



Form 65
Work Health and Safety Act 2011 – Pt 5, Div 7A

(version

2)

NOTIFICATION OF A WHS DISPUTE

Pursuant to Division 7A of Part 5 of the *Work Health and Safety Act 2011*

COURT DETAILS

Court	Industrial Relations Commission of NSW
Jurisdiction	Commission
Registry	
Case number	2026/00299324

TITLE OF PROCEEDINGS

Notifier	CHRISTOPHER WISE
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Respondent	NSW DEPARTMENT OF EDUCATION
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FILING DETAILS

Filed for	Notifier
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Contact number	+61 402 226 483
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Contact email address	chris.wise@live.com.au
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Respondent contact name, telephone and email	NSW Department of Education – St Peters Education Office
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DETAILS OF DISPUTE

Workplace where dispute exists

St Peters Education Office

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, which is subject to review under Part 12?

- ☐ Yes
- ☐ No

DESCRIPTION OF DISPUTE AND RELIEF SOUGHT**Description**

1. The Notifier holds a permanent appointment as an officer of the Teaching Service under the *Teaching Service Act 1980* (NSW).
2. The dispute concerns the implementation and administration of the Notifier's permanent appointment, including the issue of a Notice under section 84 of the *Work Health and Safety Act 2011* (NSW) and the subsequent statutory consultation process.

Appointment

3. **8 September 2023** Principal Privett announced staffing reallocations, varying the Notifier's allocation to 1.0 FTE. Before the formal commencement of the permanent appointment, the Notifier was assigned a classroom teacher allocation and placed on a performance coaching and mentoring program without prior consultation. Observations were conducted by Relieving Assistant Principal Boyle, who recorded satisfactory performance.
4. **19 October 2023** School Workforce Directorate confirmed the Notifier's acceptance of a permanent appointment pursuant to the *Temporary Workforce Transition* initiative.
5. **7 November 2023** Principal Privett convened an unscheduled meeting, characterised as a wellbeing support check-in, attended by the Notifier, Relieving Assistant Principal Temby, and Support Teacher O'Connell. During the meeting, the Principal raised the Notifier's permanent eligibility together with alleged conduct and performance concerns.
6. **5 December 2023** Principal Privett wrote to the Notifier asserting that no vacancy existed at the school for the 2024 school year and advising him to seek alternative employment.
7. **5 December 2023** The NSW Teachers Federation Organiser McDermott corresponded with the Notifier regarding Departmental guidelines applicable to incoming permanent appointees and expressed concern regarding the school executive's advice that the Notifier seek alternative placement.
8. **13 December 2023** School Workforce Directorate formally issued the Notifier's instrument of permanent appointment, effective 30 January 2024. A copy of the instrument was served on the Principal.

Implementation

9. **30 January 2024** The permanent appointment commenced and the Notifier attended Darlinghurst Public School. No dedicated classroom or teaching allocation was identified. Relieving Assistant Principal Boyle verbally allocated science and support teaching duties.

10. **22 July 2024** Relieving Assistant Principal Caruso wrote to the Notifier stating she was unaware that no classroom had been allocated, and advised she would raise the matter with the Relieving Principal. The provision of a dedicated classroom and teaching allocation remained unresolved.
11. **31 July 2024** During Principal Matthews' tenure, Relieving Assistant Principal Boyle allocated the Notifier to Support Teacher duties comprising equipment responsibilities, supervision support and associated operational duties.
12. **6 September 2024** Relieving Principal Beattie advised the Notifier she had not understood that he held a permanent appointment.
13. **6 September 2024** The Notifier advised Relieving Principal Beattie that reputational matters within the school community were affecting his ability to perform his role safely.
14. **30 January 2025** Relieving Principal Beattie verbally allocated Library duties to the Notifier before transferring to another school later that day. Relieving Principal Caruso assumed operational oversight of the Library role, which continued until April 2025.

WHS Reporting

15. **28 April 2025** The Notifier lodged a WHS incident report identifying psychosocial hazards which he associated with the implementation of the permanent appointment, including role ambiguity, concerns regarding professional identity, and associated administrative matters across successive leadership transitions.
16. **29 April 2025** The Department recorded the report as a staff wellbeing matter.
17. **19 May 2025 (morning)** The Notifier lodged a second WHS incident report concerning the classification of the first report, unsolicited workers compensation activity, and return-to-work processes during certified leave.
18. **19 May 2025 (afternoon)** WHS Director Molyneux referred the matters to Employee Health and Recovery (EHR) under reference RML25/1579.

