocks/spoil/earth (the objects) have a risk of dislodging or falling down a batter. 2. Implement control measures to prevent the objects falling or coming into contact with workers. 3. The system must cater to any future significant events, i.e. weather, rain etc.	1/11/2018	Photos and Cut - bench and batter inspection report	1/11/2018	Notice has been signed, therefore deemed complied with and can be closed. Email from WHSQ acknowledging receipt and closure.		CLOSED
1043009	13-Nov-18	Improvement	Ferrovia Agroman (Australia) Pty Ltd	590	SWMS/System	Observed Safe Work Method Statement 0051 had inadequate controls for work in an area with improvement of power mobile plant. PCBU must ensure safe work method statement is reviewed and revised if relevant control measures are revised under section 38.	N/A	14/11/2018	SWMS 0051 - D - reviewed and updated and implemented controls across project	14/11/2018	Notice has been signed, therefore deemed complied with and can be closed. Confirmed closed via register by Peter Rees.		CLOSED
1027670	14-Nov-18	Prohibition	Casteross Construction Pty Ltd	590	SWMS/System	Allowing work activities on static line system. Verify static line system has been installed by a competent person and as per manufactures requirements, and persons using system have been trained in use of system.	Site inspections has identified that there is no supporting documentation to verify that static line system has been installed by a competent person, as per manufacturers requirements, and that workers are trained in use of system. Person are at risk of serious bodily injury.	N/A	Supporting documentation to verify static line has been installed by a competent person	16/11/2018	Notice cannot be closed and remains open for the tenure of the project. Confirmed closed via register by Peter Rees.		REMAINS OPEN
1043025	19-Feb-19	Improvement	Ferrovia Agroman (Australia) Pty Ltd	590	SWMS/System	Principal contractor has failed to ensure that established systems for verifying concrete pump setup are followed	Principal contractor must ensure that provisions and maintenance of safe systems of work are followed	22/02/2019	Toolbox Talk Photo evidence Best Practice zConcrete Pump Set up	22/02/2019	Notice has been signed, therefore deemed complied with and can be closed. Email from WHSQ acknowledging receipt and closure.		CLOSED
1036801	19-Feb-19	Improvement	Kat Concrete Pumping Pty Ltd ATF Kat Concrete Pumping Business Trust	1103	SWMS/System	A Putzmeister M 42-5 concrete boom pump was set up at cut 29. The boom pump operator was unable to adequately explain how to select the correct size of the timber dunnage for the set-up when consulting the manufacturers guidance table located on the outrigger leg.	Without limiting subsections 19(1) and 19 (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking.	25/02/2019	Toolbox to workforce	25/02/2019	Notice has been signed, therefore deemed complied with and can be closed.	28/02/2019 - WHSQ Task Force Register Confirms Notice Closed	CLOSED
1036703	19-Feb-19	Improvement	Kat Concrete Pumping Pty Ltd ATF Kat Concrete Pumping Business Trust	610	SWMS/System	Kat Concrete Pumping has failed to comply with their safe systems of work re the set up of the concrete pump. Ground conditions/pad size verification assessed by a competent person was not available on site to confirm setup suitable for those conditions. The concrete pumping checklist/safe systems of work documentation was not available on site for verification. Once received, the pad size for the concrete pump outriggers was deemed undersize for the operations being carried out.	KAT Concrete Pumping are required to equal or better the standards outlined in the concrete Pumping Code of practice 2005 - section 4.2.1 setting up on site.	25/02/2019	Toolbox to workforce	25/02/2019	Notice has been signed, therefore deemed complied with and can be closed.	28/02/2019 - WHSQ Task Force Register Confirms Notice Closed	CLOSED
1036704	20-Feb-19	Improvement	Gladstone Concrete Pumping Pty Ltd TTEE (Subject to DOCA) Meales Concrete Pumping	610	SWMS/System	Meales Concrete Pumping has failed to comply with their safe systems of work re the setup of the concrete pump. Outrigger support verification assessed by a competent person indicated the support pad to be provided shall be 900x900mm. The pump operator confirms receiving the above measurement however has installed a 900x600mm support pad which compromises the safe integrity of concrete pumping operations.	Meales Concrete Pumping operations are required to equal or better the standard outlined in the Concrete Pumping Code of Practice 2005 - Section 4.2.1 Setting up on site	26/02/2019	Toolbox	25/02/2019	Notice has been signed, therefore deemed complied with and can be closed.	28/02/2019 - WHSQ Task Force Register Confirms Notice Closed	CLOSED
1057785	16-May-19	Improvement	Acciona Infrastructure Australia Pty Ltd & Ferrovia Agroman (Australia) Pty Ltd	591	Access and Egress	Inspection of the site at TMR laydown area, TSRC identified that a dog trailer has overturned while tipping its load. Discussions on site with truck driver indicated that loads had been progressively tipped in the allocated area on site that was sloping. The general conditions of the overall site are of a highly undulating nature. There is a requirement for numerous further loads to be delivered to site in many varying areas. It is likely that other areas of the site that may be used for further future deliveries have sloping surfaces which may potentially pose a risk of overturning of delivery trucks and trailers during tipping processes. Persons may therefore be at risk of injury due to potential for trucks tipping loads to overturn.	As the person with management or control of a workplace, you must ensure, so far as reasonably practicable, that the workplace, the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person. Ensure that all areas of the site that are to be allocated and used for tipping of loads do not pose a risk of overturning to trucks and trailers tipping loads that is due to the presence of sloping or undulating surfaces. Ensure that all surfaces used for tipping of loads on site are flat stable and not at a slope or angle that may cause instability to trucks or trailers while tipping loads. Obtain information and advise from suitably qualified competent persons regarding allowable and safe slopes and angles for surfaces that are to be used for tipping of loads. Develop, implement and maintain a system or process that will ensure that trucks and trailers are not directed or allowed to tip loads in areas that may pose a risk of overturning.	20/05/2019	- Roll over Best Practice Implemented and communicated Site Wide - Email to WHSQ listing items reviewed and implemented for truck tipping activities	20/05/2019	Notice has been signed, therefore deemed complied with and can be closed.		CLOSED
1055710	02-Jul-19	Improvement	Ferrovia Agroman (Australia) Pty Ltd	590	SWMS/System	Principal contractor for project has failed to assess, monitor and review safe work method statements at workplace. Site inspection identified change of work practices and no review of Safe work method statements	N/A	3/07/2019	1) Copy of updated SWMS completed with the work team. 2) Copy of instructions and photo of class M vacuum to support the controls and engineering extraction of dust	3/07/2019	Notice has been signed, therefore deemed complied with and can be closed.		CLOSED

WHSQ Notices Register

STATUS	26-Jul-19
%CLOSED	84%
TOTAL	175
OPEN	4
CLOSED	103
WITHDRAWN	8
N/A	8
LEGAL CHALLENGE	4
REMAINS OPEN	48

Split of Open/Closed Notices		26-Jul-19
ND Notices Open (Improvement)		0
Contractor Notices Open (Improvement)		3
ND Notices Closed (Improvement)		60
Contractor Notices Closed (Improvement)		43
Total Improvement (Closed)		103
ND Notices REMAINS OPEN (Prohibition)		18
Contractor REMAINS OPEN (Prohibition)		31
Total Prohibition (Remains Open)		49

