

Instructions for completing a statutory declaration

This form can be used to make a statutory declaration in Queensland whether it is signed physically or electronically, or witnessed by someone in person or via audio visual link (AV link). Please complete the form following the instructions in the left-hand margin. You can find more information on making a statutory declaration at www.qld.gov.au/legal/documents. There is also information available if the person is witnessing the statutory declaration via AV link.

The address of the person making the declaration and the place where the declaration is signed are requested on the statutory declaration form.

The individual making the declaration, or another impacted person, may exercise judgement and state their address as "Queensland" or "Australia" if it would be unsafe to reveal this information, such as if there are worries about domestic, family, or sexual violence. A witness is required to provide more personal information at the bottom of the form. A witness should refer to the "**Fact Sheet – Witness information for statutory declarations or affidavits**".

Oaths Act 1867 (sections 13C, 13E, 14)

QUEENSLAND STATUTORY DECLARATION

Insert full name and address of person making the declaration. An address can be listed as "Queensland" or "Australia" if it would be unsafe to reveal this information, such as if there are worries about domestic, family, or sexual violence.

Set out matter/s to be declared in numbered paragraphs.

I, Michael John Ravbar

of [REDACTED]

do solemnly and sincerely declare that:

see attached pages (Pages marked 4 to 12) MR
all

and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*.

☐ If completing this declaration and you need more space, please attach any additional pages to this form and tick the box to indicate that additional pages are attached.

The contents of this statutory declaration are true, except where they are stated on the basis of information and belief, in which case they are true to the best of my knowledge. I understand that a person who makes a declaration that the person knows is false in a material particular commits an offence.

I state that:

- ☐ This declaration was made in the form of an electronic document¹
- ☐ This declaration was electronically signed²
- ☐ This declaration was made, signed and witnessed under part 6A of the *Oaths Act 1867*³

(tick if applicable)

Full name and signature of person making the declaration. If using a substitute signatory, only insert the name of signatory, leave the signature of signatory panel blank, and complete the next section.

DECLARED by

Michael John Ravbar

[full name of signatory]

at

Chermside

[Insert place where signatory is located]

(if applicable)

[signature of signatory]

[Date]

Full name and signature of substitute signatory (cross out if not applicable).

Refer to the **Fact Sheet – Who can sign a statutory declaration or affidavit as a substitute signatory.**

Signed for and at the direction of the signatory by

[full name of substitute signatory]

[signature of substitute signatory]

[Date]

Substitute signatory to include additional information if directed over AV link.

Refer to the **Fact Sheet – Who can sign a statutory declaration or affidavit as a substitute signatory.**

[Australian legal practitioner/government legal officer/employee of the Public Trustee, as applicable]⁴

Declared on.....day.....month.....year

[Insert date of signing]

Full name and signature of authorised witness. Refer to the **Fact Sheet – Who can witness a statutory declaration or affidavit in Queensland.**

In the presence of:

Deborah Wood

[full name of witness]

[signature of witness]

Qualification of witness (e.g. lawyer, JP, Cdec, etc).

C-Dec

[type of witness]

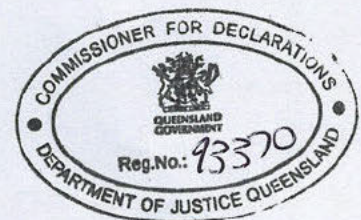
Declared on.....day.....month.....year

[Insert date of signing]

Witness must include additional information under section 13E of the *Oaths Act 1867*. Refer to the **Fact Sheet – Witness information for statutory declarations or affidavits.**

[witness's place of employment / employment address / home address / telephone number / email address / law practice, as applicable]⁵

Witness seal of office, if applicable



For special witnesses to complete – Tick as applicable

- ☐ I am a special witness under the *Oaths Act 1867* (see section 12 of the *Oaths Act 1867*)
- ☐ This document was made in the form of an electronic document⁶
- ☐ I electronically signed this document⁷
- ☐ This statutory declaration was made, signed and witnessed under part 6A of the *Oaths Act 1867* – I understand the requirements for witnessing a document by AV link and have complied with those requirements⁸

The endnotes are to assist in the completion of the form and can be deleted once read.