Workers Compensation

19. **22 May 2025** EHR Officer Cross created an injury management record showing the Notifier as unfit for work. The Notifier had not provided medical documentation to EHR and was not notified of the record. The record was closed on 23 May 2025.

20. **27 May 2025** EHR Officer Napolitano opened two workers compensation claim records across two separate case records without the Notifier's signature or consent following the Notifier's prior written refusals regarding workers compensation.
21. **2 June 2025** Allianz Claims Manager O'Donnell confirmed the formal withdrawal of both claims in correspondence to EHR Officer Napolitano. Salesforce records continued to reflect the notification after both claims had been closed.

Staff Complaint Procedure

22. **22 July 2025** The Notifier sought administrative clarification from Executive Director Green regarding supervision, PDP administration, portal access, and WHS matters.
23. **24 July 2025** Executive Director Green advised that the request would be managed under the *Staff Complaint Procedure* and appointed a former departmental officer to conduct the review.
24. **11 September 2025** Executive Director Green issued an outcome letter providing for EHR follow-up by Officer Cross and operational follow-up by Relieving Principal Ferrario and Director Lyris.
25. **10 October 2025** Deputy Secretary Summerhayes declined the Notifier's request for a review of the complaint outcome and advised that WHS matters fell outside the scope of the *Staff Complaint Procedure*.

Employment Records

26. **3 October 2025** The Notifier wrote to Director Lyris seeking clarification regarding employment records identifying him as a casual teacher attached to Orange Grove Public School from 20 February 2024.
27. **17 October 2025** Deputy Secretary Ruming confirmed that departmental records identified the Notifier as a casual teacher attached to Orange Grove Public School from 20 February 2024.
28. **2 December 2025** Office of the Secretary referred the employment classification enquiries to School Workforce.
29. **19 December 2025** Executive Director Campbell confirmed that the permanent appointment remained governed by the appointment instrument issued on 13 December 2023 and enclosed a copy.

Return to Duty

30. **23 January 2026** Director Lyris wrote to the Notifier stating that Relieving Principal Wolfe would coordinate the implementation of the permanent appointment at Darlinghurst Public School. The correspondence did not identify allocated duties, supervision, or reporting pathways.
31. **20 February 2026 (morning)** The Notifier wrote to Relieving Principal Wolfe confirming his availability for work and seeking written clarification regarding allocated duties, supervision and reporting pathways. Wolfe referred the enquiry to Director Lyris.
32. **20 February 2026 (afternoon)** Director Lyris wrote to the Notifier proposing a meeting before return to duty to discuss allocated duties, referring to previously identified health and safety matters. During the same period, the Department recorded the Notifier's absences as unauthorised and requested that the Notifier nominate a return date.
33. **5 March 2026** Officers of Health, Safety and Staff Wellbeing met with the Notifier at Parramatta regarding proposed return-to-duty arrangements, including allocation, reporting pathways, deployment timing, pay arrangements and alternative duties. A summary of the matters discussed was forwarded to Director Lyris and confirmed by the Notifier as accurately reflecting the meeting.

Darlinghurst

34. **March 2026** Departmental records identified the Notifier's position as allocated across Kindergarten, Infants and support-student functions, and recorded the Darlinghurst School Administrative Manager as the reporting manager, while the Notifier held a K–6 permanent teacher appointment under the *Teaching Service Act*.
35. **25 March 2026** The Notifier attended Darlinghurst Public School and was allocated by Relieving Principal Wolfe to a Kindergarten class. During the lesson, Relieving Principal Forbes of Bourke Street Public School attended the classroom.
36. **22 April 2026** Relieving Principal Wolfe directed the Notifier to lodge two psychosocial incident reports concerning student comments and advised that a workplace risk assessment would be undertaken.
37. **22 April 2026** Relieving Principal Wolfe issued a written direction requiring the Notifier to leave the site once the reports were filed and implemented a temporary work-from-home arrangement.

38. **24 April 2026** Relieving Principal Wolfe replaced the temporary work-from-home arrangement with a direction requiring the Notifier to attend Bourke Street Public School under Relieving Principal Forbes.