NOTICE #	NOTICE DATE	NOTICE TYPE	ISSUED TO	INSPECTOR ID	CATEGORY	DESCRIPTION	DIRECTIONS & RECOMMENDATIONS	NOTICE SIGNED	SUPPORTING EVIDENCE	EMAIL TO WHSQ	COMMENTS	SUMMARY OF OUTCOMES - ND	ND STATUS
1055365	16-Jul-19	Improvement	Ferrovial Agroman (Australia) Pty Ltd	963	SWMS/System	PC has not ensured so far as reasonably practicable that the system of work is maintained. I observed and photographed 2 motor vehicles that received substantial damage after a head on incident. The drivers of the vehicles stated that they were travelling at approximately 40KMH which is above the vehicle Mangement Plan (VMP) speed limit which was 20kmh. PC must ensure the safe system is maintained ensuring speed limits are followed.	Follow Work Health and Safety Act 2011 - section 19(3)(C). Without limiting subsections 19(1) and 19(2), A person conducting a business or undertaking must ensure, so far as is reasonably practicable the provision and maintenance of safe system of work. Provision(s) Work Health and Safety Act 2011 - Section 33						LEGAL CHALLENGE
1058314	26-Jul-19	Improvement	GRI Road Services Pty Ltd	1412	SWMS/System	Discussion had with leading hand on site has revealed that the injured worker was in training and at the time of the incident and was not being supervised in the task that he was undertaking as a result the plant has tipped forward off the back of the trailer on to the road							Open
1058313	26-Jul-19	Improvement	GRI Road Services Pty Ltd	1412	SWMS/System	Observations and discussions had with workers on site. Worker was in the process of unloading plant from the trailer when the plant has tipped forward off the back of the trailer on to the road. Measurements taken of the road (degrees) and the degrees of the loading/unloading ramps on the trailer and unloading downhill has contributed to the plant tipping forward	GRI Road Services Pty Ltd must develop and implement a safe system of work for loading and unloading of plant on uneven and slopping ground						Open
1058312	26-Jul-19	Improvement	GRI Road Services Pty Ltd	1412	SWMS/System	Observation and discussion had with workers on site, found worker was in the process of unloading plant from the trailer when the plant has tipped forward of the back of the trailer on to the road. Measurements taken of the trailer and the item if plant revealed that the worker had insufficient area to stand on while undertaking this task. The worker is required to stand on the trailer to operate the controls. As a result, the work had to jump clear sustaining injuries to his leg requiring medical treatment.							Open
1031378	25-Jul-19	Prohibition	GRI Road Services Pty Ltd	1412	SWMS/System	I Jason Plath reasonably believe on 25-Jul-2019 at 12:55 that an activity may occur at the workplace that involves a serious risk to the health or safety of a person emanating from an immediate or imminent exposure to a hazard and that this activity is contravening a provision of the: <i>Work Health and Safety Act 2011 - section(s) 21 (2), 32</i> I direct the person with control over the following activity to stop the activity of : Operating 2005 TURCHI model 260/s serial number 1844105115. Until an inspector is satisfied that the matter that will give rise to the risk have been remedied. Observation and discussion had with workers on site, worker was in the process of unloading plant from trailer the plant has tipped forward off the back of the trailer on to the road causing unknown damage to the machine	GRI Road Services Pty Ltd must ensure that the plant 2005 TURCHI model 260/s serial number 1844105115 is repaired as per manufacturers specifications and inspected by a competent person prior to going back into service						Open

SWMS/System	45
Hazardous Systems	26
Plant Rollover	23
Fall From Heights	16
Plant Maintenance	12
Scaffolding	9
Site Plant Movements	9
Access and Egress	9
Electrical	5
Right of Entry	4
Risk Falling Objects	4
Traffic	4
Rescue Plan	3
Respiratory Systems	3
Trip Hazards	2
Out of Hours Facilities	1

Total 175

INDUSTRIAL REGISTRAR
20 FEB 2018
QUEENSLAND

EG-2



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:

Ken Paul / The Queensland Building Industry Union

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:

Admission Security Point - Airport
Miles

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. Security Roll Over

2. Access - barriers to workplaces through out site

3. Job systems of work

4. Emergency exit & removal

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. Security Roll Over, Emergency Exit & Removal

2. Access - barriers to workplaces through out site

3. Job systems of work & removal

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
NEVUS 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 119 (1) 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.

WHS

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.

.....
WH

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.

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.

- * SUMS, POLICIES, ANY IMPROVEMENT / PROHIBITION NOTICES
- * ~~WHISQ~~ 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 116 (1) is \$10,000

No. **G** 04167

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.
- [Redacted] proposed to be inspected relate to that contravention.

[Redacted Signature]
WHS Entry Permit Holder's Signature

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: <i>(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)</i>
* ACCESS + EGRESS TO WORK AREAS.
* DEVIATION 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 WHSQ
HEAT STRESS POLICY
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 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 119 (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: 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: 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: 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 13/2/18

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 is under s 118 (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: 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) (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:

- The above Union is entitled to represent the industrial interests of workers at this workplace.
- The provisions of the WHS Act that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The records and 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 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 GibsonName of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Mining and Energy UnionName and Address of Workplace being entered: Toondomba Second Range
Crossing Nexus DeliveryDate 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 117Details 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 Workplace 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.

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.
- 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) (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 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) (c) 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:

12/15 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

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 State or Territory in which it is made.

No. **G 001 100**

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.

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

No. **G** 04172

WHS Entry Permit Holder's Signature



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

[Redacted Signature]

Penalties
The maximum penalty for an individual for failure or refusal to comply under s.118 (1) 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, ^{JEAN MARIE JOCK MARTIN ALBERT} ~~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} 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 and 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) (b) is \$10,000.

No. **G** 04206



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:

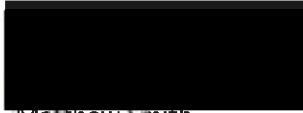
Organisation	Construction, Forestry, Mining and Energy Union (Queensland Branch)		
Phone number	[REDACTED]	Fax number	[REDACTED]
Email address	[REDACTED]		
Name of contact person	Michael Ravbar		
Direct phone number of contact person	[REDACTED]	Mobile	
Direct email address of contact person	[REDACTED]		

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	[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

~~2019~~ February 2018

INDUSTRIAL REGISTRAR
23 FEB 2018
QUEENSLAND

EG-4



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
Te Aranui Jock Martin Albert	13 February 2018	G04202
Beau Richard Seiffert	13 February 2018	G04998
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
Kurt Daniel Pauls	14 February 2018	G04168
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

**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: 15/15 S.F. ROAD, BRISBANE

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 practices

3. Unsafe work conditions

4. Unsafe work equipment

5. Unsafe work materials

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

2. Documents

Declarations:

- 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**

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.

Penalties
The maximum penalty for an individual for failure or refusal to comply under a 119 (1) (a) 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, 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

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 E

Penalties
The maximum penalty for an individual for failure or refusal to comply under s 118 (1) (c) 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: 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.

WH

Penalties
The maximum penalty for an individual for failure or refusal to comply under s 118 (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.

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

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: 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 ~~fat~~ 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.

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

No. **G 04167**

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 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, POLACIES, IMPROVEMENT/PROHIBITIONAL 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.

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 03907**

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

Crossing NEXUS
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 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.

Swimming
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

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

No. © 04202

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: TOOWOOMBA 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

WHS Entry Permit Holder

NOTICE OF ENTRY

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

Full Name of Entry Permit Holder: TEARAWA JONAS 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 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.

* DECONTAMINATION FROM PAINTS + PESTICIDES.

* 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.
- [REDACTED] is/are the person/s proposed to be inspected related to workers the Union is entitled to represent.
- [REDACTED] is/are the person/s 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

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.

* SWMS

* 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

Penalty
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: 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**

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**

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 rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- The proposed to be inspected related to workers the Union is entitled to represent.
- The 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 03909**

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 Ammunitions
- * 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

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) (d) is \$10,000

No. **G 05022**

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 #

Penalties
The maximum penalty for an individual for failure or refusal to comply under s.118 (1) (c) 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: 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: Camamba Second Rang
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.



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

No. **G 04205**

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: TOOJOOOMBA 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.

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

No. **G** 04169

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 the [redacted] that entitles the Union to represent the industrial interests of these workers is Rule 2.
- [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

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
Proxies
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.

W

Penalties
apply for an individual for failure to
obey a 116 (5) (d) in \$10,000

No. **G 05023**

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 inspected relate to that contravention.

Penalties
The maximum penalty for an individual for failure or refusal to comply under s.118 (1, 6) is \$10,000.

No. 18/0000000000

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 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

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 information proposed to be inspected related to workers the Union is entitled to represent.
- The records and information 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

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 Ent

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

No. 05024

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.

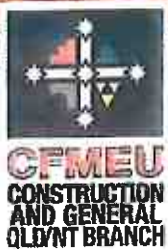
- * SWMS, POLICIES, ANY NOTICES (IMPROVEMENT OR PROHIBITION) WRITTEN BY WHSQ.

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.

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

No. **G 04172**



WHS Entry Permit Holder NOTICE OF ENTRY

AR

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 [Redacted]

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} ~~MARK~~ ^{TERIANU} ~~ALBERT~~ ^{JOAKIMATI ALBERT}
 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: 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: <small>(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)</small>
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/CD DEPARTMENT.
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 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

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 About

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 RETURN 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

AND 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.

