

Commission of Inquiry into the CFMEU and Misconduct in the Construction Industry

WITNESS STATEMENT OF MARK RAGUSE

I, Mark Raguse, affirm

Background

1. I make this statement in response to a notice issued by Stuart John Wood AM KC, the Commissioner appointed pursuant to the *Commissions of Inquiry Order (No. 2) 2025*.
2. Attached to this Statement is a Bundle of documents (**Bundle**). I refer to relevant documents by reference to the page number of that Bundle.
3. I am the Assistant Branch Secretary of the Queensland Branch of the Australian Workers Union (**AWU**). I was elected to this role on 1 July 2025.
4. I also serve as the National Vice-President on the National Executive of the federal AWU. I have held this role since April 2024.
5. I also serve as the Assistant Secretary of The Australian Workers' Union of Employees, Queensland (**AWUEQ**) from 3 August 2022. The AWUEQ covers mostly the State jurisdiction. Its members are mostly employees of the Queensland Government and local councils. It has a large cohort of members in public sector health, disability services, parks, youth detention and local government.
6. I have been employed by the AWU since around December 2012.

Tensions with the CFMEU

7. When I commenced employment with the AWU, my interactions with the CFMEU have been direct and site-based. From the outset, I observed ongoing tension between the AWU and the CFMEU, particularly in Queensland.
8. Since approximately 2020/2021, these tensions have escalated significantly, especially following the commencement of the Cross River Rail (**CRR**) Project. The relationship between the AWU and the CFMEU has become increasingly adversarial.
9. As I will outline below, this escalation has included a campaign of threats, intimidation, and aggressive behaviour directed at AWU officials and members by CFMEU representatives. While my own experiences have been uncomfortable and intimidating, they are not as severe as those reported to me by some of my colleagues.

Early CRR meeting

10. In or around early 2019, then Branch Secretary, Steve Baker and I had attended a meeting at Parliament House with Deputy Premier Jackie Trad. At that time, the Best Practice Industry Conditions (**BPIC**) had not yet been introduced. The meeting concerned the proposed Enterprise Agreement for the CRR Project.
11. Other attendees at this meeting included Jade Ingham from the CFMEU, Peter Ong from the ETU and possibly Michael Ravbar from the CFMEU. I also recall a representative from the Australian Manufacturing Workers' Union (**AMWU**) was present but I cannot recall who. In this meeting, Ms Trad informed us that it was

proposed that all five unions (being the CFMEU, AWU, AMWU, Plumbers and ETU) be parties to a single agreement for the proposed CRR project.

12. In or around March 2019, there was a follow up meeting with Ms Trad and the other Union officials. In this meeting, Mr Baker and I informed Ms Trad that the AWU opposed the proposal of one agreement with all Unions on the basis that the agreement was for civil construction work (for which the AWU had coverage) and that the CFMEU did not have coverage in tunnels, or industry coverage for civil construction projects generally.
13. Mr Ingham became angry at this suggestion. There was then a heated exchange, including yelling, between Mr Baker and Mr Ingham about the CFMEU's coverage.
14. These discussions set the industrial framework for the subsequent BPIC negotiations.

BPIC discussions

15. Discussions for the BPIC related to Transport projects commenced in July 2020 with Department of Transport and Main Roads (**TMR**). At that time, Stage 3 of the Gold Coast Light Rail (**GCLR3**) Project had already been awarded to John Holland.
16. Around 17 July 2020, I attended a meeting with Scott Gartrell, Executive Director from KPMG, Amanda Yeates, Deputy Director-General, Deanne Hawkswood, General Manager, Strategy Procurement, and Dean Misso, Executive Director. During this meeting, we discussed a draft BPIC document for transport projects. To the best of my recollection there was some discussion in relation to the GCLR3 Project. The project had been awarded to John Holland and the project did not have an industrial instrument in place yet. TMR was working through the possibility of drafting BPIC related conditions document that could be used for the GCLR3 Project.
17. Around this time, I raised concerns with Mr Gartrell about how the proposed GCLR3 BPIC document would be finalised and specifically, whether it would be a Greenfields Agreement. In response, Mr Gartrell said words to the effect of: *"The CFMEU have got to be in it."*
18. I told Mr Gartrell and the department officials that the AWU did not accept that position, as it did not reflect civil industry coverage nor was it consistent with the Fair Work Act.
19. I am aware the CFMEU provided their conditions document around 3 August 2020.
20. Following that meeting, I wrote and sent correspondence dated 3 September 2020, on behalf of our Branch Secretary to Neil Scales (then Director-General of the Department of Transport and Main Roads) outlining the AWU's coverage rules and our position in relation to the proposed TMR BPIC draft document. The correspondence stated that, while the AWU supported the concept of BPIC including a strong safety net, improved training and increased participation of women and Indigenous workers in the civil construction industry, it had to be implemented according with the Fair Work Act, particularly, sections 184 and 186. The AWU proposed CRR wages and conditions as the best practice for the civil industry. We received a non-descript response from Mr Scales.
21. A copy of the correspondence dated 3 September 2020 is **Annexure MR-1, pages 2-7 of the Bundle**.

