From: Kym Bancroft[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F721324FFD51413AB2F61AD0062B7BF3-KYM BANCROF]

Sent: Tue 07/03/2023 11:56:15 PM (UTC)

To: Kate Stuchbury [redacted]

Subject: Triaging Brief

Attachment: Correspondence

Attachment: Chronology of events

Hi Kate

Please see attached CFMEU correspondence received yesterday and email to DG re chronology of events.

If you are able to review the triaging brief to have ready to send to the DG by Friday COB, Michael agreed that the MO won't need to see the brief. I have left a message with Katelyn to let her know the DG is comfortable with where we are at.

The letter to CFMEU will need to be revised to include acknowledgement of Ravbar's letter – I wasn't planning to address his 4 concerns but happy for any alternative thoughts on the response!

Thanks

Queensland Government **Kym Bancroft**
Deputy Director-General
Office of Industrial Relations

Level 11, 1 William Street, Brisbane City
[redacted]

From: Jacqui Collie[redacted]
Sent: Tue 07/03/2023 6:48:25 AM (UTC)
To: Kym Bancroft[redacted]]
Cc: Industrial Relations[redacted]]; 'DE'ATH, Michael'[redacted]
Subject: Correspondence
Attachment: Ms Bancroft correspondence 070323.pdf

Dear Ms Bancroft

Please find attached correspondence regarding Safety Incident – CCR Albert Street Lot 1

Regards

CFMEU

Construction & General Division
QLD/NT Divisional Branch

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CFMEU

Jacqui Collie
Governance, Political & Executive Officer

16 Campbell Street
Bowen HillsQLD4006

Construction & General Division
QLD/NT Divisional Branch

[redacted]

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CFMEU

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State Construction
& General Division

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qntqueries@cfmeu.org

7 March 2023

Ms Kym Bancroft
Deputy Director-General
Office of Industrial Relations

By Email - [redacted]

Dear Deputy Director-General

RE: Safety Incident - CCR Albert Street Lot 1

It is necessary for me to respond to your appalling response to the concerns raised by the Union's OHS Co-ordinator about the serious injury of a worker working on Cross River Rail.

You have mistaken the OHS Co-ordinator's email as a notification of an incident, where in fact your inspectors were aware of the potential for an incident to occur when it was raised with them on site on Wednesday, 1 March 2023. Despite being aware, the inspectors took no action and it resulted in a worker being seriously injured.

You then have the audacity to accuse the Union of putting its members and all workers at risk, rather than deal with the issues raised in the email. As the Deputy Director-General, this statement is unacceptable.

There is no organisation doing more to ensure the health and safety of construction workers than our Union. Our members, officials and officers are the people on the frontline ensuring that all construction workers make it home safely.

There has not been a fatality on a site in Queensland with a Union presence since 2008. The same cannot be said about the presence of your inspectors and the Office of Industrial Relations. This is likely because you are so caught up with unnecessary bureaucracy.

Take this situation as an example. Here, you won't answer the urgent call of Union representatives, who want to inform you that the contractor is obstructing their entry because of the 'process' that you have implemented, without consultation with industry stakeholders.

I must remind you again that a worker has suffered a serious injury and that these representatives are the ones appointed by construction workers to raise health and safety concerns. You must have forgotten that when you made the deliberate choice to not answer their calls as it was not consistent with the 'process'.

Given that you, the Deputy Director-General, made these comments, it is necessary for you to write to the Union:

- withdrawing your statement in your email of 6 March 2023;
- confirming that inspectors attended CCR Albert Street Lot 1 on 1 March 2023 in relation to concerns about falling objects and that no action was taken by inspectors;

- confirming that the incident that occurred at CCR Albert Street Lot 1 on 3 March 2023 involved a falling object; and
- confirming that the incident that occurred at CCR Albert Street Lot 1 on 3 March 2023 did not result from the Union representatives failing to following the process of notifying incidents.

