

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)
and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

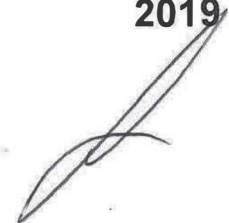
Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-28" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-28"
Copy of VWA Entry Report No. V00016305340L dated 2 April
2019





ENTRY REPORT



Visit Number: **V00016305340L**
 Entry Date and Time : **02/04/2019 09:00 AM** Departure Date and Time: **02/04/2019 09:30 AM**

PLACE ENTERED

BRADBURY INDUSTRIAL SERVICES PTY LTD
 ABN: **80121279847** ACN: **121279847**
9-11 BROOKLYN COURT
CAMPBELLFIELD 3061

Service Method: **Delivered electronically**

THIS REPORT GIVEN TO

Name:	Person's Position:	Email Address:
John Keramidas	Employer Representative	johnk@bradburyis.com
Name of person copy given to:	Person's Position:	Email Address:
No	Health and Safety Representative	N/A

Purpose for entry:

<ACCINSPECTOR>I entered this place as part of WorkSafe Victoria's proactive intervention program to provide guidance and assess and enforce compliance with specific health and safety laws. This visit is undertaken as part of the Dangerous Goods project.

Under section 98 of the Occupational Health and Safety Act 2004 and section 13 of the Dangerous Goods Act 1985, I entered your place.

OBSERVATIONS AND ACTIONS OF THE INSPECTOR

1. I attended your workplace to follow up on two Improvement Notice's (V00016305286L/17C-04 issued on the 01/02/2019 & V00016305285L/ 17C-01 issued on the 31/01/2019) in relation to the storage and handling of dangerous goods. At time of visit I met with General Manager, John Keramidas.

The following observations were made:

I observed that all previously sighted IBC's within the front and rear warehouse's have now been removed off site. Both front and rear warehouse's are now empty and no dangerous goods were observed to be on site. Therefore, I believe that both of the above stated Improvement Notices have been complied with due to:

- *V00016305286L/17C-04, fire protection system in accordance with the requirements of regulation 53 of Dangerous Goods (Storage and Handling) Regulations 2012 is no longer required.
- * V00016305285L/ 17C-01, Bradbury Industrial Services has eliminated any hazard

associated with the storage and handling of dangerous goods Class 3 Flammable Liquid by the removal of the dangerous goods (IBC's) from current site to that of an approved storage facility.

I was informed by General Manager, John Keramidas that 2,134 IBC's were relocated to the following:

- > 1007 IBC's transported to Stolthaven Altona.
- > 800 IBC's transported to David Barry Logistics Dandenong.
- > 327 damaged IBC's were returned to Bradbury Industrial Services (Thornycroft Street).

I also observed that all dangerous goods placards (HAZCHEM) and Manifest including the Emergency Information box have been removed as they are no longer applicable to this site.

Currently no further visits are proposed at this workplace regarding the above stated issues.

2. Inspect, examine and make enquiries (including documents)

In accordance with Section 13B(1)(a) and (b) of the Dangerous Goods Act 1985 & Section 99(a) and (b) of the Occupational Health and Safety Act 2004, I inspected, examined and made enquiries. This includes documents referenced in the body of this entry report.

INSPECTION OUTCOMES SUMMARY

STATUS OF NOTICES THAT WERE MONITORED DURING THIS ENTRY

Notice Number	Action
V00016305285L/17C-01	Complied with
V00016305286L/17C-04	Complied with

INSPECTOR INFORMATION

Name of Inspector: **Joseph Barcellona**
Telephone Number of Inspector: **9223 6846**
Facsimile Number of Inspector: **9223 6801**
Email address of Inspector: **joseph_barcellona@worksafe.vic.gov.au**

INTERNAL REVIEW OF CERTAIN INSPECTOR DECISIONS

If you want to apply for internal review of a decision made by an inspector during this visit, you must lodge the approved application form with the Internal Review Unit within 14 days of the date the decision came to your notice. WorkSafe Victoria (WorkSafe) must conduct the internal review within legislated time frame of either 7 or 14 days depending on the category of reviewable decision. If WorkSafe does not notify you of the internal review decision within the required time, WorkSafe is taken to have made a decision to affirm the reviewable decision. Not all decisions can be internally reviewed and in order to seek internal review of a decision you must be an eligible person.

Applications for internal review can be made online on the WorkSafe website –

www.worksafe.vic.gov.au/request-review-ohs-inspector-decision - or by downloading a form from the WorkSafe website and emailing it to internalreviewunit@worksafe.vic.gov.au or posting it to the Internal Review Unit, WorkSafe Victoria, PO Box 279, Geelong 3220.

If you lodge an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive an internal review decision that you are not happy with, you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the internal review decision or non-decision first came to your attention. Applicants seeking external review must be an eligible person.

You can contact the Internal Review Unit by telephone (03) 4243 7060 or email at internalreviewunit@worksafe.vic.gov.au

OFFENCE

The following Acts, including any regulations made under them carry varying offences such as failure to meet duties and obligations, non compliance with a notice or direction issued or made by an inspector and hindering or obstructing an inspector in the exercise of their powers:

- * *Occupational Health and Safety Act 2004*
- * *Dangerous Goods Act 1985*
- * *Equipment (Public Safety) Act 1994*

For specific details about offences and subsequent penalties refer to the specific Act or regulation.

FEEDBACK

If you want to contact WorkSafe in relation to this entry by our Inspector other than for Internal Review purposes (see above), please use the following guide:

- * to clarify any matter that is covered by the Entry Report and any associated Notices or Directions contact the issuing Inspector, whose name and contact details appear above in the Inspector Information section in this Entry Report.
- * to make comment about any aspect of how this inspection was conducted, contact the inspector's senior management via reception on (03) 4243 7000, fax (03) 8663 5451 or by writing to PO Box 279, Geelong 3220
- * to provide feedback in relation to WorkSafe activities or the legislation we administer, write to WorkSafe Victoria, Advisory Service PO Box 279, Geelong 3220.
For general enquiries contact our Advisory Service on 1800 136 089 (toll free).
Otherwise email info@worksafe.vic.gov.au

PRIVACY COLLECTION STATEMENT

WorkSafe collects, uses, discloses and stores information in accordance with the Occupational Health and Safety Act 2004, other legislation administered by WorkSafe and all applicable privacy laws. This includes information collected by WorkSafe inspectors or authorised officers. Note that non-compliance with privacy laws is permissible to the extent that those laws conflict with other legislative provisions allowing or requiring the collection of information. Note also that privacy laws do not apply to the collection of information by WorkSafe to the extent that it is exercising its law enforcement functions and non-compliance with privacy legislation is deemed necessary to fulfil those functions.

WorkSafe's Privacy Policy is on our website at worksafe.vic.gov.au

PRIVACY AND CONFIDENTIALITY NOTICE

The information contained in this document may contain privileged and confidential information and is not to be used (including copied, distributed and disclosed) for any other purpose than the prescribed purpose. All use of the information contained in this document must only be used in a manner that is consistent with the objects and purposes of Victorian occupational health and safety acts and regulations. If you have received this document in error, please notify the sender immediately and delete it or securely destroy as appropriate. Views expressed in this message are those of the sender, and are not necessarily the views of WorkSafe.

FURTHER INFORMATION

WorkSafe has a range of publications to explain your legal responsibilities and help you make your premises/site safer. To inquire about these publications, telephone 1800 136 089, or visit worksafe.vic.gov.au