22. For a period of time from 2020 into 2021, TMR was conducting consultation/negotiation meetings with the BTG in relation to a TMR BPIC document and the GCLR3 Project. The AWU decided not to attend these meetings.

Cooroy to Curra (Section D2) Project

23. The BPIC policy applied to the Cooroy to Curra (Section D2) Project.
24. I was involved in negotiations for *CPB Contractors Pty Ltd Cooroy to Curra Greenfields Agreement 2021* on behalf of the AWU. Then AWU Central District Secretary, Tony Beers and I led the negotiations for the AWU.
25. The CFMEU was not involved in these negotiations and the AWU was the only Union that was party to the resulting agreement.
26. Following the conclusion of the negotiations, on 21 May 2021, I attended a meeting with Mr Baker, Mr Scales, Mr Ingham, Mr Ravbar, Mr Ong, Michael Weich then (Assistant Secretary of the PGEU), Vince Sanfilippo, Terry Prior and Chris Butler (CPB Contractors).
27. The purpose of this meeting was to discuss whether the enterprise agreement that CPB Contractors had negotiated with the AWU met the requirements of the Best Practice Industry Conditions for Transport Civil Construction Projects (**TMR BPIC**).
28. During this meeting, the CFMEU representatives criticised DTMR and the AWU in relation to the EBA that had been entered into with CPB and what they said was the exclusion of the CFMEU throughout the process. At one point, Mr Baker asked Mr Scales whether the agreement met the requirements of the TMR BPIC. Mr Scales responded with words to the effect of: *'the agreement does not meet the requirements - it actually exceeds them'*.
29. Mr Ravbar rebuked Mr Scales for this comment.

IR Act Review

30. On 3 May 2021, the state government also announced a review of the *Industrial Relations Act 2016 (Qld)* (**IR Act**).
31. During the consultation process, the AWU raised specific proposed amendments to the IR Act to ensure there was compliance with eligibility requirements when making certified agreements at least within the State jurisdiction.
32. The AWU's proposed amendments related to the parties and the QIRC to ensure that proposed certified agreements complied with eligibility requirements and that workers were not misrepresented by registered industrial organisations.
33. Mr Baker and I met with John Thompson and Linda Lavarch (who were conducting the review) on 1 September 2021 where this proposal was discussed.
34. Following this meeting, the AWU sent a follow up email to the departmental officer supporting the review with a suggested model draft clause and explanation for consideration.
35. A copy of the AWU's email and attachment is **Annexure MR-2, pages 8 to 14 of the Bundle**.

36. Mr Baker and I met also with Minister Grace Grace on 21 December 2021, where the proposed model clause was discussed.
37. When the final report was released, the proposed model clause was not considered.

Stickering incident

38. One incident I was personally involved in occurred on 24 February 2023, outside the AWU's office at 33 Adelaide Street, Brisbane. I was seated at a coffee shop downstairs below our office when I noticed an individual in a red t-shirt bearing the letters "MEU" situated in the laneway from the carpark.
39. Concerned by this, I picked up my laptop and walked around the corner into the laneway. The laneway leads to the ground car park of the building where AWU vehicles are located. I was confronted by two CFMEU officials wearing CFMEU-branded t-shirts who were placing stickers on the AWU building.
40. At the time, I did not recognise the officials, but I have since identified them as Matt Parfitt (also known as Matt Clark) and Dean Mattas. I had not previously met either individual.
41. I approached them and said words to the effect of: *"Are you enjoying yourself boys?"* In response, I was met with verbal abuse. They called me and the AWU *"weak"* and accused me of having *"sold people out."* I responded firmly with words to the effect of: *"You're full of fucking shit. How old are you? 14 years old? In fact, if anything, the Cross River agreement is better than Queen's Wharf"*. I took photographs of the individuals involved. Mr Parfitt attempted to either block or grab my phone. The shouting drew attention from members of the public nearby. After this brief confrontation, they left the scene.
42. A copy of the photos I took are **Annexure MR-3, pages 15 to 26 of the Bundle**.
43. I then proceeded to the carpark and noticed that my vehicle had been covered in stickers bearing slogans such as *"Bosses ♥ A Weak Union"*, *"Always Was Useless"* and *"Australia's Weakest Union."* I inspected the vehicle for damage but found none. I removed the stickers and retained them as evidence.
44. I had an appointment at that time with my AWU Secretary, Stacey Schinnerl, which I attended. I informed Ms Schinnerl and another official, Brett McCreadie, of the incident. Mr McCreadie proceeded downstairs and removed the remaining stickers from the building.
45. Following this incident, closed circuit TV footage was requested from the facilities manager, which was later provided. This footage provided vision from the laneway and the car park.
46. The CCTV footage that we were provided is **Annexure MR-4**.
47. The footage identifies Mr Parfitt and Mr Mattas gaining access to the building when a vehicle actions the bottom roller door and then placing stickers on my vehicle before exiting the building.
48. I have observed similar stickers at other construction sites, including at the Indooroopilly Roundabout Upgrade and at the Gabba site of the CRR Project.

