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**CFMEU COMMISSION OF INQUIRY
STATE OF QUEENSLAND**

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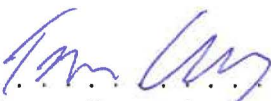
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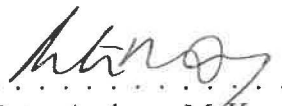
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I, **Peter Anthony McKay**, of [REDACTED]

[REDACTED] solemnly and sincerely declare:

FULL NAME, QUALIFICATIONS AND WORK HISTORY

1. My full name is Peter Anthony McKay.
2. I am currently employed as the Director-General of the Department of Trade, Employment and Training (**DTET**). Prior to my current role, I was the Deputy Director-General (**DDG**), Office of Industrial Relations (**OIR**) in the Department of State Development and Infrastructure. I was in that role from June 2023 to June 2024.
3. I have reviewed Notice to Produce number 2519 from the Commission dated 26 September 2025 (**Notice**).
4. Having regard to the terms of the Notice, and noting the frequency with which I have engaged with the CFMEU (**Union**) in my former role as DDG OIR, I acknowledge that there may be further information I could provide to the Commission which may be relevant to the terms of the Notice. I believe that the matters discussed below are the most significant and most relevant that come to mind, as per the terms of the Notice. If the Commission would like any further information on any particular topic, I am able to provide a supplementary statement.
5. I have given my best recollection as to what occurred based on memory and searches of my email inbox as DDG OIR.
6. I hold an Executive Graduate Certificate in Business from Queensland University of Technology.
7. I have held a number of executive and leadership positions in the State Government. My latest curriculum vitae is attached (**PMK-1 – DSIP.0024.0001.0001**). Those positions included:
 - a) Deputy Public Sector Commissioner from April 2013 to June 2024;
 - b) a secondment from that Deputy Public Sector Commissioner position to be DDG OIR from June 2023 to June 2024;


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- c) my current position as Director-General of DTET (which, at the time of my appointment, was called the Department of Employment, Small Business and Training) from June 2024 to now.
8. I was approached by Mr Michael De'Ath (then Director-General of the Department of Education) around 21 April 2023 to step into the role of DDG OIR. I was initially not very keen on taking the role because I had heard there were a large range of issues in OIR, including the pending departure of the former DDG Kym Bancroft. I had no firsthand knowledge of these issues, but I had colleagues within OIR and I had the impression from Mr De'Ath that things were not going well there.
9. When Mr De'Ath approached me, he asked if I would be interested in the job. He said that my role would be, in part, to address governance issues in OIR. He told me that the goal was, amongst other things, to get the relationship with the unions back under control. He was particularly concerned about the Union. There was no suggestion that I needed either to appease the unions or to go up against them. Rather, Mr De'Ath said he wanted me to try to improve the working relationship with the unions.


STRUCTURE, FUNCTION AND ACTIVITIES OF OIR; ROLE OF DDG

10. At the time I came into OIR in June 2023, it was part of the Department of Education. However, on or around 17 December 2023, there were machinery of government changes which meant OIR was moved into the Department of State Development and Infrastructure.
11. OIR operated as a largely autonomous division within each of those departments.
12. I attach copies of the organisational charts within each of those departments during the time in which I was DDG OIR, as follows:
- a) Organisational Chart dated 31.07.2023 (**PMK-2** DSIP.0001.0028.0031);
- b) Organisational Chart dated 16.10.2023 (**PMK-3** DSIP.0001.0028.0048);
- c) Organisational Chart dated 22.04.2024 (**PMK-4** DSIP.0001.0028.0015); and
- d) Organisational Chart dated 16.01.2024 (**PMK-5** DSIP.0001.0028.0029).

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13. The move from the Department of Education to the Department of State Development and Infrastructure can be seen between the charts marked **PMK-3** and **PMK-4**.
14. As DDG OIR, I reported to
 - a) Mr De'Ath, up to December 2023; and
 - b) Graham Fraine, Director-General of the Department of State Development and Infrastructure from December 2023 to June 2024.

Structure of OIR

15. The role of DDG OIR is the most senior officer in OIR. Below that is an executive team across the various regulatory functional areas, each of which were led by an Executive Director. The Executive Directors reported to me as DDG OIR. The relevant areas with an Executive Director were:
 - a) Industrial Relations (albeit, at one point with an Assistant Director-General in the role);
 - b) Worker's Compensation Regulatory Services;
 - c) WHS Engagement and Policy Services;
 - d) Specialised Health and Safety Services;
 - e) WHS Compliance and Field Services (CFS);
 - f) Electrical Safety Office; and
 - g) Business and Corporate Services.
16. As DDG OIR, I was also:
 - a) the Electrical Safety Regulator;
 - b) the Workplace Health and Safety Regulator;
 - c) the Workers' Compensation Regulator; and


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d) the Labour Hire Licensing Regulator.

17. OIR was also responsible for policy development in the areas listed in paragraph 16.

WHSQ

18. In respect of the interrelationship between OIR and Workplace Health and Safety Queensland (**WHSQ**), the WHSQ office sat within OIR and was not a separate legal entity.

19. The work units that fell under the WHSQ banner was:

- a) Specialised Health and Safety Services;
- b) WHS Engagement and Policy Services; and
- c) Compliance and Field Services.

20. The Executive Directors of these areas reported to me as DDG OIR.

21. It was my responsibility to manage the business of OIR and to support the operational units.

22. I also was the chair of the Board of Management for OIR. The Executive Directors within OIR were also board members. The board would meet on a regular basis, approximately once every six weeks. These meetings generally involved an agenda of issues to be discussed, which were minuted.

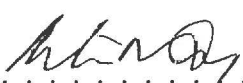
23. Separately to the Board of Management, I also met individually with each of the Executive Directors on a fortnightly basis to discuss any issues they wanted to raise.

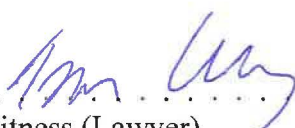
24. During my period as DDG, OIR had approximately 940 to 950 staff.

Safety and well-being of staff


25. I was responsible for ensuring:

- a) the safety and well-being of all staff at OIR;


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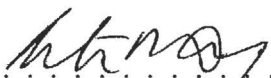

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- b) that OIR met its requirements as a regulator under the various Acts of which it was regulator; and
 - c) the quality of the delivery of the services of OIR.
26. In or around the last week of April 2023 — after my appointment as DDG had been announced but before I formally commenced in the role — I had a meeting with OIR’s own internal Health and Safety Representatives (**HSRs**) and the Together Union. The HSRs are OIR employees elected to represent the interests of OIR staff to management in respect of health and safety issues. The purpose of this meeting was to start an open conversation with them because I had been made aware that there were health and safety issues at OIR.
27. At that meeting, I was informed by the HSRs that there had been long running issues between WHSQ inspectors and the CFMEU. Those issues included claims by inspectors that they had been bullied and harassed by CFMEU representatives. I was told that, in around 2018–2019, OIR had put in place some controls to mitigate the risk, including requiring two inspectors to attend construction workplaces where there was a risk of occupational violence and aggression or psychosocial safety concerns.
28. I was also informed by the HSRs that the bullying and harassment by the Union included:
- a) recordings and doctored photographs of inspectors being uploaded onto the Union’s website and Facebook site. In some instances, I was informed that the Union had set up inspectors by requesting them to issue notices for very minor issues or things that could be rectified by a PCBU on the spot, and when an inspector refused to issue the notice, the Union would take out a camera and film them; and
 - b) getting up in inspectors’ faces and abusing them if they did not issue notices that the Union wanted issued, or were not facilitating entry into a construction workplace.


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29. Soon after I started in the DDG role, I also looked at the results of the annual Working for Queensland survey, which is a whole of government annual survey sent out to every public sector employee in participating departments and agencies in Queensland. The survey results for OIR showed that there was particular concern in OIR about occupational violence and harassment and dissatisfaction from staff because it was thought that OIR did not do enough to protect its staff.
30. I considered that I had a responsibility to improve the culture of the organisation.
31. As part of my responsibility to ensure the safety and well-being of staff at OIR, I regularly met with the OIR HSRs. The hot topic consistently raised by the HSRs was the bullying and harassment of the inspectors by the Union, including threats, occasional violence, the posting of videos on Facebook and the Union website identifying and belittling inspectors, and the psychosocial harm caused by that conduct.
32. On 6 October 2023, the HSRs issued a prohibition notice on the OIR relating to the bullying and harassment by the Union and, in particular, filming of inspectors and then placing edited footage on social media with derogatory comments. Stacey Ozolins (then Acting Executive Director of Compliance and Field Services) was responsible for responding to the prohibition notice. The dispute was referred to the Queensland Industrial Relations Commission (**QIRC**) and was conciliated by Vice President O'Connor. I assisted Ms Ozolins in the QIRC conciliation.
33. During the conciliation, the OIR, the Together Union, and the HSRs reached agreement on the steps that could be taken to help mitigate the risks and the HSRs agreed to lift the notice. The parties also agreed to leave the matter open in the QIRC so that we could come back at any stage if there were continued issues.
34. In seeking to address these issues, I:
- a) reinstated the two inspector policy, under which at least two inspectors would be required to attend any site at which the Union was anticipated to be. The rule had been in place previously prior to my working at OIR, but was brought in again in late 2023 in response to staff concerns about safety;


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- b) highlighted the support available for the inspectors, in fact all staff of OIR, via the Employee Assistance Program, which is a government-wide program available to employees to obtain psychological counselling at no cost;
- c) developed escalation processes for the management of safety disputes within OIR;
- d) arranged for the Queensland Police Service (**QPS**) to provide training to the inspectors on negotiation skills to assist them in managing very stressful situations. This was the same training QPS provided for its police negotiators;
- e) arranged for vicarious trauma training; and
- f) on 23 February 2024, I wrote to Michael Ravbar expressing concern about Facebook posts made by the Union and that workers from OIR have notified that they have experienced psychosocial harm as a result of these posts. I advised the Union to remove the posts and to not make similar posts in the future. My letter to Mr Ravbar is annexed as **PMK-6** (DSIP.0002.0001.0004).

35. I also sponsored the development of a health safety and wellbeing reporting system at OIR. That system was created and designed to ensure that we were reporting, recording and responding to all health and safety incidents and adopting best practice in terms of documenting incidents and establishing procedures to manage health and safety risks. It was important to have those in place to ensure compliance with the *Workplace Health and Safety Act 2011* (Qld) (**WHS Act**) and the various Codes of Practice.

36. I successfully advocated to government for a significant increase in the number of inspectors and support staff to address workload issues that were reported as a source of stress for OIR staff. On a personal note, when I would hear that a staff person had been impacted by an injury or occupational violence and harassment I would, where I could, pick up the phone and call them to check in on them. I was very concerned for the welfare of individual staff who were impacted by inappropriate behaviour.


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MY PERSONAL DEALINGS AND INTERACTIONS WITH THE UNION

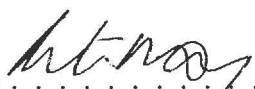
37. I have had a number of meetings with Michael Ravbar and officials from the Union. I have done my best to recall the most significant matters but I accept there may be others that I cannot recall.


First interaction with Mr Ravbar

38. I first met with Mr Ravbar at the Union's offices on Campbell Street, Bowen Hills on 4 July 2023. This was within the first fortnight of my commencement as the DDG of OIR. I wanted that first meeting to be at the Union premises.
39. I wanted to meet with Mr Ravbar very early in my role and in person to gain an understanding of his issues and concerns. I discussed with him my role as DDG OIR and how I would like to go about it. It was a cordial and positive interaction.
40. At that first meeting, Mr Ravbar said to me words to the effect of 'others have said you're the man for the job so I'll give you the benefit of the doubt.' He was very critical of OIR and told me he did not think OIR was doing its job and that there were a number of people that needed to be 'cleared out'. He was critical of former DDG Kym Bancroft.
41. I did not engage with him on the topics of whether OIR was doing its job or the suitability of Ms Bancroft; I just let him have his say. I was there to introduce myself and hopefully start a productive relationship.
42. I do not recall whether Mr Ravbar commented about any other specific OIR employees at that time.
43. I also met with other significant stakeholders during the first few weeks of my appointment including the AWU (Stacey Schinnerl and Mark Raguse), Queensland Council of Unions (QCU) (Jacqueline King), Together Queensland (Alex Scott) and the Master Builders Association (Paul Bidwell and Craig Dearing).

Meeting with unions, including the Union, about the OIR triage system

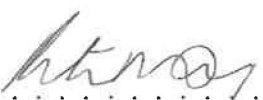
44. Stacey Ozolins and I attended a meeting with representatives of the Building and Trades Group (BTG), being Kurt Pauls (the Union), Chris Lynch (ETU) and Robbie

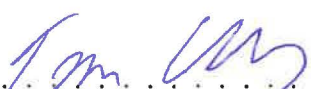

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Gould (Plumber's Union) about OIR's triage system. The meeting had initially been scheduled for 26 July 2023 but was rescheduled to 25 September 2023.


45. OIR had established processes for notification of workplace health and safety complaints or workplace health and safety incidents. Notifications could be made by:
 - a) calling a 1300 number established by OIR;
 - b) emailing a designated email address in OIR; or
 - c) completing an online form.
46. The incident or report would then be assessed by OIR's Assessment Services team as to what type of response was required and how urgent the response should be.
47. Inspectors were divided into 'construction' or 'industrial' inspectors. Helen Burgess had previously had control of all the construction inspectors and whilst some construction notifications would come via the Assessment Services team via the channels listed in paragraph 45. I have also been informed that Ms Burgess would receive direct contact from the Union and would task inspectors when she received those calls.
48. I understood that shortly before I was appointed as the DDG of OIR, the previous DDG OIR, Ms Bancroft, had ended Ms Burgess's control over the construction inspectors by moving her sideways into a different role to ensure that she could not continue to have control over who went to what sites and how quickly they attended. I was informed of this by Mr Tony James (Assistant DDG) and Ms Kate Stuchbury (Executive Director of the Office of the Deputy Director-General).
49. Soon after I started as DDG, I had another meeting with OIR HSRs where they expressed a concern that Ms Burgess might go back to her old role. I confirmed to them that this will not happen.
50. CFS had devised a system to tweak the triaging system to address concerns that had been raised by BTG. This was essentially to create a construction hotline, where staff with construction safety experience would be on hand to support the assessment of incidents. However, the BTG unions opposed the proposed new triage system.


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51. Ms Ozolins had met with BTG on 16 June 2023 to discuss the issue of triaging and had provided a draft Construction Industry Triaging proposal to them. A copy of the Construction Triage Preferred Option Draft is annexed (PMK-7 DSIP.0015.0003.0095).
52. I attended a meeting on 25 September 2023, with Mr Kurt Pauls (Union), Chris Lynch (ETU), and Robbie Gould (Plumbers union). The meeting started courteously though once OIR's proposal to amend the triage system, rather than scrap it, was on the table, the meeting became quite confrontational.
53. Mr Pauls, who was leading the BTG unions' position in the meeting, said that the proposals would not work. Mr Pauls said that he wanted to go back to the old system and he wanted Ms Burgess put back in charge. He also said that he wanted her to be given her own group of inspectors that she could deploy. Mr Pauls said that if we did not give Ms Burgess the inspectors and go back to her having control, then the Union would not be using the 1300 number but would be calling Ms Ozolins directly for every incident and report. It was very much a threat of what they would do if we did not give in to their demands.
54. Mr Pauls also said that I should 'sack all the inspectors.' He also specifically identified four inspectors that he said I needed to sack. The inspectors were:
- a) Frank D'Allura;
 - b) John Barber;
 - c) James Ross; and
 - d) Mark Norris.
55. Mr Pauls alleged that these four inspectors were either 'incompetent' or 'didn't understand the Act' (ie the WHS Act) or 'were on the side of the bosses.' He gave no specifics of these allegations.
56. In response to the demands to sack the entire inspectorate, including these four inspectors, I said that I would not be sacking the four staff let alone the entire inspectorate, that the unions should well understand that as workers, the inspectors

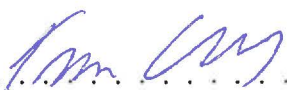

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had workplace rights, that there was no basis for me to sack any inspector, and that if I became aware of performance or behaviour issues regarding an inspector then I would deal with that according to the law. Mr Pauls said, in an aggressive and gruff tone, words to the effect of, 'if you're not prepared to do that then maybe you are not the man for the job.'

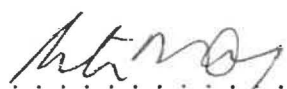
57. The Union made good on its threat to make notifications to Ms Ozolins. At some later time the Union moved from making notifications to Ms Ozolins to making them to me instead. In doing so I believe they were being deliberately difficult.
58. When the Union told me of their intentions in that regard, I said:
- a) my process would be to send an email to the Assessment Services team for them to assess and action according to the established procedure;
 - b) you are simply adding a layer of delay; and
 - c) I am often in meetings and will not always be able to respond or return calls immediately.
59. I had numerous discussions with Stacey Ozolins, Sarina Wise, Joe Sutherland and the regional directors to let them know that whilst a report was coming from me to the Assessment Services team, the report should go through the usual triage process and be dealt with as if the information had come through the hotline and should not be prioritised because it was relayed through me.
60. Eventually I changed the voicemail on my phone along the lines of 'if you are ringing about a work health and safety incident please ring 1300 ...'. I did so to ensure that the Union could not reasonably argue that they were thwarted in notifying an incident simply because they couldn't reach me immediately.
61. When notifications came to me via my phone, I would email them to the Assessment Team and copy Ms Ozolins as the ED (later Sarina Wise) and the relevant Regional Director in OIR. My email would set out the details that I had been provided by the notifier such as place and nature of the incident, and would typically say 'for assessment and consideration'. I would do this as soon as possible after the phone call ended. If I was at my desk at the time of the phone call, I would generally type

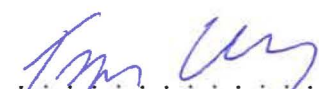

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the email after the call ended, and send it once completed. Otherwise, I would do this on my return to the office. There may have been times when I sent the email from my phone if I was away from the office for a longer period of time.

62. The refusal by the Union to adhere to the triaging system put in place by OIR caused administrative overlay and additional burden on me. At that time, I did not believe that pushing the Union into using the established 1300 number was feasible. The Union was a major stakeholder in the construction industry. The Union had told me that they would not use the 1300 number. I was concerned that refusing to answer the Union's calls would cause reputational damage to OIR which would likely play into their hands as they seemed intent on causing as much reputational damage to OIR as possible. They were already doing so in their media comments, on their Facebook page and website, during their rallies in the Brisbane CBD, and in comments made to others that were reported back to me. I knew that Mr Ravbar had the ear of the government. I would frequently see him at 1 William Street. I knew that he regularly met with Ministers. Further, I was concerned that the Union may either orchestrate a fake incident, or otherwise magnify a real incident to cause reputational damage to the OIR by alleging that the incident was the result of me refusing to take their call. I did not want to have an argument that the Union was stifled in their ability to notify OIR of incidents.
63. I also believed that if the Union were calling me directly that was a better solution than them abusing my staff.
64. Whilst the notifications were not always daily, they were frequent and would sometimes involve numerous calls per day. That conduct caused additional work for me, to take the call and to then prepare an email with the details of the notification to Assessment Services.
65. While some of the Union's calls to me concerned potentially serious issues, many of the calls involved issues that I considered to be minor or non-urgent (for example, spray cans not being listed in the hazardous chemicals register, that safe work method statements had not been updated or were not immediately available for inspection or lacking particulars (for example, complaints about 'entry and egress' without further details).


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66. During the balance of my tenure as DDG OIR I received a number of complaints from Mr Pauls about the triage system.

Formal complaint #001 from Mr Pauls

67. After the meeting on 25 September 2023 referred to in paragraphs 42 to 53, I started to receive emails from Mr Pauls with the words 'Formal complaint' in the title.

68. This was the commencement of a series of complaints made by Mr Pauls. Mr Pauls made the complaints, with sequential numbering, and would copy a large array of individuals into the email.

69. His modus operandi was to call me and complain, then send an email and then send further follow up emails if he was not satisfied with the response.

70. I believe the sequential numbering of #001 and #002 etcetera was to give the impression that problems were piling up and not being addressed. He copied all manner of other people in, including the Minister's Office, the DG and various Union officials which was, in my view, an attempt to make the OIR and I appear incompetent. Those Union officials were Mr Ravbar, Jade Ingham, Kane Lowth and Mick Robinson.

71. I received Formal Complaint #001 on 17 October 2023 from Mr Pauls alleging there were systemic failures with OIR's triage and in responding to workplace incidents. This matter concerned an incident at the Albert Street site of Cross River Rail on 12 October 2023 and a concrete line blockage.

72. I rang Mr Pauls about his complaint on 18 October 2023 and discussed the matter with him.


73. On 24 October 2023 Mr Pauls complained that he had not received a response to his complaint.

74. On 24 October 2023 I further responded to his complaint by email.

75. On 26 October 2023 Mr Pauls came back to me to say:

a) that I didn't copy everyone into the email;


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- b) that he saw that as disrespectful to the Union; and
- c) that OIR was failing workers.

76. I attach copies of Formal Complaint #001 dated 17 October 2023, my reply on 24 October 2024, and Mr Pauls email of 26 October 2023 (**PMK-8** DSIP.0015.0001.8545).

Formal complaint # 002 from Mr Pauls

77. On 24 October 2023 Mr Paul sent me an email entitled Formal Complaint #002. This complaint concerned an alleged misuse of a non-disturbance notice by an inspector in respect of a worksite at ABRI Projects at Fortitude Valley in which a worker had fallen through a sky light. The complaint mentions inspector 'Frank DeLuca' who I understand to be Mr D'Allura.

78. On 30 October 2024 I replied to Mr Pauls stating that an internal review would be conducted about the issuing of the non-disturbance notice and the attendance of representatives.

79. I attach copies of:


- a) email from Mr Pauls dated 24 October 2023 (**PMK-9** DSIP.0015.0001.8258); and
- b) my reply to Mr Pauls dated 30 October 2023 (**PMK-10** (DSIP.0015.0002.5396).

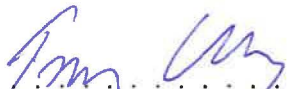
80. Ms Wise responded to Formal Complaint #002 by letter dated 6 December 2023 (**PMK-11** DSIP.0015.0005.1686).