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

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

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

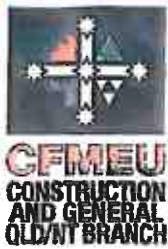
Declaration:

- 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
refuse to comply under s 119 (1) (c) 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

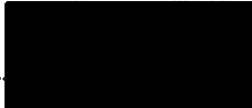
Date of Entry or Proposed Entry: 20.2.2018

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



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

No. F02980

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)

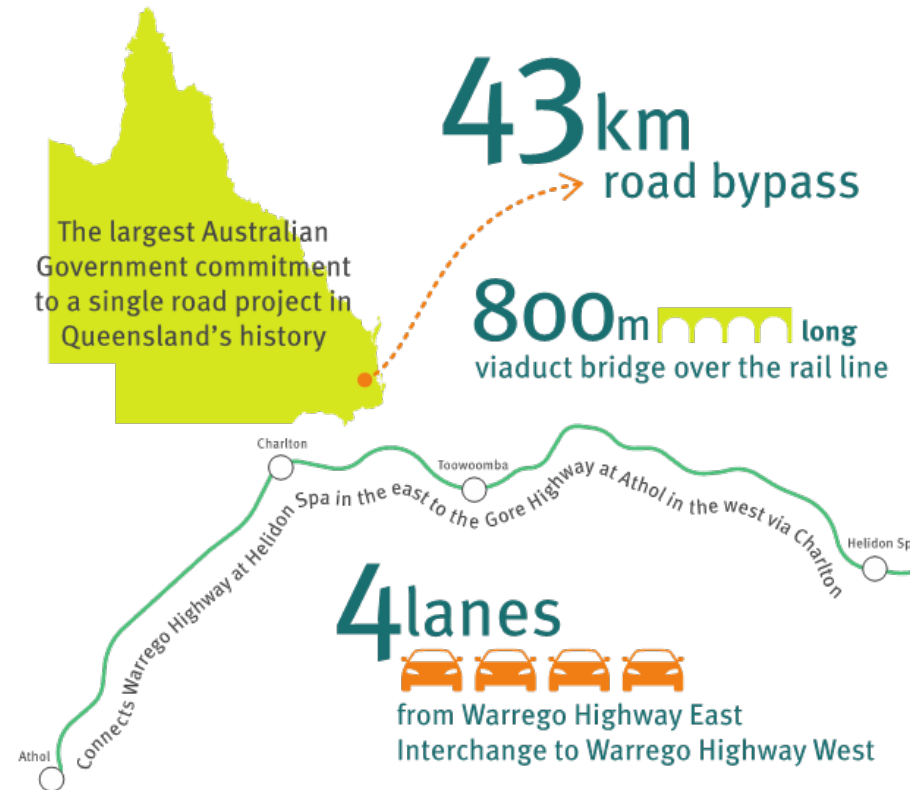
[Queensland Government \(https://www.qld.gov.au/\)](https://www.qld.gov.au/)

Project overview

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

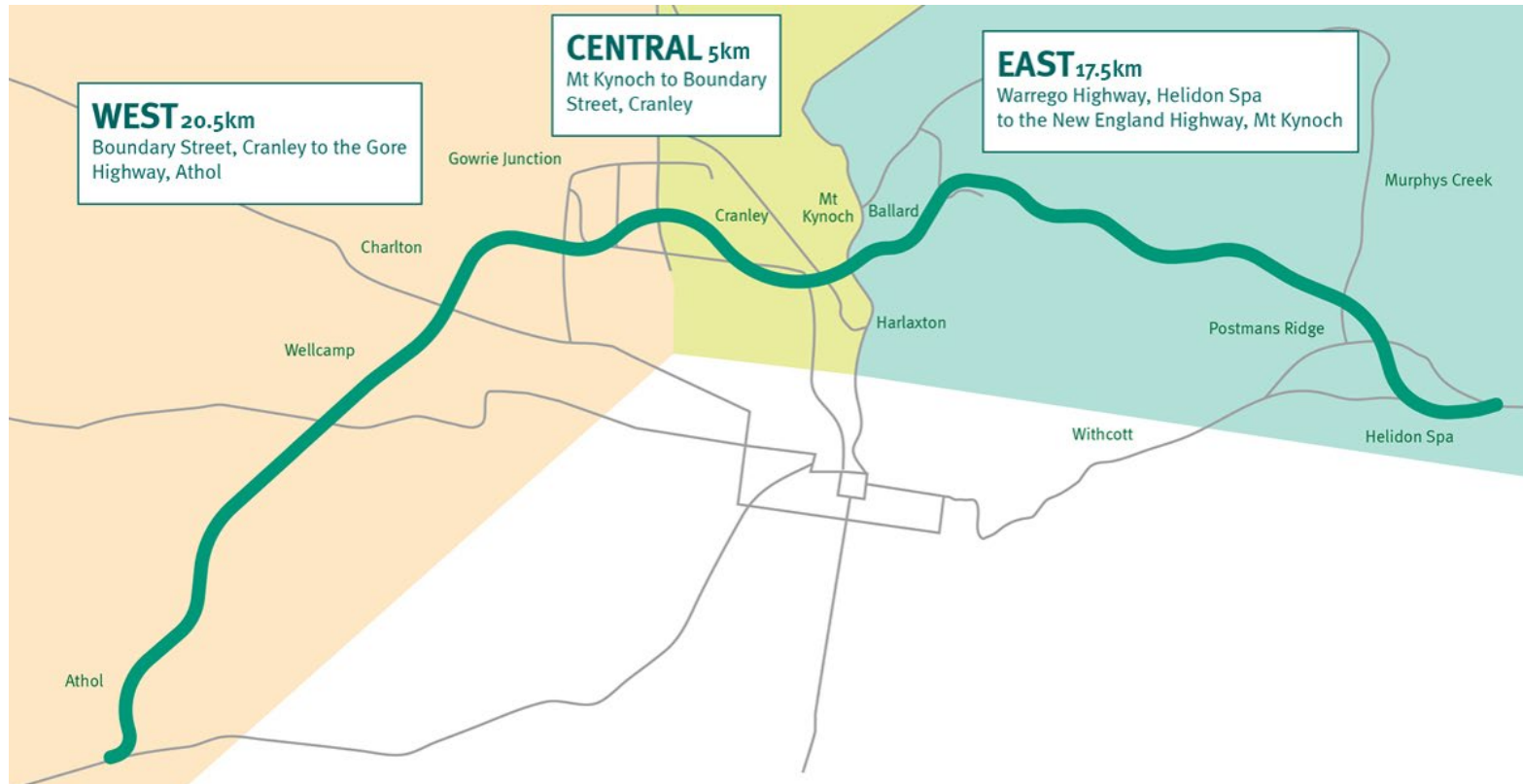
When finished, it will connect the Warrego Highway at Helidon Spa in the east to the Gore Highway at Athol in the west, via Charlton.

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

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

160 m

Project overview

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15 km
two lane
carriageways

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

160 m

Bypass uses some of road building's biggest machinery

15th Sep 2017 10:32 AM
0



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.

0

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 Charlton.

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

Full Profile Login to follow

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
 eghan.harris@thechronicle.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 Gattin Creek bridge.
 Cranes and cars are seen moving in and out of frames as workers build the bridge. The clip has had more than 3300 views and Nexus 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 Gattin 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 asphalt 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, gravelling, asphalt and general construction.

Tie-in works have also started on Postmans Ridge Rd near Withcott 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 hold 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 completed at the end of this year, parts of the project are beginning to take shape including the 800m 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 asphalt
- 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-Ocail 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 thechronicle.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, Boundary St bridge complete
- **July:** Paynters Rd underpass complete, Boundary 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 unit installation started, central zone landscaping started, second span of viaduct started

- **September:** Rocky (Gattin Creek bridge complete, pilling 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







100





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









106

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

- ▶ Outcome of OFSC Audits:

- ▶ 2016: 7 CARS (all minor)
- ▶ 2017: 14 CARS (13 minor, 1 major)

- ▶ Outcome OHSAS & AS/NZS Audits:

- ▶ 2017: 0 CARS, 3 Opportunities for Improvement
- ▶ 2018: 0 CARS, 2 Opportunities for Improvement

Work hours and safety statistics

- ▶ 2,222,754 manhours (Jan 2018 report)
- ▶ Training:
 - ▶ Requirement (total project): 321,703 hrs
 - ▶ Actual completed: 269,130 hrs
- ▶ Injuries to date:
 - ▶ LTI: 4
 - ▶ MTI: 3
 - ▶ FAI: 56
 - ▶ Total incidents: 253 (includes 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)



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)
- ▶ 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

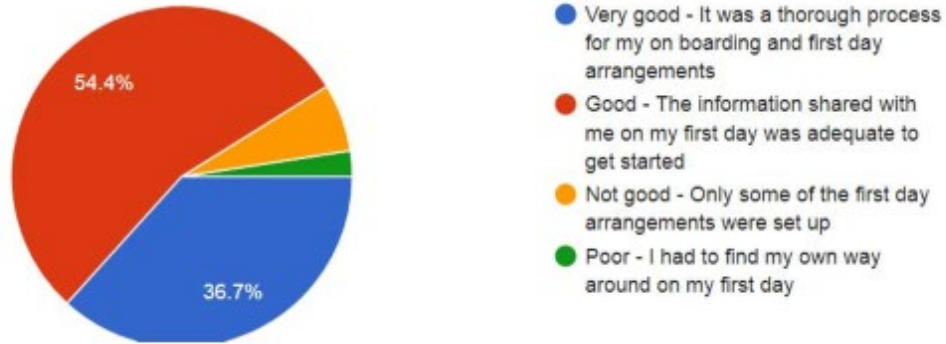
What we have done

- ▶ Changes to processes and systems (continued)
 - ▶ Lessons learnt
 - ▶ All plant inspected weekly by engineers and safety advisors, using WHS template
 - ▶ 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
 - ▶ Reassessment of tasks undertaken by frannas and subsequent elimination. Any new requirement for a franna to be risk assessed and approved by PD.