Bourke Street

39. **27 April 2026** The Notifier commenced duties at Bourke Street Public School under Relieving Principal Forbes.
40. **22 May 2026** The Notifier sought written clarification from Executive Director Green regarding current site attachment, supervisory responsibility, and reporting lines reflected across departmental systems. Executive Director Green referred the correspondence to Director Lyriss.
41. **23 May 2026** The Notifier was issued a timetable allocating classroom in-class support and alternating Kindergarten assembly supervision, corresponding to the support-teacher functions recorded in departmental systems.
42. **26 May 2026** The Notifier wrote to Deputy Secretary Ruming regarding SAP organisational records, allocation descriptors, and historical system records associated with the permanent appointment.
43. **26 May 2026** The Notifier wrote to Executive Director Noy regarding work allocation, supervisory arrangements, reporting structures, and operational responsibilities across both schools.
44. **26 May 2026 (morning)** Relieving Principal Forbes met with the Notifier regarding a proposed Kindergarten teaching allocation and the continuation of the placement, advising that discussions with Relieving Principal Wolfe would occur.
45. **26 May 2026 (afternoon)** Relieving Principal Forbes met again with the Notifier and advised that the proposed Kindergarten teaching allocation would not proceed. Learning and Support shadowing arrangements were discussed, and a meeting with Director Lyriss was scheduled for the following morning.
46. **27 May 2026** Director Lyriss met with the Notifier and Relieving Principal Forbes at Bourke Street Public School to discuss the K–6 appointment, site attachment, leave approval, SAP routing, and placement continuation. Shadowing arrangements commenced following the meeting.
47. **29 May 2026** Relieving Principal Forbes advised the Notifier that the Bourke Street placement would conclude and that further arrangements would be determined by Darlinghurst Public School. Relieving Principal Wolfe directed the Notifier to attend Darlinghurst Public School on 1 June 2026.

Section 84 Notice and Consultation

48. **1 June 2026** The Notifier returned to Darlinghurst Public School. No formal risk assessment was communicated to the Notifier before the return to Darlinghurst Public School, following Relieving Principal Wolfe's earlier written advice that one would be undertaken.
49. **1 June 2026** The Notifier observed yellow metal boundary fencing erected around the perimeter of the Principal's office, with no other staff observed to be present. Before commencing the directed reading duties, the Notifier sought immediate written clarification regarding workplace risk controls, safeguarding, visibility, supervision, and operational arrangements.
50. **11 June 2026** The Notifier issued a Notice of Cessation of Work under section 84 of the *WHS Act* to the WHS Executive Director and, separately, to Relieving Principal Wolfe.
51. **11 June 2026** EHR Director Frearson acknowledged receipt of the Notice on behalf of the Executive Director and referred the matter to local management involving Director Lyris.
52. **11 June 2026** The Notice asserted that longstanding uncertainty regarding supervision, reporting, consultation, role allocation, and decision-making responsibility remained unresolved, and that requiring the Notifier to perform operational duties while those matters remained unresolved gave rise to the asserted serious and immediate risk to health and safety.
53. **11 June 2026** The Notice further asserted that the concern arose not from the duties themselves, but from performing them while the supporting arrangements remained materially uncertain.
54. **16 June 2026** Prior to the dispute meeting, the Notifier prepared a memorandum titled *Student Safeguarding and Welfare Matters (2023–2026)* recording matters relating to student welfare, safeguarding and professional boundaries, and provided it to St Peters Education Office as a record-preservation document, requesting that it be retained on the Departmental record.
55. **16 June 2026** Director Lyris convened a dispute meeting with Relieving Principal Wolfe and the Notifier, set out the Department's position, and directed the Notifier to resume duties. No formal risk assessment had been communicated to the Notifier since the Notifier's return from Bourke Street Public School.

56. **18 June 2026** The Notifier provided the memorandum to Public Schools – Metropolitan South, requesting that it be retained alongside the previously provided Bourke Street Public School Chronology. Receipt was acknowledged by the Office of the Executive Director.
57. **18 June 2026** Director Lyris provided the Department's written response to the section 84 Notice, maintaining that the Department did not accept the asserted serious and immediate risk and directing that concerns continue to be addressed through existing departmental processes.
58. **17 June – 25 June 2026** The Notifier and Relieving Principal Wolfe exchanged written correspondence in which the Notifier sought clarification regarding supervision, reporting pathways, safeguarding arrangements, workplace visibility, operational controls, and the basis for the difference between the proposed role and the arrangements preceding the Bourke Street placement.
59. Following the written consultation process, undertaken from the staff common room, the Notifier remained on approved leave from 26 June 2026 for the balance of the school term. This Form is filed on the first day of the following school term.

Relief Sought

60. The Notifier seeks orders or recommendations concerning the future implementation of the permanent appointment as follows:
 - a) administering the appointment through a documented safe system of work developed through formal consultation under the *WHS Act*;
 - b) allocating operational duties consistent with a permanent appointment under the *Teaching Service Act*; and
 - c) pending implementation of those arrangements, assigning duties at an alternative workplace or in another appropriate educational role consistent with the permanent appointment and the operational requirements of the *Teaching Service Act*.

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



Capacity

Date of signature

20 July 2026

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>

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