Endnotes

- 1 Tick this box if you electronically signed the document, or if you physically signed the document over AV link and then sent a scanned copy of that document to the witness.
 - 2 Tick this box if you or your substitute signatory electronically signed the document using an accepted method under the *Oaths Act 1867*. Do not tick this box if you signed the document on paper.
 - 3 Tick this box if the document was made over AV link.
 - 4 A person may be directed by AV link to sign a document for a signatory only if the person is: an Australian legal practitioner; or a government legal officer under the *Legal Profession Act 2007* (who is an Australian lawyer but not an Australian legal practitioner and witnesses documents in the course of the government work engaged in by the officer); or is an employee of the public trustee (s 31P, *Oaths Act 1867*).
 - 5 Legal practitioners who witness this document as a special witness must include their law practice (s 13E *Oaths Act 1867*).
 - 6 Tick this box if you electronically signed the document or if you physically signed the document and sent a scanned copy of that document to the signatory.
 - 7 Tick this box if you electronically signed the document using an accepted method under the *Oaths Act 1867*. Do not tick this box if you signed the document on paper.
 - 8 Tick this box if the document was made over AV link.
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Education and Qualifications

1. I was educated up to Year 12 at Marcellin College, Randwick.
2. I have the following qualifications:-
 - (a) Bachelor of Arts, University of NSW;
 - (b) Graduate Diploma of Economics, Griffith University;
 - (c) Master of Business, Griffith University
 - (d) Graduate Certificate (CIACD) of Australian Institute of Company Directors.
3. I have worked at the Union or its predecessors since 1989.

Industry Funds

4. The Building Union's Superannuation Scheme Queensland (**BUSSQ**) is the building industry superannuation fund in Queensland. I explain in more detail below, but the trustee company for BUSSQ is owned jointly by the Queensland Master Builders Association, Industrial Organisation of Employers (**MBQ**) and the Construction, Forestry, Mining and Energy Industrial Union of Employees, Queensland (**CFMEUQ**).
5. The Building Employees Redundancy Trust (**BERT**) is a redundancy trust established for workers to have portable redundancy benefits. The trustee company for BERT is owned jointly by the MBQ and the CFMEUQ. Contributions are made to BERT on behalf of workers each week. When the worker then loses their employment, they are able to gain access to the amount in their account for their redundancy benefits. BERT also invests that money and funds various training schemes and also welfare benefits such as Mates in Construction.
6. The Construction Income Protection Queensland (**CIPQ**) is the income protection scheme. Contributions are made on behalf of employees to that scheme and CIPQ then obtains income protection insurance for the workers concerned.
7. Each of these funds are referred to in various enterprise bargaining agreements (**EBAs**). The EBAs specify the various contributions that are made on behalf of members to those funds as a condition of their employment.

8. The funds are not a party to the enterprise agreement and do not have standing to enforce the enterprise agreement on behalf of members. Accordingly, each of those entities has entered into written agreements with the Union whereby the Union agrees to provide, amongst other things, compliance services, that is, enforcing the agreement to ensure that the contributions are made and the funds pay a service fee to the Union. These agreements are disclosed to the boards of the relevant funds, the income is recorded in the Union's financial statements and in the case of BUSSQ, the Australian Prudential Regulatory Authority (APRA).
9. In addition to those agreements, BERT, through its training arm, fully funds the Union apprenticeship scheme. The Union conducts an apprenticeship scheme where it locates employers who are willing to take on apprentices, selects the applicants for the apprenticeship scheme, mentors the applicants through the apprenticeship scheme to make sure that they can complete the scheme and are receiving sufficient training. The completion rates for the CFMEU apprenticeship scheme are substantially higher than any of the private registered training organisations (RTOs) and employer organised schemes. The completion rates for the CFMEU apprenticeship scheme are approximately 97%. This can be contrasted with private group training schemes which sit somewhere between 55-60% completion rate. BERT enters into a training contract with the CFMEU for the provision of the funding. The agreement requires a certain number of apprenticeships to be undertaken. The contract also contains provisions that provide that if the CFMEU does not meet its obligations under the training contract, BERT can recover the payments made to the Union.
10. Aside from those payments, none of the funds referred to above pay dividends to the Union. The suggestion that either dividends or payments are made for no commercial reason is wrong. The payments made to the Union in Queensland by industry funds were the subject of a case study in the Trade Union Royal Commission. There were public hearings in Brisbane at which evidence was given about these arrangements. There is no basis to suggest that there was any secrecy or concealment about these arrangements.