Outcomes of health check

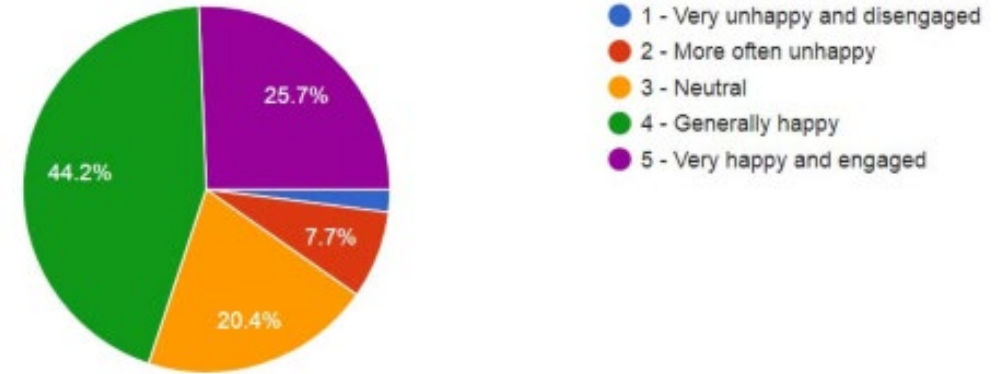
4. How well were you inducted onto the project?

452 responses



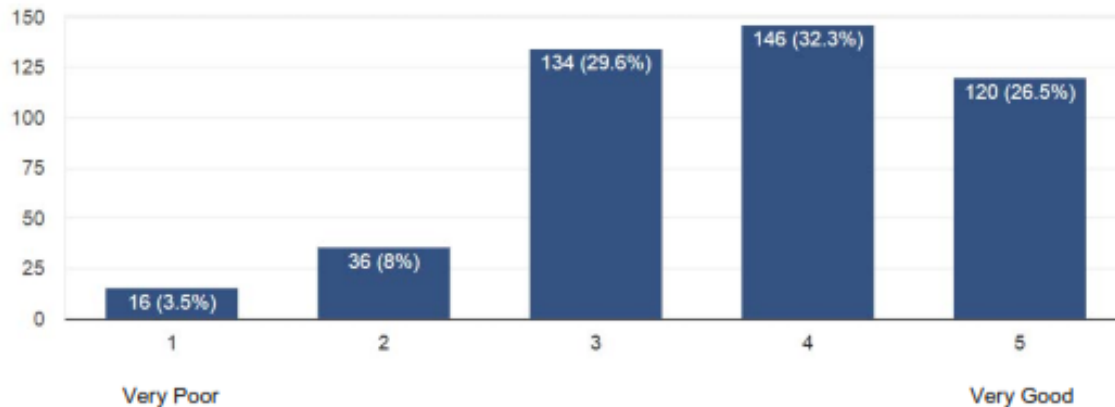
6. On a scale of 1 to 5, how happy are you at work?

452 responses



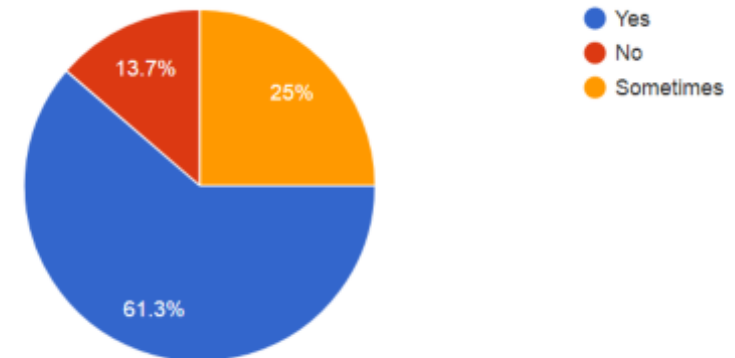
5. How effective do you find pre-start meetings

452 responses



8. Do you feel comfortable speaking up at pre-start meetings?

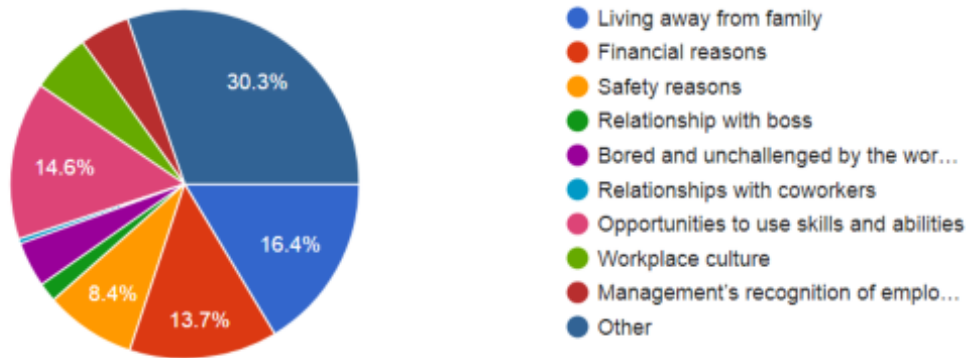
452 responses



Outcomes of health check

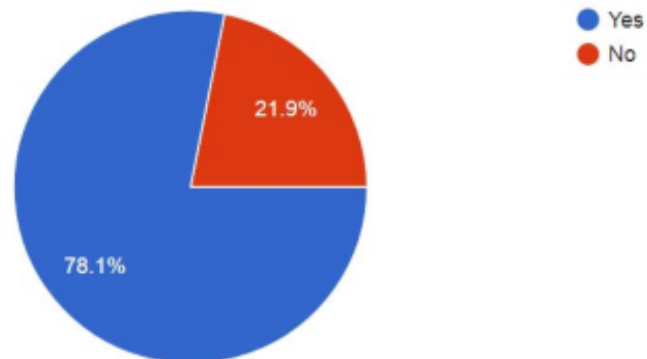
10. Hypothetically, if you were to leave the Project tomorrow, what would your reason be?

452 responses



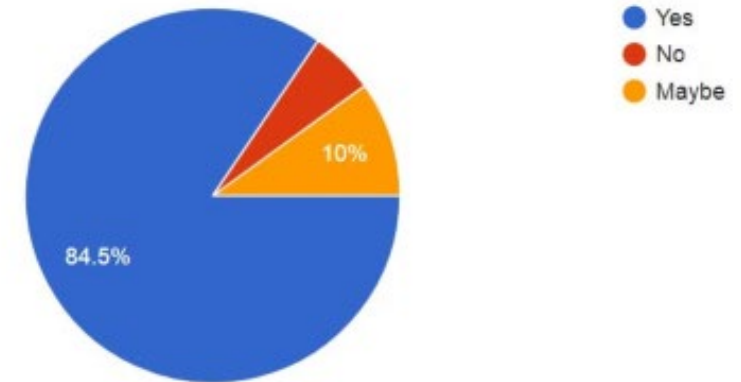
12. Would you promote and refer others to come and work on this Project?