Formal complaint #003 from Mr Pauls

81. On 6 December 2023 I received an email from Mr Pauls entitled Formal Complaint #003.

82. This complaint was about a prohibition notice having been lifted in respect of a work site, CS Developments at Victoria Street, West End. A worker had been fatally


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injured at that site as a result of an incident on 26 September 2023, which was obviously extremely tragic. Mr Pauls complained that the prohibition notice which the inspector issued over the site had been ‘lifted’ (as in, it was no longer in place at the site) on 30 November 2023. The inspector for the incident was Mr D’Allura, who was one of the inspectors Mr Pauls complained about in the meeting on 25 September 2023.

83. I called Mr Pauls on 7 December 2023 and told him that the prohibition notice had not, in fact, been lifted.

84. On 20 December 2023 Mr Pauls emailed complaining that I had not confirmed in writing that the prohibition notice had not been lifted.

85. Substantial work was taking place within OIR in response to this tragic incident.

86. I attach copies of:

a) email from Mr Pauls dated 6 December 2023 (**PMK-12** DSIP.0015.0005.1694);

b) email from Mr Pauls dated 20 December 2023 (**PMK-13** DSIP.0015.0005.2174);


c) letter from Ms Wise of OIR to Mr Pauls dated 20 December 2023 about the non-disturbance notice, confirming the information I had given Mr Pauls by phone on 7 November 2023 that the notice had not been lifted and was still in force (**PMK-14** DSIP.0015.0007.3422).

Formal Complaint #004 from Mr Pauls

87. On 7 December 2023 I received an email from Mr Pauls entitled Formal Complaint #004.

88. Complaint number #004 was loosely related to complaint #002. In complaint #002, OIR had made a finding that a non-disturbance notice was not issued correctly by the relevant inspector. The finding by OIR was made and communicated to the Union on 6 December 2023. It was after this, 7 December 2023, that Mr Pauls made his complaint, which was also about a non-disturbance notice.


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Peter Anthony McKay


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Witness (Lawyer)


89. In complaint #004 Mr Pauls alleged a non-disturbance notice should not have been issued. This related to the Queens Wharf incident that I discuss later in paragraphs 123 to 143.
90. I attach a copy of:
- a) the Formal Complaint #004 from Mr Pauls dated 7 December 2023; and
 - b) my email asking Ms Wise to attend the complaint (**PMK-15** DSIP.0015.0003.4102).
91. On 20 December 2023 Mr Pauls complained that I had not responded to his complaint and alleged a lack of transparency and good governance. I attach a copy of the email from Mr Pauls dated 20 December 2023 (**PMK-16** DSIP.0015.0005.2181).


Formal Complaint #005 from Mr Pauls

92. I received an email dated 7 December 2023 from Mr Pauls entitled Formal Complaint #005 Miss use (sic) of power non-disturbance.
93. This concerned a non-disturbance notice at CS Developments at 80-88 Victoria Street, West End. The complaint was about the conduct of an inspector, Tom Sheppard on 27 September 2023, which was the day after a worker was fatally injured at that site. Mr Pauls alleged Mr Sheppard had engaged in gross misconduct and abuse of power, amongst other allegations.
94. I attach a copy of the email from Mr Pauls dated 7 December 2023 entitled Formal Complaint #005 (**PMK-17** DSIP. 0015.0005.1734).
95. I also attach a copy of my email to Mr Pauls dated 20 December 2023 concerning complaints #003, #004 and #005' and Ms Wise's response dated 20 December 2023 providing an update to Mr Pauls in respect of complaints #004 and #005 (**PMK-18** DSIP.0015.0005.3930).

Formal complaint #006 from Mr Pauls

96. On 22 February 2024 Mr Pauls sent Formal Complaint #006.

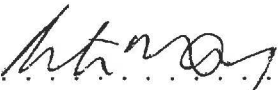

Peter Anthony McKay



Witness (Lawyer)

97. The incident concerned Minister Mark Bailey and five other persons who he alleged entered a worksite without having completed the proper induction process. The complaint concerned the triaging process and alleged that WHSQ was in 'total disorray' (sic).
98. On 8 April 2024 Mr Pauls followed up with another email to Ms Wise and he concluded the email asking Ms Wise to resign immediately.
99. I attach copies of:
- a) email from Mr Pauls dated 22 February 2024 (**PMK-19** DSIP.0015.0001.9957); and
 - b) email from Mr Pauls dated 8 April 2024 (contained within **PMK-19**).
100. Mr Pauls made allegations that Formal Complaint #004 had not been responded to by OIR. In fact, Mr Pauls had been sent a detailed response to his complaint on 28 March 2023 by Ms Johanna Sutherland (Director, Licencing and Advisory Services).

Incident at coffee shop 1 William Street

101. On one particular morning, which would have been in February 2024, I was in a meeting in the coffee shop at the front of 1 William Street with one of my Executive Directors, Ms Stuchbury. I know that it was likely to have been February because the issue subject of the phone calls was the Union heat stress campaign in BMD and CPB.
102. My phone rang perhaps twice or three times during this meeting; I cannot recall if it was an unknown caller or a Union official that was stored in my contact list. I allowed these calls to go to voicemail as was my normal practice when in a meeting.
103. It was then that I noticed two people I knew also having coffee there (David Mackie, Public Sector Commissioner and Rachel Hunter, then former Director-General of the Department of Premier and Cabinet) and so wandered over to speak to them. A short time after that I saw Mr Ravbar and Mr Pauls outside the coffee shop in the foyer of 1 William Street. I saw them both look at me, walk towards me as I exited the café,


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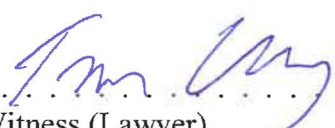
before they then accosted me as I was returning to my office after chatting briefly to Mr Mackie and Ms Hunter.

104. They confronted me, standing close in a way that backed me into the wall and demanded to know why I had not taken calls from Union officials that morning and why inspectors had not turned up. The phone calls had been from Union officials seeking to notify of workplace incidents.
105. I said words to the effect that if the matter was so urgent then it would have been open to the Union to have notified by calling the 1300 number, and that I had previously said that calling me was not an efficient way of notifying incidents.
106. Mr Ravbar was quite aggressive in his tone. He said words to the effect that I was not doing my job, that WHSQ had gone backwards under my leadership and that if I wasn't going to do my job then I should resign. There was no physical contact but the intention was clearly to threaten and intimidate me.
107. During this incident, Mr Ravbar's tone was menacing and he was speaking in a raised voice and with foul language. He alleged that workers were dying and that I had blood on my hands.
108. I did not take any action against Mr Ravbar. I believed that if I took additional steps to protect myself from Mr Ravbar, it would be looked at negatively by the inspectors as me protecting myself when I had not been able to protect them from the Union's confrontation.

Interactions with Mr Pauls of the Union

109. Shortly after I took over as DDG OIR, Royce Kupsch left the Union and thereafter Mr Pauls took over his role (although Mr Kupsch may have stayed on the board of Work Health & Safety for a period of time).
110. I would speak regularly with Mr Pauls regarding matters that were of concern to the Union.


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Peter Anthony McKay


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Witness (Lawyer)

111. Many of those calls were tense and generally involved Mr Pauls being ‘dissatisfied’ with the response to whatever issue he had raised. My experience of Mr Pauls was that he did not yell or abuse me but the conversations were tense.

MOU with QPS concerning right of entry disputes

112. Prior to my becoming DDG OIR, OIR had entered into a memorandum of understanding (MOU) with the QPS.

113. I attach a copy of the MOU which was in place (PMK-20 - DSIP.0015.0002.1452).

114. The MOU was already in existence at the time I started as DDG.

115. The WHS Act gives WHS entry permit holders the right to enter a business or worksite to investigate, consult, and advise both employees and employers on workplace health and safety issues. WHS Act permit holders must carry their identification as permit holders.


116. The Union had a number of officials and delegates who were permit holders.

117. On occasion, there would be a dispute between a contractor and the permit holders as to whether a permit holder had a right of entry. The disputes were not just confined to the Union. Other unions such as the ETU, AWU and Plumber’s Union could be involved.

118. Right of entry disputes can be complex and whether a person is entitled to enter the business and under what Act is not something easily understood by general duties police officers. The purpose of the MOU was to clarify that:

- a) in all circumstances in which QPS is called to attend a disputed entry to worksites, QPS should notify OIR of the dispute;
- b) QPS should follow the expert advice of OIR as to the operation of the WHS Act;
- c) QPS could instigate necessary actions in order to keep the peace; and
- d) QPS would reinforce and give necessary directions to relevant parties to support lawful directions and requirements of WHSQ inspectors.



Peter Anthony McKay


Witness (Lawyer)

BMD Group – Psychosocial hazards complaint

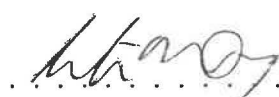
119. OIR received a number of letters of complaint from BMD’s solicitors, HBA Legal, concerning the Union’s alleged breaches of the Psychosocial Hazard Code of Practice.
120. On 16 December 2023 and 22 December 2023, HBA Legal sent two letters to me as DDG OIR concerning alleged psychosocial hazards created by the Union directed towards BMD Group. The complaints related to Facebook posts and an item published on the Union website about the death of a worker on a BMD site. HBA Legal alleged that the posts had caused his client’s workers significant distress and posed a serious risk to their psychological health and well-being.
121. I attach copies of:
- a) the letter to DDG OIR dated 16 December 2023 (**PMK-21** – DSIP.0015.0005.2092);
 - b) the Incident Notification Report Summary (Incident_280884) (**PMK-22** – DSIP.0015.0005.2095);
 - c) the letter sent by HBA Legal to Mr Ravbar dated 16 December 2023 (**PMK-23** - DSIP.0015.0005.2094); and
 - d) HBA Legal’s covering email to the Union enclosing that letter to Mr Ravbar (**PMK-24** DSIP.0015.0005.2093).
122. Sam Brooker, then Acting Director of Licencing and Advisory Services in OIR, had taken the lead on responding to the complaints from HBA Legal. After conducting an initial investigation, Mr Brooker formed the view that the complaints could not be substantiated because the complaints came from the lawyers, rather than from the individuals. The challenge was that there needed to be evidence from individuals who had been affected by the behaviour. No individuals were willing to come forward to substantiate the complaint of psychosocial harm.
123. On 22 December 2023, HBA Legal sent a follow up letter to me. They were concerned about the fact that they had been informed that no investigation would be conducted unless individual workers completed the Psychosocial Hazard Complaint



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Form. They stated that they considered such a step to be inappropriate in the circumstances. I attach a copy of the HBA Legal follow up letter dated 22 December 2023 (PMK-25 - DSIP.0015.0005.2328).

124. Despite the complaint not being substantiated, OIR sent a letter to the Union. I have attached the letter dated 4 January 2024 to Mr Ravbar is marked **PMK-26**– DSIP.0015.0005.0497. The letter was not signed, which is standard practice when sending a letter of this kind to the Union.
125. On 10 January 2024, Mr Brooker responded to HBA Legal. The letter stated that inquiries had been made with BMD Group, to obtain further information and evidence to substantiate the allegations, but at that time, no direct evidence had been received from impacted workers. It also stated that a letter had been issued to the Union to remind it of its duties with respect to the Psychosocial Hazards Code of Practice. I attach a copy of the letter to HBA Legal (PMK-27 - DSIP.0015.0004.0992).
126. Mr Ravbar was very angry that OIR had sent that letter to the Union. Mr Ravbar rang me on 24 January 2024. He was very aggressive and threatening. Mr Ravbar was concerned that the letter would vindicate BMD Group and enable them to go around touting the letter as proof that the Union breached the code. Mr Ravbar told me that if I did not rescind the OIR letter then ‘it will be world war three’. He also said that if I wasn’t going to rescind the letter that he would go back to the DG. He was swearing at me. He said, words to the effect of, that to put aspersions against an organisation that they don’t care about psychosocial risks, without asking them, is ‘so fucked’.
127. I said that I would be happy to provide a further explanation to him in writing, but that I would not be rescinding the letter. He was very angry about that.
128. I know that Mr Ravbar made a complaint about me and OIR to Mr Fraine. However, I had anticipated that kind of push back from him and had already briefed up to Mr Fraine about the situation.


Peter Anthony McKay

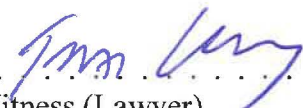

Witness (Lawyer)

129. I have located my notes from my notebook that I took at the time of the conversation with Mr Ravbar on 24 January 2024 (PMK-28 - DSIP.0023.0001.0001). Attached with PMK-28 is a typed version of the notes from my notebook.

Queens Wharf Casino project

130. A significant issue that I had with the Union related to an incident involving an OIR inspector, Mr Ross, at the Queens Wharf Casino construction site.
131. OIR received a notification which I believe was from a PCBU for Queens Wharf Casino, about a concrete pump blowing out on Level 57 of Tower 4 on 7 September 2023.
132. Such an incident usually results in concrete blowing out at a great velocity with a whipping of the hose, which can cause serious injury and death to persons as well as significant damage to the construction site and plant.
133. Inspector Ross of OIR was tasked via the triaging process to attend and assess the situation and went on his own to the site. At that time, OIR's policy was to send two inspectors to work sites where there could be an interaction with the Union, as a means to protect the safety of our inspectors. It is likely that a single inspector may have been sent because the notification had come in from the PCBU (Multiplex) and not the Union, and it may have been that the triage officer was not aware of the presence of Union officials on site.
134. Mr Pauls and a Union organiser named Matthew Vonhoff were already in attendance when Mr Ross arrived at the worksite. Mr Vonhoff was a person who would film inspectors and others in workplaces so that the Union could upload the film to Facebook or the Union website.
135. Mr Ross had commenced his inspection but was being followed by Union officials and members who kept asking questions and making comments to him.
136. Mr Ross was essentially surrounded by Union officials and Union members, with Mr Pauls and Mr Vonhoff in the middle. Mr Ross said words to the effect 'I'm not comfortable with this, our procedure is to have two inspectors on a job where the Union is present, I'm going to leave the site' and informed the Union officials that he


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would return with another inspector. He issued a non-disturbance notice in respect of the entire floor of the building, the effect of which was that no one could remove anything or tamper with anything. He said that he would return with another inspector.

137. He was put into the lift by Multiplex employees to get him on his way. As he was walking out of the site, some of the Union officials followed him, berating him and saying things such as:

a) 'James Ross why aren't you doing your job?'

b) 'James Ross why are you walking away?'

138. Mr Ross did not engage with them and exited the site via the corner of George Street and Margaret Street. He was followed to the corner of Charlotte Street and George Street still being filmed by Mr Vonhoff and being followed by Mr Vonhoff and Mr Pauls.

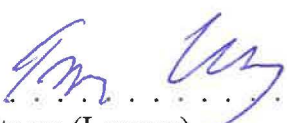
139. I viewed the body worn camera footage for this incident as well as the edited footage taken by the Union and uploaded to Facebook, and was very concerned. He was rightfully fearful for his safety. I attach the body worn camera footage of Mr Ross (**PMK-29** DSIP.0015.0001.1797).

140. As a result of that incident, Mr Ross requested a transfer out of Brisbane and to an area where he was not likely to have involvement or much involvement with the Union. He was transferred accordingly.

141. Both the Union and Multiplex wrote separate but very similar complaint letters to the Director-General, Department of Education about this incident.

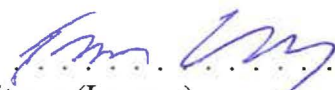
142. Primarily, the concern from both Multiplex and the Union was that Mr Ross had not completed the work health and safety assessment immediately, had left the site and had issued the non-disturbance notice. As a consequence of the non-disturbance notice, concrete that had blown out of a pump on site had hardened, necessitating a costly exercise to remove the hardened concrete.


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143. I arranged a meeting with Multiplex and, amongst other things, reminded Multiplex that as a PCBU under the WHS Act it owed a duty of care to all workers and other persons who are at a workplace in Queensland. I queried with the Multiplex representatives as to whether they considered that they had upheld that duty of care in respect of my OIR inspector in this instance. They said that they were unaware of the treatment Mr Ross had received and that they did understand that their duty extended to an inspector when an inspector is present on a Multiplex worksite.
144. I indicated that the cost of the clean up was not a consequence of Mr Ross's actions and that he had followed correct procedure relating to occupational violence.
145. Separately I informed Mr Pauls that Mr Ross had acted appropriately in the circumstances and had my complete support for the action he took. I told Mr Pauls that if he and Mr Vonhoff had just let Mr Ross get his job done instead of getting in the way, then everything could have been cleaned up and sorted. It was, and is, my view that the Union officials' conduct was unnecessary and exacerbated the situation. I completely supported Mr Ross and his actions that day.
146. When I spoke with Mr Pauls I asked him to remove the Facebook post concerning Mr Ross and the incident, along with the other posts regarding inspectors. I also put my concerns in writing to the Union (this is the letter marked **PMK-6** (DSIP.0002.0001.0004)). Mr Pauls told me that he would speak with Mr Ravbar about the posts but doubted whether Mr Ravbar would do anything about it. The Union did not remove the post at the time.
147. During my conversation with Mr Pauls, he asked why only one inspector was sent to the site. This reinforced in my mind the importance of sending two inspectors to known Union construction sites, no matter whether it is reported that the Union is on scene or not. I took the issue up with HSRs and we agreed that, from now on, two inspectors would be sent to known Union sites, including the Queens Wharf site, to protect the health and safety of our staff.



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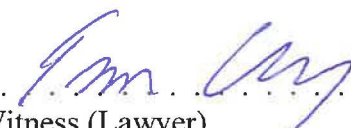

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Witness (Lawyer)

DEALINGS OR INTERACTIONS: OIR STAFF AND UNION

Helen Burgess

148. I had a number of interactions with Ms Burgess during my time at OIR. She was always asking for more resources and I considered that she was slow to comply with things asked of her by management.
149. After she was moved out of her role with CFS she was constantly trying to get back into that position so that she would, once again, have direct control over the OIR inspectors. As mentioned above, Ms Burgess was moved out of CFS before I came to OIR.
150. On at least two occasions Ms Burgess spoke to me to make submissions as to why I should transfer her back to her role in the Inspectorate. Each time I told her that this would not happen.
151. The move of Ms Burgess away from her substantive role as Director CFS to the new role had initially been a temporary transfer.
152. About 12 months after I became DDG OIR, I met with Ms Burgess and told her that OIR was implementing some organisational change and that she would not be going back to her substantive position as Director of CFS. I told her that I was going to leave her in the temporary role.
153. The reason for my decision was that I simply did not trust her and that she had previously been disciplined due to her interactions with the Union. I considered that her relationship with the Union was too close. I was aware that Ms Burgess had previously had disciplinary action against her because she had been receiving text messages and phone calls from the Union on her private phone. She unsuccessfully challenged the disciplinary action in the QIRC (*Burgess v State of Queensland (Office of Industrial Relations)* [2023] QIRC 77).
154. I remember when I spoke with her about her not going back into her old role. I said to her words to the effect of, 'you're not going back, you need to think about what your future looks like'. There were tears from Ms Burgess. I offered to support a move to another role. She felt hard done by because she believed there were only a


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small handful of inspectors who had issues with her. I indicated that this was not the case, that the concerns about her were widespread across the inspectorate and in other areas of WHSQ. I said that she needed to think about the stress she was placing herself under by not looking to a new direction. I said words to the effect that other persons in OIR were not concerned about her removal from her substantive role.

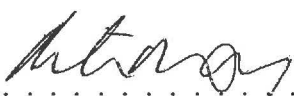
155. I had received concerns from OIR staff about Ms Burgess' past behaviour. Those concerns included pressure being placed on inspectors who failed to issue notices requested by the Union, or who failed to facilitate entry in some instances. I received those from:

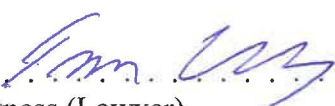
- a) the Health Safety and Wellbeing team, who had recorded incidents that had been notified to them;
- b) some of the inspectors, who were elected health and safety representatives, including Mr D'Allura, Mr Barber and Luke Ellis; and
- c) indirectly from persons in the CFS team, including Paul Smith, Kym Tollenaere and Ms Ozolins, regarding what Ms Burgess had been doing to them when she was Director CFS.

156. For example, there were allegations of bullying and harassment of inspectors for failing to do what the Union wanted (issuing notices or facilitating entry by permit holders). This issue largely dissipated after she was transferred out of her substantive role in charge of all construction inspectors.


157. I don't recall the names of specific inspectors although many of these issues would be recorded in the OIR incident reporting system held by the Health, Safety and Wellbeing team.

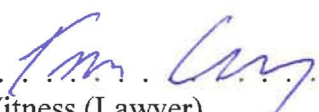
158. At the time, I was not really concerned about her ongoing conduct being too close to the Union as she had been moved to a role where she had limited involvement with the Union and no longer had the power to direct resources towards enforcement activities relating to incident notifications.


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159. Rather, I was worried that should she return to a role where she did have that power, her relationship with the Union might lead to misconduct or to bullying and harassment within the inspectorate.
160. Mr Ravbar saw the answer to every problem being the return of Ms Burgess to the Director CFS role. In almost every conversation that I had with him, he would raise the issue of putting Ms Burgess back in charge of the inspectors. I remember he would say words to the effect of:
- a) if you would agree to put Helen back, this wouldn't be a problem; or
 - b) the inspectors need to be brought back into line and only Helen can do that.
161. These conversations were mainly over the phone.
162. Mr Pauls also repeatedly requested that I reinstate Ms Burgess in her old position. I remember on one occasion around September 2023, after a 'safety reset' following an incident on the Cross River Rail Project at Boggo Road, Mr Pauls said to me that Ms Burgess was 'a friend of the CFMEU'. Relatedly, just before I left OIR in one of my last conversations with Mr Pauls I said to him that if Ms Burgess was a friend of the Union, they should do the right thing by her and find her a job outside of OIR. He did not push back.
163. I never spoke with Mr Ingham about Ms Burgess.
164. Mr Ravbar also spoke to Minister Grace about returning Ms Burgess back to her former role. I attended a meeting with the BTG and Minister Grace at the Minister's Office on 3 September 2023. This meeting occurred after the death of a man at the CS Developments site on Victoria Street, West End. Mr Ravbar was advocating to the Minister for a review of WHSQ, including a return to the arrangement where construction inspectors reported to Ms Burgess. The Minister did not intervene in my decision not to have her returned to her substantive role, and made a general comment to Mr Ravbar to the effect of supporting me in the way I was carrying out the role of DDG..
165. Ms Burgess had been moved out of her substantive role before I came to OIR. I understand that she had been moved pre-emptively rather than as a result of any

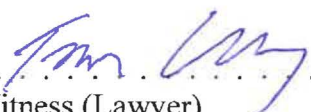

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concluded disciplinary matters. As far as I am aware, there was no behaviour *after* she was moved that gave rise to a reasonable suspicion that she was liable to disciplinary action. She had been placed in his new role in which she was a low risk of acting inappropriately towards inspectors and she certainly did not have the powers she had under the previous role. She was a permanent employee who had been placed in a role in which she could still do work. I did not trust her and she was not well-liked in OIR but that, in and of itself, is not grounds to terminate the employment of a permanent public service staff person. If it was the case that I could simply remove her from OIR, I would have, but at that time there was not enough to go on to terminate her. Rather, her performance and conduct was being closely monitored by her Executive Director (initially Ms Ozolins, and later Ms Wise). I had also provided a very experienced and senior human resources officer, Ms Zita Beuth, to support Ms Wise in managing performance and behaviour issues in the inspectorate, include that of Ms Burgess.