Yours sincerely

[redacted]

Michael Ravbar
State Secretary

CC Hon Grace Grace, Minister for Education, Minister for Industrial Relations & Minister for Racing
Mr Michael De'Ath, DG, Dept of Education

From: Kym Bancroft[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F721324FFD51413AB2F61AD0062B7BF3-KYM BANCROF]

Sent: Tue 07/03/2023 9:49:25 AM (UTC)

To: 'Michael DE'ATH'[redacted]

Subject: Chronology of events

Attachment: 230301 CO MP Construction UIR_E329858_CPB Albert St_1-3-23.docx

Attachment: Construction Union Interaction Report for the falling object incedent on 03 03 2023 E330012.docx

Attachment: Incident - CPB Albert Street Station

Attachment: RE: Worker seriously injured at CCR Albert St Lot1

Hi Michael

As discussed, please see a chronology of events below for the 1st and 3rd March at the CPB Albert Street site.

Note that Michael Ravbar has interpreted my comment, "Choosing to follow your own set process of calling myself is putting your members and all workers at risk, as demonstrated in this incident below. *I am extremely concerned that this could escalate resulting in even greater injury or fatality"* as saying that they are directly responsible. In this instance, we have still triaged and responded to their requests despite not following process and the contraventions were rectified on the 1st. In not following the process, and if I was unable to forward their request on, then we would not have been to site on the 1st and the risk of falling objects would not have been addressed. The risk present on the 1st was in fact greater than the risk on the 3rd, as the PCBU had set up an exclusion zone on the 3rd. Hence this incident demonstrates that greater injury could have occurred by not following process. I can see why he may have misconstrued this but still case in point.

I will have brief and permanent triaging process to you on Friday, with draft comms noting his letter and advising of shift to permanent process.

Wednesday 1 March 2023

- Notification to region from Sam Brooker 9.14am – email trail indicates the initial request from CFMEU to Kym B was at 8.29am (email from Dean Mattas cc Kurt Pauls)
- I emailed Dean Mattas at 9.24am advising we had his request and inspectors were being organised
- 2nd complaint from Matthew Clark received to region 11.03am – email trail indicates was sent to Kym B at 10.50am
- I emailed Matthew Clark at 11.16am acknowledging receipt of request and inspectors have been organised to attend
- The issues raised in both requests were:
    - Separation between mobile plant and workers
    - Falls from heights and falling objects
    - Access egress during normal working conditions and during emergencies
    - Work areas congested due to mobile plant activity
    - Guard systems of plant

- Information, training, consultation, instructions and supervision provided to workers regarding safe systems of work

- Information from the Union Interaction Report
  - Inspectors on site at 11.30am – my understanding is that they were at another job and as soon as they finished, they attended to Albert St
  - Outcomes against issues raised:

Insufficient separation between plant and pedestrian.	(Not Verified)
Risk of 'Falls from Heights'.	(Verified)
Risk of 'Falling Objects'.	(Verified)
Unsafe Access and Egress (Slip Form).	(Not Verified)
Information Training and Instruction (Powered Mobile Plant).	(Not Verified)
Insufficient 'Systems of Work' regarding HRCW.	(Not Verified)

- The issue regarding falling objects that is noted as verified was rectified while the inspectors were on site – objects removed from area, additional mesh added to prevent objects falling
- The relevant part of the inspectors CISr entry - *Observed gaps in the floor creating the risk of falling objects as workers were observed directly below and lose items observed on the deck.*