Incident at 1 William Street

49. In or around 1 March 2023, I went to 1 William Street, Brisbane with Ms Schinnerl to attend a meeting in that building. Normally, check-in occurs on the ground level of the building. However, on that day, the normal check-in counter was closed and check-in was instead taking place on the floor below the ground level, in which there was also located a food court.
50. Whilst we were waiting to check in, I noticed a number of construction workers entering the food court from the Queen's Wharf building site across the road.
51. On the footpath next to the food court, I observed about six workers standing in high-vis gear looking down into the food court. I was wearing AWU-branded gear at the time.
52. One of the individuals from that group then walked down the stairs toward us. He pushed between Ms Schinnerl and me, placed an anti-AWU sticker on Ms Schinnerl's compendium or notebook, which she was holding, and said words to the effect of, "What do you think about that?" We told him to fuck off.
53. The individual then turned and walked back up the stairs toward the group he had come from.

Northern Portal Incident

54. In or around 25 July 2023, there was a safety incident at the Boggo Road site of the CRR Project when Nation "Nash" Kouka fell from a scaffold.
55. Following this incident, the CFMEU had organised major pickets at a number of the CRR sites, including the Northern Portal site on Gregory Terrace near the Centenary Pool. There were many persons wearing CFMEU branded clothing and balaclavas outside the entrance to the site and blocking access.
56. At around approximately 6am on 27 July 2023, I attempted to attend a planned meeting with AWU members at the Northern Portal site. When I arrived at the site, one of our AWU organisers, Jamie McQueen, was already in attendance. A group of CFMEU supporters were milling around Mr McQueen's car when I arrived at site. Mr Ingham was pointed out to me amongst the CFMEU crowd. Ms Schinnerl informed me that Mr McQueen had arrived early at the site and was subjected to threats and intimidation whilst trapped in his vehicle. I was told that his vehicle was surrounded by men in CFMEU-branded clothes and that one of them showed him a weapon.
57. Due to the escalating safety concerns, we made the decision to cancel the meeting.

Safety Reset Meeting

58. The CFMEU/Building Trades Group of Unions held a mass meeting on or about 26 July 2023 at Queens Park. I understand through the media reports that the CFMEU came out of that meeting with a list of demands or resolutions that they proposed to put to CPB Contractors.
59. Ms Schinnerl and I were invited to a meeting at the offices of CPB Contractors on Friday, 28 July 2023 that was attended by a number of members of senior management from CPB to discuss the safety incident and the CFMEU's demands. Present at the meeting from CPB were Jason Spears (Chief Executive Officer), Don

Johnson (Chief Operations Officer), Andrew Large (Project Manager), Graeme Silvester (National Safety Manager), and Aaron Thompson (National Industrial Relations Manager), from the CFMEU was Mr Ravbar and Mr Ingham, from the ETU was Mr Ong and Chris Lynch, from the PGEU was Robert Gould and from the AMWU was Daniel Lacey.

60. The CFMEU / Building Trades Group of Union presented a list of demands to the CPB representatives. Mr Ingham demanded that:
 - (a) all CRR Project sites be closed until the following Monday at least;
 - (b) there be a full safety audit across the Project;
 - (c) walking delegates / HSRs nominated by the CFMEU be put on the books at each site;
 - (d) CFMEU union officials be given open access to all Project sites, including access into the tunnels;
 - (e) all site turnstiles be removed; and
 - (f) weekly safety meetings be held with the CFMEU-appointed HSRs.
61. Mr Ravbar demanded that OIR inspectors be restricted from sites.
62. Mr Ong raised concerns regarding members at Northern Portal having adverse action taken against them for raising safety concerns.
63. CPB agreed to the list of CFMEU demands, other than for the demand to remove the turnstiles from the gates and restrict OIR Inspectors from attending sites.
64. During this meeting, Ms Schinnerl asked how CPB intended to ensure the safety of AWU officials and members. Mr Johnson responded with words to the effect of: *"that is not our issue, we are not responsible for what happens outside the gate and there should be no problem."* Mr Schinnerl stated works the effect that she didn't agree and that this response was not acceptable.
65. I reminded Mr Johnson that CPB had a clear obligation to all workers and visitors under the Work Health and Safety Act and the Code of Practice for Managing the risk of Psychosocial Hazards at Work.
66. Mr Ong responded by saying that it wouldn't be an issue.
67. Following on from the incident there were still pickets on the gates, which meant that many members believed they were unable to safely access site. There did not seem to be any consistent and safe system of work in place to manage access and egress. Some workers were able to attend site to review SWMS and were paid, other workers were sent home on pay, some workers were advised not to present to site on pay and some workers attempted to attend work but could not safely access site and were not paid due to what they considered imminent risk at the gates. Many of our members attended site but could not safely gain access, they held themselves available to undertake work but were not paid