166. At the time, I was aware that her conduct had been referred to the Crime and Corruption Commission (CCC). Ms Burgess was closely monitored by myself and Ms Wise. I suspected that the CCC were also monitoring her closely. When information came to be that was relevant to the matters which had been referred to the CCC, we passed that information to the CCC to support that process.
167. In late 2023, Ms Wise asked me to move Ms Burgess out of Ms Wise's team. Ms Wise said Ms Burgess' continued presence in CFS was a source of tension for other staff who feared that she would be moved back to her role and again engage in the conduct they had been concerned about previously. Ms Wise did not trust her. I did not trust her either.
168. I was not able to move Ms Burgess immediately for a number of reasons including:
- a) although Ms Wise did not trust Ms Burgess, nor did any of the other Executive Directors;
 - b) I did not want to move Ms Burgess to Ms Fox's team because the team had a high workload in managing numerous priority legislative and policy reforms and it would have been a significant challenge for Ms Fox to be asked to manage a difficult employee, there was a risk that Ms Burgess might leak


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information about legislative projects to the Union, and I knew that Mr Ravbar had expressed to me on a number of occasions his dislike of Ms Fox;

- c) on-going CCC monitoring of Ms Burgess;
- d) concerns about whether other managers were strong enough to control Ms Burgess; and
- e) she was not well suited to the type of work carried out in these other units.

DETAILS OF ANY ISSUES, CONCERNS OR OBSERVATIONS

The behaviour and conduct of the Union


169. It was my view that the aim of the Union was to destabilise OIR, to damage the reputation of OIR in the eyes of the Director-General, Ministers and the general public.


I also believe that the Union's aim in doing so was:

- a) to have Ms Burgess returned to a position of authority over inspectors or to have other people appointed to roles who might be more amenable to follow the direction of the Union; and
- b) to use a lack of confidence in the inspectorate as a means to increase the powers available under the legislation for entry permit holders and health and safety representatives in order to gain greater control over construction worksites.

170. The Union sought to achieve these ends by:

- a) lodging a series of complaints about inspectors and senior executives (including myself);
- b) publishing inflammatory material on its website and on Facebook;
- c) holding rallies and marches on Parliament, where they called for the regulator to be sacked and a review of WHSQ; and
- d) pursuing with the Minister and the Premier for a review of WHSQ.


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171. During my time at OIR I spoke to both Mr Ravbar and Mr Pauls on a number of occasions about removing posts about inspectors from their website and Facebook. They refused to do so. I ultimately wrote to Mr Ravbar requesting that he remove those posts and desist from further posts. Many of the posts were subsequently withdrawn. This is the letter marked **PMK-6** (DSIP.0002.0001.0004).

Misconduct in the construction industry

172. Aside from the aggressive and threatening conduct demonstrated by the Union towards OIR staff, and my concerns about Ms Burgess, I have not witnessed any misconduct in the construction industry.

173. I have no knowledge of bribery, sale of drugs, alcohol misuse on site, corruption or criminal behaviour within the construction industry.

ANY OTHER RELEVANT MATTERS


174. Paragraph (f) of the Notice has asked me to consider if there are any other matters that I consider would be usefully relevant to the Terms of Reference for the Commission of Inquiry. I think it is necessary that I provide information about:

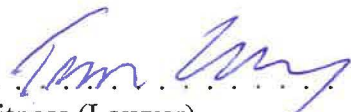
- a) my involvement, albeit limited, with the Best Practice Industry Conditions (**BPICs**);
- b) Union involvement on employee selection panels;
- c) the workplace fatalities information release issue from March 2024; and
- d) my conversations with Minister Grace about the above issues and Ms Burgess.

OIR involvement in Renewables and Water BPICs

175. I had no direct discussions with the Union or any Union representative concerning BPICs. My involvement with BPICs is limited to discussions within the government, with senior public servants. The OIR was brought in to assist with the drafting of the Renewables BPICs and the Water BPICs.

176. There was a number of meetings which took place in the latter half of 2023.


Peter Anthony McKay


Witness (Lawyer)

177. The first meeting I was invited to was on 19 September 2023 with:
- a) Paul Martyn (Director-General of the Department of Energy and Public Works (DEPW));
 - b) Chris Perkins (then Acting Deputy Director-General for Queensland Government Procurement in the DEPW); and
 - c) Tam van Alphen (Deputy Chief of Staff to Premier Anastacia Palaszczuk).
178. There was a follow up meeting which took place on 22 September 2023 which involved myself, Mr Martyn, Mr Perkins, Ms Van Alphen and Mr Nick Heath (Chief of Staff to the Minister for Energy and Public Works).
179. The OIR contribution to these meetings was in relation to comparing the rates of pay and conditions across the Renewables BPICs and the Water BPICs.
180. I was invited by Ms Hunter to a meeting on 13 October 2024. That meeting involved senior public servants from Transport and Main Roads (DTMR) (Ms Sally Stannard), OIR, DEPW (Mr Paul Martyn), Cross River Rail Development Authority (CRRDA) (Mr Graham Newton), Regional Development Manufacturing and Water (Ms Linda Dobe) and Queensland Treasury (Mr Dennis Molloy).
181. A copy of my notes from the meeting are attached and marked **PMK-30** – (DSIP.0015.0002.5079).
182. I attended a meeting organised by Minister de Brenni with union secretaries and some Ministers about BPICs on or about 7 November 2023. Minister Grace being involved as well as Minister Miles (who was at that time Deputy Premier) and Premier Anastacia Palaszczuk's deputy chief of staff, Ms Van Alphen.
183. The purpose of the meeting was to find a way forward on BPICs. At the time, the Renewables BPICs had not been fully progressed because there were arguments about how the BPICs may be presented, and the differences between the Transport BPICs and the Renewables BPICs.
184. The union attendees who presented for the meeting included:


Peter Anthony McKay


Witness (Lawyer)

- a) Mr Ravbar and Mr Ingham from the Union;
- b) Stacey Schinnerl (Queensland Secretary) and Mark Raguse (National Vice President) from the AWU; and
- c) Peter Ong from the ETU.

185. I do not recall seeing a representative from the Plumbers Union.

186. The meeting took place at a conference room near the Deputy Premier's Office at 1 William Street. The original intention for the meeting was for the Ministers and union secretaries to meet and discuss a way forward on BPICs. When the union secretaries had arrived at 1 William Street, I believe an administrative person went down to collect them. It was then relayed to the Ministers that the secretaries had also brought a plus one with them, including Mr Ingham. Minister de Brenni did not meet with Mr Ingham.

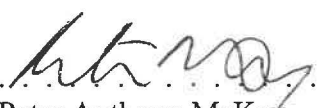
187. Deputy Premier Miles, Minister Grace and Minister de Brenni met alone with the union secretaries. The composition of the attendees at the meeting was Minister Grace's preference. I am unsure whether some of the other union officials also remained in the meeting.

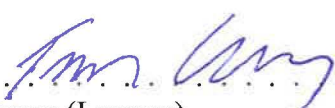
188. Mr Martyn and I went and sat in the nearby kitchen whilst the meeting took place. I think Ms Van Alphen may have stayed with us in the kitchen as well, but I can't be entirely sure of that. I remember waiting for between thirty minutes to an hour.

189. The Union had its own proposed document for the Renewables BPICs. I have searched my emails for a copy of that document, but I have not been able to locate it.

190. I recall there was some kind of outcome from that meeting. I remember it being a resolution about how we could continue discussions going forward. An Industrial Relations consultant named Ryan Murphy (Managing Director, One IRC) had been hired along with another consultant called Randall Fuller from Randall Fuller and Associates.

191. The Renewables BPICs was a DEPW initiative. Minister Grace took the view that BPICs was a procurement issue and that DEPW ought to obtain its own industrial


Peter Anthony McKay


Witness (Lawyer)

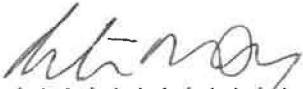
relations advice on it. In the end, I was brought in as DDG OIR to provide some industrial relations assistance. Industrial relations is not something really within the purview or expertise of staff from either DEPW or DTMR.

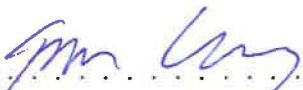
192. I provided advice and expressed concerns from an industrial relations standpoint about the Renewables BPICs. I considered that I was there to provide a 'reality check' so to speak. I know from discussions at the time that DTMR and DNRMW were very concerned about the Renewables BPICs resulting in a loss of control of construction sites, and the potential for these clauses to become the template for all BPICs. My role in providing this advice was limited to reviewing the conditions, not comparing wages to market rates. I understood that Government had less concern about negotiations on the wages component.

193. I provided some covering comment on these issues from an OIR perspective when I was in meetings about BPICs with other senior public servants. My main concerns about the Renewables BPICs were:

- a) That the unions would have a lot of power including the ability to close a site down for an hour or two a day to hold meetings, and essentially having a veto over how and on what conditions work would commence or cease in a number of circumstances such as in hot weather. There were discussions with other senior public servants about what happened at North Queensland Stadium in Townsville and that there had been a lot of industrial issues on that project and I understand that the project went over time and over budget.
- b) That the cumulative impact of all the BPICs conditions was the problem. I was concerned that each individual issue or provision would not, of itself, present an insurmountable problem when it came to industrial relations on major projects. However, the cumulative effect of all of these provisions created an imbalance too much in the favour of the unions versus the builder. I was concerned about potential productivity impacts and I voiced those concerns in the meetings I attended on BPICs in September to November 2023.

194. Another issue which was discussed in the meetings with senior public servants was that BPICs could have a negative impact on businesses who may be tendering for work. The concern was that BPICs could, effectively, push out a whole host of


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Peter Anthony McKay


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Witness (Lawyer)

potential tenderers from being able to tender for public works just because of the compliance with BPICs. There were concerns expressed that if the BPICs bled into the projects being delivered by government owned corporations (GOCs), that would in turn impact on the return on investment to the government from the GOCs. I cannot specifically attribute each of these concerns and discussions to individual senior public servants, but I confirm that these were the issues being discussed.

195. The BPICs issue had not been entirely finalised by the time I left to become DG of DTET, so I am not sure what happened from there.

Industry and union representatives on selection panels for staff in OIR

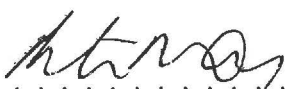
196. During my time at OIR, I was aware of industry and union representatives being on selection panels.

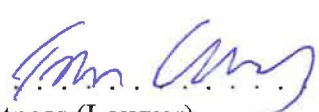
197. One example of this was the selection panel for the role of Executive Director, CFS in around May-August 2023. I am aware that a representative from the Union (Mr Pauls) and a representative of the Master Builders Association of Queensland (Craig Dearing). I believe that the basis of their appointment to the panel was due to their being on the WHS Board at the time.

198. As it was an SES position, Mr De'Ath would have had to approve the panel composition. The panel had been constituted before I commenced at OIR and I did not participate in the panel.

199. It was chaired by Megan Barry who had been acting as DDG OIR pending my taking up the position. Ms Barry continued to chair the panel through to conclusion. Mr Pauls subsequently absented himself from the panel, alleging that Ms Barry had failed to disclose a conflict of interest, in that she had been the supervisor of one of the applicants during her time as acting DDG OIR. He walked out of the panel the morning of the interviews of shortlisted applicants after advice from Mr Ravbar to do so. Mr Ravbar subsequently complained to OIR about this matter. I cannot recall if that complaint was in writing.

200. I was not concerned about the actions of Ms Barry and did not believe she had failed to correctly apply the relevant Public Sector Commission Directive on Recruitment


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Peter Anthony McKay

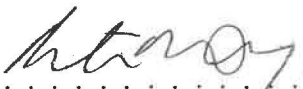

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Witness (Lawyer)


and Selection. To assist in providing a considered response to Mr Ravbar I sought advice from the Public Sector Commissioner, who was satisfied that there had been no breach of the *Public Sector Act 2022* or the Recruitment and Selection Directive issued under that Act.

201. I informed Mr Ravbar that the Public Sector Commissioner supported my view that there was no breach.
202. As a result of looking into the complaint made by Mr Ravbar, I became aware that a representative of the Union was also on a previous panel for the Executive Director CFS role (or a similar role differently titled) when Mr Allen was DDG OIR. On that occasion, the Union representative was Mr Kupsch and Marc Dennett was the successful candidate.
203. I believe that Jacqueline King, Secretary of the Queensland Council of Unions (QCU), was on the panel for the role of DDG OIR when Ms Bancroft was appointed.
204. Other than these occasions, I was not aware of union involvement in other selection panels.
205. Based on the actions of Mr Pauls and Mr Ravbar described above in paragraphs 192 to 197, I vowed I would never have a Union representative on a selection panel.

Workplace fatalities numbers: disclosure to Unions

206. Sometime in March 2024 the Union were seeking details of workplace fatalities, including the number of workers who were fatally injured and their names. I understood the purpose of this to be that the Union and the QCU wished to use this information in an upcoming Worker Memorial Day.
207. I was briefed to make the decision as to whether OIR release the details or not because there were disagreements between Ms Wise, Mr Andrew Harris (Executive Director of Business and Corporate Services), Mr Bradley Bick (Acting Executive Director Strategic Communications and Data), Ms Andrea Fox (Executive Director, WHS Engagement and Policy Services) and Mr Sebastian Bielen (Director, Data and Evaluation Services). Ms Wise did not wish to release the information without legal


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Peter Anthony McKay


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Witness (Lawyer)

advice or at least consent of the deceased workers families because, in her view, it could be a breach of section 271 of the WHS Act.

208. I was informed that this information had been provided to the Union every year since 2019. I made the decision to approve the release of the information.

209. The reason I approved the release of the information was:


- a) the information had previously been given out by former DDGs;
- b) I understood the purpose was for Worker Memorial Day, which is an occasion to recognise those who have been fatally injured at work;
- c) I believed I had discretion as regulator to release under section 271 of the WHS Act, on the basis of my reading of section 271 of the WHS Act, and on previous advice that I had received from OIR's legal team.


MEETINGS WITH MINISTER GRACE

210. During my time as DDG, I had regular meetings with Minister Grace, and weekly meetings with her advisors to discuss a range of topics and issues. I regularly kept her and her office informed about the concerns being raised by inspectors about the Union's bullying and intimidation. I also kept her and her office informed about:

- a) the work that OIR was doing to remove the videos and photographs from the Union's website and Facebook site;
- b) the prohibition notice issued by the HSRs; and
- c) the action taken by OIR in response to the prohibition notice.

211. Minister Grace was supportive of the work that OIR was doing to respond to the Union's bullying and intimidation. Minister Grace expressed sympathy towards the inspectors and said that she did not accept the Union's behaviour. Minister Grace appeared to be aware of the challenges of the Union and the need to methodically work through the issues. However, I do not recall her ever proactively asking me about this issue.


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Peter Anthony McKay


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Witness (Lawyer)

212. During one of these meetings Minister Grace referred to Ms Burgess as ‘that poor women’. I understood that to be in the context of the negative media attention that Ms Burgess had been receiving at the time, including being featured in the estimates hearing by the opposition spokesman. In response to those words, I said to Minister Grace words to the effect of ‘where there is smoke there is fire’. I said that Ms Burgess had been the subject of previous disciplinary action and referrals to the CCC. Minister Grace responded with words to the effect of: ‘I understand but it would be hard for her to continue to be referred to in the media and each year at Estimates’.

DECLARATION


213. The contents of this statement 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.

214. I understand that a person who makes a false declaration in a statement commits an offence.

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

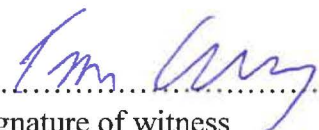
DECLARED/AFFIRMED at Brisbane on 7 April 2026

PETER ANTHONY McKAY


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Signature of declarant

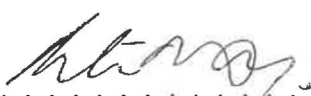
BEFORE ME:

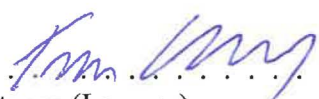
THOMAS ANTHONY GERAGHTY
a lawyer employed by
Crown Law
50 Ann Street Brisbane


.....
Signature of witness

I am a special witness pursuant to s 12 of the *Oaths Act 1867* (Qld).

This declaration was made, signed and witnessed under Part 6A of the *Oaths Act 1867* (Qld).


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Peter Anthony McKay


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Witness (Lawyer)

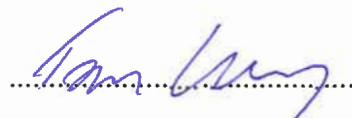
**COMMISSION OF INQUIRY INTO THE CFMEU AND MISCONDUCT IN THE
CONSTRUCTION INDUSTRY**

ANNEXURE SHEET

This is a document referred to as PMK-1 in the Statement of Peter Anthony McKay
declared/affirmed in Brisbane on 7 April 2026



Peter Anthony McKay



Witness (Lawyer)

Curriculum Vitae – Peter McKay

Executive experience

Director-General, Department of Trade, Employment and Training

June 2024 - present

Deputy Director-General (secondment), Office of industrial Relations, Department of State Development and Infrastructure

June 2023 – June 2024

Deputy Commissioner, Public Sector Commission

October 2020 – June 2024

Deputy Director-General, Strategy

Department of Employment, Small Business and Training (seconded from PSC)

March 2019 – October 2020

Director-General (Acting)

Department of Employment, Small Business and Training (seconded from PSC)

January 2018; September 2018 – February 2019; December 2019

Deputy Commissioner, Public Service Commission (PSC)

April 2013 – June 2024

Deputy Director-General, Corporate

Department of Agriculture, Fisheries and Forestry

July 2012 – April 2013

Chief Operating Officer, Biosecurity Queensland (seconded)

Department of Employment, Economic Development and Innovation

July 2011 – December 2011

Assistant Director-General, Employment and Indigenous Initiatives

Department of Employment, Economic Development and Innovation

August 2009 – July 2012

Deputy Director-General, Justice Administration (Acting)

Department of Justice and Attorney-General

January 2008 - January 2009

Assistant Director-General, Corporate Services

Department of Justice and Attorney-General

August 2007 - August 2009

Executive Director, Corporate Services, Queensland Corrective Services

August 2005 - August 2007

Executive Director, Workforce Reform, Queensland Health

July 2004 - August 2005

Board Appointments

Current:

Director, Trade and Investment Queensland, 2024- present

Previous:

Director, National Centre for Vocational Education and Research

Alternate Director, Australia and New Zealand School of Government

External Member, Audit and Risk Committee, Department of Community Safety

Education and Professional Development

Executive Graduate Certificate in Business, (Leadership through Coaching and Mentoring), QUT

Graduate, Australian Institute of Company Directors

Strategic Leadership Programme, Institute of Strategic Leadership

ANZSOG Executive Fellows Program

Department of Industrial Relations Leadership Program

Education Queensland Strategic Leaders Program

**COMMISSION OF INQUIRY INTO THE CFMEU AND MISCONDUCT IN THE
CONSTRUCTION INDUSTRY**

ANNEXURE SHEET

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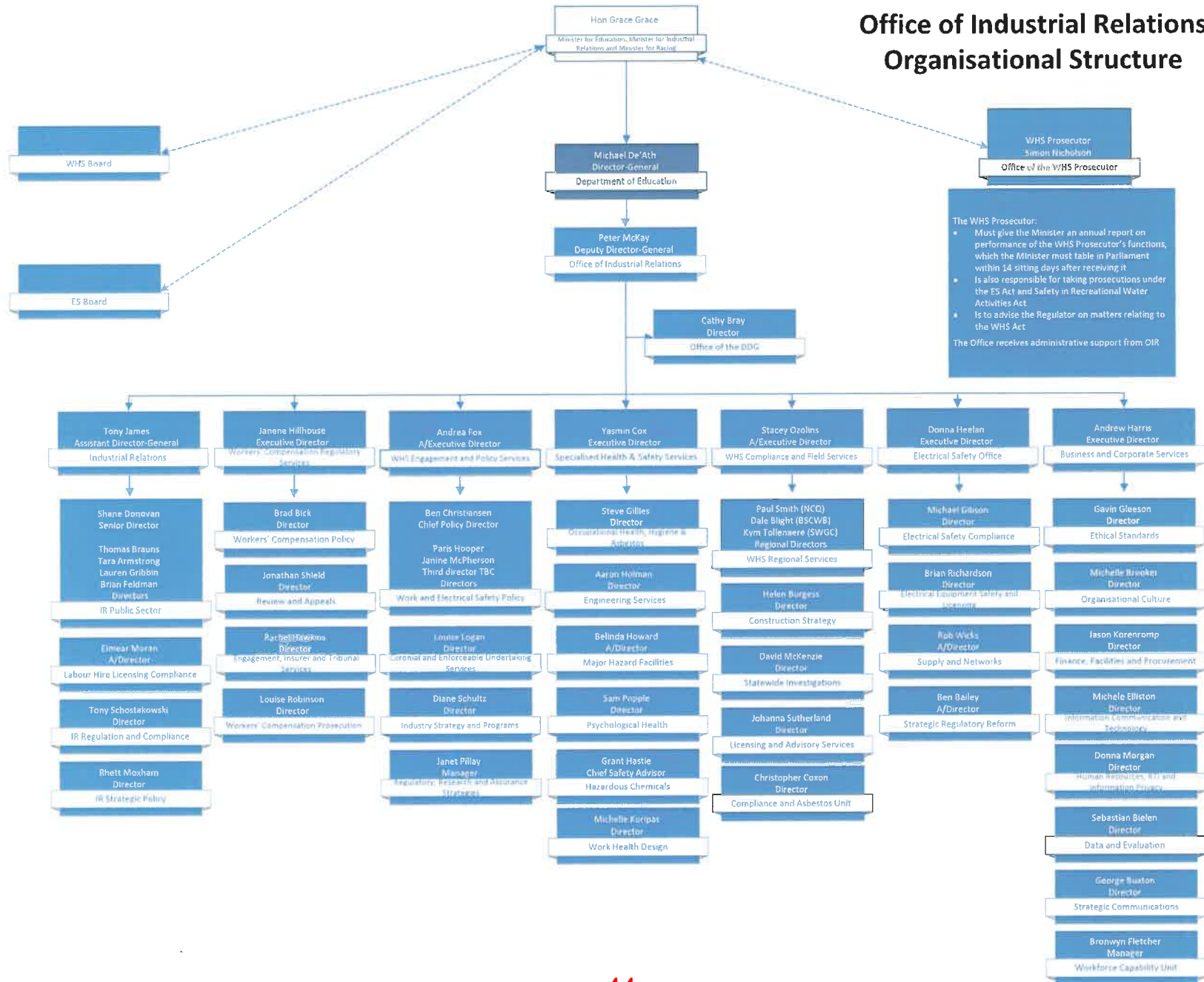
Peter Anthony McKay