Friday 3 March 2023 – incident

- OM Construction was advised approx 12.30pm of an incident where a dropped scaffold tube has made contact with a worker (hit on head – he had a hard hat on), inspectors were sent to site
- CPB Representative advised that CFMEU reps had arrived at site while he was on the phone to the OM
- Inspectors arrived on site at 1.45pm
- Notification to region from Sam Brooker received at 2.02pm – email trail indicates an email was sent to Kym B at 1.10pm from Kurt Pauls, cc Matthew Vonhoff and Dylan Howard
- Communication was not sent to Pauls, Vonhoff or Howard as I had been made aware the inspectors were already on site and were speaking to the union officials
- Upon arrival the inspectors were advised by the Union officials that they wanted to enter the site to investigate the incident, there was a dispute over the entry
- The inspector advised the parties that his initial priority was to assess the incident to address any immediate risk and would be doing that in the first instance
- Inspectors conducted assessment and enforcement action was taken against the sub-contractor Caledonia Qld Pty Ltd:
  - Prohibition notice - conducting scaffolding works, where there is a risk of a falling object without having adequate controls in place Note that this was a different job to the one on the 1st
  - Infringement notice – not following SWMS
  - Improvement notice – conducting work in accordance with SWMS
- Summary of circumstances related to the incident
  - They did have an exclusion zone in place while undertaking task (stripping scaffold), the area below was opened back up at the completion
  - A supervisor noticed scaffold tube coupler (800mm long tube) loose and went up to

remove
    - The exclusion zone was not re-established and workers has gone into the area below
    - The tube fell contacting the worker
- The union officials had left site while the inspectors were investigating the incident
- The inspector followed up with the injured worker on Monday 6 March, he was back on site and advised that he was back at work doing alternative duties, he has a small fracture in his neck that will heal on its own, on light duties for 4 weeks

Full union interaction reports attached FYI.

Thanks

Construction Union Interaction Report

If there are multiple visits to a site, complete this form for each site visit. Submit forms to [redacted] through your Operations Manager.

1. CISR references	***Event no.***	E329858		***Assessment no.***	A516792	
2. Dates	***Event:***	1/03/2023	***Notified to WHSQ:*** 1/03/2023		***Site visit:***	1/03/2023 On site: 11:30 Off site: 17:00
3. Principal contractor	CPB Contractors Pty Ltd					
4. Site Address	ALBERT STREET STATION, ALBERT ST, BRISBANE CITY 4000 QLD					
5. Inspectors	Majella Pearl and Christopher O'Donnell					

6. HSRs	**Elected HSRs?**		**Met with HSRs?**		**Reason for not meeting with them**
7	***Yes***		***Yes***		

8. Summary of activities

- Attended site and signed in as per site rules.
- Met with CPB representatives outside the site and was escorted inside.
- Spoke to one of the two CFMEU Union officials on the site (The second one had already accessed the site).
- Went through WHSA 2011 sec 128 with CPB and Union Official in relation to failure to comply with a reasonable request by the PCBU in relation to a Work Health and Safety requirement that applied to the workplace.
- Informed CPB and Officials that the Official Dean Mattas had not complied with WHSA sec128 and did not in my opinion have the right of exercise a right of entry.
- Went through Mathew Clarkes Notice of entry, issues as below:

    - Insufficient separation between plant and pedestrian. (Not Verified)
    - Risk of 'Falls from Heights'. (Verified)
    - Risk of 'Falling Objects'. (Verified)
    - Unsafe Access and Egress (Slip Form). (Not Verified)
    - Information Training and Instruction (Powered Mobile Plant). (Not Verified)
    - Insufficient 'Systems of Work' regarding HRCW. (Not Verified)

Construction Union Interaction Report

	• Walked relevant sections of the job site to make enquiries into the suspected issues. • Spoke to and provided advice to relevant workers and representatives of relevant PCBU's. • Went through Drawing relevant to the erection of the slip form. • Went through formwork Code of practice. • Held close out meeting with union officials and CPB representatives.