452 responses



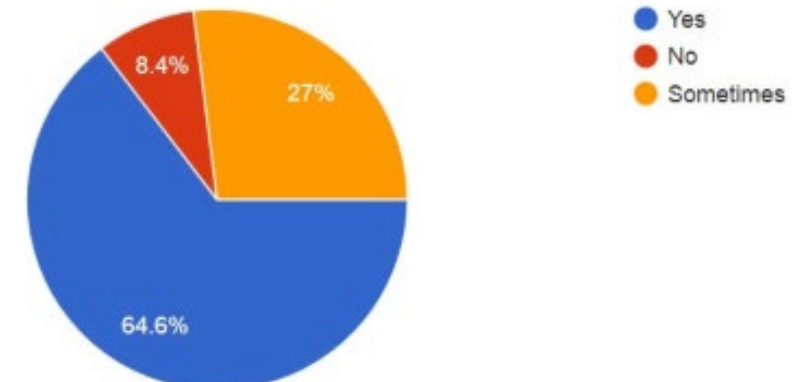
20. Do you feel confident to stop work if you feel it is unsafe?

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 WE INJURE SOMEONE

<https://www.youtube.com/playlist?list=PLO-TH9ejqswscODBTrnX2vug8cpgcpHyY>

200 inspections

100 notices

Grace → my forward. Awareness de que sera difícil para las empresas

Bairley → high profile, workplace > public

investigación much later than the event

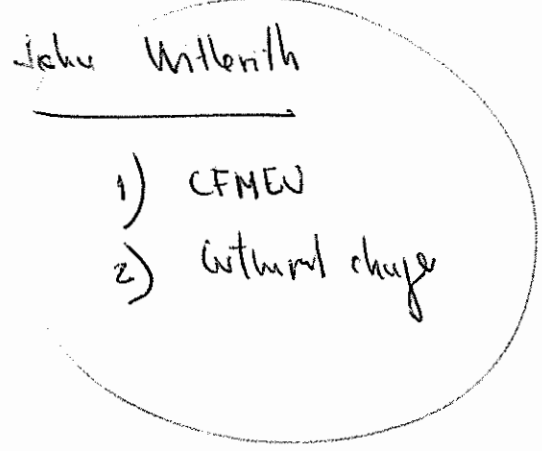
where are we now? Identification of root cause

number of roles: minimum 2 projects: 29, ? by any parts

Suggestion from the Grace:

□ Nos pueden quitar el control?

- Care
Project
Initiation
- Risk management framework for rollouts
 - Collaborative work.
 - Particulariza el mandato
 - Kommunikation (2)
 - Cultural change
 - Implementation new recommendations



The Queensland Cabinet and Ministerial Directory

Media Statements (/)

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Published Friday, 23 February, 2018 at 04:47 PM



JOINT STATEMENT

Minister for Education and Minister for Industrial Relations

[The Honourable Grace Grace](#)

Minister for Transport and Main Roads

[The Honourable Mark Bailey](#)

Statement on Toowoomba Second Range Crossing

This afternoon we met with senior representatives of Nexus and workforce representatives for frank discussions about the safety record on the Toowoomba Second Range Crossing.

This is one of Queensland's biggest infrastructure projects and we want it to be delivered on time, on budget and in a safe manner.

There are up to 400 workers on this project. Their safety is our over-riding priority.

We made it clear that given there have been 17 plant rollovers and serious concerns raised by Workplace Health and Safety Queensland, we needed to see a significant improvement.

We need to see a way forward that will result in cultural and material changes. We want to work with Nexus, but the responsibility for safety improvements rests firmly with the company.

It was an open and constructive meeting.

The company assured us they understand their responsibilities for the safety of workers on the project, will implement culture of continuous improvement, and are committed to improving their safety record.

They assured us that they are restructuring their safety team, increasing the number of health and safety representatives and improving consultation and communication.

They embraced the safety audit announced by Minister Bailey that will commence on Monday and agreed to accept and implement its recommendations

Nexus has given an assurance they will come back to us with detailed responses to the issues we raised and we will work collaboratively on solutions.

Media contact:

Adrian Taylor (Minister Grace) 0448 994 172

Dominic Geiger (Minister Bailey) 0447 355 565

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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/)



QUEENSLAND INDUSTRIAL RELATIONS COMMISSION
NUMBER: WHS/2018/28

Form 27 – Request to discontinue application other than under section 317

Version 2

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

Take notice that

Name of Applicant Nexus Delivery – Toowoomba Second Range Crossing Project

Address of Applicant Bedford st, Cranley 4350 QLD

hereby requests to discontinue this matter.

- A copy of this request was served on all parties to the matter
- The respondent/s consent to the discontinuance and the respondent/s signature concerning consent appears below

Signed (Applicant)

Print Name Matthew Smith

If signed by representative **Position** Partner, Sparke Helmore Lawyers

Organisation etc [Redacted]

Dated 26 February 2018

Signed (Respondent)

Print Name

**If signed by
representative
Organisation**

Position

Dated

Signed (Respondent)

Print Name

**If signed by
representative
Organisation**

Position

Dated

End Note: The applicant must immediately serve a copy of this request on all other parties. A party may object to the discontinuance by written notice to the registrar within 14 days after being notified of the request to discontinue, R68(4). If no party objects within the 14 days, the court, commission or registrar may allow the matter to be discontinued, R68(5).

Office Use Only

Urgent

Member/Registrar:

Approved:

Date:

**Matter set down for conference or
hearing** **Yes** **No** **Date/s:**



Queensland
Government

Work Health and Safety Act 2011

Section 155(2)

NOTICE TO GIVE INFORMATION TO THE REGULATOR

To: ENRIQUE BLANCO GOMEZ

Address: [REDACTED]

I, Marc James Dennett, being a delegate of the regulator under the *Work Health and Safety Act 2011* (“Act”) pursuant to section 154 of the Act and, having reasonable grounds to believe that you are capable of giving information that will assist the regulator to monitor and enforce compliance with the Act (“reasonable grounds”), hereby, pursuant to section 155(2)(a) and (b) of the Act, require you to give me the information in relation to health and safety on the Toowoomba Second Range Crossing Project (“Project”), specified in the **Schedule of Required Information** to this Notice, to me **by 5.00pm on 4 May 2018 (Australian Eastern Standard Time)**.

The Project is a road construction project being undertaken in Queensland. Ferrovia Agroman (Australia) Pty. Ltd. (“Ferrovia”) is one of a number of contracting parties with health and safety duties under Part 2 of the Act carrying out work in relation to this Project.

Particulars of the Matters Comprising Reasonable Grounds

Project Deed

I refer to a deed, namely, the **D & C Subcontract – Toowoomba Second Range Crossing** (“Deed”) between Ferrovia, Acciona Infrastructure Australia Pty Ltd and Nexus Infrastructure Pty Ltd dated 21 August 2015. The Deed sets out the various functions, rights and obligations of the parties to it including, but not limited to, those rights and obligations Ferrovia has in respect to the Project under the Deed set out at Cl.12 (Health and Safety).

Your role as a director of Ferrovia under the *Corporations Act 2001* (Cth), the health and safety duties you hold under s.27 of the Act, Ferrovia’s role on the Project and the terms of the Deed give me reasonable grounds to believe that you are capable of giving information and producing documents that will assist the regulator to perform the function of monitoring and enforcing compliance under s.152(1)(b) of the Act.

You are a person who has the capacity to control or influence the compliance of Ferrovia with its health and safety duties under the Act. You are required to comply with the duties imposed upon you in your role as an officer of Ferrovia under s.27 of the Act to exercise due diligence to ensure that Ferrovia complies with its duties or obligations under the Act. The regulator may need to require information from all duty holders urgently given the hazards and risks (death, injury and illness) to which health and safety duties are directed under the Act. The regulator must be able to ensure that there is an effective means of communicating formally with you, urgently if required, to assist the regulator to monitor and enforce compliance under the Act. I consider that it is essential that the regulator can be reasonably satisfied that you actually receive any such communication for the purposes stated, and that a formal process is established for that purpose in relation to work on the Project. I also consider that requiring you to provide the information sought is both necessary and convenient for the exercise of my powers under s.153(1) of the Act.

Work Health and Safety Hazards and Risks on the Project:

Uncontrolled Movement of Plant

On Saturday, 28 April 2018, the trailer on a semi-trailer water cart rolled over on the side of a work track whilst being operated on the Project. The incident occurred at about 1.10pm at a location known as Chainage 3400. This matter will now be comprehensively investigated. See Photo 1 enclosed with this notice.

There have been a number of instances where plant has rolled over on the Project site exposing workers to risks to their health and safety. The first of these plant roll-over incidents known to me occurred on 19 August 2016. At least 18 incidents involving uncontrolled movement of plant (plant roll-over incidents) have occurred on the Project site since 18 August 2016.

Falling Object Hazards

On Friday, 27 April 2018, at a location beside Pier 3 at the viaduct being constructed on the Project, two 6.8m inadequately secured reinforcement bars fell from a crane load whilst the load was being lifted onto the pier. The load was a short distance from the ground when the bars fell.

