



Form 65 (version 2)
Work Health and Safety Act 2011 – Pt 5, Div 7A

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	Parramatta
Case number	

TITLE OF PROCEEDINGS

Notifier	Construction, Forestry, Mining and Energy Union (New South Wales Branch)
First Respondent	COBRA CWO NO PTY LIMITED & Others (ABN 48 205 081 299) trading as ACEREZ
Second Respondent	HOLCIM (AUSTRALIA) PTY LTD (ABN 87 099 732 297)
Third Respondent	P E G HOLDINGS PTY LTD (ABN 21 642 843 427)
Fourth Respondent	PNR ASSESTS HOLDINGS PTY LTD (ABN 34 603 702 638)
Fifth Respondent	ONS TRANSPORT PTY LTD (ABN 16 689 360 549)

FILING DETAILS

Filed for	Notifier
Representative	Marko Petrovic Construction, Forestry, Mining and Energy Union (New South Wales Branch)
Contact number	02 9749 0400
Contact email address	mpetrovic@cfmeu.org
First Respondent contact name, telephone and email	Trent Sherman, 0428 070 950, trent.sherman@acjv-cwo.com.au
Second Respondent contact name, telephone and email	Scott Jacobson, 0419 475 227, scott.jacobson@holcim.com
Third Respondent contact name, telephone and email	Peter Grozdanovski, 0425343511, peg88@bigpond.net.au
Fourth Respondent contact name, telephone and email	Rakesh Palta, 0411 711 395, admin@pnrtransport.com.au
Fifth Respondent contact name, telephone and email	Rakesh Palta, 0411 711 395.

DETAILS OF DISPUTE

Workplace where dispute exists

Central-West Orana Renewable Energy Zone

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

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.

Pursuant to s 102C(3) of the *Work Health and Safety Act 2011* (NSW) this notice is required to be published on the Commission's website as filed. Accordingly, do not attach documents or include material that is inappropriate to be published on the Commission's website, including personal information of individuals such as email addresses or phone numbers. Relevant documents that you wish the Commission to have available to it to assist to resolve the dispute should be filed separately after the application is filed in accordance with Practice Note No. 37.

- 1 The Construction, Forestry, Mining and Energy Union (New South Wales Branch) (**Notifier**), attended the Central-West Orana Renewable Energy Zone (**Workplace**) on multiple occasions between 25 August and 2 September 2026.
- 2 The workplace does not have a single fixed address. It comprises a large regional infrastructure project involving multiple construction worksites across the Dubbo, Mudgee and Cassilis regions.
- 3 This dispute arises from the Notifier's attendance at:
 - a. the Merotherie worksite, located at Merotherie Road, Merotherie, NSW 2852;
 - and,

- b. the Elong Elong worksite, located at Dapper Road, Elong Elong, NSW 2831, which each form part of the Workplace.¹

- 4 The workplace is a construction workplace at which workers perform high-risk construction work.²
- 5 The first respondent is the principal contractor for the workplace.
- 6 The second respondent is a subcontractor engaged by the first respondent.
- 7 The third respondent is a subcontractor engaged by the second respondent.
- 8 The fourth respondent is a subcontractor engaged by the second respondent.
- 9 The fifth respondent is a subcontractor engaged by the fourth respondent.
- 10 Each respondent is a person conducting a business or undertaking (**PCBU**) within the meaning of the *Work Health and Safety Act 2011* (NSW) (**WHS**A) and *Work Health and Safety Regulation 2025* (NSW) (**WHS**R).
- 11 On each occasion referred to below, officials of the Notifier attended the Workplace in their capacity as entry permit holders under the WHSA.
- 12 On 25 August 2026, the Notifier attended the Workplace and issued attendance notices A09620³ and A09622⁴ following concerns raised by relevant workers concerning:
 - a. fatigue management, including inadequate rest breaks;
 - b. near-miss incidents involving trucks;
 - c. psychosocial hazards; and,
 - d. inadequate workplace amenities.
- 13 On 26 August 2026, the Notifier held further discussions with relevant workers. During those discussions, workers raised additional concerns regarding emergency response arrangements and first-aid arrangements at the Workplace.
- 14 On 26 August 2026, the Notifier made a request for service to SafeWork NSW in relation to those matters. SafeWork NSW allocated reference number 1-525926.
- 15 On 27 August 2026, during a further attendance at the Workplace, the Notifier met with representatives of the first and second respondents to discuss the concerns

¹ *Work Health and Safety Act 2011* (NSW) s 8.

² *Work Health and Safety Regulation 2025* (NSW) reg 291.

³ Annexure A1.

⁴ Annexure A2.

identified at paragraph 13. Following that attendance, notices A09623⁵ and A09625⁶ were issued.