68. I spoke with Mr Sanfilippo on 7 August 2023, and asked why some workers were stood down and paid whilst others weren't. Mr Sanfilippo was unable to explain why some workers received texts directing them not attend and were paid whilst others were not.
69. Mr Sanfilippo contacted me on 9 August 2023 asking how things were going? I advised him that things weren't going well as CPB weren't managing their obligations in relation to access and egress on their sites which meant many workers weren't getting paid. I told him he had a number of options to manage his sites but decided not to take them. I advised him that I had considered CIMICs values and didn't believe CPB's behaviour was being conducted in accordance with them.
70. On 14 April 2024 I received an email from Terry Prior, Industrial Relations Manager, CRR titled "Updated WH&S controls in relation to entry to CPB controlled premises and workplaces across the Cross River Project – Effective Immediately."
71. The communication related to CPB employees being subject to inappropriate and unlawful conduct from a third party who had been granted access to site and acknowledged it would put workers at risk.
72. The email then advised that any "general license" to enter sites had been withdrawn and only persons with a valid entry permit who provided notice would be permitted to enter.
73. A copy of Mr Prior's email is at page **Annexure MR-5, pages 27 to 28 of the Bundle.**

Energy and Renewables BPIC

74. Following on from the TMR BPIC consultation meetings, discussions began on the Renewables BPIC.
75. I received a call from a departmental officer from the Department of Energy and Public Works on 18 May 2021 requesting that the AWU attend a meeting with other BTG unions to discuss a proposed energy and renewables BPIC document. I advised this officer that the AWU had industry coverage for civil and mechanical construction and supported a BPIC guidance document to provide decent wages and conditions for civil construction workers. I advised that the AWU would not be attending any meetings as the union had concerns that the BPIC negotiation process was potentially not legally compliant. The officer advised me that the department had legal advice that the process was legal. I responded that the AWU had requested this advice, but it wasn't provided. The officer then asked how could the AWU bargain for a greenfield agreement if it wasn't involved in the BPIC process? I advised the officer that the legislation required negotiations for a greenfield agreement to be undertaken between the union or unions with majority of coverage and the contractor, not the developer or department. The AWU did not attend these meetings.
76. The AWU determined not to attend BPIC negotiation meetings with the CFMEU and BTG unions and any government department so as to not legitimise this process.
77. Following on from this initial interaction, I was not directly involved in the initial stages of these discussions, but I was later briefed on their progress and outcomes.
78. The AWU became more actively involved in the Renewables BPIC process around May 2023.

79. A recurring issue throughout these discussions from the AWU's perspective was the need to ensure that the proposed agreements were suitable for the civil construction industry and respected the AWU's established coverage. The AWU consistently advised against prescriptive agreements that mirrored building industry standards and did not reflect the realities of civil construction. We challenged the inclusion of the CFMEU in Greenfield agreements for civil construction projects such as GCLR Stage 3 and advocated for framework-style documents that allowed for negotiation and recognised AWU's industry coverage
80. By August 2023, discussion began on the BPIC for the Energy and Renewables Industry. A consultant, Randall Fuller, was engaged to assist with the process.
81. I had the impression that Mr Fuller had been recommended or supported by the CFMEU. In one meeting I attended with Ms Schinnerl at the AWU's offices on 10 May 2023, Mr Fuller stated words to the effect of: *"In my view, the industry rules provide that the CFMEU covers civil workers, and we need some agreement in place to move forward."*
82. This statement raised immediate concerns for us.
83. As part of the consultation process, Mr Fuller met with various unions, officials and department representatives. He subsequently prepared draft BPIC documents based on these discussions.
84. Throughout this process, the AWU maintained its position that the proposed documents were unacceptable. We consistently voiced our view that the documents should be non-prescriptive frameworks that allowed for negotiation and reflected the civil industry's industrial requirements and coverage.
85. At some point an additional consultant, Mr Ryan Murphy was engaged to assist with the process.
86. Due to these concerns, Ms Schinnerl wrote a letter dated 18 August 2023 to the Hon. Mick de Brenni, Minister for Energy and Public Works, outlining our objections to the BPIC process. In our correspondence, we emphasised the lack of consultation with the AWU, the inappropriate inclusion of building industry standards and the risk of undermining civil construction coverage. We requested a meeting to discuss these issues and sought assurances that the AWU's position would be properly considered.
87. A copy of the correspondence dated 18 August 2023 is **Annexure MR-6, pages 29 to 30 of the Bundle**.
88. On 28 August 2023, a non-descript response letter was received from the Hon. Mr de Brenni.
89. A copy of Mr de Brenni's response is **Annexure MR-7, page 31 of the Bundle**.
90. Eventually, we received what I was led to believe was a final draft of the BPIC on 2 June 2023. This draft included a definition of 'construction work' taken directly from the *Building and Construction General On-site Award*, which applies to high-rise and commercial construction but excludes the residential dwellings requirement. The AWU was not listed as a party to the proposed agreement, and none of our associated funds were included. Instead, the agreement referenced building trades group schemes such as BussQ and BERT. Additionally, the Rostered Days Off (**RDO**) schedule at the end of the document still featured CFMEU branding. This was particularly concerning given