One of these bars struck and damaged the windscreen of a work van used to transport workers which had been parked within an exclusion zone for the lift. No one was in the van at the time of the incident (See Photo 2). A worker (dogman) also sustained a slight injury when one of the bars grazed him as it fell (See Photo 2a and 2b). The load was being lifted onto Pier 3 and the bars could easily have fallen at any stage of this lift, including onto workers working on Pier 3. The inadequately secured load plainly presented a risk of death or serious injury.

Inspectors have repeatedly identified instances during their inspections where adequate controls have not been implemented on the Project to manage the risk of death or injury to workers from objects that may fall from a height.

Hazards to Workers Working at Height

On 23 April 2018, an inspector attended at a location known as Pier 2 on the viaduct being constructed on the Project site. Whilst there, he observed inadequately controlled fall hazards creating a risk of death or injury to workers working at height on the pier. These hazards are shown in the attached photographs taken by the inspector. Photo 3 enclosed with this notice shows an area into which a worker working on a platform on the pier could fall. The inspector informed me that there was no adequate barrier preventing a worker from falling onto the uncapped starter bars shown in the photo, or onto the floor and potentially through the inadequately controlled penetration in that floor where the ladder is located. The risks created by these hazards to workers include the risk of death or injuries from a fall, including injury caused by forcible contact with the starter bars shown in Photo 3.

Photo 4 shows another inadequately controlled hazard on a working platform at Pier 2. This hazard creates a risk of injury to workers who may fall into the gap between the two platforms as shown in the photograph.

On 1 March 2018, an inspector identified the same general class of inadequately controlled fall hazard at a location known as Pier 3 of the viaduct. This hazard is shown on a photograph (See Photo 5) taken by the inspector on that date. It shows a penetration in the floor of the working platform. A cover is, in part, designed to minimise the risk of a fall created by this opening. The use of this cover as a control measure to minimise that risk was impeded by the positioning of a rod described as a Z-bar as shown in the photograph. The Z-bar was also a significant trip and fall hazard to workers working on the platform where the opening was located.

Enforcement Notices (Improvement and Prohibition)

Inspectors under the Act have conducted inspections on the Project site on many occasions and have issued numerous enforcement notices under the Act (at least 90 uncontested or upheld upon review). These notices have been issued from March 2017 in relation to a variety of inadequately managed work

health and safety hazards and risks on the Project site including those described above.

Against this background of health and safety issues arising over a considerable period of time on the Project, I am seeking information for the purposes set out above and, in particular, to ensure statutory compliance on the Project associated with the:

- (a) management of risks to health and safety; and
- (b) systems used to eliminate or minimise risks to health and safety on the Project; and
- (c) compliance by officers of duty holders on the Project with their duties under s.27 of the Act.

NOTE: For the purposes of this Notice:

document includes—

- (a) any paper or other material on which there is writing; and
- (b) any paper or other material on which there are marks, figures, symbols or perforations having a meaning for a person qualified to interpret them; and
- (c) any disc, tape or other article or any material from which sounds, images, writings or messages are capable of being produced or reproduced (with or without the aid of another article or device) (*Acts Interpretation Act 1954*, Sch.1); and
- (d) a record (Act, Sch.5)

Commercially Sensitive and Confidential Information

Section 271 of the Act is directed at ensuring the confidentiality of the information that you give, and the documents that you produce, to me. The information you give, and documents you produce, can only be disclosed in accordance with the requirements of this provision. I warn you that you may be liable for an offence under s.155(5) of the Act if you fail to give information or provide a document, or part of a document, solely on the grounds that the document, or the part, contains commercially sensitive or confidential information.

Pursuant to section 155(3) of the Act I am obliged to warn you as follows:

WARNING

A person, who refuses or fails to comply with this Notice without a reasonable excuse, may be liable to prosecution and, if found guilty, liable to a maximum penalty of 100 penalty units in accordance with section 155(5) of the Act.

Under section 172 of the Act a person is not excused from answering a question or providing information or a document on the grounds of self-incrimination or on the grounds that it may expose that person to a penalty. However, any information provided by an individual is not admissible as evidence in criminal or civil proceedings against that individual other than proceedings arising out of the false or misleading nature of the answer, information or document. This includes any information directly or indirectly derived from the information the person has provided.

Neither this Notice nor anything in the Act requires a person to produce a document that would disclose information, or otherwise provide information, that is the subject of legal professional privilege – see section 269 of the Act.

It is an offence under section 268 of the Act, in complying or purportedly complying with the Act (including with this Notice), to give false or misleading information and/or produce a document that is known to be false or misleading. (Maximum penalty 100 penalty units).

Where you do not give me information or produce documents on the basis of a claim made that the information or document is subject to legal professional privilege, I require you to identify the basis for the claim in your response to the specific numbered requirement to which the claim relates.

You are required to give the information to me by email at

[Redacted]

[Redacted]

Marc James Dennett
Delegate of the Regulator under the Act
2 May 2018



Schedule of Required Information

How to Give the Information Required

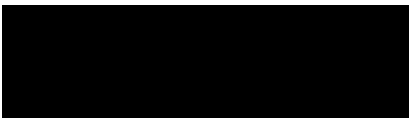
The information that you must give me, by way of responses to the question asked in the specific requirements to give information made below must be in writing and signed by you.

Specific requirements to give information under this Notice:

SRN Requirement

Email Address or Facsimile Number of Directors - Notices:

1. Please provide a **current email address or facsimile number** at which you will accept service of any formal notice that may be issued to you under the Act on the Project.



Marc James Dennett
Delegate of the Regulator under the Act
2 May 2018



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 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 1005202

Notice issued to:

Legal name of person/business or undertaking:	ENRIQUE BLANCO GOMEZ		
ABN:		ACN:	
Trading as:			
Address:	[REDACTED]		Postcode:
			[REDACTED]

Details of contravention:

Site location	See attached Annexure ("#")		
Inspector name	_____	reasonably believe on	_____ at _____ date _____ 24 hour time _____
MD #	that you <input checked="" type="checkbox"/> are contravening provision or <input checked="" type="checkbox"/> have contravened provision in circumstances that make it likely that the contravention will continue or be repeated, of the:		
	<input checked="" type="checkbox"/> <i>Work Health and Safety Act 2011</i> , section/s _____	<input checked="" type="checkbox"/> <i>Work Health and Safety Regulation 2011</i> , regulation/s _____	
	<input checked="" type="checkbox"/> <i>Electrical Safety Act 2002</i> , section/s _____	<input checked="" type="checkbox"/> <i>Electrical Safety Regulation 2002</i> , regulation/s _____	
	<input checked="" type="checkbox"/> <i>Safety in Recreational Water Activities Act 2011</i> , section/s _____	<input checked="" type="checkbox"/> <i>Safety in Recreational Water Activities Regulation 2011</i> , regulation/s _____	

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

#	[REDACTED]		
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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

#	[REDACTED]		
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Recommendation (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

#	[REDACTED]		
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Issuing inspector:

Signature of inspector	1580	[REDACTED]
06 /05 /2018	Inspector's ID	Inspector's contact number
Date issued	Maroochydore	
	Inspector's location	

This contravention must be remedied before:

Service method:

08 /05 - 2018	<input checked="" type="checkbox"/> Delivered personally <input checked="" type="checkbox"/> Left for a person at the workplace <input type="checkbox"/> Fax <input checked="" type="checkbox"/> Email <input type="checkbox"/> Left at the person's last known place of residence or business	<input type="checkbox"/> Post
Sent by email to recipient	Relationship to person to whom notice is issued	
Notice given to		

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 1005202	

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 \$5000 for an individual and \$25000 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 for 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.

ANNEXURE TO IMPROVEMENT NOTICE NO. I 1005202 - GOMEZ

This document forms part of the improvement notice described above.

Details of contravention:

Site Location: At level 1, Wises Road, Maroochydore, Queensland 4558, being my ordinary place of business where I work and access my email address, namely [REDACTED]

I, Marc Dennett, reasonably believe that from the time and date immediately after that stated for compliance with the attached *Notice to Give Information to the Regulator* served upon you, namely 1700 hours (5.00 pm) on Friday, 4 May 2018 (Australian Easter Standard Time), to the time and date that you comply with the Notice, that you are contravening s.155(5) of the *Workplace Health and Safety Act 2011* (Qld) ("Act"). I believe that you are contravening s.155(5) of the Act on a continuing basis (contravening s.155(5) on a day by day basis) until you comply with the requirements of the Notice.