- 16 During the attendance on 27 August 2026, the Notifier identified apparent widespread non-compliance with the first respondent's emergency management plan, including:
- a. an insufficient number of first aiders, and/or first aiders whose qualifications did not meet the requirements stated in the first respondent's emergency management plan; and,
 - b. the absence of safe work method statements (**SWMS**) for concrete agitator-truck drivers.
- 17 In relation to paragraph [16(b)], the Notifier observed that SWMS were subsequently generated at the Workplace by the second respondent.
- 18 During the same attendance, the Notifier also observed an apparent failure to adequately separate or delineate workers from moving plant and machinery.
- 19 On 31 August 2026, during a further attendance for which notices A09627⁷, A09628⁸ and A09629⁹ were issued, the Notifier attended the Workplace to inquire into suspected contraventions of the WHSA and identified the following matters:
- a. a bottle of scotch located in the cab of mobile plant;
 - b. the absence of service records and original equipment manufacturer manuals for mobile plant;
 - c. an owner-driver of mobile plant who appeared to conduct servicing of that plant personally;
 - d. the absence of fire extinguishers in mobile plant;
 - e. fire extinguishers that were not appropriately tagged in mobile plant;
 - f. multiple pieces of mobile plant that appeared to be overdue for servicing;
 - g. the absence of job hazard analyses for mobile plant;
 - h. the absence of SWMS for mobile plant.

⁵ Annexure A3.

⁶ Annexure A4.

⁷ Annexure A5.

⁸ Annexure A6.

⁹ Annexure A7.

- 20 On 2 September 2026, the Notifier again attended the Workplace and issued further notices, including notices A09634¹⁰, A09635¹¹, A09637¹², and A09638.¹³
- 21 Between 27 August 2026 and 2 September 2026, the second respondent corresponded with the Notifier on multiple occasions. The second respondent advised that some of the issues raised had been addressed or were proposed to be addressed.¹⁴
- 22 The second respondent has not advised the Notifier that all outstanding WHS issues have been adequately and finally addressed.
- 23 On 4 September 2026, the Notifier wrote to the first respondent raising several matters, including some of the matters identified in paragraphs [12]-[20] above.¹⁵
- 24 The first respondent has not provided an adequate substantive response to that correspondence.¹⁶
- 25 The WHS matters in dispute include the matters set out at paragraphs [12]-[20] above.
- 26 The Notifier reasonably suspects that the respondents have contravened, and/or continue to contravene, their duties as PCBUs imposed by the WHSA and the WHSR including:
- a. the primary duty of care to ensure, so far as is reasonably practicable:
 - i. the provision and maintenance of a work environment without risks to health and safety;¹⁷
 - ii. the provision and maintenance of safe systems of work;¹⁸
 - iii. the provision of any information, training, instruction, or supervision that is necessary to protect all persons from risks to their health and

¹⁰ Annexure A8.

¹¹ Annexure A9.

¹² Annexure A10.

¹³ Annexure A11.

¹⁴ Annexure B.

¹⁵ Annexure C1.

¹⁶ Annexure C2.

¹⁷ *Work Health and Safety Act 2011* (NSW) s13-17, s19(3)(a); *Work Health and Safety Regulation 2025* (NSW) regs 32-38, 43(1)(a)(i), 201, 203, 204-215, 297; SafeWork NSW, *Code of Practice: First aid in the workplace* (January 2020), pt 3.5; SafeWork NSW, *Code of Practice: Managing the work environment and facilities* (August 2019), pt 5.1; *Australian Standard AS 3745—2010: Planning for emergencies in facilities*, 44; *Australian Standard AS 2444—2001: Portable Fire Extinguishers and Fire Blankets—Selection and Location*, 18; *Australian Standard AS/NZS 1841.1:2007: Portable Fire Extinguishers General requirements*, 27-8; *Australian Standard AS 1851—2012 Routine service of fire protection systems and equipment*, 105-9.

¹⁸ *Ibid* s19(3)(c); *Work Health and Safety Regulation 2025* (NSW) regs 299, 300-303.

safety arising from work carried out as part of the conduct of the business or undertaking; and,¹⁹

iv. the provision of a safe means of entering and exiting the workplace, and anything arising from the workplace.²⁰

b. the duty, so far as is reasonably practicable, to consult, cooperate and coordinate activities with other duty holders in relation to the management of risks associated with moving vehicles and plant at the Workplace.²¹

c. the duty to comply with an approved code of practice or otherwise manage hazards and risks in a manner that provides a standard of health and safety equivalent to, or higher than, that required by the relevant approved code of practice.²²

27 The Notifier seeks orders from the Commission directing each respondent to:

- a. so far as is reasonably practicable, consult, cooperate and coordinate activities with all persons who have a relevant WHS duty in respect of the matters in dispute, including the Notifier, relevant health and safety representatives, and relevant health and safety committee members;
- b. appoint a representative with an appropriate level of seniority and sufficient competency to act on behalf of each respondent to ensure the timely, final, and effective resolution of the above matters;
- c. participate in the preparation of a written agreement, with the consent of all parties, which identifies each issue in dispute, and the corrective action taken;
- d. provide a copy of that agreement to all workers at the Workplace who may be affected by the issues in dispute; and,
- e. comply with any further orders the Commission considers 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.

¹⁹ *Ibid* s19(3)(f); *Work Health and Safety Regulation 2025* (NSW) reg 39.

²⁰ *Ibid* s 20. *Work Health and Safety Regulation 2025* (NSW) reg 315.

²¹ *Ibid* ss 46-49; *Work Health and Safety Regulation 2025* (NSW) reg 309.

²² *Ibid* s 26A.

SIGNATURE

Signature of Prosecutor



Capacity

authorised officer of industrial organisation

Date of signature

14 September 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>

REGISTRY ADDRESS

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