Witness (Lawyer)

PMK-2

Office of Industrial Relations Organisational Structure



COMMISSION OF INQUIRY INTO THE CFMEU AND MISCONDUCT IN THE
CONSTRUCTION INDUSTRY

ANNEXURE SHEET

This is a document referred to as PMK-3 in the Statement of Peter Anthony McKay
declared/affirmed in Brisbane on 7 April 2026



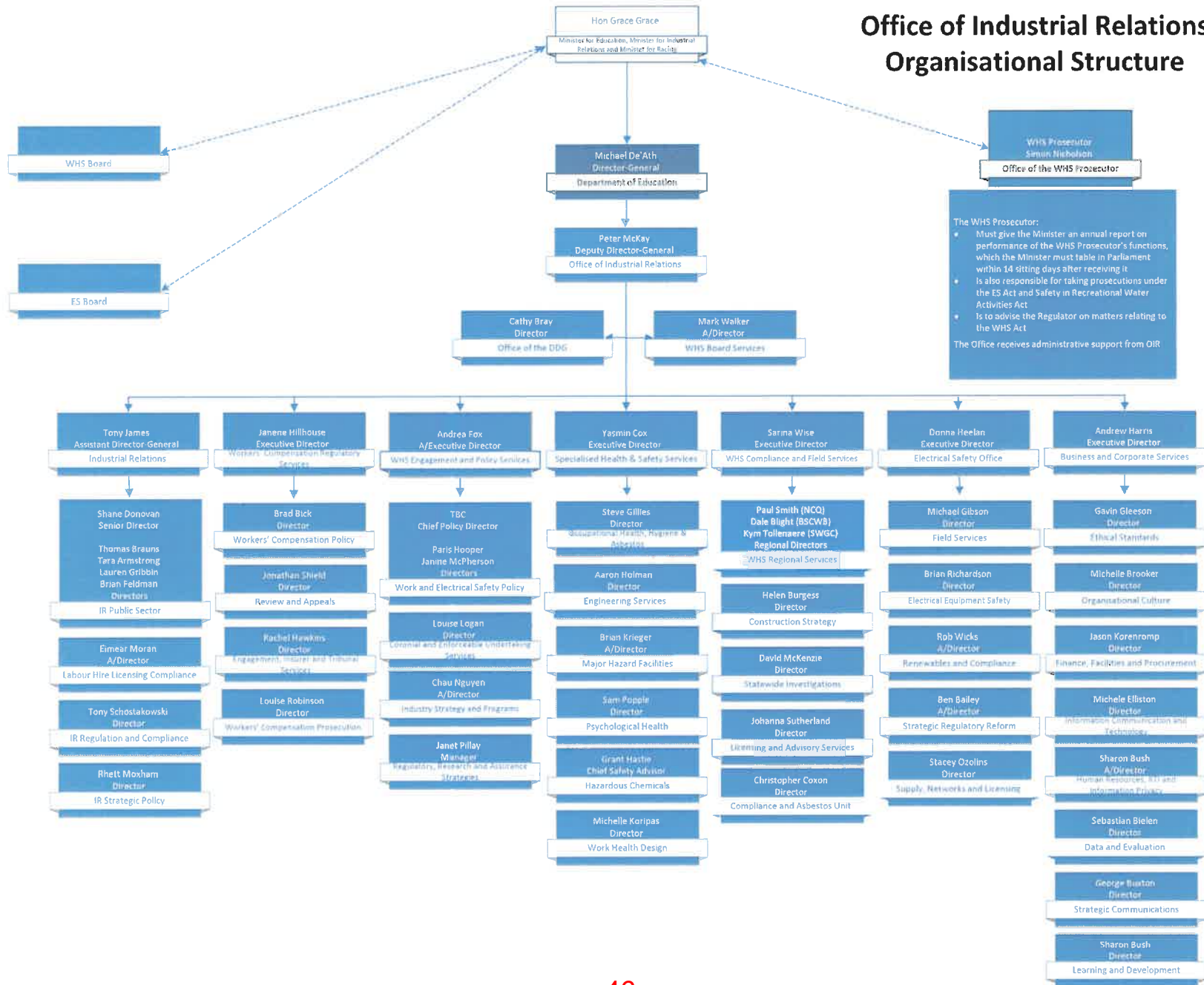
Peter Anthony McKay



Witness (Lawyer)

PMK-3

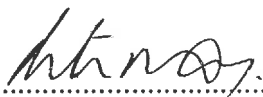
Office of Industrial Relations Organisational Structure



**COMMISSION OF INQUIRY INTO THE CFMEU AND MISCONDUCT IN THE
CONSTRUCTION INDUSTRY**

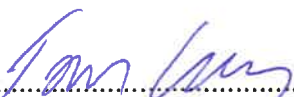
ANNEXURE SHEET

This is a document referred to as PMK-4 in the Statement of Peter Anthony McKay
declared/affirmed in Brisbane on 7 April 2026



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Peter Anthony McKay

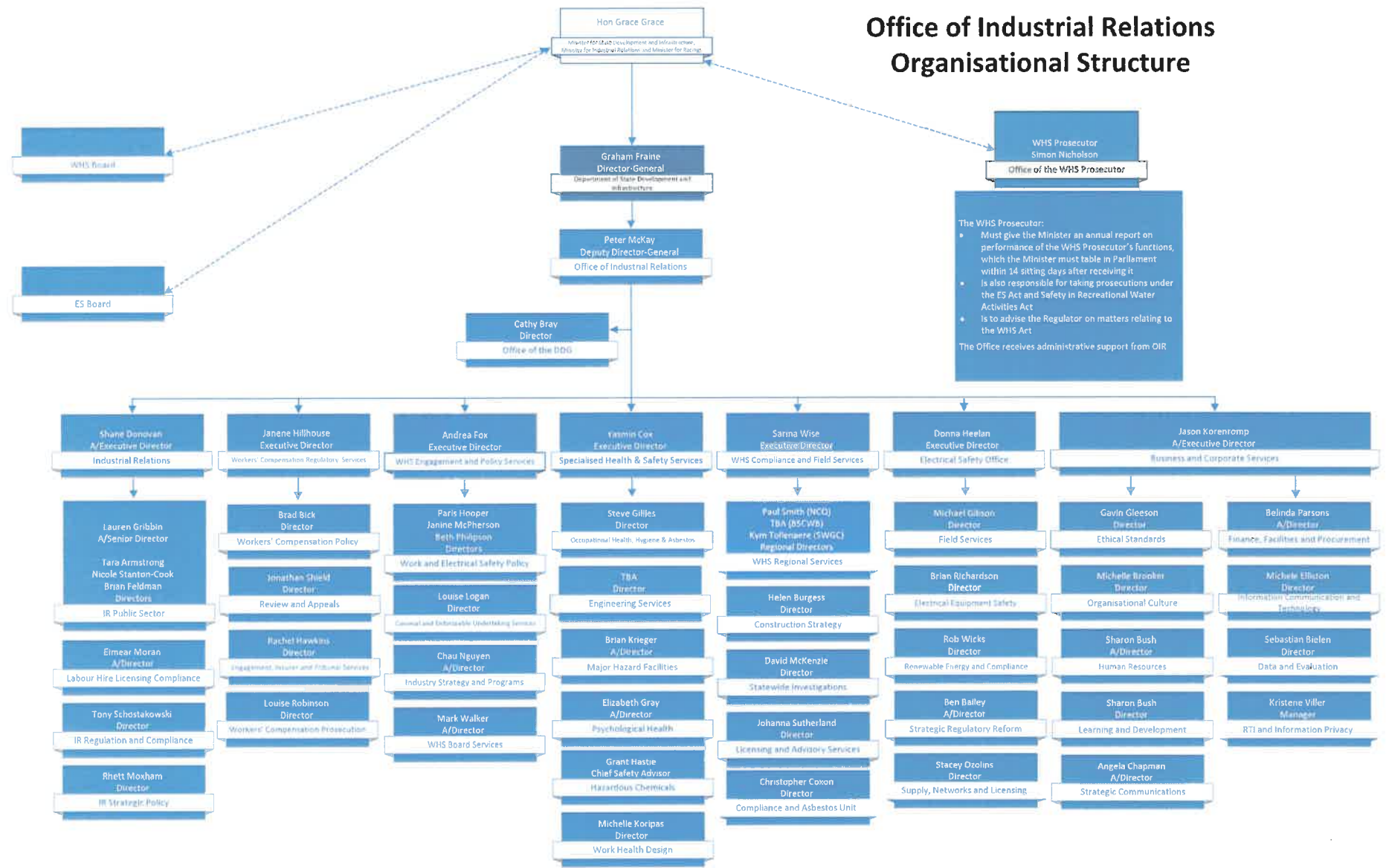


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Witness (Lawyer)

PMK-4

Office of Industrial Relations Organisational Structure



The WHS Prosecutor:

- Must give the Minister an annual report on performance of the WHS Prosecutor's functions, which the Minister must table in Parliament within 14 sitting days after receiving it
- Is also responsible for taking prosecutions under the ES Act and Safety in Recreational Water Activities Act
- Is to advise the Regulator on matters relating to the WHS Act

The Office receives administrative support from OIR

**COMMISSION OF INQUIRY INTO THE CFMEU AND MISCONDUCT IN THE
CONSTRUCTION INDUSTRY**

ANNEXURE SHEET

This is a document referred to as PMK-5 in the Statement of Peter Anthony McKay
declared/affirmed in Brisbane on 7 April 2026



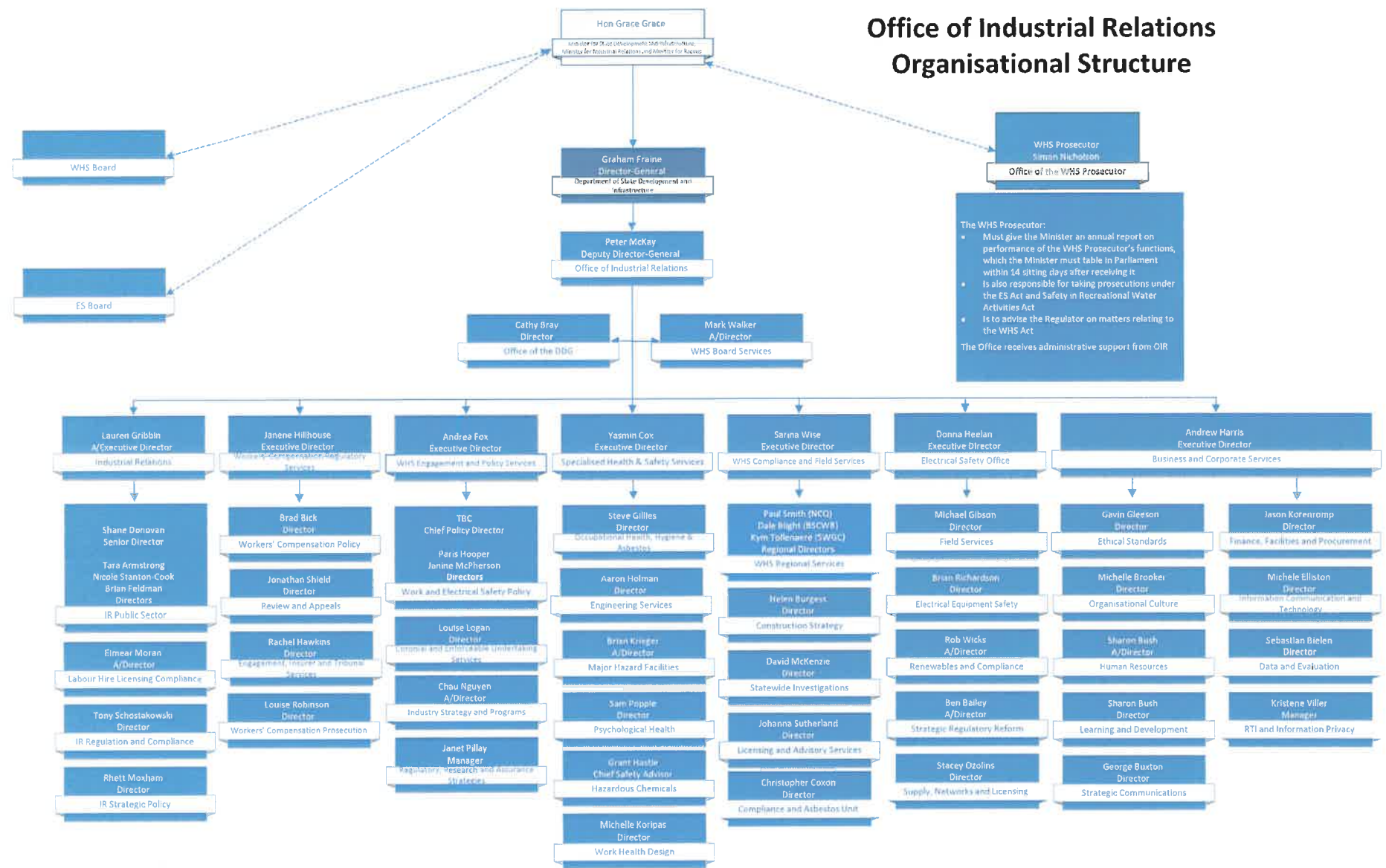
Peter Anthony McKay



Witness (Lawyer)

PMK-5

Office of Industrial Relations Organisational Structure



**COMMISSION OF INQUIRY INTO THE CFMEU AND MISCONDUCT IN THE
CONSTRUCTION INDUSTRY**

ANNEXURE SHEET

This is a document referred to as PMK-6 in the Statement of Peter Anthony McKay
declared/affirmed in Brisbane on 7 April 2026



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Peter Anthony McKay



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Witness (Lawyer)



Office of
Industrial Relations

Department of
State Development and
Infrastructure

Mr Michael Ravbar
Queensland Secretary
Construction, Forestry, Maritime Employees Union
Email: [REDACTED]

Dear Mr Ravbar

The purpose of this correspondence is to consult, cooperate and coordinate activities with the Construction, Forestry, Maritime Employees Union (CFMEU) about a matter. The matter concerns statutory duties held by both the CFMEU and the Office of Industrial Relations (OIR) as persons conducting a business or undertaking (PCBU) under the *Work Health and Safety Act 2011* (WHS Act).

Under section 46 of the WHS Act, if more than 1 person has a duty in relation to the same matter under the WHS Act, each person with the duty must, so far as is reasonably practicable, consult, cooperate and coordinate activities with all other persons who have a duty in relation to the same matter. This advice is consistent with the advice provided in Part 1 of the *Work health and safety consultation, cooperation and coordination Code of Practice 2021*:

There is often more than one business or undertaking with responsibility for the same health and safety matters, either because they are involved in the same activities or share the same workplace.

In these situations, each duty holder should exchange information to find out who is doing what and work together in a cooperative and coordinated way, so risks are eliminated or minimised so far as is reasonably practicable.

The CFMEU have a duty under section 19(2) of the WHS Act, and your obligations under section 33 of the WHS Act, to ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the CFMEU. The 'other persons' referenced in this matter are inspectors appointed under the WHS Act who are also workers employed by the OIR.

OIR is also a PCBU under the meaning of the WHS Act and owes related duties, including its duty under section 19(1) to ensure so far as is reasonably practicable, the health and safety of its workers while they undertake their work.

Appendix A includes circumstances of the matter where the actions of the CFMEU may be in contravention of its duty, further relevant legislative requirements and information on how compliance may be achieved.

1 William Street Brisbane
Queensland 4000 Australia
GPO Box 69 Brisbane
Queensland 4001 Australia
Telephone 13 QGOV (13 74 68)
WorkSafe 1300 362 128
Website www.worksafe.qld.gov.au
www.business.qld.gov.au
ABN 94 496 188 983

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I acknowledge the important role undertaken by the CFMEU to promote improvements in work health and safety practices in Queensland. OIR continues in its desire to encourage all parties to take a constructive role in achieving the objects of the WHS Act.

I further acknowledge the importance to OIR of encouraging disclosure or feedback, including complaints about service delivery or staff conduct where appropriate regarding the interactions of the CFMEU with OIR. A number of mechanisms exist to facilitate this dependent on the circumstances. OIR strongly supports the use of appropriate complaint or other mechanisms as providing a lawful framework, procedural fairness and natural justice for all parties. Further information on these mechanism is available on the [Queensland Government](#) and [OIR websites](#).

I invite you to consider this advice about how OIR and CFMEU can cooperate and coordinate our respective activities so that the important workplace health and safety functions of all parties can be maintained without creating risks to any person's workplace health and safety. Please contact me with any response to this request, including any steps that you might have already taken, and that we can each take to ensure that both the CFMEU and OIR are able to effectively discharge our duty.

Yours sincerely



Peter McKay
Deputy Director-General
Office of Industrial Relations
23 / 02 / 2024

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Appendix A

Circumstances of the matter- psychosocial harm to WHS inspectors

The CFMEU maintains a social media account on the Facebook platform as a part of its business or undertaking. There have been posts on this account that include information such as video images of WHS inspectors at work and/or include derogatory commentary about the actions of inspectors and OIR. WHS inspectors may be named, be able to be otherwise identified or are identified in general. The comments function on these posts provides a platform where further derogatory statements are made. These posts exist in a public domain and are made without communication or consultation with OIR or the inspectors who are named or may be identified. Examples include:

13 September 2023- [This worksite in Brisbane's CBD must be one of the worst death-traps we've seen. Dodgy fencing, walls at risk of collapse, killer asbestos and silica... | By CFMEU Construction & General QLD/NT | Facebook](#)

29 September 2023- [As a 17-year-old worker lay dying, Workplace Health and Safety Queensland allowed a concrete pour to continue at this CS Development Group site despite... | By CFMEU Construction & General QLD/NT | Facebook](#) – post subsequently removed.

OIR has been notified by its workers that they have experienced psychosocial harm from these posts which has affected their health and their capacity to undertake their important work in monitoring and enforcing compliance under the WHS Act.

Applicable legislation

Section 55C of the *Work Health and Safety Regulation 2011* (the WHS Regulation), creates a duty to manage psychosocial risks. It states:

A person conducting a business or undertaking must manage psychosocial risks under part 3.1.

Notes—

1. WHS Act—section 19 (see section 9).
2. For general risk management requirements, see part 3.1.

The footnote to this regulation sets out the way in which a person's duty under section 19 of the WHS Act is to be performed in relation to the matters and to the extent set out in the regulation.

Under section 55B of the WHS Regulation, psychosocial risk is a risk to the health or safety of a worker or other person from a psychosocial hazard. Under section 55A of the WHS Regulation the definition of a psychosocial hazard includes a hazard that arises from or relates to factors that include workplace interactions or behaviours that may cause psychological harm, whether or not the hazard may also cause physical harm.

The *Managing the risk of psychosocial hazards at work Code of Practice 2022* provides further information about identifying risks including those specific to workplace violence and aggression. It includes as an example:

humiliating or threatening comments made via social media.

Section 55D of the WHS Regulation applies to the implementation by the PCBU of control measures under Part 3.1 of the WHS Regulation. It includes that the PCBU must have regard to all relevant matters and these matters include workplace interactions or behaviours. Part 3.1 of the

WHS Regulation states how PCBUs to whom the part applies must manage risks to health and safety. Under section 35 it states:

A duty holder, in managing risks to health and safety, must—

- (a) eliminate risks to health and safety so far as is reasonably practicable; and
- (b) if it is not reasonably practicable to eliminate risks to health and safety—minimise those risks so far as is reasonably practicable.

Deciding control measure

To comply with the CFMEU's duties under section 19(2) of the WHS Act, and section 55 of the WHS Regulation, it is my advice to the CFMEU that it is reasonably practicable for this risk to be eliminated. The risks to WHS inspectors may be eliminated by the CFMEU removing social media posts that are derogatory of the actions of WHS inspectors and may reasonably cause psychosocial harm, and by not making similar posts in future. This extends to the removal of any commentary attached to any posts that is similarly derogatory towards OIR's workers. CFMEU workers should be provided the information, training, instruction and supervision necessary to prevent and monitor further social media posts that may cause psychosocial risk.

For clarity, OIR again acknowledges and supports the right of the CFMEU to lawfully express concerns or make complaints concerning OIR. This advice to the CFMEU is that in expressing its concerns involving the actions of OIR, the CFMEU in consultation, cooperation and coordination with OIR should be cognisant of our duties under the WHS Act towards OIR's workers.

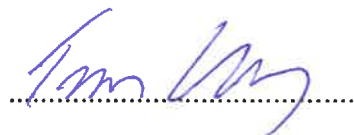
**COMMISSION OF INQUIRY INTO THE CFMEU AND MISCONDUCT IN THE
CONSTRUCTION INDUSTRY**

ANNEXURE SHEET

This is a document referred to as PMK-7 in the Statement of Peter Anthony McKay
declared/affirmed in Brisbane on 7 April 2026

A handwritten signature in blue ink, appearing to read 'Peter Anthony McKay', written over a horizontal dotted line.

Peter Anthony McKay

A handwritten signature in blue ink, appearing to read 'Tom [unclear]', written over a horizontal dotted line.