9. Union information

Union name	Names of officials/ representatives	Entered site? (Yes/No)	S.117 or s.81 entry?	Entry dispute? (Yes/No)	Summary of entry dispute & how it was resolved
CFMEU	Dean Mattas	Yes	s.117	Yes	Not resolved, Inspector O'Donnell and PCBU agreed the official did not have the right to enter the site as per WHSA 11 sec 128.
CFMEU	Mathew Clark	Yes	s.117	No	N/A

10. Non-compliances identified by union

No.	Details of non-compliance	Verified? (Y/N)	Rectified while inspectors were on site?		Notices issued				Other actions taken
			Y/N	How?	Number	Type	Issued to		
							Name	Role	
1.	Delineation between plant and workers/pedestrians.	No	N/A						
2.	Risk of falls from height	Yes	Yes	Edge protection made to comply.	2792073	Immediate Compliance	CPB Contractors Pty Ltd	PC	
3.	Risk of Falling Objects	Yes	Yes	Objects removed from the area, additional mesh added to prevent object falling.	2792072	Immediate Compliance	CPB Contractors Pty Ltd	PC	
4.	Housekeeping (Water Bubbler)	Yes	Yes	Container put in place to catch excess water.	2792074	Immediate Compliance	CPB Contractors Pty Ltd	PC	

Construction Union Interaction Report

5.	Unsafe Access/Egress (Slip Form)	No	N/A						
6.	Information Training and Instruction (Powered Mobile Plant)	No	N/A						
7.	Insufficient 'Systems of Work' regarding HRCW.	No	N/A						

11. Additional non-compliances identified by inspectors

No.	Details of non-compliance	Rectified while inspectors were on site?		Notices issued				Other actions taken
		Y/N	How?	Number	Type	Issued to		
						Name	Role	
1.	Unsafe use of ladders	Yes	Rules reinforced, PCBU held Tool Box Talk with relevant workers.	2792075	Immediate Compliance	CPB Contractors Pty Ltd	PC	
2.								
3.								

12. Additional comments

13. Report completed by

Name	Date
Christopher O'Donnell	2/03/2023

Construction Union Interaction Report

If there are multiple visits to a site, complete this form for each site visit. Submit forms to [redacted] through your Operations Manager.

1. CISR references	***Event no.***	330012		***Assessment no.***	516942	
2. Dates	***Event:***	3/3/2023	***Notified to WHSQ:***	3/3/2023	***Site visit:***	3/3/2023 On site 13:45
3. Principal contractor	CPB CONTRACTORS PTY LIMITED					
4. Site Address	Lot 1 ALBERT ST, BRISBANE 4000 QLD					
5. Inspectors	Travis Dungey Jason Argent					

6. HSRs	**Elected HSRs?**		**Met with HSRs?**		**Reason for not meeting with them**
	Yes	***No***	***Yes***	***No***	

8. Summary of activities	I was asked to attend CPB Cross River Rail site after notification was made of a falling object that impacted a worker, I was informed that the CFMEU was also on site by OM Jason Plath. I was asked to attend to deal with the falling object as a matter of priority which I attended the site to do. Two officials were at the site from the CFMEU Matthew Vonhoff and Dillan Howard. They told me that they wanted to enter the site to investigate the incident, But there were disputes over entry on this, I instructed that I was on site to investigate the incident and that's what I would be doing, and I could not aid in resolving any disputes at that time, I entered the site with Jason Argent, and I did not see the officials again I was told while I was conducting my investigations that they had left the site.

9. Union information

Union name	Names of officials/ representatives	Entered site? (Yes/No)	S.117 or s.81 entry?	Entry dispute? (Yes/No)	Summary of entry dispute & how it was resolved
CFMEU	Matthew	NO		YES	The officials wanted to investigate the falling object incident?

Construction Union Interaction Report

	Vonhoff And Dylan Howard				

10. Non-compliances identified by union

No.	Details of non-compliance	Verified ? (Y/N)	Rectified while inspectors were on site?		Notices issued				Other actions taken
			Y/N	How?	Number	Type	Issued to		
							Name	Role	
1.									
2.									
3.									