RALLY IN 2017

11. In October 2017 the Federal Government introduced the *Fair Work Laws Amendment (Proper Use of Worker Benefits) Bill 2017* (Cth) (the **Bill**). The Bill significantly undermined

the role and primacy of industry funds of the type described above. It was particularly likely to adversely affect redundancy trusts like BERT.

12. Most unions opposed the Bill. The CFMEU opposed the Bill. Throughout the country, many of the industry funds publicly opposed the Bill. Some employer bodies also opposed the Bill. For example, in Victoria the Master Builders Association publicly opposed the Bill.
13. All of the construction unions in Queensland opposed the Bill. This included the CFMEU, the ETU, PPTEU and the AMWU. Considerable effort was expended in publicly campaigning against the Bill. As part of that public campaign, the Building Trades Group (BTG) had sought confirmation of the MBQ's position. I had raised this matter with Mr Galvin on a number of occasions. I had called him and spoken to him in person at meetings. He never provided a position on what stance the MBQ was going to take in respect of the Bill.
14. This became important in late October 2017 because there was a Senate Committee planning on holding hearings in Brisbane about the Bill. The CFMEU wanted the Unions, funds and employer organisations to present submissions opposing the Bill. As Mr Galvin would not provide the MBQ's position, suspicion amongst the BTG grew that the MBQ was going to support the Bill. Accordingly, a rally was organised to protest the MBQ's unwillingness to commit to defending the industry funds that they were part sponsors of.
15. The rally proceeded to the MBQ offices in Spring Hill. Contrary to Mr Galvin's statements in [17], I did not hear any lewd or sexual comments from rally-goers. The Police were present, and I fully expect that they would have taken action if such comments or threats had been made.
16. After the march had arrived at the MBQ offices, a delegation consisting of Mr Ingham, Mr Chris Lynch from the ETU and myself attended upon Mr Galvin. On behalf of the members that had rallied to the MBQ's offices, we asked him whether he would support the funds and oppose the Bill. For the first time Mr Galvin said that the MBQ would oppose the Bill and support the industry funds. At this point Mr Lynch made a joking remark that it would have been a lot easier if the MBQ had committed to this earlier.

17. Paragraph [20] of Mr Galvin's statement is not accurate. I had repeatedly tried to contact Mr Galvin to ascertain the MBQ's position, and he had not communicated it. At no time during our exchange did I suggest that the rally was merely because "I needed to rally the boys".
18. After the exchange with Mr Galvin we returned to the rally goers and announced that the MBQ would defend the industry funds and oppose the proposed legislation.
19. So far as Mr Galvin's version is contrary to what I have set out above, it is not accurate, and I deny it.

Meeting at CFMEU offices

20. I have read [22] to [25] of Mr Galvin's statement. It is not accurate. Mr Galvin attended the Union's offices from time to time. At no time did I watch Mr Galvin walk to his car to see it covered in stickers.
21. The first I heard about Mr Galvin's car being covered with stickers was sometime in 2021. I attended a meeting with Mr Galvin at the BUSSQ offices in Milton. When the meeting was over, we got in the lift to leave. The lift went to the basement because Mr Galvin was a director and had a carpark. As we stood by his car finishing our conversation, he said words to the following effect:

"You are not going to put stickers on my car, are you?"

22. I then asked Mr Galvin what he was talking about. He said that a few years ago he had attended the Union office and during the meeting his car had been covered in stickers. I then said in words to the following effect:

"I am sorry, that should not have happened. Do you want me to do anything about it?"

23. He then said words to the effect of:

"Don't worry about it. It was years ago."

24. That was the first time I knew about Mr Galvin's car being covered in stickers. It should not have happened. I most certainly did not watch him walk back to a car covered in stickers.