Witness (Lawyer)

Key inputs	Option A - <u>Construction Industry Hotline</u>
<p>Principles - Industry</p> <ul style="list-style-type: none"> • Consultation • Single point of contact • Unique safety issues in construction industry • Timeliness and responsiveness • Ensuring safety in Queensland's building and construction industry • Equity for construction industry stakeholders to make a notification or request information • Experience of staff receiving notifications • Coverage of hours • Re-establish relationship with Inspectorate to achieve safe workplaces 	<p>A dedicated construction industry contact number is stood up in Assessment Services (AS) for stakeholders to contact for matters relating to construction worker safety.</p> <p>Through this 'construction hotline' union and industry representatives can make via a dedicated phone number, staffed by appropriately skilled and experienced staff to provide the information relating to the issue.</p> <p>Staff will log directly into the portal and immediately triage and allocate to the regions.</p> <p>For a notification, the unit will contact the relevant Operations Manager (OM) or allocator in the region to ensure the matter is actioned as a priority and advise Director Licencing and Assessment Services (LAS) and Manager AS to ensure senior officer oversight.</p> <p>Reporting can be centralised to the unit to seek intelligence that can be used to target compliance and engagement activities, staff training as well as information and feedback to industry.</p>
<p>Principles – OIR</p> <ul style="list-style-type: none"> • Consultation • Single point of contact – but not a single person – equity • Unique safety issues in construction industry • Timeliness and responsiveness • Ensuring safety in Queensland's building and construction industry • Equity for construction industry stakeholders to make a notification or request information • Ensuring a skilled and competent workforce • Coverage of hours • Re-establish relationship with Inspectorate to achieve safe workplaces 	<p>Pro's</p> <ul style="list-style-type: none"> • Dedicated construction industry phone number • Appropriately skilled and experienced staff provide this service • Consistent approach for all construction stakeholders • Immediate triaging and notification to regions for response to be managed quickly and promptly • It is intended that the members of this team are at a higher level (and have field inspector backgrounds) • Also will consider rotation of a construction inspector to work in this unit to support the AS team with industry intelligence. Noting the AS team already have staff with construction and trade experiences and training would need to be provided to ensure good service delivery (have not explored with construction inspectorate) <p>Con's</p> <ul style="list-style-type: none"> • Set up time (yet to be determined) • If implemented, the coordination of construction inspector training and rotation – potential for some inspectors to not want to participate, regional considerations not fully explored • Although AS staff are at a higher level, there are currently resource pressures within the team that mean allocation of additional responsibilities will impact service delivery of other notifications and OIR will need to consider and action resourcing to support <p>Operational considerations</p> <ul style="list-style-type: none"> • Workload management both for AS team and potentially for regions (if rotating inspector option is implemented) • Resourcing (FTE) is a significant issue, could be assisted via Inspector rotation however training may create a time pressure • Creation and monitoring of an Inspector roster (if implemented) to ensure equity • Need to consider rostering and impact on staff for changing of existing rosters to ensure appropriate coverage of construction industry work hours <p>Industry Considerations (captured from meeting on 14-6-23)</p> <ul style="list-style-type: none"> • Concerns about capability of staff – perception that it is not adequate • Previously with the point of contact was direct contact, could provide assistance and advice • 5 years ago the single point of contact was the option put forward to address the issues that existed at the time. Industry was a bit hesitant initially, but it worked. The role would defuse issues where there is a lack of clarity re legalisation and other parties such as QPS • Query regarding who would make the decision or oversee the function • Ideal service would provide advice on appropriate action – does an inspector need to go, do we make a phone call to the PCBU, do we provide assistance with leg interpretation • Preference for 2 dedicated persons with no job rotation
	<p>OIR considerations (captured from meeting on 14-6-23)</p> <ul style="list-style-type: none"> • OIR cannot have 1 person as a direct point of contact, regardless of who that person is. The risks it places the individual and agency at are too great and include risk of regulatory capture, placing the person at risk of allegations of improper relationships and providing preferential treatment to one or more select stakeholders. Further impacts to the persons wellbeing such as being able to take leave and job progression/change impacts. <ul style="list-style-type: none"> ◦ This option ensures controls are put in place to manage these risks and considers staff wellbeing • Consider 2-3 persons at a time that staff the 'construction hotline' <ul style="list-style-type: none"> ◦ Could be potentially 2 dedicated with one rotating role? Other options to be explored • Confirmed that this will be a separate phone number for the construction industry to ensure worker safety • If this option moves forward, need to set and implement agreed review period and parameters • One agreement of option, timeframes for implementation will need to be considered

**COMMISSION OF INQUIRY INTO THE CFMEU AND MISCONDUCT IN THE
CONSTRUCTION INDUSTRY**

ANNEXURE SHEET

This is a document referred to as PMK-8 in the Statement of Peter Anthony McKay
declared/affirmed in Brisbane on 7 April 2026

A handwritten signature in black ink, appearing to read 'Peter Anthony McKay', written over a horizontal dotted line.

Peter Anthony McKay

A handwritten signature in blue ink, appearing to read 'Jim Long', written over a horizontal dotted line.

Witness (Lawyer)

From: Kurt Pauls [REDACTED]
Sent: Thur 26/10/2023 10:25:34 AM (UTC+10:00)
To: Peter McKay [REDACTED]; Michael DE'ATH [REDACTED]; Industrial Relations [REDACTED]
Cc: Michael Ravbar [REDACTED]; Jade Ingham [REDACTED]; Kane Lowth [REDACTED]; Mick Robinson [REDACTED]
Subject: RE: Formal complaint #001 – Work Safe QLD not attending site after an incident.

CAUTION: This email originated from outside of OIR. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Mr McKay,

I have noticed your response emails are only directed to myself and not others that have been Cc'd into these emails is disrespectful towards the CFMEU and the workers we represent.

Cross River Rail has been plagued with ongoing safety issues since the start of the project and your response that a desktop review was done and your satisfied that the actions taken, is far from acceptable.

This is another example how the triage process that Work Safe Qld follow is failing workers, how can a desk review understand what has happened on that project and if this is a system to keep Queensland workers safe we have no hope to make change and keep workers alive.

I would like to understand how a desktop review of these actions confirm that the CMEP was followed?

I request to see how Work Safe Qld lodge 600 workplace visits is lodged in one week and what was lodged.

Regards

CFMEU

Kurt Pauls
OHS Co-ordinator

[REDACTED]
[REDACTED]

**Construction & General Division
QLD/NT Divisional Branch**



T [REDACTED]
F [REDACTED]
[REDACTED]

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From: Peter McKay <[REDACTED]>
Sent: Tuesday, October 24, 2023 8:06 PM
To: Kurt Pauls <[REDACTED]>
Subject: RE: Formal complaint #001 – Work Safe QLD not attending site after an incident.

Thank you for your email. The Director-General has asked me to respond on behalf of the Department.

I was able to provide you with a verbal response to the issues you raised, including the actions taken by WHSQ, when we spoke on the phone last Thursday (19 October 2023).

I also understand a desktop review of these actions confirmed the response was managed in accordance with the Compliance and Monitoring Enforcement Policy (CMEP).

Over 600 workplace visits were conducted by WHSQ last week. With around 1.1 inspectors to every 10,000 workplaces it is not always possible to attend a worksite on the same day a complaint or notification is made. Information received by WHSQ is therefore assessed to determine the appropriate response.

In this instance, initial enquiries commenced the next day (Friday) and, after satisfying themselves that workers were protected from exposure to the risk of the incident reoccurring, the site visit was scheduled for the following Monday.

When the Minister spoke about workplace safety in Parliament earlier this month she made her expectations very clear: Queenslanders should be safe at work and employers should be doing everything in their power to make that happen.

The best way to achieve this is for industry, unions and the regulator to work together and I remain

committed to doing just that.

Regards

Peter McKay

Deputy Director-General

Office of Industrial Relations

[REDACTED]
[REDACTED]

From: Kurt Pauls <[REDACTED]>

Sent: Tuesday, 17 October 2023 12:55 PM

To: Michael DE'ATH <[REDACTED]>

Cc: Industrial Relations <[REDACTED]>; Peter McKay <[REDACTED]>; Michael Ravbar <[REDACTED]>; Jade Ingham <[REDACTED]>; Kane Lowth <[REDACTED]>; Mick Robinson <[REDACTED]>

Subject: Formal complaint #001 – Work Safe QLD not attending site after an incident.

Importance: High

Dear Mr De'Ath,

The reason for my correspondence is to do with the systemic failures within OIR's triage and responding to workplace incidents that have been ongoing for some time now.

Again, on the Cross River Rial project there was another incident involving a concrete pump line blow out which would make this one the 3rd in about a month.

Last Thursday night the 12th of October 2023 at approximately 7pm subcontractor "Meals Concreting Pumping" where pumping concrete at Albert Street Lot 1 when there was a blockage in the concrete line and blew the wall of the 90 degree bend out of the hopper.

Please see the attached photo's image 001-003.

This task of concrete pumping requires a high PSI to push the concrete through the lines, with the wall of the pipe blowing out would be classed as a NOTIFIABLE INCIDENT under the WHS Act 2011, section 35 (C) a dangerous incident and under the WHS Act 2011 section 37 (D) an uncontrolled escape of a pressurised substance, being concrete.

The reason for the blow out was that the wall thickness of the pipes where less than 4.4mm in thickness as pre manufactures specifications.

Please see the attached image 004 of the identification plate which states the min thickness of the pipe walls and as you can see in images 005-006 what the readings where when tests were taken by a third party by using a "ultrasonic thickness gauge" to measure the thickness of the pipe walls after the incident.

If you view the attached image 007 the pipe thickness tests that were taken not even a month ago were under the min pipe thickness of 4.4mm which is highlighted.

This incident was reported to Work Safe Qld at approximately 7:30pm that night and at

approximately 8:15pm the scene was released via text message form Work Safe Qld.

Work Safe Qld Inspectors never attended the site at all the next day and to only turn up to investigate the incident on Monday the 16th of October 2023, after I made a phone call to the Acting DDG Peter Mckay late Friday afternoon and question why Work Safe Qld has not turned up to investigate.

While Work Safe Qld keeps operating in this fashion and not taking workers health and safety seriously, it's no wonder the employers keep putting Qld workers at risk when they aren't held accountable by the regulator.

The CFMEU have grave concerns that Work Safe Qld has become that dysfunctional, that unless drastic measures are but in place to fix this department and believe there will be more blood on the ground if Work Safe Qld continue to operate this way.

CFMEU

Construction & General Division
QLD/NT Divisional Branch



Kurt Pauls

OHS Co-ordinator

[Redacted]

[Redacted]

T [Redacted]

F [Redacted]

[Redacted]

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COMMISSION OF INQUIRY INTO THE CFMEU AND MISCONDUCT IN THE
CONSTRUCTION INDUSTRY

ANNEXURE SHEET

This is a document referred to as PMK-9 in the Statement of Peter Anthony McKay
declared/affirmed in Brisbane on 7 April 2026



Peter Anthony McKay



Witness (Lawyer)

From: Kurt Pauls[REDACTED]
Sent: Tue 24/10/2023 8:28:11 AM (UTC+10:00)
To: Peter McKay[REDACTED]
Cc: Michael DE'ATH[REDACTED]; Michael Ravbar[REDACTED]; Jade Ingham[REDACTED]; Kane Lowth[REDACTED]; Mick Robinson[REDACTED]; Industrial Relations [REDACTED]
Subject: Formal Complaint #002 - MISS USE OF POWER WITH NON-DISTURBANCE NOTICES

CAUTION: This email originated from outside of OIR. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Mr McKay,

The reason for this correspondence is there was a worker injured yesterday at a work site in the Fortitude Valley, Principle contractor being ABRI Projects.

The worker was working for a subcontractor while performing AC works on the roof when he has fallen through a skylight, falling approximately 4 meters and put into an induced coma.

Hayden Jones who is employed by the CFMEU QLD.

Mr Jones attended the site at approximately 11:50pm on Monday the 23rd of October 2023.

Mr Jones noticed Inspector Frank DeLuca sitting in his car when he went to have a brief discussion with the site Manager from ABRI Projects Matt Atkins about the incident.

Inspector DeLuca had then come over to the vicinity of Mr Jones and Mr Atkins, Inspector DeLuca asked Mr Jones to leave site due to there is a non-disturbance issued on the site.

This is not the only instance when this has happened, west end site where a 17yr old worker had fallen and Mary St CBD are other examples.

I ask the question! why Work Safe Qld Inspectors are now issuing a non-disturbance notice on projects when the CFMEU are on site even before the Inspector has entered.

Is this just another way for Work Safe Qld inspectors to not deal with a major stakeholder in the industry of high-risk work, and if that is the case using a non-disturbance in this context is an overreach of power.

Secondly Mr Jones was there under Section 81.3 and it seems like the process or policy has changed with the way Work Safe Qld inspectors are handling these situations asking for state and federal permits and if you don't have them asking why did you lose them and if you don't have them you're just a member of the public and asking for who called off the site and asked for assistance to unresolved issues.

As the health and safety coordinator for the CFMEU and a member of the WHSQ board I request to

be given any policy around dealing with 81,3 (Issue resolution) that has been implemented or amended by Work Safe Qld.

I await for a formal response and in a timely manner



Construction & General Division
QLD/NT Divisional Branch



Kurt Pauls

OHS Co-ordinator

[Redacted]

[Redacted]

T [Redacted]

F [Redacted]

[Redacted]

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**COMMISSION OF INQUIRY INTO THE CFMEU AND MISCONDUCT IN THE
CONSTRUCTION INDUSTRY**

ANNEXURE SHEET

This is a document referred to as PMK-10 in the Statement of Peter Anthony McKay
declared/affirmed in Brisbane on 7 April 2026



Peter Anthony McKay



Witness (Lawyer)

From: Peter McKay[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C00AFD999B714CB3A302B2D0B38EF520-EBC1E080-2D]

Sent: Mon 30/10/2023 11:42:07 AM (UTC+10:00)

To: Kurt Pauls[REDACTED]

Cc: Michael DE'ATH[REDACTED]; Michael Ravbar[REDACTED]; Jade Ingham[REDACTED]; Kane Lowth[REDACTED]; Mick Robinson[REDACTED]; Industrial Relations[REDACTED]; DDG OIR[REDACTED]

Subject: RE: Formal Complaint #002 - MISS USE OF POWER WITH NON-DISTURBANCE NOTICES

Dear Mr Pauls

Thank you for your email dated 24 October 2023 regarding the use of non-disturbance notices and the attendance of representatives under section 81(3) of the *Work Health and Safety Act 2011*.

After receiving your correspondence, I have requested an internal review be undertaken relating to the matters you have raised. I will provide you with an update once the review is completed.

As part of the review, there will be an opportunity for you to provide information and evidence on what occurred on the date in question. You will receive an email from the reviewer with details regarding the process and next steps.

Please be reassured that I take matters relating to Inspector conduct seriously. I will ensure communications go out to the Workplace Health and Safety Queensland Inspectorate to remind them of their powers and obligations under the Work Health and Safety legislation, including the circumstances under which non-disturbance notices are issued.

I can confirm that the Office of Industrial Relations has not made any changes to the procedure for issues resolution.

Thank you for bringing this information to my attention.

Regards

Peter McKay
 Deputy Director-General
 Office of Industrial Relations

[REDACTED]
 P [REDACTED]

From: Kurt Pauls <[REDACTED]>
Sent: Tuesday, 24 October 2023 8:28 AM
To: Peter McKay <[REDACTED]>
Cc: Michael DE'ATH <[REDACTED]>; Michael Ravbar <[REDACTED]>; Jade Ingham <[REDACTED]>; Kane Lowth <[REDACTED]>; Mick Robinson

<[REDACTED]>; Industrial Relations <[REDACTED]>

Subject: Formal Complaint #002 - MISS USE OF POWER WITH NON-DISTURBANCE NOTICES

CAUTION: This email originated from outside of OIR. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Mr Mckay,

The reason for this correspondence is there was a worker injured yesterday at a work site in the Fortitude Valley, Principle contractor being ABRI Projects.

The worker was working for a subcontractor while performing AC works on the roof when he has fallen through a sky light, falling approximately 4 meters and put into an induced coma.

Hayden Jones who is employed by the CFMEU QLD.

Mr Jones attended the site at approximately 11:50pm on Monday the 23rd of October 2023.

Mr Jones noticed Inspector Frank DeLuca sitting his car when he went had a brief discussion with the site Manager from ABRI Projects Matt Atkins about the incident.

Inspector DeLuca had then come over to the vicinity of Mr Jones and Mr Atkins, Inspector DeLuca asked Mr Jones to leave site due to there is a non-disturbance issued on the hole site.

This is not the only instance when this has happened, west end site where a 17yr old worker had fallen and Mary St CBD are other examples.

I ask the question! why Work Safe Qld Inspector are now issuing a non-disturbance notice on projects when the CFMEU are on site even before the Inspector has entered.

Is this just another way for Work Safe Qld inspectors to not deal with a major stakeholder in the industry of high-risk work, and if that is the case using a non-disturbance in this context is an overreach of power.

Secondly Mr Jones was there under Section 81.3 and it seems like the process or policy has changed with the way Work Safe Qld inspectors are handling these situations asking for state and federal permits and if you don't have them asking why did you lose them and if you don't have them your just a member of the public and asking for who called off the site and asked for assistance to unresolved issues.

As the health and safety coordinator for the CFMEU and a member of the WHSQ board I request to be given any policy around dealing with 81,3 (Issue resolution) that has been implemented or amended by Work Safe Qld.

I await for a formal response and in a timely manner

The logo for CFMEU, consisting of the letters 'CFMEU' in a bold, black, sans-serif font.

Kurt Pauls

OHS Co-ordinator

**Construction & General Division
QLD/NT Divisional Branch**



[Redacted]
[Redacted]
T [Redacted]
F [Redacted]
[Redacted]

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**COMMISSION OF INQUIRY INTO THE CFMEU AND MISCONDUCT IN THE
CONSTRUCTION INDUSTRY**

ANNEXURE SHEET

This is a document referred to as PMK-11 in the Statement of Peter Anthony McKay
declared/affirmed in Brisbane on 7 April 2026



Peter Anthony McKay



Witness (Lawyer)



Office of
Industrial Relations

Department of Education

Our reference: WHSQ Ref: COM PAULS

6 December 2023

Mr Kurt Pauls
CFMEU OHS Coordinator

Email: [REDACTED]

Dear Mr Pauls,

I refer to your complaint to the Office of Industrial Relations (OIR) dated 24 October 2023 in which you raise concerns regarding the actions undertaken by a Workplace Health and Safety Queensland (WHSQ) Inspector at 35 Berwick Street, Fortitude Valley on 23 October 2023.

I confirm that these concerns are being actioned utilising the OIR Customer Service Complaint Management Policy and an internal assessment has been completed. The internal assessment involves consideration of the issues raised in your complaint, any decisions and or actions arising from this consideration, and reasons for these decisions.

In correspondence to you dated 26 October 2023, it was explained that your concerns regarding OIR's action in relation to this complaint would be assessed utilising the OIR Customer Complaint Management Policy. The policy can be viewed at [Office of Industrial Relations complaints policy | WorkSafe.qld.gov.au](https://www.worksafe.qld.gov.au/office-of-industrial-relations-complaints-policy). As a division of the Department of Education (the department), OIR falls under the department's Customer complaints management framework and complaints lodged for WHSQ are managed under this framework accordingly.

This letter is a record of the outcome of the internal assessment.

1 William Street Brisbane
Queensland 4000 Australia
GPO Box 69 Brisbane
Queensland 4001 Australia
Telephone 13 QGOV (13 74 68)
WorkSafe +61 7 3247 4711
Website www.worksafe.qld.gov.au
www.business.qld.gov.au
ABN 94 496 188 983

Evidence Considered

WHSQ has conducted inquiries into your complaint and the following actions have been undertaken and completed:

- A review of all the information you provided; and
- A review of information and content within the existing WHSQ event and response assessment activities; and
- Collection of evidence through a number of interviews with relevant WHSQ staff; and
- Inquiries with all other relevant stakeholder entities.

Internal Assessment Findings

The findings of this internal assessment are as follows and respond directly to your customer complaint of 24 October 2024.

In response to your complaint Part 1:

This internal assessment found the WHSQ Inspector subject to the complaint did not correctly use the non-disturbance notice provisions under Part 10, Division 3 of the *Work Health and Safety Act 2011* (WHS Act).

In response to Complaint Part 2:

This internal assessment did not exclusively find that WHSQ Inspector subject to the complaint issued the subject non-disturbance notice on the whole site to prevent the attendance of CFMEU officials, however the internal assessment did find that the same Inspector was not correctly using the non-disturbance notice provisions of Part 10, Division 3 WHS Act.

In response to Complaint Part 3:

The internal assessment has not uncovered any material change to the manner in which inspectors interact with 'representatives' at workplaces, finding that the WHSQ Inspector subject to the complaint did not believe Hayden Jones met the necessary grounds to use this provision.

Recommendation made from Internal Assessment

The WHSQ inspector involved in this matter should receive operational training and advice to strengthen their knowledge regarding the use of Division 3 Work Health and Safety Act 2011 – Non-disturbance notices.

Actions arising out your Complaint

As a result of these investigation findings, the relevant inspector will be directed to undergo appropriate and relevant refresher training.

Additionally, after receiving your correspondence I sent out an internal communication to all Inspectors detailing the proper use of non-disturbance notices to avoid similar matters from reoccurring.

If you would like further information about this matter, you can contact Sarina Wise on [REDACTED] or [REDACTED]

3

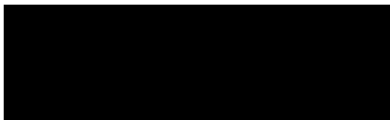
If you remain unhappy or dissatisfied, you can request an internal review of the management of your complaint. Your internal review request should be lodged within 28 days of receiving your complaint outcome and can be made in writing, using the [request for internal review form](#) or provided over the phone by calling 1300 362 128.

If you disagree with the final outcome of your complaint, you can contact the Queensland Ombudsman by visiting their web site at <http://www.ombudsman.qld.gov.au/> or phoning them on 1800 068 908.

I take matters relating to inspector conduct, including allegations relating to the inappropriate use of regulatory powers seriously.

Thank you for bringing these matters to my attention.

