

Form 71 Version 1	Application to revoke WHS entry permit Work Health and Safety Act 2011, section 138 (To be used for applying to the Commission for a WHS entry permit held by a person to be revoked.)	R.85
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QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Work Health and Safety Act 2011, section 138

Simon Blackwood

AND

Edward Molloy Bland

AND

Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

(Matter No. WHS /2014 / 779)



APPLICATION TO REVOKE WHS ENTRY PERMIT

TO: The Industrial Registrar, Industrial Registry, Level 21, Central Plaza 2, 66 Eagle Street, (Corner Creek and Elizabeth Streets), Brisbane 4000, GPO Box 373, Brisbane Q 4001
Phone: (07) 3227 8060 Fax: (07) 3221 6074

AND TO: Edward Molloy Bland of 16 Campbell Street, Bowen Hills, Queensland, the relevant WHS permit holder

AND TO: President/Secretary of Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland (CFMEUQ) of 16 Campbell Street Bowen Hills Queensland

TAKE NOTICE that I, Simon Blackwood, the Regulator appointed pursuant to the provisions of the *Work Health and Safety Act 2011*, of Level 20, State Law Building, 50 Ann Street Brisbane, Queensland

APPLY to the Commission under section 138 of the *Work Health and Safety Act 2011* (the Act) for a WHS entry permit held by Edward Molloy Bland (the first respondent) to be revoked.

1 The grounds for the application are:

- (a) On Friday 23 May 2014 the first respondent acted in an improper way in the exercise of the first respondent's permit holder rights under the Act in entering a J. Hutchinson Pty. Ltd. t/as Hutchinson Builders construction site (a workplace as defined in the Act) located at the intersection of Railway and Aspinall Streets, Nundah (the Nundah site) without providing notice of entry as required by the Act.
- (b) On Friday 23 May 2014 the first respondent acted in an improper way in the exercise of the first respondent's permit holder rights under the Act in entering the Nundah site without complying with the safe work requirements at that site. The First respondent did not report to the site office; did not sign into the visitors book and effected unauthorised entry which is required by section 128 of the Act.

2 The decision sought is:

- (a) That the WHS Entry Permit issued to Anthony Robert Kong be revoked;
- (b) Such further or other order pursuant to section 140 of the Work Health and Safety Act 2011 as the Commission deems fit.

- 3 Further application is made for directions as to the conduct of this application in relation to the following matters –
- (a) time, date and place for the hearing;
 - (b) that any further evidence that the applicant relies upon be served on the respondents by [time and date set by the Commission];
 - (c) that any evidence that the respondents rely upon be served on the applicant by [time and date set by the Commission];
 - (d) that witnesses attend to give oral evidence at the hearing of the matter;
 - (e) the issue of attendance notices to witnesses to attend to give evidence and to produce documents.
- 4 On the hearing of the application the applicant intends to rely on the following affidavit(s):
- (a) the affidavit of Craig Ronald Servin sworn on 16th day of July, 2014

Signed:


Applicant or Lawyer to sign

Description:

Lawyer
Of signatory (eg lawyer)

Dated:

17 July 2014
(insert date)

TO RESPONDENTS:

TAKE NOTICE that if you wish to oppose this application or to argue that any different decision should be made, you must attend before the commission in person or, if appropriate, by your lawyer or agent at the time on the date and at the place fixed by the registrar and you will be heard. If you do not attend as required a decision may be given against you in terms of the decision sought and costs, where appropriate, without further reference to you.

PARTICULARS OF THE APPLICANT

Name: Simon Blackwood

Position or title: The Regulator

Organisation: Workplace Health and Safety Queensland, Fair and Safe Work Queensland

Residential or business address: Level 20, State Law Building, 50 Ann Street, Brisbane Qld 4000

Applicant's address for service: Legal and Prosecution Services Level 21, State Law Building, 50 Ann Street, Brisbane, Qld, 4000

Applicant's phone number or contact phone number: 07 3247 4858

Applicant's fax number: (07) 3247 9297

Applicant's e-mail address:

IF APPLICANT HAS A LAWYER

Applicant's lawyer's name: Peter Hurrey

and firm name: Legal and Prosecution Services, Fair and Safe Work Queensland

Lawyer's business address: Level 21, State Law Building, 50 Ann Street, Brisbane, Queensland, 4001

Address for service: Level 21, State Law Building, 50 Ann Street Brisbane Queensland 4001

(GPO Box 69, Brisbane, QLD, 4000)

Phone: 07 3224 7235 Fax: 07 3247 9297

E-mail address: peter.hurrey@justice.qld.gov.au

PARTICULARS OF THE FIRST RESPONDENT

Name: Edward Molloy Bland

Position or title: Union Organiser

Organisation: Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

Residential or business address: 16 Campbell Street, Bowen Hills, Queensland, 4006