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

The provision [s.155(5) of the Act] is being contravened.

The Notice

On 2 May 2018, I issued a notice to you under s.155 of the Act requiring you to give me information ("Notice") as a delegate of the regulator under the Act.

Background

The particulars of the attached Notice set out the relevant grounds and the reasons why I issued the notice under s.155(1) of the Act.

Ferrovia Agroman (Australia) Pty. Ltd. ("Ferrovia") is a company registered in Australia under the *Corporations Act 2001* (Cth) ("CA"). A historical extract of the database kept by the Australian Securities Investment Commission under s.1274A of the CA shows that you are a current director of Ferrovia together with 3 other people under the CA. As such, you are also an officer of Ferrovia and hold health and safety duties in relation to it under s.27 of the Act. Those duties require you to exercise due diligence to ensure that Ferrovia complies with its duties as a person conducting a business or undertaking under the Act.

The Notice Issued to Ferrovia

On 29 April 2018, I served Ferrovia with a *Notice to Give Information to the Regulator* seeking certain information, particularised in the notice, from the company ("Ferrovia Notice"), including the information now sought from you under the Notice. The original compliance date for that notice was 30 April 2018.

On that date, I received the following response to SRN 3 and 4 of the Ferrovia Notice through the company's lawyers, *Corrs Chambers Wetherill*:

3. Please provide a current email address or facsimile number for each of your directors that will permit the regulator to send correspondence directly to each of the directors personally for the purposes of monitoring or enforcing compliance under the *Work Health and Safety Act 2011* ("Act") on the Project.



Ferrovia Agroman (Australia) Pty Ltd requests that any correspondence directed to one or all of the directors is sent to the email addresses provided in question 5 below.

Email Address or Facsimile Number of Directors – Notices:

4. Please provide a current email address or facsimile number for each of your directors at which each of them will accept service of any formal notice that may be issued to them under the Act on the Project.

The email addresses for each of the directors is set out in the answer to question 3 above. Ferrovia Agroman (Australia) Pty Ltd is unable to confirm at this stage how each director will accept service.

Extension of Time – Ferrovia Notice

The company subsequently made a request to extend the time for its compliance with SRN 4 of the Ferrovia Notice. I extended that compliance time and date to 5.00pm on 8 May 2018, given the company was required to obtain information from you in order to comply with SRN 4. The considerations that justify an extension of time for compliance by Ferrovia with SRN 4 of the Ferrovia Notice do not, in my view, apply to the notice issued to you personally under s.155 of the Act.

The Notice Issued to You

On 2 May 2018, I served the Notice on you at the email address stated above in the company's response to SRN 3 of the Ferrovia Notice.

I consider that Ferrovia would be able to communicate with you in writing, urgently if necessary, as one of its directors in the ordinary course of company affairs. It is reasonable to expect that procedures exist within Ferrovia to facilitate service of important company documents upon you as a director and that the email address provided would be used for that purpose, particularly if a director resides outside Australia.

SRN 3 of the Ferrovia Notice sets out the purpose for which the contact email address or facsimile number.

Service of the Notice

Given Ferrovia's response at SRN 3, and the circumstances set out above, I consider that the email address given in response to SRN 3 of the Ferrovia Notice for you is an email address at which I may serve a document on you under s.39(1)(a)(ii) of the *Acts Interpretation Act 1954* (Qld). It may not be the best contact email address or facsimile number to facilitate the formal service of documents upon you for the purposes set out in SRN 3 of the Ferrovia Notice. I believe that you have the ability to provide such formal electronic contact details.

Response to the Notice

On 3 May 2018, I spoke with Ms Hossai Collins, a Ferrovia Corporate Health and Safety Manager by telephone. She requesting an extension of time for the directors of Ferrovia to comply with the Notice. I refused this request for reasons that include those stated above.

At 4:58:15pm AEST I received an email from a Ferrovial director, Mr Juan Miguel Lazcano Sanchez, stating, in part, that the directors were “unclear if you are able serve each director by email or not, and the effect of sending each director a section 155 notice by email asking for their consent to accept service of any formal notice by email.” The email stated that the extension sought was to enable the directors to obtain legal advice.

The email further stated that:

“If it looks as though a response from each of the directors is not able to be provided by the end of next week, you will be updated accordingly.”

On 4 May 2018, I received a letter from Colin Biggers and Paisley Lawyers stating:

“We confirm that we have been instructed to act for the directors of Ferrovial Agroman (Australia) Pty Ltd in relation to the above matter. The directors we have been instructed to act for include:

- (a) Jose Vicente Melchor Gonzalez;
- (b) Juan Miguel Lazcano Sanchez;
- (c) Ignacio Clopes Estela; and
- (d) Enrique Blanco Gomez.

Please ensure all correspondence in relation to this matter is directed to Mr McCann and Ms Driscoll. Please note that we do not have instructions to accept service on behalf of our clients.”

Reasonable Excuse

Given the circumstances and context in which the requirement is made in the Notice, I believe that:

- (a) you have failed to comply with the requirements of the Notice under s.155(5) of the Act; and
- (b) the reasons you have offered for not complying with the Notice do not give you a reasonable excuse for doing so.

The circumstances set out in the particulars of the Notice discloses a significant history of inadequately managed hazards and risks to workers or others on the Project. In such circumstances, I believe that it is not unreasonable for those who hold duties under the Act as officers of a corporate duty holder conducting work on the Project to inform the regulator of an electronic form of communication (email or facsimile) for effective and expeditious service of documents under the Act.

Warning

I warn you that you may be prosecuted for an offence against s.155(5) of the Act for failing to comply with the Notice to Give Information to the Regulator issued to you and dated 2 May 2018 without any further notice to you.

Directions:

I further direct you to comply with the Notice by 5.00pm on 8 May 2018.


M DENNETT



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. I188140

Notice issued to:

Legal name of person/business or undertaking: Enrique Blanco Gomez	
ABN:	ACN:
Trading as:	
Address: [REDACTED]	

Details of contravention:

Site location Lvl 6, William McCormack II Building, 5B Sheridan St, Cairns Queensland 4870
I, Christopher Coxon reasonably believe on 24-May-2018 at 09:00 that you have contravened a provision in circumstances that make it likely it will continue or be repeated of the: <i>Work Health and Safety Act 2011</i> - section(s) 27(1), 33

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

See attached annexure.

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 attached annexure

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:

[REDACTED]	203	[REDACTED]
Signature of inspector	Inspector's ID	Inspector's contact number
24-May-2018	Cairns	
Date issued	Inspector's location	

This contravention must be remedied before: Service method:

06-June-2018	Delivered directly to the person named by electronic transmission
Enrique Blanco Gomez	The person to whom the notice is issued
Notice given to	Relationship to person to whom notice is issued

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. I188140

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 Office of Industrial Relations 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 Office of Industrial Relations 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 Office of Industrial Relations privacy information is on our website at www.worksafe.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 [REDACTED].

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 362 128 for more information on how to apply for an external review.

Privacy collection statement

The Office of Industrial Relations 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 Office of Industrial Relations 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 Office of Industrial Relations' privacy information is on our website at www.worksafe.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.

ANNEXURE TO IMPROVEMENT NOTICE NO. I188140

This document forms part of the improvement notice No. I188140

Brief description of how the provision has been contravened:

Background

Ferrovia Agroman (Australia) Pty. Ltd. ("Ferrovia") is a company registered in Australia under the *Corporations Act 2001* (Cth) ("CA"). A historical extract of the database kept by the Australian Securities Investment Commission under s.1274A of the CA shows that you are a current director of Ferrovia together with 3 other people under the CA. As such, you are also an officer of Ferrovia and hold health and safety duties in relation to it under s.27 of the *Work Health and Safety Act 2011* (the Act). Those duties require you to exercise due diligence to ensure that Ferrovia complies with its duties as a person conducting a business or undertaking under the Act.

Ferrovia is a partner (a D and C Subcontractor) subcontracted under a deed to Nexus Infrastructure Pty Ltd, in its own right and as trustee for the Nexus Infrastructure Unit Trust, (Project Co) to undertake design and construction activities for the Toowoomba Second Range Crossing project (TSRC).

The terms of the deed (cl.12.1) state that each subcontractor 'accepts that it is responsible as between it and Project Co for all aspects of health and safety relating to D and C Activities'.

'D and C Activities' are defined as including 'all work, things and tasks which the D and C Subcontractor is, or may be required to do in connection with the Works (including to comply with its obligations under the D and C Project Documents to design, supply, construct, install, produce, commission, test and complete the Tollroad)'.