11. Additional non-compliances identified by inspectors

No.	Details of non-compliance	Rectified while inspectors were on site?		Notices issued				Other actions taken
		Y/N	How?	Number	Type	Issued to		
						Name	Role	
1.	Not having appropriate controls in place when conducting work were falling objects could impact workers below.	N		P1033003	Prohibition notice	CALEDONIA QLD PTY LTD	Subcontractor	
2.	Work was not conducted as per SWMS.	N		I2050456	Improvement notice	CALEDONIA QLD PTY LTD	Subcontractor	
3.	Infringement for not following the SWMS	N		F2006088	Infringement notice	CALEDONIA QLD PTY LTD	Subcontractor	

12. Additional comments

Construction Union Interaction Report

13. Report completed by

Name	Date
Travis Dungey	7/3/2023

From: Terrie-anne Norris[redacted]

Sent: Fri 03/03/2023 2:48:44 AM (UTC)

To: Kym Bancroft[redacted]; Andrew Harris[redacted]

Subject: Incident - CPB Albert Street Station

Good afternoon Kym and Andrew

Just as an FYI as I imagine requests from the CFMEU will come through shortly – we have ben advised of an dropped scaffold tube that has made contact with a workers' head on the CPB Albert Street Station site. Worker had his hard hat on and has been taken to hospital to be assessed as a precautionary measure, from what we have been told, no loss of consciousness or any other obvious injury (eg laceration).

Inspectors are on their way to site now. Representatives for CPB have advised that CFMEU reps had arrived at site while they were on the phone to us.

Please let me know if you need anything further at this stage, but will put together an update on all of today's union jobs later this afternoon.

Thanks.

Queensland Government

Terrie-anne Norris
A/ Regional Director, Brisbane Sunshine Coast Wide Bay Region
A/ Director, Agriculture
Workplace Health and Safety Queensland
Office of Industrial Relations

[redacted]
PO Box 7129, Brendale QLD 4500

The most important reason for making your workplace safe, is not at work at all.
Work safe. Home safe.

Please note: I sometimes work and send correspondence out of hours. Please do not feel obliged to respond outside of your own work hours.

From: Kym Bancroft[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F721324FFD51413AB2F61AD0062B7BF3-KYM BANCROF]

Sent: Sun 05/03/2023 10:32:38 PM (UTC)

To: Kurt Pauls[redacted]; Matthew Vonhoff[redacted]; Dylan Howard[redacted]

Bcc: Michael DE'ATH[redacted]; Nick Seeley[redacted]

Subject: RE: Worker seriously injured at CCR Albert St Lot1

Dear Kurt

We have previously communicated the correct notification process for the Building Trade Group Unions to follow, which ensures a timely and risk-based Inspector response to issues. I have dedicated resources standing by to respond to your calls.

Choosing to follow your own set process of calling myself is putting your members and all workers at risk, as demonstrated in this incident below. I am extremely concerned that this could escalate resulting in even greater injury or fatality.

Please remind your members of the OIR process for notifications to ensure a future recurrence is prevented.

Regards

From: Kurt Pauls[redacted]
Sent: Friday, 3 March 2023 1:10 PM
To: Kym Bancroft[redacted]
Cc: Matthew Vonhoff[redacted]; Dylan Howard[redacted]
Subject: Worker seriously injured at CCR Albert St Lot1

Dear Ms Bancroft,

The reason for this correspondence is there has been a worker seriously injured when a scaffold tube has fallen for a height, this worker has been taken to hospital due to the injuries he has sustained.

There has been two CFMEU permit holders being “Matthew Vonhoff” and “Dylan Howard” trying to call you since approximately 10:45 this morning, as they are being hindered by CPB to enter site to investigate this serious incident that unfortunately the issue of falling objects was raised on Wednesday 1st of march 2023 with other permit holders and the Inspectors that attended site and nothing done and now their has been an incident.

Due to disarray within OIR and it’s Inspectors not willing to do their job, I have significant concerns that this will create heightened risk and negatively impact the health and safety of Queensland workers in which it has today.

I have tried to call you myself and left a voice message.

CFMEU

Construction & General Division
QLD/NT Divisional Branch

Kurt Pauls

OHS Co-ordinator

16 Campbell Street

Bowen HillsQLD4006

[redacted]

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