Respondent's address for service: 16 Campbell Street, Bowen Hills, Queensland, 4006

Respondent's phone or contact phone number: (07) 3231 4600

Respondent's fax number: (07) 3231 4699

Respondent's e-mail address: queries@qld.cfmeu.asn.au

PARTICULARS OF THE SECOND RESPONDENT

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

Residential or business address: 16 Campbell Street, Bowen Hills, Queensland, 4006

Respondent's address for service: 16 Campbell Street, Bowen Hills, Queensland, 4006

Respondent's phone or contact phone number: (07) 3231 4600

Respondent's fax number: (07) 3231 4699

Respondent's e-mail address: queries@qld.cfmeu.asn.au

Form 71 Version 1	Application to revoke WHS entry permit Work Health and Safety Act 2011, section 138 (To be used for applying to the Commission for a WHS entry permit held by a person to be revoked.)	R.85
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QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Work Health and Safety Act 2011, section 138

Simon Blackwood

AND

Kevin Stewart Griffin

AND

Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

(Matter No. WHS /2014 / 80)

INDUSTRIAL REGISTRAR
17 JUL 2014
QUEENSLAND

APPLICATION TO REVOKE WHS ENTRY PERMIT

TO: The Industrial Registrar, Industrial Registry, Level 21, Central Plaza 2, 66 Eagle Street, (Corner Creek and Elizabeth Streets), Brisbane 4000, GPO Box 373, Brisbane Q 4001
Phone: (07) 3227 8060 Fax: (07) 3221 6074

AND TO: Kevin Stewart Griffin of 16 Campbell Street, Bowen Hills, Queensland, the relevant WHS permit holder

AND TO: President/Secretary of Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland (CFMEUQ) of 16 Campbell Street Bowen Hills Queensland

TAKE NOTICE that I, Simon Blackwood, the Regulator appointed pursuant to the provisions of the *Work Health and Safety Act 2011*,
of Level 20, State Law Building, 50 Ann Street Brisbane, Queensland

APPLY to the Commission under section 138 of the *Work Health and Safety Act 2011* (the Act) for a WHS entry permit held by Kevin Stewart Griffin (the first respondent) to be revoked.

The grounds for the application are:

- (a) on Thursday 22 May 2013 the first respondent entered a workplace located at 55 Railway Terrace, Milton (the workplace). That is a construction site of J. Hutchinson Pty. Ltd. trading as Hutchinson Builders. In entering and while on the site the first respondent acted in an improper way in the exercise of the respondent's permit holder rights under the Act, in that he:
 - (i) failed to provide notice of entry, including 24 hours notice, as required by the Act;
 - (ii) failed to comply with the safe work requirements at the site as required by section 128 of the Act. The first respondent did not report to the site office, did not sign into the visitors register, effecting unauthorised entry and not wearing appropriate Person Protective Equipment (PPE); and
 - (iii) failed to produce his WHS entry permit when asked to;
- (b) On Thursday 22 May 2013 in the course of exercising or purporting to exercise a right under part 7 of the Act the first respondent has disrupted work at the workplace or otherwise acted in an improper way in contravention of section 146 of the Act by declining to leave site when requested to do so which caused delay and hindered the site managers by disrupting the planned activity for the time he was on site.

2 The decision sought is:

- (a) That the WHS Entry Permit issued to Kevin Stewart Griffin be revoked;
- (b) Such further or other order pursuant to section 140 of the Work Health and Safety Act 2011 as the Commission deems fit.


3 Further application is made for directions as to the conduct of this application in relation to the following matters –

- (a) time, date and place for the hearing;
- (b) that any further evidence that the applicant relies upon be served on the respondents by [time and date set by the Commission];
- (c) that any evidence that the respondents rely upon be served on the applicant by [time and date set by the Commission];
- (d) that witnesses attend to give oral evidence at the hearing of the matter;
- (e) the issue of attendance notices to witnesses to attend to give evidence and to produce documents.

4 On the hearing of the application the applicant intends to rely on the following affidavit(s):

- (a) the affidavit of Ronald Craig Servin sworn on 7 of July, 2014

Signed:


Applicant or Lawyer to sign

Description:


Of signatory (eg lawyer)

Dated:

17 July 2014
(insert date)

TO RESPONDENTS:

TAKE NOTICE that if you wish to oppose this application or to argue that any different decision should be made, you must attend before the commission in person or, if appropriate, by your lawyer or agent at the time on the date and at the place fixed by the registrar and you will be heard. If you do not attend as required a decision may be given against you in terms of the decision sought and costs, where appropriate, without further reference to you.