'The Works' are defined as including 'the physical things and works which the D and C Subcontractor must design, supply, construct, install, produce, commission, test or complete in accordance with the Deed including:

- the Tollroad;
- the maintained off tollroad facilities;
- the returned works; and
- the temporary works

and any modifications and rectifications of defects in such works'.

The Works include all work described in Attachment A.

How the provision has been contravened:

I reasonably believe that you have failed to comply with the duty imposed on you by s.27(1) of the Act, being the duty imposed on you as an officer of Ferrovia, a person conducting a business or undertaking such that you have contravened s.27(1) and s.33 of the Act. (Section 33 of the Act is a provision which makes, inter alia, a failure to comply with the duty imposed by s.27(1) an offence.) I reasonably believe that the sections have been contravened by you in circumstances that make it likely that the contravention will continue or be repeated.

I reasonably believe that you have failed as an officer of Ferrovia to exercise due diligence to ensure that Ferrovia complied with the said duty and have, thereby, contravened s. 27(1) of the Act.

You have failed to take reasonable steps to:

- ensure that Ferrovia used appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking [from s.27(5)(c) of the Act]; and
- ensure that Ferrovia had appropriate processes for responding in a timely way to information regarding hazards and risks [from s.27(5)(d) of the Act]; and
- ensure that Ferrovia had implemented processes for complying with a duty owed by Ferrovia under the Act [from s.27(5)(e) of the Act]; and
- verify the use of the resources and processes mentioned in paragraphs 27(5)(c) to (e) [from s.27(5)(f) of the Act].

Before briefly describing the particulars of this contravention, I will make reference to Attachment A. This document summarises 24 matters at ‘the works’ (as defined above). In 21 of these matters, Inspectors appointed under the Act have formed a reasonable belief that a contravention existed associated with hazards arising from working at height. In 18 matters, the Inspector responded by issuing a notice under the Act to secure compliance. In the remaining three, the inspector was satisfied that the contravention was remedied before they left the site. The three other matters are incidents where objects fell from height creating a risk to persons. Notices issued by Inspectors were all issued to Ferrovia, the D and C subcontractors or other subcontractors to the D and C subcontractors.

In summary, the matters in Attachment A demonstrate a significant history where the hazards associated with working at height have been identified by Inspectors or have become manifest in an incident on a repeated and ongoing basis at sites across the TSRC project. These hazards expose workers consistently to risks to their health and safety from falling or being struck by falling objects. The matters are not technical or otherwise obscure. The risk of death or injury from these hazards is significant and primarily associated with the simple but universal activities of workers accessing or moving themselves or materials about the work sites at height. These risks and hazards should be self-evident to a person competent to identify and control hazards and risks at such a workplace. Processes that could have been implemented include inspection and auditing on the sites, at a frequency, rigour and independence to ensure their effectiveness. It is apparent from the Inspectors’ efforts and incidents that such processes have not been implemented to the extent to ensure Ferrovia has complied with its duties under the Act.

Particulars of the Failure to Exercise Due Diligence:

Failure to ensure that Ferrovia uses appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking [from s.27(5)(c) of the Act].

From the evidence contained in Attachment A, I have formed a reasonable belief you have failed to take reasonable steps to ensure Ferrovia used appropriate resources and processes to eliminate or minimise risks to health and safety from work at height on the TSRC project. The resources and processes used by Ferrovia have failed to eliminate or minimise these risks which remain evident at the workplace. Any steps that you may have been taken to exercise your due diligence fall short of being reasonable in the context of the significance and prevalence of these risks and hazards. As a result, I have formed a reasonable belief that the circumstances in which this aspect of the contravention of the Act has occurred are such that the contravention is likely to continue or be repeated.

Failure to ensure that Ferrovia has appropriate processes for responding in a timely way to information regarding hazards and risks [from s.27(5)(d) of the Act].

From the evidence contained in Attachment A, I have formed a reasonable belief you have failed to take reasonable steps to ensure Ferrovia had appropriate processes for responding in a timely way to information

regarding hazards and risks to health and safety from work at height on the TSRC project. Such processes as Ferroviaal has had for responding to the repeated advice about these risks and hazards, including through the issue of statutory notices under the Act, have not resulted in these risks and hazards being eliminated or minimised and are therefore not appropriate to achieve a timely response. Any steps that you may have been taken to exercise your due diligence fall short of being reasonable in the context of the significance and prevalence of these risks and hazards. As a result, I have formed a reasonable belief that the circumstances in which this aspect of the contravention of the Act has occurred are such that the contravention is likely to continue or be repeated.

Failure to ensure that Ferroviaal had implemented processes for complying with a duty owed by Ferroviaal under the Act [from s.27(5)(e)of the Act].

From the evidence contained in Attachment A, I have formed a reasonable belief you have failed to take reasonable steps to ensure that Ferroviaal had implemented processes for complying with a duty owed by Ferroviaal under the Act.

The duties owed by Ferroviaal under the Act include the primary duty of care [s.19 (1) of the Act] under which Ferroviaal must ensure so far as is reasonably practicable, the health and safety of workers engaged or caused to be engaged by Ferroviaal; and workers whose activities in carrying out work are influenced or directed by Ferroviaal while the workers are at work in the business or undertaking.

The primary duty of care owed by Ferroviaal extends to workers, including workers of subcontracted persons, engaged to carry out 'the Works' on the TSRC. The health and safety of workers may be affected by the nature of this business or undertaking including where workers are exposed to hazards associated with working at height, including risks of death or injury from falling or being struck by falling objects, while the workers are at work.

The duty extends so far as is reasonably practicable. With regard to this element [from s.18 of the Act]:

- The likelihood of the hazard or the risk concerned occurring is high due to the ongoing nature of the work at height on the project.
- The degree of harm that might result from the hazard or the risk is high, including real risks of death or serious injury, due to heights involved in work on the project.
- What Ferroviaal knows, or ought reasonably to know, about the hazard or the risk; and ways of eliminating or minimising the risk is demonstrated by the statutory notices in Attachment A.
- The availability and suitability of ways to eliminate or minimise the risk is apparent from the rapid compliance able to be achieved in several cases before inspectors left the site as demonstrated in Attachment A.
- After assessing the extent of the risk and the available ways of eliminating or minimising the risk, the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk. It is my reasonable belief that the costs associated with available ways of eliminating or minimising these risks is not grossly disproportionate to the risks, themselves.

This has allowed me to form a reasonable belief that Ferroviaal has failed to comply with its primary duty. In turn this informs my reasonable belief that you have not taken reasonable steps to ensure that Ferroviaal has implemented processes for complying with its primary duty under the Act. Any steps that you may have been taken to exercise your due diligence fall short of being reasonable in the context of this failure and its prevalent and significant nature. As a result, I have formed a reasonable belief that the circumstances in which this aspect of the contravention of the Act has occurred are such that the contravention is likely to continue or be repeated.

Failure to verify the use of the resources and processes mentioned in paragraphs 27(5)(c) to (e) [from s.27(5)(f)of the Act].

From the evidence provided with regard to s.27(5)(c), (d) and (e), I have formed a reasonable belief you have not taken reasonable steps to verify that the mentioned resources and processes were used. The evidence in Attachment A demonstrates that resources and processes have not been used in ways that has resulted in these risks and hazards being eliminated or minimised. I reasonably infer, therefrom, that such use was not verified by you. Any steps that you may have been taken to exercise your due diligence falls short of being reasonable in the context of the significance and prevalence of these risks and hazards. As a result, I have formed a reasonable belief that the circumstances in which this aspect of the contravention of the Act has occurred are such that the contravention is likely to continue or be repeated.

Directions Concerning the Measures to be Taken to Remedy the Contravention

You must exercise due diligence to ensure that Ferrovia's contravention of its primary duty of care [under s. 19 of the Act] under which Ferrovia must ensure, so far as is reasonably practicable, the health and safety of workers engaged or caused to be engaged by Ferrovia and workers whose activities in carrying out work are influenced or directed by Ferrovia while the workers are at work in the business or undertaking is not continued or repeated.

Such exercise of due diligence includes taking reasonable steps to ensure Ferrovia uses appropriate resources and processes to eliminate or minimise risks to health and safety from work at height on the TSRC project; taking reasonable steps to ensure Ferrovia has appropriate processes for responding in a timely way to information regarding hazards and risks to health and safety from work at height on the TSRC project; taking reasonable steps to ensure that Ferrovia is implementing processes for complying with its primary duty under the Act; and taking reasonable steps to verify that the mentioned resources and processes are being used.