



NOTIFICATION OF A WHS DISPUTE

Pursuant to Division 7A of the *Work Health and Safety Act 2011*

COURT DETAILS

Court	Industrial Relations Commission of NSW
Jurisdiction	Commission
Registry	
Case number	2025/466906

TITLE OF PROCEEDINGS

Notifier	Health Services Union (HSU) NSW/ACT/QLD
Respondent	Health Secretary in respect of Nepean Blue Mountains Local Health District

FILING DETAILS

Filed for	Notifier
Representative	Michelle Picone Health Services Union (HSU) NSW/ACT/QLD
Contact number	0493461609
Contact email	Michelle.picone@hsu.asn.au
Respondent contact name, telephone and email	Karolyn Liu 0459897426 Karolyn.Liu@health.nsw.gov.au

DETAILS OF DISPUTE

Workplace where dispute exists

Nepean Hospital (Patient Enquiries)

WHS matter the subject of the dispute

- Work group determination matter.
- Work group variation matter.
- Access to information by a health and safety representative under s 70(1)(c).
- A request by a health and safety representative for a person assisting the representative to have access to the workplace under s 70(1)(g).
- A matter mentioned in s 72(2)(a) or (b) or (4) relating to training for a health and safety representative.
- A health and safety committee matter.
- A matter about work health and safety that is an issue to which Division 5 applies.
- An issue about cessation of work under Division 6.

Has an inspector been appointed to assist the parties to reach an agreement or resolve a dispute?

- Yes
- No

#If yes – has there been a decision made by the inspector to exercise, or not exercise, compliance powers under Part 10 subject to review under Part 12?

- Yes
- No

DESCRIPTION OF DISPUTE AND RELIEF SOUGHT

Note: Set out below a summary of the dispute and the relief sought. Please **be brief** – you will have the opportunity to provide more details to the Commission at the conciliation and during any arbitration

BACKGROUND

1. This matter relates to *2025/00386591 Health Secretary in respect of Nepean Blue Mountains Local Health District v Health Services Union (NSW, ACT, QLD)* lodged by the Nepean Local Health District (the **Respondent**) on 8 October 2025.
2. On 28 November 2025, the Notifier proposed controls for the safe reintroduction of duties pursuant to recommendations issued on 21 November 2025 (see **Annexure 1**) which include:
 - a. The delayed introduction of the duties for 2 weeks to assess the underlying causes of psychosocial hazards and the members' current workloads.

- b. The allocation of additional support from the Respondent's existing relief pool to assist with workload pressures following the reintroduction of the duties.
 - c. The restructuring of work processes due to ease the stress caused by competing work demands and the prevalence of occupational violence in the workplace.
3. The Respondent has refused all proposed controls and instead has threatened to take additional legal action (see **Annexure 2**).

BREACH OF DUTIES

1. The HSU asserts that the Respondent is in breach of its duties to ensure, as far as reasonably practicable, the health and safety of its employees, under the Work Health and Safety Act 2011 (the **WHS Act**), the Work Health and Safety Regulations (the **Regulations**) and the Safe Work NSW Code of Practice for Managing Psychosocial Hazards at Work. The particulars for each breach are detailed in **Annexure 3**.
2. The HSU also asserts that the Respondent does not intend to introduce, assess and monitor the duties in a manner that is compliant and safe, which is demonstrated by:
 - a. The Respondent's refusal to explore low-cost controls and undertake basic consultation, as required under the WHS Act.
 - b. The Respondent's preference to spend significant resources on litigation rather than introduce low-cost and basic controls that would resolve its dispute.
 - c. The Respondent's misrepresentation to the Commission and the Notifier that it consulted and invited HSU members to participate in its risk assessment.
 - d. The Respondent's threats of legal action against the Notifier's members for refusing to perform the duties until they have been consulted and assured that sufficient WHS controls will be implemented following the introduction of the duties (**see Annexure 4**).
3. The Notifier contends that the Respondent's current dispute should not be arbitrated until the provisions of the WHS Act, the Regulations and the Code of Practice are considered. This is due to the Notifier's enforcement of status quo being predicated on clause 33(iii) of the Health Employees Conditions of Employment (State) Award.
4. The Notifier will also be lodging a request for Safe Work to review the claimed psychosocial hazards. The purpose of this request is to:

- a. seek independent oversight from the regulator concerning psychosocial hazards in the members' current workloads and
- b. understand the extent to which these hazards will be exacerbated by the new duties and
- c. what controls are appropriate and reasonable under the code of practice.

RELIEF

5. The Notifier requests for the Commission to:
 - a. direct the Respondent to implement controls (such as the controls mentioned in **Annexure 1**) prior to the introduction of the duties; or
 - b. hold the Respondent's dispute in abeyance until either Safe Work has responded to the requested review, and/or until the matters detailed in the Notifier's dispute are resolved; and
 - c. Any other actions that the Commission believes is reasonable and appropriate.

LISTING DETAILS

The parties will be advised of the date, time and place when the Commission will list this matter for directions. Any enquiries should be made to the Industrial Relations Commission Registry on 02 8688 3516.

SIGNATURE

Signature of Prosecutor



Capacity

Authorised Officer of Industrial Organisation

Date of signature

2 December 2025

COMPLIANCE WITH PRACTICE NOTES

Parties must comply with the Practice Notes of the Commission. The Practice Notes may be found at the following website:

<https://www.irc.nsw.gov.au/irc/practice-and-procedures/practice-notes.html>

REGISTRY ADDRESS

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