PARTICULARS OF THE APPLICANT

Name: Simon Blackwood

Position or title: The Regulator

Organisation: Workplace Health and Safety Queensland, Fair and Safe Work Queensland

Residential or business address: Level 20, State Law Building, 50 Ann Street, Brisbane Qld 4000

Applicant's address for service: Legal and Prosecution Services Level 21, State Law Building, 50 Ann Street, Brisbane, Qld, 4000

Applicant's phone number or contact phone number: 07 3247 4858

Applicant's fax number: (07) 3247 9297

Applicant's e-mail address:

IF APPLICANT HAS A LAWYER

Applicant's lawyer's name: Peter Hurrey

and firm name: Legal and Prosecution Services, Fair and Safe Work Queensland

Lawyer's business address: Level 21, State Law Building, 50 Ann Street, Brisbane, Queensland, 4001

Address for service: Level 21, State Law Building, 50 Ann Street Brisbane Queensland 4001 (GPO Box 69, Brisbane, QLD, 4000)

Phone: 07 3224 7235 Fax: 07 3247 9297

E-mail address: peter.hurrey@justice.qld.gov.au

PARTICULARS OF THE FIRST RESPONDENT

Name: Kevin Stewart Griffin

Position or title: Union Organiser

Organisation: Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

Residential or business address: 16 Campbell Street, Bowen Hills, Queensland, 4006

Respondent's address for service: 16 Campbell Street, Bowen Hills, Queensland, 4006

Respondent's phone or contact phone number: (07) 3231 4600

Respondent's fax number: (07) 3231 4699

Respondent's e-mail address: queries@qld.cfmeu.asn.au

PARTICULARS OF THE SECOND RESPONDENT

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

Residential or business address: 16 Campbell Street, Bowen Hills, Queensland, 4600

Respondent's address for service: 16 Campbell Street, Bowen Hills, Queensland, 4600

Respondent's phone or contact phone number: (07) 3231 4600

Respondent's fax number: (07) 3231 4699

Respondent's e-mail address: queries@qld.cfmeu.asn.au

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QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Work Health and Safety Act 2011, section 138

Simon Blackwood

AND

Anthony Robert Kong

AND

Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

(Matter No. WHS /2014 / 178)


INDUSTRIAL REGISTRAR
17 JUL 2014

QUEENSLAND

APPLICATION TO REVOKE WHS ENTRY PERMIT

TO: The Industrial Registrar, Industrial Registry, Level 21, Central Plaza 2, 66 Eagle Street, (Corner Creek and Elizabeth Streets), Brisbane 4000, GPO Box 373, Brisbane Q 4001
Phone: (07) 3227 8060 Fax: (07) 3221 6074

AND TO: Anthony Robert Kong of 16 Campbell Street, Bowen Hills, Queensland, the relevant WHS permit holder

AND TO: President/Secretary of Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland (CFMEUQ) of 16 Campbell Street Bowen Hills Queensland

TAKE NOTICE that I, Simon Blackwood, the Regulator appointed pursuant to the provisions of the *Work Health and Safety Act 2011*,
of Level 20, State Law Building, 50 Ann Street Brisbane, Queensland

APPLY to the Commission under section 138 of the *Work Health and Safety Act 2011* (the Act) for a WHS entry permit held by Anthony Robert Kong (the first respondent) to be revoked.

1 The grounds for the application are:

- (a) that the first respondent acted in an improper way in the exercise of the respondent's permit holder rights under the Act in entering workplace sites without complying with the safe work requirements at those sites (by not reporting to the site office, not signing in the visitors book, effecting unauthorised entry and not wearing appropriate Personal Protective Equipment (PPE)) as required by section 128 of the Act on the following dates and places:
 - (i) 22 January 2014 at the Lend Lease Sunshine Coast University Hospital site located at Kawana Way, Birtinya, Queensland (SCUH site);
 - (ii) 30 January 2014 at the SCUH site;
 - (iii) 31 January 2014 at the SCUH site;
 - (iv) 11 March 2014 at the SCUH site (entry under s117 but did not sign in the visitors book);
 - (v) 14 March 2014 at the SCUH site;
 - (vi) 25 March 2014 at the SCUH site;
 - (vii) 27 March 2014 at the SCUH site;
 - (viii) 12 April 2014 at the SCUH site;