BUSSQ

25. In 1984, BUSSQ was established. It was established at the same time as the national superannuation scheme, Construction and Building Unions Superannuation (CBUS). However, because of legislation promulgated by the Bjelke-Petersen Government in Queensland, Queensland unions had to create a stand-alone Queensland scheme. The legislation also required the directors to be Queensland residents.
26. BUSSQ is an “employer-sponsored fund” for the purposes of Part 9 of the *Superannuation Industry (Supervision) Act 1993* (Cth).
27. Since that time, despite the repeal of the requirement for superannuation to be state-based, BUSSQ has persisted as a stand-alone fund to CBUS. There have been numerous proposals over the years for the two funds to amalgamate, but none have come to fruition.
28. The trustee company for BUSSQ is BUSS (Queensland) Pty Ltd (**BUSS Qld**). BUSS Qld has two equal shareholders: The MBQ and the CFMEUQ.
29. Pursuant to the Constitution of BUSS Qld, there is a board comprising six persons, with a quorum of four persons. Each shareholder can appoint 3 directors.
30. Since approximately 2016 or 2017, the Union in Queensland has supported BUSSQ over the other construction industry superannuation fund, CBUS. This has been for a variety of reasons. Queensland members are quite parochial and like having a Queensland fund. Further, the service levels for members from BUSSQ are significantly higher and better than those from CBUS. Members commonly require significant financial advice and assistance from their superannuation. This advice and assistance can range from making claims on super-related insurance, questions about making additional voluntary contributions, how much money will be needed for retirement, withdrawal in cases of hardship and how a member’s personal affairs should be structured to maximise their post-retirement income. CBUS’ shortcomings in respect of paying out benefits owing to members have been well documented recently. I specifically recall that during COVID, when many members needed to speak with representatives from their super fund about hardship withdrawals and other financial matters, BUSSQ representatives attended building sites to talk to members when CBUS representatives would not.

31. The fees charged by BUSSQ were significantly lower than the fees charged by CBUS. This was a very important consideration. The rates of return were another important consideration. It is true that over some periods the CBUS returns were marginally higher than for BUSSQ. However, these rates of return ebb and flow over cycles. In my opinion, it is important to consider rates of return over a 10 or 15 year period. On that scale, the returns from BUSSQ and CBUS were comparable. This is particularly important given that BUSSQ fees were consistently lower than CBUS fees. In 2024, immediately prior to my removal from office, BUSSQ was one of the best-performing funds in the country.

2021-2022 Disputation

Involvement in BUSSQ affairs prior to becoming a director

32. As a shareholder of BUSS Qld the CFMEUQ had various rights in respect of BUSS Qld. In my role as Secretary of the CFMEUQ and as its representative to BUSS Qld, I had bi-monthly meetings with the CEO. During these meetings, the CEO briefed me on the operations of BUSS Qld and its performance. This was necessary to enable the CFMEUQ to understand what was happening in respect of the company it part-owned and members' money that was being managed by BUSS Qld.
33. Whilst I received briefings from the CEO, I did not have any decision-making capacity or role. The purpose of the meetings was for the CEO to provide information to me as a stakeholder.
34. I have read [33] of Mr Galvin's statement. I do not know what was said at the board meetings before I was appointed. However, at no time did Ms Collie or Ms Masters ever run things by me about BUSSQ decisions.

Developments in Industry Funds

35. Throughout early 2021, the level of regulatory activity by APRA dramatically increased with respect to industry superannuation funds. There was considerable pressure placed on all industry funds. The level of compliance checks increased, and APRA strongly encouraged a range of mergers throughout the sector.
36. I became aware of this because the CFMEU had representatives on several superannuation boards across different industries. I also heard similar reports from other union officials who held board positions on other superannuation funds.

Board review

37. In 2021 APRA gave BUSSQ a direction to undertake an external audit of the board. This occurred prior to my appointment. As I understand it Deloitte interviewed the directors about the operation of the board, decision-making processes and everyone's skills and experience. Due to the passage of time, I cannot recall the detail of the report, but it did not raise any significant concerns with the board's operation.
38. I do not know what Mr Galvin means by [36] of his statement. The report was prepared by an independent and well-regarded consultant. The contents of that report were a matter for Deloitte.

Appointment to the BUSS Qld Board

39. In 2021, it was proposed that I be added to the BUSSQ board.
40. BUSSQ had a comprehensive vetting process for new directors. The senior compliance officer had an internal vetting process informed by APRA guidance. This included a series of interviews and assessments as to the person's skills, experience and suitability. The governance officer would then make a recommendation to the CEO and board about the suitability of the person. I went through that process in mid 2021 and was approved to take a board position.
41. Prior to my formal appointment, from mid 2021 I commenced sitting in as an observer on a number of board sub-committees. I did not have any voting rights. My participation was to facilitate my learning the ropes.