Yours sincerely



Sarina Wise
Executive Director
Compliance and Field Services
Workplace Health and Safety Queensland
Office of Industrial Relations, Queensland


**COMMISSION OF INQUIRY INTO THE CFMEU AND MISCONDUCT IN THE
CONSTRUCTION INDUSTRY**

ANNEXURE SHEET

This is a document referred to as PMK-12 in the Statement of Peter Anthony McKay
declared/affirmed in Brisbane on 7 April 2026



Peter Anthony McKay



Witness (Lawyer)

From: Kurt Pauls [REDACTED]
Sent: Wed 06/12/2023 1:15:07 PM (UTC+10:00)
To: Peter McKay [REDACTED]; Michael DE'ATH [REDACTED]; Industrial Relations [REDACTED]
Cc: Michael Ravbar [REDACTED]; Jade Ingham [REDACTED]; Kane Lowth [REDACTED]; Mick Robinson [REDACTED]; Jacqui Collier [REDACTED]
Subject: Formal Complaint #003 - Prohibition Notice lifted CS Developments
Attachment: CS developments#3.jpg

CAUTION: This email originated from outside of OIR. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Formal Complaint #003

Mr MacKay.

Please take this letter and attachments/links as a formal complaint and be put on public record.

On the 26-09-2023 a young worker Tyler Whitton had fallen approximately 3.7m through an open penetration on the CS development project 80-88 Victoria St, West End, QLD.

Tylers Whitton had his life support turned off on the 27-09-2023 due to his injuries.

The penetrations on this project did not meet WHS Regulation section 306F and the formwork code of practice 4.1.8 penetrations not securely fixed down, no cast-in mesh and not marked (PENO BELOW).

Principle Inspector D'Allura had issued a Prohibition Notice (Notice No P1050410) the notice stated that all penetrations on the entire project had to be made compliant.

This Prohibition notice was lifted on the 30-11-2023 after only part controls were put in place as the cast-in mesh cannot be put in place after the concrete slab has been poured it would never be compliant with the code.

The penetration covers have been secured and scaffold had rails were put in place around the penetrations but not all of them as you will see in the videos.

The question I ask is why the Prohibition Notice was lifted when there wasn't a consistent approach to the controls put in place around penetration in the floor.

This project had a worker fall 3.7m and had his life support turned off, Inspectors from WHSQ let a concrete pour continue that same day and now lifting prohibition notices without adequate or consistent controls in place.

Please see the links below

<https://www.dropbox.com/scl/fi/g0xmza1ljiwy1n8vv0601/CS-Developments->

[1.mp4?rlkey=y2enupq89pjow2bs0mp3b3wqg&dl=0](#)

<https://www.dropbox.com/scl/fi/tyus4yr25kfce2ijqo9q2/CS-Developments-2.mp4?rlkey=55i0y8me7bxzfp673z8l685kf&dl=0>

Regards

CFMEU

**Construction & General Division
QLD/NT Divisional Branch**



Kurt Pauls

OHS Co-ordinator

[Redacted]

[Redacted]

T [Redacted]

F [Redacted]

[Redacted]

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**COMMISSION OF INQUIRY INTO THE CFMEU AND MISCONDUCT IN THE
CONSTRUCTION INDUSTRY**

ANNEXURE SHEET

This is a document referred to as PMK-13 in the Statement of Peter Anthony McKay
declared/affirmed in Brisbane on 7 April 2026

A handwritten signature in black ink, appearing to read 'Peter Anthony McKay', written over a horizontal dotted line.

Peter Anthony McKay

A handwritten signature in blue ink, written over a horizontal dotted line.

Witness (Lawyer)

From: Kurt Pauls[REDACTED]
Sent: Wed 20/12/2023 8:55:24 AM (UTC+10:00)
To: Peter McKay[REDACTED]; Michael DE'ATH[REDACTED]; Industrial Relations[REDACTED]
Cc: Michael Ravbar[REDACTED]; Jade Ingham[REDACTED]; Kane Lowth[REDACTED]; Mick Robinson[REDACTED]; Jacqui Collie[REDACTED]
Subject: RE: Formal Complaint #003 - Prohibition Notice lifted CS Developments

CAUTION: This email originated from outside of OIR. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Mr McKay,

The reason for this correspondence is you still have not responded the correspondence that I sent to you on the 6th of December 2023.

We have spoken on the phone about this issue, and you stated that the prohibition had not been lifted and I asked for your response to be in writing which I have not received as yet.

The issues raised are serious and need to be address, for a major industry stakeholder to raise these issues directly to yourself as the Acting Deputy Director General, about the inspectorate that is under your portfolio and not have a response in writing does not show transparency nor good governance.

I would like a response from the original email and explanation why it was not responded to in a timely manner.

Regards



Kurt Pauls

OHS Co-ordinator

[REDACTED]

[REDACTED]

T [REDACTED]

F [REDACTED]

**Construction & General Division
QLD/NT Divisional Branch**



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From: Kurt Pauls <[REDACTED]>
Sent: Wednesday, December 6, 2023 1:15 PM
To: Peter McKay <[REDACTED]>; Michael DE'ATH <[REDACTED]>;
 Industrial Relations <[REDACTED]>
Cc: Michael Ravbar <[REDACTED]>; Jade Ingham <[REDACTED]>; Kane Lowth
 <[REDACTED]>; Mick Robinson <[REDACTED]>; Jacqui Collie <[REDACTED]>
Subject: Formal Complaint #003 - Prohibition Notice lifted CS Developments

Formal Complaint #003

Mr MacKay.

Please take this letter and attachments/links as a formal complaint and be put on public record.

On the 26-09-2023 a young worker Tyler Whitton had fallen approximately 3.7m through an open penetration on the CS development project 80-88 Victoria St, West End, QLD.

Tylers Whitton had his life support turned off on the 27-09-2023 due to his injuries.

The penetrations on this project did not meet WHS Regulation section 306F and the formwork code of practice 4.1.8 penetrations not securely fixed down, no cast-in mesh and not marked (PENO BELOW).

Principle Inspector D'Allura had issued a Prohibition Notice (Notice No P1050410) the notice stated that all penetrations on the entire project had to be made compliant.

This Prohibition notice was lifted on the 30-11-2023 after only part controls were put in place as the cast-in mesh cannot be put in place after the concrete slab has been poured it would never be compliant with the code.

The penetration covers have been secured and scaffold had rails were put in place around the

penetrations but not all of them as you will see in the videos.

The question I ask is why the Prohibition Notice was lifted when there wasn't a consistent approach to the controls put in place around penetration in the floor.

This project had a worker fall 3.7m and had his life support turned off, Inspectors from WHSQ let a concrete pour continue that same day and now lifting prohibition notices without adequate or consistent controls in place.

Please see the links below

<https://www.dropbox.com/scl/fi/g0xmza1ljjwy1n8vv0601/CS-Developments-1.mp4?rlkey=y2enupq89pjow2bs0mp3b3wqq&dl=0>

<https://www.dropbox.com/scl/fi/tyus4yr25kfce2ijqo9q2/CS-Developments-2.mp4?rlkey=55j0y8me7bxzfp673z8l685kf&dl=0>

Regards



Construction & General Division
QLD/NT Divisional Branch



Kurt Pauls

OHS Co-ordinator

[Redacted]

[Redacted]

T [Redacted]

F [Redacted]

[Redacted]

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**COMMISSION OF INQUIRY INTO THE CFMEU AND MISCONDUCT IN THE
CONSTRUCTION INDUSTRY**

ANNEXURE SHEET

This is a document referred to as PMK-14 in the Statement of Peter Anthony McKay
declared/affirmed in Brisbane on 7 April 2026



Peter Anthony McKay



Witness (Lawyer)

Queensland
GovernmentOffice of
Industrial Relations

In reply please quote: COM Pauls 8
Our ref: REC78237

20 December 2023

Mr Kurt Pauls
CFMEU OHS Coordinator

Email: [REDACTED]

By email: [REDACTED]

Dear Mr Pauls,

Internal assessment of customer complaint

I refer to your email to Mr Peter McKay, Deputy Director General, Office of Industrial Relations (OIR) dated 6 December 2023, concerning a prohibition notice issued to CS Development Group Pty Ltd ('the PCBU') in relation to an incident that occurred on 26 September 2023 at a construction project located at 80-88 Victoria Street, West End.

Your correspondence raises two concerns:

- *The penetrations on this project did not meet WHS Regulation section 306F and the formwork code of practice 4.1.8 penetrations not securely fixed down, no cast-in mesh and not marked (PENO BELOW).*
- *The alleged lifting of prohibition notice (P1050410) on the 30-11-2023 without adequate or consistent controls in place.*

I note the outcome you are seeking is an answer to your question:

The question I ask is why the Prohibition Notice was lifted when there wasn't a consistent approach to the controls put in place around penetration in the floor.

I can advise the abovementioned notice encompassing these risks is **still in force**. I understand Mr McKay confirmed the status of the prohibition notice in a phone call with you on 7 December 2023.

OIR is awaiting further documentation and information from the PCBU in relation to this notice. The notice will remain in force until the inspector is satisfied that the matters that give rise to the risk have been remedied.

1 William Street Brisbane
Queensland 4000 Australia
GPO Box 69 Brisbane
Queensland 4001 Australia
Telephone 13 QGOV (13 74 68)
WorkSafe +61 7 3247 4711
Website www.worksafe.qld.gov.au
www.business.qld.gov.au
ABN 94 496 188 983

Your complaint has been assessed in accordance with the OIR Customer Complaint Management Policy. This policy can be viewed at: [Office of Industrial Relations complaints policy](#)

An internal assessment involves consideration of the issues raised in your complaint, any decisions and or actions arising from this consideration, and reasons for these decisions.

Further information and review rights

Customer complaints are an important source of feedback for us as an organisation, and those that are upheld provide us with valuable insights to help identify improvements to our business practices. Further information about how OIR manages customer complaints can be found at: [Office of Industrial Relations complaints policy](#).

In terms of the privacy of any personal information supplied in your complaint, OIR collects personal information for the purposes of identifying and dealing with complaints in accordance with the OIR's Customer Complaint Management Policy. Any use of personal information will be limited to that necessary to investigate and respond to issues raised in your complaint. Further information about information privacy is available at: [Office of Industrial Relations privacy](#).

This letter is a record of the outcome of the internal assessment, I trust this information is of assistance.

Yours sincerely



Sarina Wise
Executive Director
WHS Compliance and Field Services
Workplace Health and Safety Queensland
Office of Industrial Relations


**COMMISSION OF INQUIRY INTO THE CFMEU AND MISCONDUCT IN THE
CONSTRUCTION INDUSTRY**

ANNEXURE SHEET

This is a document referred to as PMK-15 in the Statement of Peter Anthony McKay
declared/affirmed in Brisbane on 7 April 2026



Peter Anthony McKay



Witness (Lawyer)

From: Peter McKay [REDACTED]
Sent: Thur 07/12/2023 3:58:31 PM (UTC+10:00)
To: Sarina Wise [REDACTED]
Subject: FW: Formal Complaint #004 Miss use of power non-disturbance
Attachment: Matthew Vonhoff Statement #004.pdf
Attachment: Multiplex non disturbance notice.pdf

For action please. I'd like to discuss with you after you have reviewed and before a reply is sent.

My recollection is that Mr Ross issued a non-disturbance notice on the area directly impacted by the incident as he had made a decision to exit the site based on the behaviour of the officials.

Peter McKay
Deputy Director-General
 Office of Industrial Relations

Level 11, 1 William Street, Brisbane QLD 4000

P [REDACTED] E [REDACTED]

From: Kurt Pauls <[REDACTED]>
Sent: Thursday, 7 December 2023 2:49 PM
To: Peter McKay <[REDACTED]>; Michael DE'ATH <[REDACTED]>;
 Industrial Relations <[REDACTED]>
Cc: Michael Ravbar <[REDACTED]>; Jade Ingham <[REDACTED]>; Kane Lowth
 <[REDACTED]>; Jacqui Collie <[REDACTED]>; Mick Robinson <[REDACTED]>
Subject: Formal Complaint #004 Miss use of power non-disturbance

CAUTION: This email originated from outside of OIR. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Mr MacKay.

Please take this letter and attachments as a formal complaint and be put on public record.

The reason for this correspondence is a miss use of power regarding non-disturbance notice issued by Inspector James Ross at the Queens Wharf project on the 7-9-2023.

On the 7-9-2023 myself and Matthew Vonhoff attended the Queens Wharf Project, principal contractor being Multiplex after the satellite pump on tower 4 blew a clip from the 90 deg pipe which was a notifiable incident.

Inspector Ross was present with Multiplex management and the safety committee from tower 4 doing his investigation into the incident.

Inspector Ross informed myself and Mr Vonhoff that since we have now turned up on site he would have to leave because as their Policy states "they have to be in pairs when dealing with the UNION's" Inspector Ross then told myself and Mr Vonhoff he was issuing a verbale non-disturbance notice until another Inspector arrived.

This is a miss use of an inspector's power's issuing a non-disturbance outside the scope and intent of

what a non-disturbance is used for.

Inspector Ross has displayed gross misconduct, abuse of power, breaching OIR's compliance Monitoring and enforcement policy and also breaches the Public Sector Ethics Act 1994 Div 2, 6 Integrity and impartiality.

Which then also Inspector Ross has beached the 'Code of Conduct' for the Queensland Public Service, Section 1 – Integrity and Impartiality,

- 1. – Commit to the highest ethical standards.
- 2. - Manage conflicts of interest.

1.5 - Demonstrate a high standard of workplace behaviour and personal conduct.

I also believe that abuse of power in this degree must be reported to the CCC (Crime and Corruption Commission) for investigation.

Please see the attached links to videos to support this complaint.

<https://www.dropbox.com/scl/fi/lt3jzsej76so5rk1jciob/QW1-1.mp4?rlkey=izo69qjoyj63wpg9ga92j2tno&dl=0>

<https://www.dropbox.com/scl/fi/s7kdbmjp7phux3ewywnil/QW1-2.mp4?rlkey=y9qvn4srl9mg3p5p0icivyer&dl=0>

Regards

CFMEU

Construction & General Division
QLD/NT Divisional Branch



Kurt Pauls

OHS Co-ordinator

[Redacted]

[Redacted]

T [Redacted]

F [Redacted]

[Redacted]

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**COMMISSION OF INQUIRY INTO THE CFMEU AND MISCONDUCT IN THE
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ANNEXURE SHEET

This is a document referred to as PMK-16 in the Statement of Peter Anthony McKay
declared/affirmed in Brisbane on 7 April 2026



Peter Anthony McKay



Witness (Lawyer)

From: Kurt Pauls [REDACTED]
Sent: Wed 20/12/2023 9:02:06 AM (UTC+10:00)
To: Peter McKay [REDACTED]; Michael DE'ATH [REDACTED]; Industrial Relations [REDACTED]
Cc: Michael Ravbar [REDACTED]; Jade Ingham [REDACTED]; Kane Lowth [REDACTED]; Jacqui Collie [REDACTED]; Mick Robinson [REDACTED]
Subject: RE: Formal Complaint #004 Miss use of power non-disturbance

CAUTION: This email originated from outside of OIR. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Mr McKay,

The reason for this correspondence is you still have not responded the correspondence that I sent to you on the 7th of December 2023.

The issues raised previously are serious and need to be address, for a major industry stakeholder to raise these issues as a complaint directly to yourself as the Acting Deputy Director General, about the inspectorate that is under your portfolio and not have a response does not show transparency nor good governance.

I would like a response from the original email and explanation why it was not responded to in a timely manner.

Regards



Kurt Pauls

OHS Co-ordinator

[REDACTED]

[REDACTED]

T [REDACTED]

F [REDACTED]

[REDACTED]

**Construction & General Division
QLD/NT Divisional Branch**



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From: Kurt Pauls <[REDACTED]>
Sent: Thursday, December 7, 2023 2:49 PM
To: Peter McKay <[REDACTED]>; Michael DE'ATH <[REDACTED]>; Industrial Relations <[REDACTED]>
Cc: Michael Ravbar <[REDACTED]>; Jade Ingham <[REDACTED]>; Kane Lowth <[REDACTED]>; Jacqui Collie <[REDACTED]>; Mick Robinson <[REDACTED]>
Subject: Formal Complaint #004 Miss use of power non-disturbance

Mr MacKay.

Please take this letter and attachments as a formal complaint and be put on public record.

The reason for this correspondence is a miss use of power regarding non-disturbance notice issued by Inspector James Ross at the Queens Wharf project on the 7-9-2023.

On the 7-9-2023 myself and Matthew Vonhoff attended the Queens Wharf Project, principal contractor being Multiplex after the satellite pump on tower 4 blew a clip from the 90 deg pipe which was a notifiable incident.

Inspector Ross was present with Multiplex management and the safety committee from tower 4 doing his investigation into the incident.

Inspector Ross informed myself and Mr Vonhoff that since we have now turned up on site he would have to leave because as their Policy states "they have to be in pairs when dealing with the UNION'S" Inspector Ross then told myself and Mr Vonhoff he was issuing a verbale non-disturbance notice until another Inspector arrived.

This is a miss use of an inspector's power's issuing a non-disturbance outside the scope and intent of what a non-disturbance is used for.

Inspector Ross has displayed gross misconduct, abuse of power, breaching OIR's compliance

Monitoring and enforcement policy and also breaches the Public Sector Ethics Act 1994 Div 2, 6 Integrity and impartiality.

Which then also Inspector Ross has beached the 'Code of Conduct' for the Queensland Public Service, Section 1 – Integrity and Impartiality,

- 1. – Commit to the highest ethical standards.
- 2. - Manage conflicts of interest.

1.5 - Demonstrate a high standard of workplace behaviour and personal conduct.

I also believe that abuse of power in this degree must be reported to the CCC (Crime and Corruption Commission) for investigation.

Please see the attached links to videos to support this complaint.

<https://www.dropbox.com/scl/fi/lt3jzsei76so5rk1jciob/QW1-1.mp4?rlkey=izo69qjoyj63wpg9ga92j2tno&dl=0>

<https://www.dropbox.com/scl/fi/s7kdbmjp7phux3ewywnil/QW1-2.mp4?rlkey=y9qvn4sr19mgv3p5p0icivyer&dl=0>

Regards



Construction & General Division
QLD/NT Divisional Branch



Kurt Pauls

OHS Co-ordinator

[Redacted]

[Redacted]

T [Redacted]

F [Redacted]

[Redacted]

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**COMMISSION OF INQUIRY INTO THE CFMEU AND MISCONDUCT IN THE
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ANNEXURE SHEET

This is a document referred to as PMK-17 in the Statement of Peter Anthony McKay
declared/affirmed in Brisbane on 7 April 2026

A handwritten signature in black ink, appearing to read 'Peter Anthony McKay', written over a horizontal dotted line.

Peter Anthony McKay

A handwritten signature in blue ink, appearing to read 'Tom Gray', written over a horizontal dotted line.

Witness (Lawyer)

From: Kurt Pauls[REDACTED]
Sent: Thur 07/12/2023 2:52:06 PM (UTC+10:00)
To: Peter McKay[REDACTED]; Michael DE'ATH[m [REDACTED]]; Industrial Relations [REDACTED]
Cc: Michael Ravbar[REDACTED]; Jade Ingham [REDACTED]; Kane Lowth [REDACTED]; Jacqui Collie [REDACTED]; Mick Robinson [REDACTED]
Subject: Formal Complaint #005 Miss use of power non-disturbance
Attachment: IMG_1241.jpg
Attachment: Matthew Vonhoff Statement #005.pdf

CAUTION: This email originated from outside of OIR. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Mr MacKay.

Please take this letter and attachments as a formal complaint and be put on public record.

The reason for this correspondence is a miss use of power regarding non-disturbance at CS Developments on the 27-9-2023.

On the 27-9-2023 Matthew Vonhoff and Dennis Mitchell attended the CS Development project, 80-88 Victoria St, West End.

Where a young worker Tyler Whitton had fallen 3.7m the day before.

CS Development advise Mr Vonhoff and Mr Mitchell that there was a non-disturbance notice (NDI1001372) issued on the area where the incident had happened.

CS Developments management and MR Vonhoff and Mr Mitchell walked the site and found multiple safety issues around fall from heights, uncompliant scaffold and penetrations throughout the site that weren't compliant with the formwork code of practice.

Approximately 11:30am Inspector Tom Shepard arrived to do his investigation into the incident.

Inspector Shepard made comments to doth Mr Vonhoff and Mr Mitchell that there was a non-disturbance on the area where the incident had happened which is now extended to the whole site.

I ask the question why again when CFMEU are on site and WHSQ Inspectors arrive we are told that there is a non-disturbance notice on the entire site and we can't be there.

This is a miss use of an inspector's power's issuing a non-disturbance outside the scope and intent of what a non-disturbance is used for.

Inspector Shepard has displayed gross misconduct, abuse of power, breaching OIR's compliance Monitoring and enforcement policy and breaches the Public Sector Ethics Act 1994 Div 2, 6 Integrity and impartiality.

Which then also Inspector Shepard has beached the 'Code of Conduct' for the Queensland Public Service,

Section 1 – Integrity and Impartiality,

1. – Commit to the highest ethical standards.
2. - Manage conflicts of interest.

1.5 - Demonstrate a high standard of workplace behaviour and personal conduct.

I also believe that abuse of power in this degree must be reported to the CCC (Crime and Corruption Commission) for investigation.

Please see the attached links to videos to support this complaint.

<https://www.dropbox.com/scl/fi/2subo00xrk2oefe5ik95d/CS-Developments-non-disturbance.mp4?rlkey=q3k3q9fznwvskyh6bl9echfe&dl=0>

Regards

CFMEU

Construction & General Division
QLD/NT Divisional Branch



Kurt Pauls

OHS Co-ordinator

[Redacted]

[Redacted]

T [Redacted]

F [Redacted]

[Redacted]

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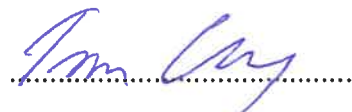
**COMMISSION OF INQUIRY INTO THE CFMEU AND MISCONDUCT IN THE
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ANNEXURE SHEET

This is a document referred to as PMK-18 in the Statement of Peter Anthony McKay
declared/affirmed in Brisbane on 7 April 2026



Peter Anthony McKay



Witness (Lawyer)

From: Peter McKay[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C00AFD999B714CB3A302B2D0B38EF520-EBC1E080-2D]
Sent: Wed 20/12/2023 5:51:50 PM (UTC+10:00)
To: Sarina Wise[REDACTED]; Kurt Pauls[REDACTED]
Subject: RE: Update on #004 Misuse of power non-disturbance & #005 Misuse of power non-disturbance

Kurt

I'm going to take the next two days off so I'll leave you in Sarina's very capable hands. I'll be available over the Christmas-New Year closure period for urgent issues and will be back on deck on 2 January 2024.