- (ix) on 28 March 2014 at a workplace being the Pumicestone Road Bridgeworks over the Bruce Highway near Caboolture (the Pumicestone Bridgeworks site) where Acciona Infrastructure Pty Ltd was carrying out construction works.
- (b) that the first respondent acted in an improper way in the exercise of the respondent's permit holder rights under the Act in entering workplace sites without providing notice of entry as required by the Act as follows:
 - (i) on 22 January 2014 at the SCUH site;
 - (ii) on 30 January 2014 at the SCUH site;
 - (iii) on 31 January 2014 at the SCUH site;
 - (iv) on 25 March 2014 at the SCUH site;
 - (v) on 27 March 2014 at the SCUH site;
 - (vi) on 12 April at the SCUH site;
- (c) that on 28 March 2014 the first respondent acted in an improper way in the exercise of the respondent's permit holder rights under the Act at the Pumicestone Bridgeworks site by
 - (1) using threatening behaviour and abusive language to Managers Mr Prosser and Mr Palliyaguru;
 - (2) failed to leave site when directed to;
 - (3) Interfered in construction work and caused safety issues when he parked his private vehicle in such a place that caused disruption to work and refusing to move the vehicle when requested to do so. That hindered access and egress to the work site for a period of approximately 2 hours until the Police arrived.
- (d) that on 7 April 2014 at the SCUH site the first respondent acted in an improper way in the exercise of the respondent's permit holder rights under the Act in entering the SCUH site in that he gave a purported section 117 notice of entry for a suspected contravention of a workcover policy which is not a contravention of the Act (as required by the Act) intentionally or recklessly giving the impression that the entry was authorised by the Act when it was not authorised in contravention of section 147 of the Act;
- (e) in the course of exercising or purporting to exercise a right under part 7 of the Act the first respondent has intentionally hindered or obstructed a person conducting a business or undertaking (including the person's managers) and workers at a workplace as follows:
 - (i) on the following dates at the SCUH site the first respondent hindered Lend Lease, its managers and workers in the conduct of its business or undertaking
 - (1) 14 March 2014 by entering the SCHU site, issuing unreasonable demands and unreasonably calling a meeting of workers who subsequently withdrew their labour for two days;
 - (2) 25 March 2014 by declining to leave site when requested to do so which caused delay and hindered the site managers;
 - (3) 27 March 2014 by declining to leave the site when requested to do so and meeting with workers of a subcontractor, Admiral Concrete, to elect a delegate. The first respondent failed to provide 24 hours notice which disrupted work on site and hindered the managers of Lend Lease from the planned activity for the time he was on site;
 - (ii) on the 28 March 2014 at the Pumicestone Road Bridgeworks over the Bruce Highway near Caboolture the first respondent intentionally hindered or obstructed Acciona Infrastructure Pty Ltd in the conduct of its business or undertaking by:
 - (1) refusing to wear appropriate PPE;
 - (2) using threatening behaviour and abusive language to Managers Mr Prosser and Mr Nish Palliyaguru
 - (3) failed to leave site when directed to;
 - (4) interfered in construction work and caused safety issues when he parked his private vehicle in such a place that caused disruption to work., and refusing to move the vehicle when requested to do so. That hindered access and egress to the work site for a period of approximately 2 hours until the Police arrived.

2 The decision sought is:

- (a) That the WHS Entry Permit issued to Anthony Robert Kong be revoked;
- (b) That in the interim the operation of the WHS entry permit be suspended until a final decision is made on this revocation application;
- (c) Such further or other order pursuant to section 140 of the Work Health and Safety Act 2011 as the Commission deems fit.

- 3 Further application is made for directions as to the conduct of this application in relation to the following matters –
- (a) time, date and place for the hearing;
 - (b) that any further evidence that the applicant relies upon be served on the respondents by [time and date set by the Commission];
 - (c) that any evidence that the respondents rely upon be served on the applicant by [time and date set by the Commission];
 - (d) that witnesses attend to give oral evidence at the hearing of the matter;
 - (e) the issue of attendance notices to witnesses to attend to give evidence and to produce documents.
- 4 On the hearing of the application the applicant intends to rely on the following affidavit(s):
- (a) the affidavit of Raymond Neil Stockton sworn on 9th of July, 2014

Signed:



Application or Lawyer to sign

Description:

Lawyer

Of signatory (eg lawyer)

Dated:

16 JULY 2014

(insert date)

TO RESPONDENTS:

TAKE NOTICE that if you wish to oppose this application or to argue that any different decision should be made, you must attend before the commission in person or, if appropriate, by your lawyer or agent at the time on the date and at the place fixed by the registrar and you will be heard. If you do not attend as required a decision may be given against you in terms of the decision sought and costs, where appropriate, without further reference to you.