Proposal to merge BUSSQ and CBUS

42. In mid to late 2021, a proposal emerged to amalgamate BUSSQ and CBUS. It was my view that if such a merger was to occur, there should be a vote of the members of BUSSQ in favour of the merger. I did not think it was solely a decision for the directors.
43. In or around the second half of 2021, I was scheduled to start on the board of BUSS Qld. At this time, Mr Galvin was a director on BUSS Qld. Ms Sonia Beyers was a consultant to the MBQ. She was also a director on BUSS Qld.
44. In or around August 2021, Mr Galvin and I had a meeting at Harvey's Café in New Farm. At that meeting, Mr Galvin encouraged me to support the merger proposal. He told me

that if I supported the merger process, he could guarantee me a board seat on the merged entity and that he would also have a board seat on the merged entity. I asked about Ms Beyers and he told me she had already been taken care of. I did not know what he meant by that. At that time, the directors' fees for BUSSQ were approximately \$60,000.00 per director. Whereas the directors' fees for CBUS were in the order of \$160,000.00 plus fees for sitting on any of the board's subcommittees.

45. I informed Mr Galvin that I was not interested in the amalgamation and that if people knew of the deal that had been agreed about the board positions, they would be livid.
46. After this meeting, Mr Galvin started to raise concerns that I was not a fit and proper person to be appointed to the BUSS Qld board. He subsequently resigned from the BUSS Qld board. He was, as is proper, promptly replaced by another nominee from the MBQ.
47. I understand that after Mr Galvin commenced raising concerns about my fitness to be appointed to the board, APRA issued a show cause notice to BUSS Qld about my appointment. A response was provided, and no further action was taken by APRA.

Sabotage of BUSSQ by the MBQ

48. On 17 January 2022, between the hours of 8am and 11am, Mr Paul Bidwell, Ms Sonya Beyers and Ms Madeline Dermatossian resigned from the BUSSQ board. This left the BUSSQ board without a quorum. The MBQ did not nominate anyone to replace those directors. This imperilled the ability of BUSSQ to function properly. This action jeopardised the effective management of \$7billion worth of construction workers' money. It was reckless in the extreme.
49. The MBQ's conduct engendered significant disquiet amongst workers and employers. In early 2022, there was a meeting of delegates convened by Mr Ingham. Those delegates were overwhelmingly opposed to the amalgamation and the MBQ's conduct. Shortly after that time, Mr Ingham convened a meeting of employers, subcontractors and builders. I did not attend that meeting because of my role as a director. However, Mr Ingham informed me that a large number of the employers opposed the MBQ's conduct, including Mr Greg Quinn, the then CEO of Hutchinson Builders. At that meeting, they agreed to a rally to protest the MBQ proposal.

50. On 8 February 2022, a rally was held at the Emma Miller Place in Roma Street. The rally then marched to the MBQ offices. I did not lead the rally, nor did I speak at the rally, because of my role as a director. The speakers at the rally were Mr Ingham, Mr John Thompson, a former Queensland Industrial Relations Commission commissioner and Trades and Labour Council secretary. A number of employers then spoke out against the MBQ's conduct. All employers released their employees from duty so they could attend the rally.
51. Whilst I was not involved in organising the rally, it seems that the grim reaper character and coffin that appeared at the rally were directed at the fact that the MBQ was trying, by its conduct, to kill BUSSQ. I did not witness anyone hoist the coffin into the tree. I only ever saw the coffin on the ground in Albert Park after the rally. I am not aware of anyone making a death threat against Mr Galvin.

Legal Proceedings

52. On 8 February 2022, the CFMEUQ commenced proceedings against the MBQ, requiring that they observe and perform the Constitution of BUSSQ and to appoint directors so that BUSSQ had a quorum. The matter was listed for an urgent hearing on 4 March 2022.
53. On 18 February 2022, before the matter could be heard and determined, the MBQ relented and appointed three directors.
54. After the MBQ appointed new directors, Mr Galvin left the MBQ, and the proposal for an amalgamation was abandoned.