that the BPIC was intended to apply to civil construction, where the AWU holds majority coverage.

91. A copy of this email dated 2 June 2023 is **Annexure MR-7, at pages 32 to 34 of the Bundle.**
92. I sent an email to Logan Timms and Sharon Bailey on 7 June 2023 in response to this draft, stating that the document was unacceptable and that if it were to be submitted to Cabinet, to explicitly advise Cabinet that the AWU would not support or agree with it.
93. A copy of this email dated 7 June 2023 is **Annexure MR-8, pages 35 to 39 of the Bundle.**
94. Throughout the entire BPIC process, I felt that I was constantly required to push back and advocate for the AWU's coverage and workers interests. These BPICs were meant to apply to civil construction work, yet the process appeared to be leveraged by the CFMEU and the BTG to expand into areas beyond their constitutional coverage. It was a frustrating and exhausting experience.

Interactions with other Unions

95. As I mentioned above, I have never experienced intimidation or abuse from other unions.
96. The AWU has broad coverage across industries and from time to time we have disputes with other unions regarding coverage. These disputes are typically resolved either through discussions on the ground or via proceedings in the Fair Work Commission and QIRC.
97. We are conscious of the broader union movement and the collective strength it provides to workers. We aim to resolve coverage issues in a way that does not undermine that collective strength.

I ☒ affirm the contents of this statement are true.

Signature of Deponent

Place Brisbane City Date 30 / 09 / 26

Before me (sig

Witness Statement of Mark Raguse

Ernesto Gutierrez

Full name of witness (please print)

- ☐ Justice of the Peace (JP #)
- ☐ Notary public
- ☒ Lawyer
- ☐ Other authorised person (specify)

Commission of Inquiry into the CFMEU

and Misconduct in the Construction Industry

Bundle of Documents to
Statement of Mark Raguse

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**STRONGER
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3 September 2020

Mr Neil Scales
Director-General
Department of Transport and Main Roads
1 William Street
Brisbane QLD 4000

Email: [REDACTED]

Dear Mr Scales

I refer to the proposed Transport and Main Roads (TMR) Best Practice Industry Conditions document (the BPIC document).

The AWU have been advised by TMR officers and KPMG consultants that the document will represent the industrial standards expected from tenderers in relation to major civil construction projects for the Queensland Government including but not limited to roads, bridge and rail projects.

The Australian Workers' Union (AWU) is entitled to represent the industrial interests all workers in or in connection with civil construction. The AWU constitutional rules provide as follows:

"Without limiting any provisions of other sub-rules hereof the industries of the employment of every bona fide worker, male or female, engaged in manual or mental labour in or in connection with any of the following industries or callings, namely: ...

road making, water and sewerage, railway construction work;

manufacture or preparation, applying, laying or fixing of bitumen emulsion, asphalt emulsion, bitumen or asphalt preparations, hot pre-mixed asphalt, cold paved asphalt and mastic asphalt, (other than tar paving or asphalt work within the external alignment of buildings not incidental to or part of civil engineering works;

the construction, maintenance and conduct of the Commonwealth Railways and all kinds of general labour;

the manufacture of cement and cement articles and/or the operation of concrete batching plants;

Landscaping, (other than in the Northern Territory);

The construction, repair, maintenance or demolition of:

Civil and/or mechanical engineering projects;

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Road Making including construction and/or maintenance and/or repair and all work in or in connection with or incidental thereto;

Water Supply construction and/or maintenance and/or repair and/or operation of and all work in or in connection with or incidental thereto.