All the best
 Pete

Peter McKay
 Deputy Director-General
 Office of Industrial Relations

[REDACTED]
 P [REDACTED] E [REDACTED]

From: Sarina Wise <[REDACTED]>
Sent: Wednesday, 20 December 2023 3:37 PM
To: Kurt Pauls <[REDACTED]>
Subject: Update on #004 Misuse of power non-disturbance & #005 Misuse of power non-disturbance

Hi Kurt,

I understand that Peter has informed you that these matters have been referred to my area to manage. By way of an update, the below outlines actions and the situation to date:

Formal Complaint #004 Misuse of power non-disturbance– 7 September 2023 – Alleged use of NDN to disallow unions to remain on site.

- *All footage has been accessed and reviewed*
- *Relevant inspector is on leave until early January 2024*
- *The inspector is to be interviewed upon his return*

Due to the pending government shutdown period and planned leave arrangements, the completion of this inquiry will be delayed. I anticipate informing you of the outcomes of this matter in mid-late January 2024.

Formal Complaint #005 Misuse of power non-disturbance– 27 September 2023 - Alleged use of NDN to disallow unions to remain on site.

- *All footage has been accessed and reviewed.*
- *Internal inspectors who were witness to the matter have been interviewed*
- *The relevant Inspector is currently on leave and returns end of January 2024*
- *The inspector is to be interviewed upon his return*

Due to the pending government shutdown period and planned leave arrangements, the completion of this inquiry will be delayed. I anticipate informing you of the outcomes of this matter in mid-late February 2024.

Unfortunately, due to the time of year and employees taking extended leave, timeframes for the completion of these complaints have been unavoidably protracted.

We will do our utmost to ensure these matters are completed in a timely manner on the return of the relevant inspectors and will keep you informed of any changes to the above timeframes.

I hope you have a nice break and I look forward to working with you in 2024.

Regards,



Queensland
Government **Sarina Wise**

Executive Director

WHS Compliance and Field Services

Workplace Health & Safety Queensland

Office of Industrial Relations

E: [REDACTED] M: [REDACTED]

**COMMISSION OF INQUIRY INTO THE CFMEU AND MISCONDUCT IN THE
CONSTRUCTION INDUSTRY**

ANNEXURE SHEET

This is a document referred to as PMK-19 in the Statement of Peter Anthony McKay
declared/affirmed in Brisbane on 7 April 2026



Peter Anthony McKay



Witness (Lawyer)

From: Kurt Pauls [REDACTED]
Sent: Mon 08/04/2024 2:11:04 PM (UTC+10:00)
To: Industrial Relations [REDACTED]; Graham Fraine (dsdilgp) [REDACTED]; Peter McKay [REDACTED]; Sarina Wise [REDACTED]
Cc: Michael Ravbar [REDACTED]; Jade Ingham [REDACTED]; Dylan Howard [REDACTED]; tim.maguire [REDACTED]; Mick Robinson [REDACTED]
Subject: RE: FORMAL COMPLAINT #006 - FW: WHSQ - HSR - Request for inspector assistance

CAUTION: This email originated from outside of OIR. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Ms Wise,

The reason for this correspondence is that there has been no response on the below issues.

Ms Wise you have been employed as the Executive Director of WHS Compliance and Field Services, Worksafe Qld as a public sector employee under the Queensland Government. It is concerning that issues that have been raised with you personally have not been finalised with a response, acting in this manner has let down HSR's, workers and the broader community within Queensland.

The CFMEU believe if this is the way you conduct yourself as an Excitative Director Worksafe Qld will keep letting the industry slide backwards on safety, which shows the complete Disarray within the department and the inability to action or respond to safety issues raised from industry stockholders this should not take 9 weeks.

Ms Wise if you are not going to put the safety of Queensland HSR's, workers and the community as a priority the CFMEU ask for your resignation immediately.

Regards



Kurt Pauls

OHS Co-ordinator

[REDACTED]

[REDACTED]

**Construction & General Division
QLD/NT Divisional Branch**



T [REDACTED]
F [REDACTED]
[REDACTED]

I acknowledge the traditional Aboriginal owners of country throughout Australia and pay my respect to them, their culture and their Elders past, present and future.

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From: Kurt Pauls <[REDACTED]>
Sent: Thursday, February 22, 2024 1:03 PM
To: Industrial Relations <[REDACTED]>; graham.fraire [REDACTED]; Peter McKay [REDACTED]; Sarina Wise [REDACTED]
Cc: Michael Ravbar <[REDACTED]>; Jade Ingham [REDACTED]; Dylan Howard [REDACTED]; tim.maguire [REDACTED]
Subject: FORMAL COMPLAINT #006 - FW: WHSQ - HSR - Request for inspector assistance

Ms Wise,

The reason for this correspondence is to enquire into why "Brett" from licencing cannot find complaint ref 74309 in WHSQ's system.

On the 2nd of February 2024, HSR Tim Maguire employed by CBP/Unity at the Dutton Park station witnessed approximately 5 unauthorised persons one being Minister Mark Bailey enter the project with management from unity.

Minister Bailey and others in the group went into areas of the rail corridor in which they had not signed or done the daily protection officers brief which is a QR requirement.

HSR Mr Maguire called the triage hotline and lodged this complaint, as you can see in the attached complaint form,

After not having any correspondence from WHSQ, Mr Maguire called the Triage hotline and spoke with "Brett" who sent the below correspondence.

I would like answers to the following:

- How has WHSQ lost this complaint or “Brett” not been able to find this complaint.
- Why has “Brett” not provided a direct email for Mr Maguire to have direct contact about this issue.

Once again WHSQ has let down HSR’s and workers in Queensland.

While WHSQ is in total disarray with addressing safety issues notified through the failed Triaging process.

The CFMEU have grave concerns for the safety of Queensland workers.

Regards



Construction & General Division
QLD/NT Divisional Branch



Kurt Pauls

OHS Co-ordinator



T [Redacted]

F [Redacted]



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From: Timothy Maguire <[REDACTED]>
Sent: Monday, February 12, 2024 2:26 PM
To: Kurt Pauls [REDACTED]
Subject: Fwd: WHSQ - HSR - Request for inspector assistance

You don't often get email from [REDACTED]. [Learn why this is important](#)

----- Forwarded message -----

From: Safety Info <SafetyInfo@oir.qld.gov.au>
Date: Mon, Feb 12, 2024 at 1:45 PM
Subject: WHSQ - HSR - Request for inspector assistance
To: tim.maguire [REDACTED]

Hi Tim,

I was unable to find your request for an inspector in our system can you please forward the report that you have received to safetyinfo@oir.qld.gov.au

Once we receive the report we can check it and then contact you with info about your request for an inspector.

Kind regards,



**Queensland
Government**

Brett
Subject Matter Advisor
Licensing and Regulatory Interventions
Workplace Health and Safety Queensland
Office of Industrial Relations

[ask a question online](#)  [REDACTED]

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

[Connect with us here](#)

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**COMMISSION OF INQUIRY INTO THE CFMEU AND MISCONDUCT IN THE
CONSTRUCTION INDUSTRY**

ANNEXURE SHEET

This is a document referred to as PMK-20 in the Statement of Peter Anthony McKay
declared/affirmed in Brisbane on 7 April 2026



Peter Anthony McKay



Witness (Lawyer)

Memorandum of Understanding
made at Brisbane on the 20th of April 2022

between

the State of Queensland acting through the

Department of Education

ABN 94 496 188 983

(Office of Industrial Relations)

and

the State of Queensland acting through the

Queensland Police Service

ABN 29 409 225 509

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Part 5 – Disputed entry issues

At times the QPS may be called to disputes about a right of entry to a workplace regarding health and safety matters.

The QPS agrees to notify OIR of disputes involving entry to a workplace promptly. This will enable the matter to be dealt with appropriately by an inspector with their expert understanding of WHS laws, and to, ideally, de-escalate tensions on site.

Right of entry powers – summary

The *Work Health and Safety Act 2011* give WHS entry permit holders (employee organisations/trade unions) right of entry powers to allow them to make contributions to work health and safety outcomes in workplaces.

Under Part 7, a WHS entry permit holder may enter a workplace for the following purposes that relate to or affect, a relevant worker:

- to enquire into a suspected contravention of the *Work Health and Safety Act 2011* (WHS Act) that relates to, or affects, a relevant worker (see section 117); or
- to inspect employee records or information held by another person (see section 120); or
- to consult on work health and safety matters with, and provide advice on those matters, to one or more relevant workers who wish to participate in the discussions (see section 121).

WHS entry permit holders are authorised to exercise these powers under both state and federal laws if they hold the appropriate identification card or permit.

Entry to investigate suspected work health and safety contraventions extends to electrical safety-related contraventions, even though this area of health and safety is dealt with by the separate *Electrical Safety Act 2022*, not the *Work Health and Safety Act 2011*.

It is important that WHS entry permit holders are not constrained in exercising their powers under the WHS Act as they may have received information about possible contraventions of the WHS Act provided confidentially by workers and be attempting to prevent dangerous work practices that present immediate risks to those at the worksite.

It is an offence for a person conducting a business or undertaking to obstruct a WHS entry permit holder in the exercise of their power, unless the person has a reasonable excuse for the obstruction.

If a dispute arises about right of entry by work health and safety entry permit holder, any party to the dispute can ask for an inspector to be appointed to assist in resolving the dispute.

Entry under section 81(3) or 68(g)

Rights to enter a workplace exist under two other areas of the WHS Act. Entry by a representative of a party to a WHS issue may occur under section 81(3) of the WHS Act for the purposes of assisting to resolve the issue, and also to assist a health and safety representative (HSR) under section 68(2)(g) of the WHS Act. External parties attempting to enter a workplace under s 81(3) and s68(s)(g) are not required by Queensland's WHS Act to hold a permit although an official of an organisation (under the Fair Work Act 2009) is required to hold a Federal permit.

External parties who are officials of state based organisations, such as employees of the Construction, Forestry, Maritime, Mining and Energy Union Queensland (CFMEUQ), are not captured by the Fair Work Act 2009 and are not required to hold a federal entry permit.

Where external parties attempt to enter a workplace because they have been called to assist in resolving a WHS issue or to assist an HSR with their functions (s.81(3) and s.68(2)(g)), but are denied entry by the occupier, the WHS Act enables the parties to ask the WHS regulator to appoint an inspector to assist in resolving the matter. The external parties could include union officials or other health and safety experts.

Queensland Police Service assistance

In all circumstances in which the QPS is called to attend a disputed entry to worksites for work health and safety matters, the QPS should notify OIR of the dispute.

The QPS should follow the expert advice of OIR as to the operation of the WHS Act. This approach will enable the matter to be appropriately dealt with by a Workplace Health and Safety inspector appointed under the WHS Act.

QPS will undertake relevant enquires with the WHSQ inspector/s, the workplace and the union official/s to enable them to be in a position to make a determination in relation to relevant matters.

QPS's role will involve:

- Instigating necessary actions to keep the peace;
- Reinforcing and giving necessary directions to relevant parties to support lawful directions; and requirements issued by WHSQ inspectors.

A Guide has been prepared to assist QPS and OIR offices to cooperate and resolve disputed entry to worksites for WHS matters. The guide includes contact details for relevant OIR officers and is at schedule 3 of the MOU.

SCHEDULE 3

GUIDE ON ENTRY TO WORKSITES FOR WORK HEALTH AND SAFETY MATTERS

Purpose

The purpose of this guide is to assist Queensland Police Services (QPS) officers who are called regarding a disputed entry to worksites for WHS matters.

Officers attending a workplace dispute

Officers should not force entry into a worksite or become involved in the dispute unless there is:

- an apparent danger to a person or persons; or
- to prevent riots or breaches of the peace or of law.

Assisting an occupier remove a person/s from a workplace

Officers may only assist an occupier to remove a person from a workplace if:

- the Office of Industrial Relations (OIR) advises that the persons have no legal authority to be on the premises; or
- the person is committing an offence (e.g. behaving in a disorderly manner).

For further assistance, officers should refer to section 13.17.3: Trespass (Industrial disputes) of the OPM.

Helping public officials exercising a power

Upon request from a Public officer, an officer may assist the official if:

- the officer establishes the public officer is a public official under the authorising law; and
- the public officer explains the powers the public official has under the authorising law.

In these circumstances QPS will give necessary directions to relevant parties to comply with WHS inspectors' powers and requirements under the WHS Act.

Further, QPS will issue necessary warnings to those not complying with a lawful requires under both the WHS legislation and QPS legislation.

QPS will initiate all steps with a view to keeping the peace and will only use force in circumstances where parties are:

- Failing to keep the peace;
- Obstructing lawful requests; or
- Committing an offence under the Criminal Code etc.

(see s.13.3.2: Helping public officials exercise powers under various Acts of the OPM).

The OIR, as part of its responsibilities is empowered through its inspectorate to ensure work health and safety compliance and respond to incidents at worksites under the *Work Health and Safety Act 2011* (WHS Act 2011).

What should you do?

In all circumstances in which the QPS is called to attend a disputed entry to worksites, the QPS will notify OIR of the dispute. Where practicable, the QPS should notify OIR of the dispute before attending the site. The QPS should follow the expert advice of OIR as to the operation of the WHS Act 2011.

Until such time as the OIR provide advice to the QPS, the QPS will attempt to keep the peace between the parties. This approach will enable the matter to be appropriately dealt with by a Workplace Health and Safety Inspector appointed under the WSH Act 2011. Further, this approach will ensure QPS resources are not wasted on matters that fall within the jurisdiction of OIR.

The following representatives of OIR are first points of contact for these matters:

- Marc Dennett Executive Director, WHS Compliance and Field Services
██████████
- Helen Burgess Director, Construction Compliance and Field Services
██████████

Entry to workplaces under the *Work Health and Safety Act 2011*

There are a number of mechanisms under the Work Health and Safety Act 2011 (the WHS Act) that enable entry to a workplace by an external representative. These are as follows:

1. A work Health and Safety (WHS) Entry Permit Holder exercising their right of entry powers may enter under sections 117, 120 and 121, Part 7 of the WHS Act.

A WHS entry permit holder may enter a workplace for the following purposes that relate to, or affect, a relevant worker.

- to enquire into a suspected contravention of the WHS Act;
- to inspect employee records or information held by another person; or
- to consult on WHS matters with, and provide advice on those matters, to one or more relevant workers who wish to participate in the discussions.

WHS entry permit holders are authorised to exercise these powers under both state and federal laws, if they hold the appropriate identification card or permit. It is important that WHS entry permit holders are not constrained in exercising their powers under the WHS Act as they may have received information about possible contraventions of the WHS Act provided confidentially by workers and be attempting to prevent dangerous work practices that present immediate risks to those at the worksite.

Entry to investigate suspected work health and safety contraventions extends to electrical safety-related contraventions, even though this area of health and safety is dealt with by the separate *Electrical Safety Act 2002*, not the *Work Health and Safety Act 2011*.

2. **Entry by a representative of a party to a WHS issue may occur under section 81(3) of the WHS Act for the purposes of assisting to resolve the issue.**
3. **Entry to assist a health and safety representative (HSR) may occur under section 68(2)(g) of the WHS Act.**

Where external parties attempt to enter a workplace because they have been called to assist in resolving a WHS issue or to assist a HSR with their functions (s81(3) and s68(2)(g)), but are denied entry by the occupier, the WHS Act enables the parties to ask the WHS regulator to appoint an inspector to assist in resolving the matter. WHS inspectors are empowered to exercise any of their compliance powers under Part 10 of the WHS Act to assist in resolving the dispute.

This includes assisting to facilitate entry to a workplace where failure to allow entry has occurred. External parties attempting to enter a workplace under s81(3) and s68(2)(g) are not required by Queensland's WHS Act to hold a permit although they are required to hold a federal permit.

External parties who are officials of state based organisation, such as CFMEUQ employees, are not captured by the *Fair Work Act 2009* and are not required to hold a federal entry permit.

Under the WHS Act 2011 there exists appeal mechanisms for all parties in relation to decisions made and notices issued by Workplace Health and Safety inspectors.

COMMISSION OF INQUIRY INTO THE CFMEU AND MISCONDUCT IN THE
CONSTRUCTION INDUSTRY

ANNEXURE SHEET

This is a document referred to as PMK-21 in the Statement of Peter Anthony McKay
declared/affirmed in Brisbane on 7 April 2026

A handwritten signature in black ink, appearing to read 'Peter Anthony McKay', written over a horizontal dotted line.

Peter Anthony McKay

A handwritten signature in blue ink, appearing to read 'John [unclear]', written over a horizontal dotted line.

Witness (Lawyer)



16 December 2023

Peter McKay
Deputy Director-General
Office of Industrial Relations

By Email: [REDACTED]

Copy to: Sarina Wise
Executive Director, WHS Compliance and Field Services
Workplace Health and Safety Queensland

By Email: [REDACTED]

Dear Peter,

Psychosocial Hazards created by CFMEU

We act for BMD Group (**our client**) and write in relation to a "notifiable incident" our client has notified Workplace Health and Safety on 16 December 2023.

Our client considers it necessary and appropriate to escalate this matter immediately to you, given the clear risk posed to the psychological health and wellbeing of, not only to our client's workers' but, the Inspectors and Investigators, tasked with investigating the matters raised.

The "notifiable incident" to which our client refers is the publication by the CFMEU, Queensland Branch on its Facebook and News Centre Website of false and misleading information which has and continues to cause our client's workers' significant distress and poses a serious risk to their psychological health and wellbeing. We would assume the Department holds similar concerns (as a PCBU also) regarding the psychological health and wellbeing of its Inspectors and Investigators.

Please find **attached** a copy of our letter to Mr Ravbar, for your information.

While our client is of course providing other supports to its workers, the highest order control our client can implement is to take affirmative action to stop of the spread of false and misleading information and notify WHSQ so it can take appropriate action to investigate whether the conduct of the CFMEU and Mr Ravbar constitutes a breach of their obligations under the Work Health and Safety Act 2011 (**WHS Act**). Our client of course has a view in that regard, though appreciates it is the role and function of Workplace Health and Safety to monitor and enforce compliance with the WHS Act.

Respectfully, we call on Workplace Health and Safety to take clear and affirmative action to stamp out this conduct being displayed by the CFMEU.

We appreciate the Work Health and Safety Prosecutor has clearly demonstrated its willingness to prosecute those who have contravened the WHS Act, regardless of whether it is a State Government Department or sole operator. It is that leadership in this space which

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GPO Box 302,
BRISBANE QLD 4001
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hbalegal.com
ABN: 47154664249

is needed to address the significant psychosocial hazard presented by the reckless publication of false and misleading information.

We would welcome an opportunity to have a discussion with you regarding this matter and trust those Investigators within Workplace Health and Safety charged with investigating the notifiable incident our client has raised, will be empowered to take clear and decisive action promptly.

We are of course happy to answer any questions or concerns you may have in the meantime.

Yours faithfully
HBA Legal



Damian Hegarty | Partner

D:

F:

E:



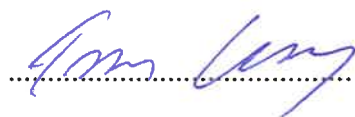
COMMISSION OF INQUIRY INTO THE CFMEU AND MISCONDUCT IN THE
CONSTRUCTION INDUSTRY

ANNEXURE SHEET

This is a document referred to as PMK-22 in the Statement of Peter Anthony McKay
declared/affirmed in Brisbane on 7 April 2026



Peter Anthony McKay



Witness (Lawyer)

Incident Notification Report Summary

Incident details	
Date and time :	15-Dec-2023 7:15 AM
Incident location :	BMD Site Office Fischer Road, RIPLEY 4306 Queensland Australia
Incident location description :	BMD Site Compound and work area
Description of incident :	<p>BMD Urban contends that the following actions of the CFMEU Qld/NT constitute an incident in a place of work that exposes a worker, or any other person, to a serious risk to their health or safety from an immediate or imminent exposure to a psychosocial hazards:</p> <ol style="list-style-type: none"> 1. The actions of the CFMEU members in their interactions with BMD employees and WHSQ officials on the Swanbank Site at Fairview Ipswich on Friday 15 December 2023; 2. The action of the CFMEU in releasing a media Statement on its Facebook page containing blatant lies, alleging a worker had died on BMDs site due to heat stress when there is no evidence to support the accusation and alleging that BMD did not report the incident to WHSQ in circumstances where the CFMEU knew this to be untrue. <p>BMD employees are still continuing to process the circumstances of a death on their worksite, a number of BMD staff had participated in performing CPR on the deceased man. The mental health impacts of this alone are tremendous without the compounding affect of the CFMEUs actions.</p>
Notified as a result of :	An infection to which the carrying out of work was a significant contributing factor
Involving :	
Incident involved licenced work?	No
Workplace is a major hazard facility?	No
Secured site?	Yes - Fischer Road, Ripley Qld 4306
Actions taken to prevent reoccurrence :	NA
Long term action taken to prevent reoccurrence :	Raising the issue with Workplace Health and Safety and CFMEU directly. All BMD Site employees and Workplace Health and Safety Investigators that were present were exposed. Multiple BMD employees were exposed.
How many people were injured?	0

Employer details	
WorkCover policy number :	WAD161212074
Legal name :	
Trading name :	BMD Urban Pty Ltd
ABN :	65158035539
ACN :	
Telephone :	
Mobile :	
Fax :	
Email :	
Main business activity :	Construction
Industry sector :	CONSTRUCTION
Business address :	THE BMD GROUP 1 SANDPIPER Avenue, PORT OF BRISBANE 4178 Queensland Australia

Employer's bank details	
Bank :	
BSB :	
Account number :	
Account name :	

Your contact details	
Name :	Mr Daniel Frame
Telephone/mobile :	██████████
Email :	████████████████████
Relationship to this incident notification :	EMPLOYER

Office of Industrial Relations privacy statement

The Office of Industrial Relations Queensland respects your privacy and is committed to protecting your personal information. The information provided on this form is for the purpose of advising Workplace Health and Safety Queensland and/or the Electrical Safety Office of a reportable incident under the *Work Health and Safety Act 2011*, *Electrical Safety Regulation 2002* or *Safety in Recreational Water Activities Act 2011*. This information will be managed within the requirements of the current state government privacy regime. The Department may be required to disclose your personal information to other regulatory agencies such as the Queensland Police Service, WorkCover, Q-Comp and other agencies in accordance with other law enforcement activities which may be conducted as part of an investigation. Further information on our privacy policy is available at www.worksafe.qld.gov.au.

