From: Kate Stuchbury [redacted]
Sent: Tue 11/04/2023 5:42:04 AM (UTC)
To: Kym Bancroft [redacted]
Cc: Cathy Bray [redacted] Natasha Carstens [redacted]
Subject: CFMEU - 4 April 2023 - Draft response
Attachment: Michael De'Ath correspondence 040423.pdf

Hi Kym

Draft response to CFMEU correspondence below for your consideration.

I have prepared the reply in anticipation we will receive confirmation of a positive outcome from discussions regarding the proposed way forward.

Once your comfortable, I'll share the draft with ODG.

Please note: I've included a paragraph addressing the Facebook posts. While outside the scope of our original approach, at a minimum we may need to put on record that allegations of corrupt conduct need to be raised through established complaint management mechanisms. Addressing the matter up front (ahead of email to staff) will also mitigate the risk of any allegations that we are disingenuous in our communications. I acknowledge including it may erode any progress made in the other matters – just think it's worth considering.

- - - - - - **Draft response** - - - -

Dear Mr Ravbar

Thank you for your letter dated 4 April 2023 regarding the proposed triaging process for requests for regulator assistance from construction unions.

Your feedback regarding the proposed changes highlights the importance of working together to design and implement a sustainable and effective process focused on what matters most - keeping Queensland workers safe.

I acknowledge your concerns about our consultation approach and recognise it did not provide for adequate engagement before the temporary process commenced earlier this year.

I appreciate the shift away from having a single point of contact for enquiries continues to present a perceived conflict of objectives, but I can assure you we are working towards the same goal – robust systems and processes that ensure how we manage and respond to work health and safety matters eliminate or reduce risks to workers. I am pleased to hear of your agreement on the proposed way forward and I can confirm we will not look to make any changes to the temporary process introduced in January until extensive stakeholder consultation has been undertaken by the incoming Executive Director, Compliance and Field Services. The temporary process will continue to be overseen by the Senior Officer of the respective region.

We are keen to commence the recruitment process to permanently appoint an Executive Director, Compliance and Field Services, as soon as possible. As discussed during our meeting on 28 March 2023, the panel will comprise of a representative from the building industry, Mr Craig Dearling; a representative from the construction unions, Mr Kurt Pauls; and a state government employee outside the Minister's portfolio, which at the time of the meeting was yet to be confirmed. I am pleased to advise Mr Rob Djukic, Chief Operating Officer, Resources Safety Health Queensland, has now accepted the invitation to participate in the new recruitment process and my office will be sending communications to panel members before the end of the week outlining next steps. I will continue to be the panel chair.

Lastly, I would like to take this opportunity to apologise for the ambiguity in my communications dated 6 March 2023. Upon reflection, I can see how the absence of context left the sentiment I was trying to convey open to interpretation. I know the CFMEU would never intentionally put construction workers at risk, and it was not my intention to insinuate otherwise.

On a separate note, it has come to my attention that the CFMEU has been posting footage of Work Health and Safety Inspectors on its social media account - *CFMEU Construction & General QLD/NT*. The footage and commentary are seemingly designed to encourage mobbing and mocking in a scurrilous way. The posts also contain serious allegations of corrupt conduct by Workplace Health and Safety Queensland (WHSQ) officials. Ensuring inspectors can conduct their duties free from hinderance, obstruction or intimidation is fundamental to protecting the health, safety and welfare of all workers at work. If you have concerns regarding the outcome of worksite inspections or the conduct of WHSQ officials, I encourage you to raise these matters through the established complaint management mechanisms available to you.

Regards

Kym

Queensland Government **Kate Stuchbury**
Executive Director
Office of Industrial Relations

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4 April 2023

Michael De'Ath
Director-General
Department of Education

Email: [redacted]

Dear Director-General

RE: Triaging Process

We refer to the letter sent by you to the CFMEU on 17 March 2023. We are responding to you as the Building Trades Group as the proposed triaging process effects all of our members and construction workers generally.

Temporary Practices

As you would be aware, for approximately six years a process was in place whereby a union representative of a construction worker would contact the Director, Construction, Compliance and Field Services, who would appropriately action a Work Health and Safety Complaint.

As a Group, it is our position that it was not necessary to change this longstanding practice.

It is critical for the Senior Public Servants within the Office of Industrial Relations to cultivate relationships with industry stakeholders. At each stage you have made temporary changes, you have failed to consult with our Unions about the processes to be implemented.

We support the position that the CFMEU has adopted, being that union representatives call the Deputy Director-General directly to ensure that Work Health and Safety Complaints are appropriately actioned since the process was changed.

We reject any suggestion that this position will negatively impact the health and safety of construction workers as you, the Deputy Director-General, have the responsibility to ensure that these Work Health and Safety Complaints are dealt with.

You have previously suggested that inviting our Unions to meet with you satisfies your requirement to consult. This suggestion is rejected.

You are aware that it is our position that the longstanding practice be reintroduced and, if you wanted to discuss any challenges to implementing that practice, we are available to do so.

Triaging Process

It is evident that the Senior Public Servants at the Office of Industrial Relations are unable to comprehend matters of Health and Safety.

By directing Union Representatives to the 1300 Number, or the Assessment Service email, you are adding unnecessary bureaucracy to a process that should be simple and efficient. In doing so, you are directing Union Representatives to Public Servants who:

- have no understanding of, or experience in administrating, the *Work Health and Safety Act 2011* (Qld);
- have no, or insufficient, experience with the construction industry and the specific hazards that those workers face on a daily basis; and
- have no ability to respond to critical, life-threatening incidents.

These are, however, all responsibilities of the Senior Public Servants at the Office of Industrial Relations.

To make matters worse, you are only forcing the Unions to follow this process. We are aware that PCBUs and Subcontractors have direct access to Inspectors and are able to pick and choose the Inspectors that attend site to deal with issues raised by workers and the Unions.

Your Inappropriate Conduct

In addition to these matters, the Building Trades Group has been provided a copy of an email from you to the CFMEU's OHS Coordinator on 6 March 2023 and a letter sent to you by the CFMEU on 7 March 2023. We have been informed that you **have not** responded to this letter.

Not only is it extremely unprofessional but it is extremely disrespectful that you have not responded to this letter.

Under your leadership, the Office of Industrial Relations then implemented a process, without consultation, that restricted the access that representatives of construction workers had with Senior Public Servants.

With lower-level Public Servants having the responsibility of 'triaging' Work Health and Safety Complaints and with Inspectors having less accountability, incidents like the fall from height incident that occurred at CCR Albert St Lot 1 were bound to happen.

Rather than take responsibility, you sought to shift blame to the CFMEU asserting that by following the prior effective process in place with the Office of Industrial Relations the CFMEU was putting its members and all workers at risk.

As the Group, being the representatives of all construction workers in Queensland, it is safe for us to say that your comments are unfounded and baseless.

Each time that you implement a process without consultation you are the one putting construction workers at risk.

Each time that you fail to adequately deal with Work Health and Safety Complaints you are the one putting construction workers at risk.
We request that you adequately respond to the matters we have raised above.

Yours sincerely

[redacted]

Michael Ravbar
STATE SECRETARY

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