Sewerage construction and/or maintenance and/or repair and/or operation of and all work in or in connection with or incidental thereto;

Railway construction and/or Maintenance and/or repairs and all work in or in connection with or incidental thereto;

All labour other than craftsmen employed on in or in connection with or incidental to the construction and/or maintenance and/or repair and/or operation of State and/or Federal Public Works, and/or works for semi-governmental bodies (including Harbour Boards);

All employees engaged in or in connection with or incidental to the construction and/or maintenance and/or repair and/or operation of local authority work or works;

All employees engaged in the construction and maintenance of tramways;

Bridge Carpenters and all other labour employed in or in connection with or incidental to the construction and/or maintenance and/or repair and/or alteration and/or demolition of bridges, wharves, piers, jetties, dolphins, barrages and other similar or like structures;

All kinds of general labour (including builders' labourers);

Horticulture and all work in or in connection with the hiring out and incidental servicing of pot plants;

Manufacture of cement including all work in or in connection with or incidental thereto;

All labour other than craftsmen engaged in the manufacture of concrete and reinforced concrete pipes and/or the making of concrete kerbing and channelling, concrete manhole covers, concrete paving slabs, concrete box drains and lids, concrete septic covers, concrete pig troughs or other concrete troughs used for farming and agricultural purposes, and all other concrete articles;

Employees employed on dredges, barges and tugs, and launches north of 25th parallel of south latitude;

Secretary: Steve Baker

Forklift Operators, End Loader Operators, Electric Locomotive Drivers and Winchmen;

All persons other than craftsmen engaged in land reclamation"

The AWU is the only employee organisation listed in the definition of "union" in the draft BPIC document that is entitled to represent the industrial interests of **all workers** across the civil construction industry.

TMR has contacted the AWU to consult on the proposed BPIC document.

Based on correspondence provided by TMR on 22 July 2020, it is the understanding of the AWU that Crown Law has provided advice to TMR that has confirmed that "the development and implementation of the conditions document is legal and consistent with the the *Fair Work Act 2009* (FW Act), the *Building and Construction Industry (Improving Productivity) Act 2016* (BCIIP Act) and the *Code for Tendering and Performance of Building Work 2016* (Building Code)."

Specifically, TMR have stated that "in terms of applying the conditions on projects, the department understands that it cannot mandate that contractors and their sub-contractors adopt the conditions. However, the department can evaluate contractors based on how they demonstrate that their employment conditions and standards compare to the conditions. The department will specify the matters it is seeking from a successful contractor and evaluate contractors based on what they offer via the tender process. This evaluation will likely require contractors to evaluate their sub-contractors for the project on how the sub-contractors' terms of employment conditions also reflect the conditions proposed in the tender."

The AWU is engaging in this consultation process based on this assurance provided by TMR.

The AWU is supportive of the Government requiring employers who are tendering for Government major projects to demonstrate that they will make agreements only with trade union(s) who have eligibility to cover workers covered by the agreement (for greenfields agreements the trade union(s) must have coverage of the **majority of the workers** i.e. the AWU in civil construction) and provide for terms and conditions of employment, including wage rates that are not below the industry conditions.

The AWU understands that TMR is obliged to comply with the relevant provisions of the FW Act.

The AWU notes that departmental officers are required to comply with the Code of Conduct (the Code). Specifically, section 3.2(c) which provides that public servants must "comply with the laws of State, Australian and local governments."

As such, approval and/or implementation of a BPIC document which is not consistent or operates in conjunction with a tender document in a way which is inconsistent with the FW Act would potentially be a breach of the Code by the relevant departmental officer/s.

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The AWU understands that the BPIC document will be the minimum benchmark for the terms and conditions proposed in greenfields and non-greenfields agreement applying to major Government projects.

The AWU provides a preliminary response based on the information provided by TMR.

The AWU submits that when TMR tenderers are bargaining with relevant employee organisations to make greenfield agreements under the FW Act consistent with the proposed BPIC document, the following provisions are relevant for the purposes of the document and evaluating bidders:

Section 172 provides that an employer or employers (the tenderer or tenderers) may make a greenfields agreement with one or more **relevant employee organisations** if the agreement relates to a genuine new enterprise that the employer or employers are establishing or propose to establish and the employer or employers have not employed any of the persons who will be necessary for the normal conduct of that enterprise and will be covered by the agreement.

Section 177 provides for who can be a bargaining representative for a proposed greenfields agreement. The section relevantly sets out that bargaining representatives will be the employer and an **employee organisation** that is **entitled to represent the industrial interests** of one or more of the employees who will be covered by the agreement, in relation to work to be performed under the agreement and with which the employer agrees to bargain for the agreement.

In relation to the certification of greenfield agreement, section 187 relevantly provides that the FWC must be satisfied that the relevant employee organisation that will be covered by the agreement are (taken as a group) is **entitled to represent the industrial interests of a majority of the employees** who will be covered by the agreement, in relation to work to be performed under the agreement and that it is in the public interest to approve the agreement.

Section 187 also provides that the FWC must be satisfied that the agreement, considered on an overall basis, provides for pay and conditions that are consistent with the prevailing pay and conditions within the relevant industry for equivalent work in the relevant geographical area.

The FWA defines a "relevant employee organisation" in relation to a greenfields agreement, as an employee organisation that is **entitled to represent the industrial interests** of one or more of the employees who will be covered by the agreement, in relation to work to be performed under the agreement.