**COMMISSION OF INQUIRY INTO THE CFMEU AND MISCONDUCT IN THE
CONSTRUCTION INDUSTRY**

ANNEXURE SHEET

This is a document referred to as PMK-23 in the Statement of Peter Anthony McKay
declared/affirmed in Brisbane on 7 April 2026



Peter Anthony McKay



Witness (Lawyer)



HBA Legal, Brisbane.

[REDACTED]
 [REDACTED]
 [REDACTED]
 GPO Box 302,
 BRISBANE QLD 4001
 DX 395, BRISBANE
 hbalegal.com
 ABN: 47154664249

16 December 2023

Michael Ravbar
 State Secretary CFMEU – Queensland Branch

By Email: [REDACTED]

Dear Michael

Immediate Removal of Facebook Post and News Article

We act for BMD Group (**our client**) and demand:

1. the **immediate removal** of the Facebook post made on 15 December 2023 on CFMEU Construction & General QLD/NT Facebook page referring to the death of a work and our client; and
2. the **immediate removal** of the item published on 15 December on "CFMEU News Centre" titled "WORKER DIES ON BMD CONSTRUCTION SITE".
3. that the CFMEU do not publish any further false and misleading information, in the circumstances where the publication of such false and misleading information creates a psychosocial hazard effecting our client's workers and is in clear contravention of the CFMEU's own obligations under the *Work Health and Safety Act 2011* (Qld) (**WHS Act**).

False and Misleading Nature of the Publications

Our client notified Workplace Health and Safety Queensland (**WHSQ**) of the tragic situation and received reference number 99057 from WHSQ.

The employer of the deceased worker had also notified WHSQ.

The duty imposed under section 38 of the WHS Act is for:

*A person who conducts a business or undertaking must ensure that the regulator is notified immediately after becoming aware that a notifiable incident **arising out of the conduct of the business or undertaking** has occurred.*

Our client did not engage the electrical contractors, nor were they engaged to perform work associated with our client's scope of work. Despite the fact the passing of the worker did not arise out of the conduct of our client's business or undertaking and there not being a direct obligation on our client to notify WHSQ of the incident, it did so.

The assertions contained in the publications that:-

- our client has an obligation to report all workplace deaths, injuries or illnesses to WHSQ;

- our client was either complicit in a 'cover-up' or incompetent'

are plainly false and misleading as to the factually what occurred and the legislative obligations imposed.

For example, while multiple duty holders have the obligation to ensure that an incident has been notified to the regulator, only one needs to¹.

Our client went beyond compliance with its obligations by notifying WHSQ even after being informed by the electrical contractor it had been in contact with WHSQ.

CFMEU's WHS Obligations

The CFMEU owes a duty pursuant to section 19 of the WHS Act to ensure, so far as is reasonably practicable, that the persons other than its employees are not exposed to risks to their health and safety arising from the conduct of the CFMEU's activities.

It is abundantly clear the conduct of the CFMEU's in publishing false and misleading information is creating a psychosocial hazard, particularly for those workers on site, who were directly involved in performing CPR on the worker until emergency services arrived.

The assertions that the worker has died of heat stress and the fatality demonstrates BMD's poor treatment of its workers are without foundation and insinuates that our client's workers were in some manner responsible for the worker's tragic passing.

Making baseless allegations such as those contained in the published statement demonstrates the CFMEU's and your own reckless disregard for the psychosocial health and wellbeing of not only our client's workers, by others who were involved in rendering assistance.

Given your position as State Secretary of the Branch you personally have an obligations pursuant to section 27 and 28 of the WHS Act and the direct quotes attributable to you are evidence of your own reckless conduct which is imputed onto the CFMEU by section 244 of the WHS Act.

Our client will be separately notifying WHSQ of this incident and the reckless disregard shown for the psychosocial health and well being of others, by the CFMEU and yourself.

Furthermore, our client will be notifying WHSQ of the suspected contravention of section 148 of the WHS Act associated with the unauthorised publication of information obtained through your members exercising their WHS Entry powers.

HBA Legal



Damian Hegarty | Partner

D: [REDACTED]

F: [REDACTED]

E: [REDACTED]

¹ Safe Work Australia Information Sheet – Incident Notification.

**COMMISSION OF INQUIRY INTO THE CFMEU AND MISCONDUCT IN THE
CONSTRUCTION INDUSTRY**

ANNEXURE SHEET

This is a document referred to as PMK-24 in the Statement of Peter Anthony McKay
declared/affirmed in Brisbane on 7 April 2026



Peter Anthony McKay



Witness (Lawyer)

From: Damian Hegarty [REDACTED]
Sent: Sat 16/12/2023 10:28:59 AM (UTC+10:00)
To: qntqueries [REDACTED]
Subject: Urgent | BMD Facebook Post
Attachment: BMD - Letter to CFMEU QLD Facebook.pdf

Dear Michael,
Please refer to the **attached** letter for your urgent attention.

Damian Hegarty
Partner, HBA Legal

P [REDACTED]
M [REDACTED]
E [REDACTED]
W www.crawcolegal.com / www.hbalegal.com
A [REDACTED]

Crawford Australia acknowledges the Traditional Owners of Country throughout Australia and recognises their continuing connection to land, waters and culture. We pay our respects to their Elders past, present and emerging.

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**COMMISSION OF INQUIRY INTO THE CFMEU AND MISCONDUCT IN THE
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ANNEXURE SHEET

This is a document referred to as PMK-25 in the Statement of Peter Anthony McKay
declared/affirmed in Brisbane on 7 April 2026



Peter Anthony McKay



Witness (Lawyer)



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ABN: 47154664249

22 December 2023

Peter McKay
Deputy Director-General
Office of Industrial Relations

By Email: [REDACTED]

Copy to: Sarina Wise
Executive Director, WHS Compliance and Field Services
Workplace Health and Safety Queensland

By Email: [REDACTED]

Dear Peter,

Psychosocial Hazards created by CFMEU

Further to our correspondence dated 16 December 2023, our client has received the **attached** automated reply from Licensing and Advisory Services, at Workplace Health and Safety Queensland (**WHSQ**).

Based on that automated reply and a phone call made by a WHSQ team member on 19 December 2023, it would appear that no investigation will be conducted unless individual workers complete the Psychosocial Hazard Complaint Form. While that approach may be appropriate in some circumstances, respectfully, it is not appropriate in all circumstances nor should it be a prerequisite for WHSQ to monitor and enforce compliance with the Act.

Just as our client would be required to notify WHSQ of a situation where a contractor was performing work in a manner that exposed workers or any other person to a serious risk to that person's health or safety, emanating from an immediate or imminent exposure to the matters listed in section 37 of the Act, it has notified of the circumstances giving rise to a serious risk to workers psychological health and safety.

Prior to making the notification to WHSQ, our client attempted to 'control' the risk by demanding the removal of the false and misleading information published by the CFMEU, Queensland Branch on its Facebook and News Centre Website. Although the Facebook post has now been removed, the publication on CFMEU News Centre Website remains.

There are no further reasonably practicable steps our client can take to eliminate or minimise the risk posed by this false and misleading information.

As stated in our letter to the Mr Ravbar of the CFMEU on 16 December 2023 (a copy of which has previously been provided):-

- The CFMEU is a person conducting a business or undertaking (**PCBU**) within the meaning of section 5 of the Act.
- As a PCBU, the CFMEU owes a primary duty of care pursuant to section 19 of the Act to ensure, so far as is reasonably practicable, that the health and safety of other

persons is not put at risk from work carried out as part of the conduct of the business or undertaking.

- Individuals employed by the CFMEU may also have obligations pursuant to sections 27 and 28 of the Act.

Given one of the Regulator's functions under section 152 of the Act is to monitor and enforce compliance with the Act, and the information presented as to suspected contraventions, it is appropriate those matters be investigated. It may also be appropriate for those investigating these matters to apply WHSQ's Compliance Monitoring and Enforcement Policy, and prohibit the activity of publishing false and misleading information that creates a serious risk to the health and safety of our client's workers and others (including the family of the deceased).

Would you please confirm this matter will be investigated?

We are of course happy to answer any questions or concerns you may have in the meantime.

Yours faithfully
HBA Legal



Damian Hegarty | Partner

D:

F:

E:



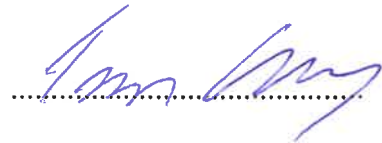
**COMMISSION OF INQUIRY INTO THE CFMEU AND MISCONDUCT IN THE
CONSTRUCTION INDUSTRY**

ANNEXURE SHEET

This is a document referred to as PMK-26 in the Statement of Peter Anthony McKay
declared/affirmed in Brisbane on 7 April 2026



Peter Anthony McKay



Witness (Lawyer)



Event Reference: I99231 & 343328

4 January 2024

Private and Confidential

Mr Michael Ravbar
State Secretary CFMEU – Queensland Branch
[REDACTED]

Dear Mr Ravbar

Psychosocial hazard raised with Workplace Health and Safety Queensland

Workplace Health and Safety Queensland (WHSQ) has been informed of an alleged work health and safety issue caused by the CFMEU, resulting in a psychosocial hazard at **BMD URBAN, FISCHER ROAD, RIPLEY, QLD, 4306**.

It had been alleged that safety systems within the business are insufficient to manage psychosocial hazards to workers and others. The complaint made specifically relates to **the unauthorized publication of information by members of your organisation in response to an incident at a workplace**.

WHSQ have completed an assessment of the complaint about your business. The assessment indicates that existing systems and procedures for responding to psychosocial hazards may be in place. However, the business may not have fulfilled its obligations under the [Managing the risk of psychosocial hazards at work Code of Practice 2022](#) (the Psychosocial Hazards Code) because the existing systems and procedures may not have been adhered to.

The business may be subject to a WHSQ audit in the coming months to confirm that appropriate actions have been taken to ensure that your safety systems are designed to effectively manage psychosocial hazards in the workplace, including for others outside of your workforce. **WHSQ recommends that you undertake further consultation within your business and review your existing systems and procedures**. There may be confusion for other workplaces regarding how workplace concerns are investigated and communicated.

You are encouraged to consult your workforce and other duty holders about the most appropriate way of managing workplace psychosocial hazards. The [Work health and safety consultation, cooperation and coordination Code of Practice 2021](#) provides practical information on how to meet the requirements for consultation on work health and safety matters and may assist in improving communication within your workplace.

The Psychosocial Hazards Code

The Psychosocial Hazards Code is a practical guide on how to prevent harm from psychosocial hazards at work, including psychological and physical harm. It provides information for persons conducting a business or undertaking (PCBUs) on how psychosocial hazards and risks can be controlled or managed and can be used to help decide what's reasonably practicable to reduce risk. The Psychosocial Hazards Code commenced on 1 April 2023.

To support the introduction of the Psychosocial Hazards Code, and to support businesses updating their safety systems to meet the required benchmarks, WHSQ are balancing compliance and enforcement actions with an education-focused approach.

Further help and information

WHSQ provides free resources to help PCBUs manage psychosocial hazards. These include:

- [People at Work risk assessment survey](#) - a free, validated psychosocial risk assessment survey available via a self-managed digital platform. The survey assesses several of the most common psychosocial hazards.
- [Psychosocial risk assessment](#) - a template for conducting a psychosocial risk assessment.
- [Focus group guide](#) - provides help on how to prepare and conduct a focus group, as well as how to analyse focus group data and report on findings.

In addition, the Psychosocial Hazards Code includes a range of resources, such as case studies, examples of psychosocial hazards, example risk management measures, an example risk register, and an example work-related bullying policy.

You may also wish to contact the [Injury Prevention and Management](#) (IPaM) program for assistance with these free resources. IPaM is a free program designed to help Queensland businesses develop and implement sustainable health, safety and injury management systems.

An IPaM advisor will help you to:

- complete an assessment of your workplace hazards
- ensure that your systems are designed to effectively manage hazards and risks in the workplace
- consult effectively with your workforce
- assess our workplace safety capability
- create your own tailored and specific business improvement plan.

Information about IPaM, including the registration process, can be found on the WorkSafe Queensland [website](#) or you can email WorkplaceAssistance@oir.qld.gov.au direct.

For further information on the Psychosocial Hazards Code, your work health and safety duties, or for further assistance regarding this matter, please contact WHSQ Advisory Services on 1300 631 904.

Yours sincerely

Workplace Health and Safety QLD
PO Box 820 Lutwyche
Queensland 4030 Australia
Telephone 1300 362 128
Facsimile +61 7 3874 7700
Website www.worksafe.qld.gov.au
ABN 94 496 188 983


COMMISSION OF INQUIRY INTO THE CFMEU AND MISCONDUCT IN THE
CONSTRUCTION INDUSTRY

ANNEXURE SHEET

This is a document referred to as PMK-27 in the Statement of Peter Anthony McKay
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Peter Anthony McKay



Witness (Lawyer)



Event Reference: I99231 & 343328

10 January 2024

Private and Confidential

Mr Damian Hegarty
Partner
HBA Legal

By Email: [REDACTED]
CC: [Peter.McKay](#) [REDACTED] & [Sarina.wise](#) [REDACTED]

Dear Mr Hegarty

Thank you for your letters dated 16 and 22 December 2023 to Mr Peter McKay, Deputy Director General, Office of Industrial Relations, regarding alleged psychosocial hazards created by the Construction, Forestry, Mining and Energy Union (CFMEU) on behalf of your client, BMD Group.

I can advise that Workplace Health and Safety Queensland (WHSQ) has completed a review of the information that has been provided by yourself and your client.

Upon receipt of the notification made to WHSQ from your client, inquiries were made with your client to obtain further information and evidence to substantiate the allegations. Unfortunately, at this time WHSQ has not received any direct evidence from impacted workers at the business that would assist WHSQ in taking regulatory action.

As discussed with your client on Tuesday 19 December 2023, WHSQ continues to encourage those workers who were allegedly exposed to the psychosocial hazards to provide a psychosocial hazard complaint form to WHSQ, outlining specific details on what occurred. If additional information comes to hand or impacted workers come forward and are willing to complete the complaint form, WHSQ will undertake a further review of any additional information provided.

In response to your complaint, WHSQ has issued a letter to the CFMEU to remind them of their duties under the *Work Health and Safety Act 2011* with reference to your complaint. This enables a business due process to review their current controls in place to manage the risk of psychosocial hazards and risks. The business may also be subject to an audit in the coming months to confirm that appropriate actions have been taken to ensure that the systems implemented are effectively managing psychosocial hazards and risks in the workplace.

Yours sincerely

[REDACTED]
SAM BROOKER
A/Director
Licensing and Advisory Services
Workplace Health and Safety Queensland
Office of Industrial Relations

Workplace Health and Safety Queensland
BOQ Building
Level 12, 100 Skyring Terrace
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PO Box 820 Lutwyche
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Website www.worksafe.qld.gov.au
ADN 07 400 188 083

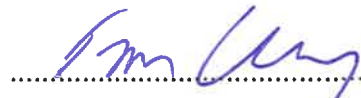
**COMMISSION OF INQUIRY INTO THE CFMEU AND MISCONDUCT IN THE
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ANNEXURE SHEET

This is a document referred to as PMK-28 in the Statement of Peter Anthony McKay
declared/affirmed in Brisbane on 7 April 2026



Peter Anthony McKay



Witness (Lawyer)

MR + KP Wed 26/1 November 11:44 am

MR Re: earlier conv. with KP - at odds with our previous conv. will just deal w/ GF, I got lucky in MO - didn't give a shit about WHS, know GF a long time, different kettle of fish

Spoke to GF about letter (BMO issue) - not signed, fine to investigate but put disclaimer about org that don't care about psychological without even asking, do fucked

Corps like BMO will use it to get others out onside.

If I'm not going to respond then let him know + he'll go back to GF

If I let it stand it makes relationship between officer + myself even more toxic.

PM - Letter is standard approach - want to be clear we haven't signed with chance for diff. treatment.

- letter doesn't do what you say it does

- happy to write + clarify

MR - respond the letter or its WWS

14:15 min. - CPB - quite a few problems on the job again, HSR:

I want something fixed, so she talks to CPB, she wants to talk to us but she doesn't have the people to fix it whereas before she had a team, now inspectors come from Jarvis wise, so I think what's the point of dealing with Helen, we've got a relationship with Helen, I'm realistic - why should I be talking to CPB + Helen when at the end of the day Helen has no pull to fix it.

H is trying to work with industry, nothing will happen unless she has her own inspectorate.

Phone call from Michael Ravbar Wednesday 24 January 2024

Michael Ravbar (MR) called and indicated he had Kurt Pauls (KP) with him. They were on speaker.

MR: Regarding your earlier conversation with KP, it is at odds with our previous conversation. In future I'll just deal with Graham Fraine (GF). You got lucky with Michael De'Ath, he didn't give a shit about workplace health and safety. I've known GF for a long time and he's a different kettle of fish.

MR: I spoke to GF about the letter on the BMD complaint. The letter isn't signed, it's fine to investigate but to put an aspersion on an organisation they don't care about psychosocial safety without even asking them is so fucked.

MR: Corporations like BMD will use the letter to get others onside. You need to rescind the letter. If you're not going to rescind the letter, then let me know and I'll go back to GF.

MR: If you let the letter stand it makes the relationship between the CFMEU and you even more toxic.

Peter McKay (PM): The letter is the standard approach that OIR uses in cases such as this. I want to be clear we haven't singled out the CFMEU for different treatment – either more favourable or less favourable.

PM: The letter doesn't say what you say it does. I'm happy to write and clarify that there hasn't been a finding.

MR: Regarding CPB, there's quite a few problems on the job again, HSRs not being able to do their jobs.

He then mentioned Helen Burgess and said "I want something fixed, so she talks to CPB. She wants to talk to us but she doesn't have the people to fix it whereas before she had a team. Now the inspectors come from Sarina Wise, so I think – what's the point of dealing with Helen. We've got a relationship with Helen but I'm realistic – why should I be talking to CPB and Helen when at the end of the day Helen has no pull to fix it. Helen is trying to work with industry, nothing will happen unless she has her own inspectorate."

**COMMISSION OF INQUIRY INTO THE CFMEU AND MISCONDUCT IN THE
CONSTRUCTION INDUSTRY**

ANNEXURE SHEET

This is a document referred to as PMK-30 in the Statement of Peter Anthony McKay
declared/affirmed in Brisbane on 7 April 2026



Peter Anthony McKay



Witness (Lawyer)

From: Peter McKay[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C00AFD999B714CB3A302B2D0B38EF520-EBC1E080-2D]
Sent: Sat 14/10/2023 2:03:09 PM (UTC+10:00)
To: Rhett Moxham [REDACTED]; Tony James [REDACTED]
Subject: CBRC-in-Confidence: BPICs meeting - Friday 13/10
Attachment: RE: CiC BPICs Update

My notes of the meeting with DsG on Friday and next steps..

Rachel Hunter asked for updates:

Paul Martyn – Renewables: not agreement between BTG and AWU on everything, implementation approach is different in TMR, BTG want 1 agreement and roll-down to sub-contractors. Likely we'll stick with "best endeavours"

KPMG updating the cost impact looking at normal industry conditions, best conditions (UGL) and a major civil project eg Toowoomba 2nd range crossing.

ETU meeting on Monday (I think this is still with the view that Peter Ong will broker an outcome that BTG will accept – later in the meeting I questioned whether this was feasible)

Linda Dobe – Water is same as renewables with a separate overview section on how it applied to water.

Essentially a BTG document. BTG and AWU have each seen the common clauses but not each other's parts

Will see a 40% increase in labour costs which will mean a 15% increase in overall cost.

AWU has approached her, very concerned that BTG is running the show.

Sally Stannard – concern that the new documents shift control of the site (including when work happens) to unions, and contractors may not accept the risk this poses

Peter P (TMR) – TMR requirements for site control from both a cost and quality perspective

Graham Newton – overtime, weekend work, public holidays would require union approval. If that didn't happen for Xmas/NY works they wouldn't be able to close down lines/stations for the upgrades, could put them 6-9 months behind, temperature/humidity clauses could mean the whole site is closed rather than moving workers around site/s.

Rachel keen to ensure that CBRC understand key provisions and how they've changed and impact (Michael Ravbar quotes that Cairns Convention Centre didn't lose a day due to temperature/weather clauses)

I mentioned that the one agreement -v- agreement/s with all relevant unions -v- greenfield agreements is likely to remain a sticking point between BTG and AWU.

Next steps:

One CBRC to be signed by Ministers with BPICS (TMR, Water, Renewables). DPC will facilitate the sub drawing on drafting from each of those agencies. This would identify the challenges in each sector

arising from the common clauses. The sub would be to determine CBRC appetite before going back to unions with the rates (all think these are locked in now), common principles, their willingness to increase the “best endeavours” for sub-contractors to something more, and areas of differentiation between BPICs.

Dennis Molloy – QT modelling is that it would see a 15% uplift in cost, or \$6B extra for the capital program. There will be a 2nd CBRC sub from QT on the economic impacts including flow through to electricity prices and resulting jobs impact, and the impact of flow-on to private sector productivity and resulting jobs impact. This will pick up agency contributions to the 1st sub.

Next steps for OIR – our role is to work with the BPICs departments to identify the changes in the site access type clauses (I called them the conditions of work, as opposed to the conditions of employment), and what practical impact that might have (I think the second element is for them rather than us, and I got the impression that they’ve all largely done this but I’m not as sure about DEPW for renewables). There’s an email that Sharon Bailey sent around on Friday morning that I meant to flick to you both and is now attached. It includes a table of the clauses that Paul thought might be the ones for us to look at but I’m not sure it is, and it looks like they might have amended the documents that we’ve seen. It’s the clauses that TMR and Water would claim hand control over the site to unions, including when and how work is performed (hot/inclement weather, HSR meetings, union meetings, approval of non-standard working hours etc)

I suspect that we’ve done a fair bit of the thinking about the difference in current and proposed as part of the last piece of work.

The CBRC subs are to go to CBRC the week after next (week commencing 23/10). The urgency relates to the pressure to finalise the renewables and start the procurement.

I think I see our involvement as providing analysis of the changes in arrangements that will impact the program of work and in turn the cost, and that this would be used by the departments to draft their part of the sub, and perhaps that ends up in the sub as a table which is then followed by commentary from each department on the impacts for their program. But happy to take your thoughts.

Regards
Pete

Peter McKay
Deputy Director-General
Office of Industrial Relations

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