PARTICULARS OF THE APPLICANT

Name: Simon Blackwood

Position or title: The Regulator

Organisation: Workplace Health and Safety Queensland, Fair and Safe Work Queensland

Residential or business address: Level 20, State Law Building, 50 Ann Street, Brisbane Qld 4000

Applicant's address for service: Legal and Prosecution Services Level 21, State Law Building, 50 Ann Street, Brisbane, Qld, 4000

Applicant's phone number or contact phone number: 07 3247 4858

Applicant's fax number: (07) 3247 9297

Applicant's e-mail address:

IF APPLICANT HAS A LAWYER

Applicant's lawyer's name: Peter Hurrey

and firm name: Legal and Prosecution Services, Fair and Safe Work Queensland

Lawyer's business address: Level 21, State Law Building, 50 Ann Street, Brisbane, Queensland, 4001

Address for service: Level 21, State Law Building, 50 Ann Street Brisbane Queensland 4001 (GPO Box 69, Brisbane, QLD, 4000)

Phone: 07 3224 7235 Fax: 07 3247 9297

E-mail address: peter.hurrey@justice.qld.gov.au

PARTICULARS OF THE FIRST RESPONDENT

Name: Anthony Robert Kong

Position or title: Union Organiser

Organisation: Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

Residential or business address: 16 Campbell Street, Bowen Hills, Queensland, 4006

Respondent's address for service: 16 Campbell Street, Bowen Hills, Queensland, 4006

Respondent's phone or contact phone number: (07) 3231 4600

Respondent's fax number: (07) 3231 4699

Respondent's e-mail address: queries@qld.cfmeu.asn.au

PARTICULARS OF THE SECOND RESPONDENT

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

Residential or business address: 16 Campbell Street, Bowen Hills, Queensland, 4600

Respondent's address for service: 16 Campbell Street, Bowen Hills, Queensland, 4600

Respondent's phone or contact phone number: (07) 3231 4600

Respondent's fax number: (07) 3231 4699

Respondent's e-mail address: queries@qld.cfmeu.asn.au

INDUSTRIAL REGISTRAR

1 AUG 2014

QUEENSLAND

Form 71 Version 1	Application to revoke WHS entry permit Work Health and Safety Act 2011, section 138	R.85
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QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Work Health and Safety Act 2011, section 138

Simon Blackwood

Applicant

AND

Adam Leon Olsen

First Respondent

AND

Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

Second Respondent

(Matter No. *WHS/2014 / 53*)

APPLICATION TO REVOKE WHS ENTRY PERMIT

TO: The Industrial Registrar, Industrial Registry, Level 21, Central Plaza 2, 66 Eagle Street, (Corner Creek and Elizabeth Streets), Brisbane 4000, GPO Box 373, Brisbane Q 4001
Phone: (07) 3227 8060 Fax: (07) 3221 6074

AND TO: Adam Leon Olsen of 16 Campbell Street, Bowen Hills, Queensland

AND TO: President/Secretary of Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland (CFMEUQ) of 16 Campbell Street, Bowen Hills, Queensland

TAKE NOTICE that I, Simon Blackwood, the Regulator appointed pursuant to the provisions of the *Work Health and Safety Act 2011* of Level 20, State Law Building, 50 Ann Street, Brisbane, Queensland

APPLY to the Commission under section 138 of the *Work Health and Safety Act 2011* (the Act) for a WHS entry permit held by Adam Leon OLSEN (the first respondent) to be revoked.

1. The grounds for the application are:

(a) That on Tuesday 13 May 2014, the first respondent, upon entry to a workplace under section 117 of the Act, namely a road and bridge construction site for which Probuild Civil (Qld) Pty Ltd is the principal contractor, located at 3 McCrum Lane, Toowoomba in the State of Queensland, known as the Toowoomba Outer Circulating Road, (the circulating road workplace):

(i) acted or purported to act in an improper way in the exercise of his rights as a WHS permit holder under the Act in that he:

- a. failed to provide notice of entry under section 119 of the Act in accordance with the requirements of sections 27 and section 28 of the *Work Health and Safety Regulation 2011*; and
- b. failed to comply with work health and safety requirements that applied at the workplace in accordance with section 128 of the Act, in that he did not report at the site office and did not sign the visitors' register; and

(ii) in exercising or purporting to exercise a right under Part 7 of the Act, intentionally hindered or obstructed a person conducting the business or undertaking, namely the principal contractor Probuild Civil (Qld) Pty Ltd by:

- a. disrupting work at the circulating road workplace through refusing to leave the workplace when requested to do so; and
- b. directing workers to stop work at the circulating road workplace.