TMR officers have an obligation pursuant to sections 172, 177, 187 and the definition of "relevant employee organisation" under the FW Act, to ensure that contractors tendering for major civil projects, to which the proposed BPIC conditions document would apply, only make greenfields agreements with relevant employee organisation(s) who are entitled to represent the industrial interests of the majority of employees.

Should the contractors tendering for major civil projects seek to meet the conditions outlined in the BPIC document using non-greenfields agreements, sections 176(1)(b) and 176(3) of the FW Act

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requires that a non-greenfields agreement, can only be made with a relevant employee organisation(s) who are entitled to represent the industrial interests of employees who will be covered by the agreement.

Specifically, TMR must ensure that the proposed BPIC document and/or tendering documentation allows only those employee organisations that have the entitlement under their constitutional rules to represent the industrial interests of employees within the civil construction industry or their specific occupations within that industry.

As the AWU is the only employee organisation with industry rules allowing eligibility for all employees within the civil construction industry, it will represent the majority of employees for any greenfields or non-greenfields agreement.

TMR has a positive obligation to comply with the FW Act and ensure through the proposed BPIC document and/or tendering documentation that other employee organisations that only have occupational coverage in the civil construction industry are restricted to representing only those occupational callings that their eligibility rules allow for.

This would be done through 'parties' or 'scope' clauses of the proposed BPIC document and would outline specifically what occupations or callings of employees each employee organisation is entitled to represent. The AWU submits that these provisions must be duplicated in the proposed enterprise agreements.

In relation to 'parties' or 'scope' provisions of the proposed BPIC document, the AWU draws TMR's attention to the following concerns:

- At clause 2.1 the 'parties' that are relevant employee organisations that have occupational coverage in the civil construction industry must be restricted to representing only those occupational callings and roles that their eligibility rules allow for as outlined above;
- There needs to be a 'scope' provision outlining exactly the scope of works that is covered by the proposed agreement and those that are not;
- The underpinning Awards listed at clause 4.1 must be limited by the scope clause of the BPIC document;
- The definition of "union delegate" must include "of an employee organisation entitled to represent the industrial interests of employees";
- There needs to be a definition of "representative" as it relates to a union representative must include "of an employee organisation entitled to represent the industrial interests of employees";
- There needs to be clarification of employees working under an agreement and suppliers providing construction materials through the supply chain.

Secretary: Steve Baker

In relation to the wages, conditions and classifications which should be included in the proposed BPIC document, the AWU submits that the conditions and wages contained in the *CPB Contractors Pty Ltd – Cross River Rail – Tunnel and Shafts Greenfield Agreement 2019-2023* and the *CPB Contractors Pty Ltd – Cross River Rail – Civil Surface Works Greenfield Agreement 2019-2023* (CRR Agreements) should constitute the minimum benchmark.

To avoid doubt, this includes all wages, terms, conditions, classifications and details thereof included in the CRR Agreements but not yet contained in the proposed BPIC document.

The proposed draft BPIC document developed by KPMG already refers to provisions contained in the CRR Agreements and given that the CRR Agreements apply to the civil construction industry and occupations that represent the current wages, conditions and classifications that prevail across the industry in Queensland they should be included as the minimum benchmark.

The AWU submits that the BPIC document is being developed to ensure tenderers meet best industry practice standards in Queensland. Therefore, to include wages, conditions and classifications lower than those contained in the CRR Agreements would actually diminish the ability of trade unions to bargain for prevailing conditions for workers.

If it is the intention of TMR and Cabinet to develop and implement a so called BPIC document containing wages, conditions and classifications less than those contained in the CRR Agreements then the AWU is vehemently opposed and submits that such a document would sell out civil construction workers and their families across the State.

Given that the matters outlined above are consistent with the relevant industrial legislations and that the department and officers have a positive obligation to comply with such legislations, the AWU has an expectation that the matters raised will be addressed throughout the consultation, drafting and approval process for the proposed BPIC document.

The AWU notes that we have requested and are waiting for the relevant provisions of the tender, which outline how the evaluation process will incorporate the proposed BPIC document and the draft BPIC "C.1 - Local Manufacturing and Supply Chains". These are required for the AWU to provide a more considered response on the draft. We expect these documents to be provided in the near future.

If you require any further information, please contact Executive Officer Mark Raguse on [REDACTED]

Yours sincerely

[REDACTED]

STEVE BAKER
SECRETARY

Secretary: Steve Baker

From: Mark Raguse [REDACTED]
Sent: Thursday, 7 October 2021 11:48 AM
To: Kelly Stoertzer
Cc: Steve Baker; Barry Watson; Mark Raguse
Subject: RE: Meeting with Linda and John
Attachments: LG demarc (003).docx

Hi Kelly

Please find attached a draft model demarcation clause for consideration by John and Linda as discussed at our meeting.