(b) That on Thursday 15 May 2014, the first respondent, upon entry to a workplace under section 117 of the Act, namely the circulating road workplace:

(i) acted or purported to act in an improper way in the exercise of his rights as a WHS permit holder under the Act in that he:

- a. failed to provide notice of entry under section 119 of the Act in circumstances where section 119(2) of the Act did not apply; and

- b. failed to comply with work health and safety requirements that applied at the workplace in accordance with section 128 of the Act, in that he did not report at the site office and did not sign the visitors' register; and
- (ii) in exercising or purporting to exercise a right under Part 7 of the Act, intentionally hindered or obstructed a person conducting the business or undertaking, namely the principal contractor Probuild Civil (Qld) Pty Ltd by:
 - a. disrupting work at the circulating road workplace through refusing to leave the workplace when requested to do so; and
 - b. directing workers to stop work at the circulating road workplace.
- (c) That on Friday 30 May 2014, the respondent before entry to a workplace under section 117 of the Act, namely an electrical substation relocation site for which Kane Constructions Pty Ltd is the principal contractor, located at 27 Victoria Street, Toowoomba in the State of Queensland, (the Victoria Street workplace) failed to provide notice of entry under section 119 of the Act.
- (d) That on Friday 30 May 2014, the respondent upon entry to the Victoria Street workplace:
 - (i) acted or purported to act in an improper way in the exercise of his rights as a WHS permit holder under the Act by failing to comply with work health and safety requirements that applied at the workplace in accordance with section 128 of the Act, in that he did not report at the site office and did not sign the visitors' register; and
 - (ii) in exercising or purporting to exercise a right under Part 7 of the Act, intentionally hindered or obstructed a person conducting the business or undertaking, namely the principal contractor Kane Constructions Pty Ltd by:
 - a. disrupting work at the Victoria Street workplace through refusing to leave the workplace when requested to do so; and
 - b. directing workers to stop work at the Victoria Street workplace.

2. The decision sought is:

- (a) that the WHS Entry Permit issued to Adam Leon OLSEN be revoked;

- (b) that until the commission decides the application for revocation, the operation of the WHS entry permit granted to Adam Leon OLSEN be suspended;
 - (c) that no further WHS entry permit be issued to Adam Leon OLSEN
 - (d) such further or other order pursuant to section 140 of the *Work Health and Safety Act 2011* as the Commission deems fit.
3. Further application is made for directions as to the conduct of this application in relation any further matters that the Commission deems fit.
4. Further, the applicant intends to rely on the following affidavits filed herewith:
- (a) the affidavit of Michael John Pirie sworn on 29 July, 2014; and
 - (b) the affidavit of Bruce Andrew Matthews sworn on 17 July, 2014.

Signed:



Description: Principal Legal Officer

Dated: 1 August 2014

TO THE RESPONDENTS:

TAKE NOTICE that if you wish to oppose this application or to argue that any different decision should be made, you must attend before the commission in person or, if appropriate, by your lawyer or agent at the time on the date and at the place fixed by the registrar and you will be heard. If you do not attend as required a decision may be given against you in terms of the decision sought and costs, where appropriate, without further reference to you.

PARTICULARS OF THE APPLICANT

Name: Simon Blackwood
Position or title: The Regulator Work Health and Safety Act 2011

Organisation: Fair and Safe Work Queensland

Residential or business address: Level 20, State Law Building, 50 Ann Street, Brisbane Qld 4000

Applicant's address for service: Legal and Prosecution Services, Fair and Safe Work Queensland
Level 21, State Law Building, 50 Ann Street, Brisbane, Queensland, 4000

Applicant's phone or contact number: 07 3247 4858

Applicant's fax number: 07 32474858

IF APPLICANT HAS A LAWYER

Applicant's lawyer's name: Lisa McConnell

Firm name: Legal and Prosecution Services, Fair and Safe Work Queensland

Lawyer's business address: Level 21, State Law Building, 50 Ann Street, Brisbane, Queensland, 4000

Address for service: Level 21, State Law Building, 50 Ann Street
Brisbane Queensland 4000
(GPO Box 69, Brisbane Qld 4001)

Phone: 07 32474980
Fax: 07 3247 9297

E-mail address: lisa.mcconnell@justice.qld.gov.au

PARTICULARS OF THE FIRST RESPONDENT

Name:	Adam Leon Olsen
Position or title:	Union Organiser
Organisation:	Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland
Residential or business address:	16 Campbell Street, Bowen Hills, Queensland, 4006
Respondent's address for service:	16 Campbell Street, Bowen Hills, Queensland, 4006
Respondent's phone or contact phone number:	(07) 3231 4600
Respondent's fax number:	(07) 3231 4699
Respondent's e-mail address:	queries@qld.cfmeu.asn.au

PARTICULARS OF THE SECOND RESPONDENT

Name:	Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland
Residential or business address:	16 Campbell Street, Bowen Hills, Queensland, 4006
Respondent's address for service:	16 Campbell Street, Bowen Hills, Queensland, 4006
Respondent's phone or contact phone number:	(07) 3231 4600
Respondent's fax number:	(07) 3231 4699
Respondent's e-mail address:	queries@qld.cfmeu.asn.au

Form 71 Version 1	Application to revoke WHS entry permit Work Health and Safety Act 2011, section 138	R.85
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QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Work Health and Safety Act 2011, section 138

Simon Blackwood

Applicant

INDUSTRIAL REGISTRAR

14 AUG 2014

QUEENSLAND

AND

Michael Matthew Myles

First Respondent

AND

Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

Second Respondent

(Matter No. 2014 / 66)

APPLICATION TO REVOKE WHS ENTRY PERMIT

TO: The Industrial Registrar, Industrial Registry, Level 21, Central Plaza 2, 66 Eagle Street, (Corner Creek and Elizabeth Streets), Brisbane 4000, GPO Box 373, Brisbane Q 4001
Phone: (07) 3227 8060 Fax: (07) 3221 6074

AND TO: Michael Matthew Myles of 16 Campbell Street, Bowen Hills, Queensland

AND TO: President/Secretary of Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland (CFMEUQ) of 16 Campbell Street, Bowen Hills, Queensland

TAKE NOTICE that I, Simon Blackwood, the Regulator appointed pursuant to the provisions of the *Work Health and Safety Act 2011* of Level 20, State Law Building, 50 Ann Street, Brisbane, Queensland

APPLY to the Commission under section 138 of the *Work Health and Safety Act 2011* (the Act) for a WHS entry permit held by Michael Mathew MYLES (the first respondent) to be revoked.

1) The grounds for the application are:

- (a) That on Tuesday 3 June 2014, the first respondent, upon entry to a workplace under section 117 of the Act, namely a construction site for which Lend Lease Corporation Ltd is the principal contractor, located at the corner of Costin Street and Constance Street, Fortitude Valley in the State of Queensland, known as the Green Project, (the Green Project):
 - i) acted or purported to act in an improper way in the exercise of his rights as a WHS permit holder under the Act in that he:
 - (1) failed to provide notice of entry under section 119 of the Act in accordance with the requirements of sections 27 and section 28 of the *Work Health and Safety Regulation 2011*; and
 - (2) failed to comply with work health and safety requirements that applied at the Green Project in accordance with section 128 of the Act, in that he did not report at the site office; did not sign the visitors' register; did not wear the appropriate Personal Protective Equipment (PPE); and
 - ii) in exercising or purporting to exercise a right under Part 7 of the Act, intentionally hindered or obstructed a person conducting the business or undertaking, namely the principal contractor Lend Lease Corporation Ltd by:
 - (1) disrupting work at the Green Project through refusing to leave the workplace when requested to do so.
- (b) On Thursday 19 June 2014 the first respondent upon entry to the Green Project under section 117 of the Act:
 - i) acted or purported to act in an improper way in the exercise of his rights as a WHS entry permit holder under the Act in that he:
 - (1) failed to provide notice of entry under section 119 of the Act in accordance with the requirements of sections 27 and 28 of the *Work Health and Safety Regulation 2011*; and
 - (2) failed to comply with work health and safety requirements that applied at the workplace in accordance with section 128 of the Act, in that he:

- (a) did not report to the site office;
 - (b) did not sign the visitor's register; and
 - (c) effected unauthorised entry.
- ii) in exercising or purporting to exercise a right under Part 7 of the Act, intentionally hindered or obstructed a person conducting the business or undertaking, namely the principal contractor Lend Lease Corporation Ltd by disrupting work at the Green Project:
 - (a) through refusing to leave the workplace when requested to do so;
 - (b) Directing or encouraging workers to withdraw their labour.
- (c) On Friday 20 June 2014 the first respondent upon entry to the Green Project under section 117 of the Act:
 - i) acted or purported to act in an improper way in the exercise of his rights as a WHS entry permit holder under the Act in that he:
 - (1) failed to provide notice of entry under section 119 of the Act in accordance with the requirements of sections 27 and 28 of the *Work Health and Safety Regulation 2011*; and
 - (2) failed to comply with work health and safety requirements that applied at the workplace in accordance with section 128 of the Act, in that he:
 - (a) did not report to the site office;
 - (b) did not sign the visitor's register; and
 - (c) effected unauthorised entry.
 - (d) That on Friday 27 June 2014 the first respondent, upon entry to a workplace under section 117 of the Act, namely a construction site for which Watpac Construction Pty Ltd is the principal contractor, located at 192 Ann Street, Brisbane in the State of Queensland, known as 180 Brisbane (180 Brisbane)::
 - i) acted or purported to act in an improper way in the exercise of his rights as a WHS entry permit holder under the Act in that he:
 - (1) failed to provide notice of entry under section 119 of the Act in accordance with the requirements of sections 27 and 28 of the *Work Health and Safety Regulation 2011*; and
 - (2) failed to comply with work health and safety requirements that applied at the workplace in accordance with section 128 of the Act, in that he:
 - (a) did not sign the visitor's register; and

(b) effected unauthorised entry.

2) The decision sought is:

- (a) that the WHS Entry Permit issued to Michael Matthew MYLES be revoked;
- (b) that until the commission decides the application for revocation, the operation of the WHS entry permit granted to Michael Matthew MYLES be suspended;
- (c) that no further WHS entry permit be issued to Michael Matthew MYLES
- (d) such further or other order pursuant to section 140 of the *Work Health and Safety Act 2011* as the Commission deems fit.

3) Further application is made for directions as to the conduct of this application in relation any further matters that the Commission deems fit.

4) Further, the applicant intends to rely on the following affidavits filed herewith:

- (a) the affidavit of Craig Ronald Servin sworn on 16 July, 2014;
- (b) the affidavit of Antonio Manuel Jorge Baptista sworn 28 July 2014;
- (c) the affidavit of Antonio Manuel Jorge Baptista sworn 31 July 2014.

Signed:



Description: Principal Legal Officer

Dated: 14 August 2014

TO THE RESPONDENTS:

TAKE NOTICE that if you wish to oppose this application or to argue that any different decision should be made, you must attend before the commission in person or, if appropriate, by

your lawyer or agent at the time on the date and at the place fixed by the registrar and you will be heard. If you do not attend as required a decision may be given against you in terms of the decision sought and costs, where appropriate, without further reference to you.

Form 71 Version 1	Application to revoke WHS entry permit Work Health and Safety Act 2011, section 138	R.85
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QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Work Health and Safety Act 2011, section 138

Simon Blackwood

Applicant

AND

Chad Anthony BRAGDON

First Respondent

AND

Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

Second Respondent

(Matter No. WHS/2014/ 91)

APPLICATION TO REVOKE WHS ENTRY PERMIT

TO: The Industrial Registrar, Industrial Registry, Level 21, Central Plaza 2, 66 Eagle Street, (Corner Creek and Elizabeth Streets), Brisbane 4000, GPO Box 373, Brisbane Q 4001
Phone: (07) 3227 8060 Fax: (07) 3221 6074

AND TO: Chad Anthony BRAGDON of 16 Campbell Street, Bowen Hills, Queensland

AND TO: President/Secretary of Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland (CFMEUQ) of 16 Campbell Street, Bowen Hills, Queensland

TAKE NOTICE that I, Simon Blackwood, the Regulator appointed pursuant to the provisions of the Work Health and Safety Act 2011 of Level 20, State Law Building, 50 Ann Street, Brisbane, Queensland

APPLY to the Commission under section 138 of the *Work Health and Safety Act 2011* (the Act) for a WHS entry permit held by Chad Anthony BRAGDON (the first respondent) to be revoked.

1. The grounds for the application are:

- (a) That on 28 August 2014, the first respondent, upon entry to a workplace under section 117 of the Act, namely a construction site, for which Watpac Constructions Pty Ltd is the principal contractor, located at 180 Ann Street, Brisbane in the State of Queensland (the 180 Brisbane workplace) acted or purported to act in an improper way in the exercise of his rights as a WHS permit holder rights under the Act in that he failed to provide notice of entry under section 119 of the Act in accordance with the requirements of sections 27 and section 28 of the *Work Health and Safety Regulation 2011*; and
- (b) The first respondent's entry permit issued under the *Fair Work Act 2009* was suspended for a period of 5 months on 18 September 2014 by order of the Fair Work Commission.

2. The decision sought is:

- (a) that the WHS Entry Permit issued to Chad Anthony BRAGDON be revoked;
 - (b) that until the commission decides the application for revocation, the operation of the WHS entry permit granted to Chad Anthony BRAGDON be suspended;
 - (c) that no further WHS entry permit be issued to Chad Anthony BRAGDON;
 - (d) such further or other order pursuant to section 140 of the *Work Health and Safety Act 2011* as the Commission deems fit.
3. Further application is made for directions as to the conduct of this application in relation any further matters that the Commission deems fit.
4. Further, the applicant intends to rely on the affidavit of Deborah Ngaio DARGAN sworn on 10 September, 2014 filed herewith.

Signed:


Paul Waltham

Description: Legal Representative

Dated: 23 September 2014

TO THE RESPONDENTS:

TAKE NOTICE that if you wish to oppose this application or to argue that any different decision should be made, you must attend before the commission in person or, if appropriate, by your lawyer or agent at the time on the date and at the place fixed by the registrar and you will be heard. If you do not attend as required a decision may be given against you in terms of the decision sought and costs, where appropriate, without further reference to you.