The AWU is proposing that the IR Act would be amended at Part 5 (or a regulation at s197 (1)(c)(ii)) so that when an application is made for certification of the proposed agreement the employer would provide a list (whether included in or accompanying the application) of the callings that would be covered by the proposed agreement and the Commission would then determine the relevant model demarcation clause consistent with the eligibility rules of the registered industrial organisation consistent with s165(b)(1).

Once the appropriate model clause is applied, the entities that may be heard on application at s192 can be determined.

It is expected that the model clauses will become familiar to all parties over time and be contained in the draft proposed agreements being bargained and then submitted to the Commission for approval.

The AWU submits that the change proposed will ensure enhanced compliance with the Act when parties are bargaining and implementing certified agreements especially at s165(b)(i) so that only industrial organisations that have eligibility to represent callings covered by the agreement are included for those callings. That is, registered industrial organisations will only provide a log of claims and bargain on behalf of those callings they have eligibility to represent.

Below the draft model demarcation clause are clauses that may be included to ensure compliance with the Act and ensure appropriate representation for workers so they are not donating money to organisations that cannot legally represent them and reduce disputation in the workplace.

If you require any further information in relation to this matter please contact [REDACTED]

Cheers

Mark

Mark Raguse
Executive Officer
The Australian Workers' Union Queensland

📞 [REDACTED] 📧 [REDACTED]





www.qld.awu.net.au



Level 13 333 Adelaide Street, Brisbane Queensland 4000



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GPO Box 88
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From: Kelly Stoertzer
Sent: Monday, 30 August 2021 9:15 AM
To: Mark Raguse
Cc: Steve Baker
Subject: RE: Meeting with Linda and John

Hi Mark

Thank you for this, I will send through the invitation.

Cheers
Kelly

Regards



Kelly Stoertzer
Principal Policy Officer
IR Strategic Policy
Office of Industrial Relations
Street: 1 William St Brisbane
Post: GPO Box 69 Brisbane Qld 4001
P: [REDACTED]
E: [REDACTED]
W: [REDACTED]

From: Mark Raguse [REDACTED]
Sent: Friday, 27 August 2021 10:42 AM
To: Kelly Stoertzer [REDACTED]
Cc: Steve Baker [REDACTED]
Subject: RE: Meeting with Linda and John

Hi Kelly

Next Wednesday at 2PM would be good. We can come up to 1 William

If you could send Steve and I an Outlook invite we will lock it in.

Thanks Kelly

Cheers

Mark

Mark Raguse

Executive Officer

The Australian Workers' Union Queensland



www.qld.awu.net.au

Level 13 333 Adelaide Street, Brisbane Queensland 4000

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From: Kelly Stoertzer

Sent: Friday, 27 August 2021 8:39 AM

To: Mark Raguse

Subject: Meeting with Linda and John

Hi Mark

As discussed, the only time the Linda and John are free next week is 1 September anytime after 1pm. If this does not suit we may have to push out to the following week, and they are both free 6 – 8 September any time during these days.

Cheers

Kelly

Regards



Kelly Stoertzer

Principal Policy Officer

IR Strategic Policy

Office of Industrial Relations

Street: 1 William St Brisbane

Post: GPO Box 69 Brisbane Qld 4001

P:

E:

W: www.oir.qld.gov.au

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Below is an example model demarcation clause for certified agreements which might apply to some unions in local government but not all. It is envisaged that the other union parties would be defined consistent with the example below

Model Demarcation Clause for Local Government Certified Agreements

2 Parties

- (a) The Employer party to this Agreement is XXXXXX Regional Council (**Employer**).
- (b) Employees of the Employer (**Employees**).
- (c) The Union parties to this Agreement are:
 - (1) the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Industrial Union of employees, Queensland, 'known as the Australian Manufacturing Workers' Union (**AMWU**); in respect of employees appointed to perform the specific callings of sheet metal, mechanical and fabrication tradespersons and trades assistants,
 - (2) the Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland (**CFMEU**); in respect of employees appointed to perform the specific callings of:
 - Tradespersons
 - Carpentry, Joinery, Bricklaying, Painting, Tiling, Plastering, Shopfitting, Signwriting, Glazing tradespersons
 - Non-Tradespersons
 - Non-tradespersons working in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this clause building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site. Excluding in that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.
 - engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow motor drivers, excavator drivers, pump attendants, pile drivers and motor drivers.
 - (3) Electrical Trades Union of Employees, Queensland (**ETU**) in respect of employees appointed to perform the specific callings of electrical tradespersons and electrical trades assistants;
 - (4) the Plumbers and Gasfitters Employees' Union of Queensland, Union of Employees (**PGEU**); in respect of employees appointed to perform the specific callings of plumbing, gasfitting, sprinkler fitting

- tradespersons and drainers; and
- (5) the Australian Workers' Union (**AWU**); in respect of all employees who work directly or indirectly in or in connexion with local authorities.

Below is a callings list which includes some callings (though not all) for the purpose of example only

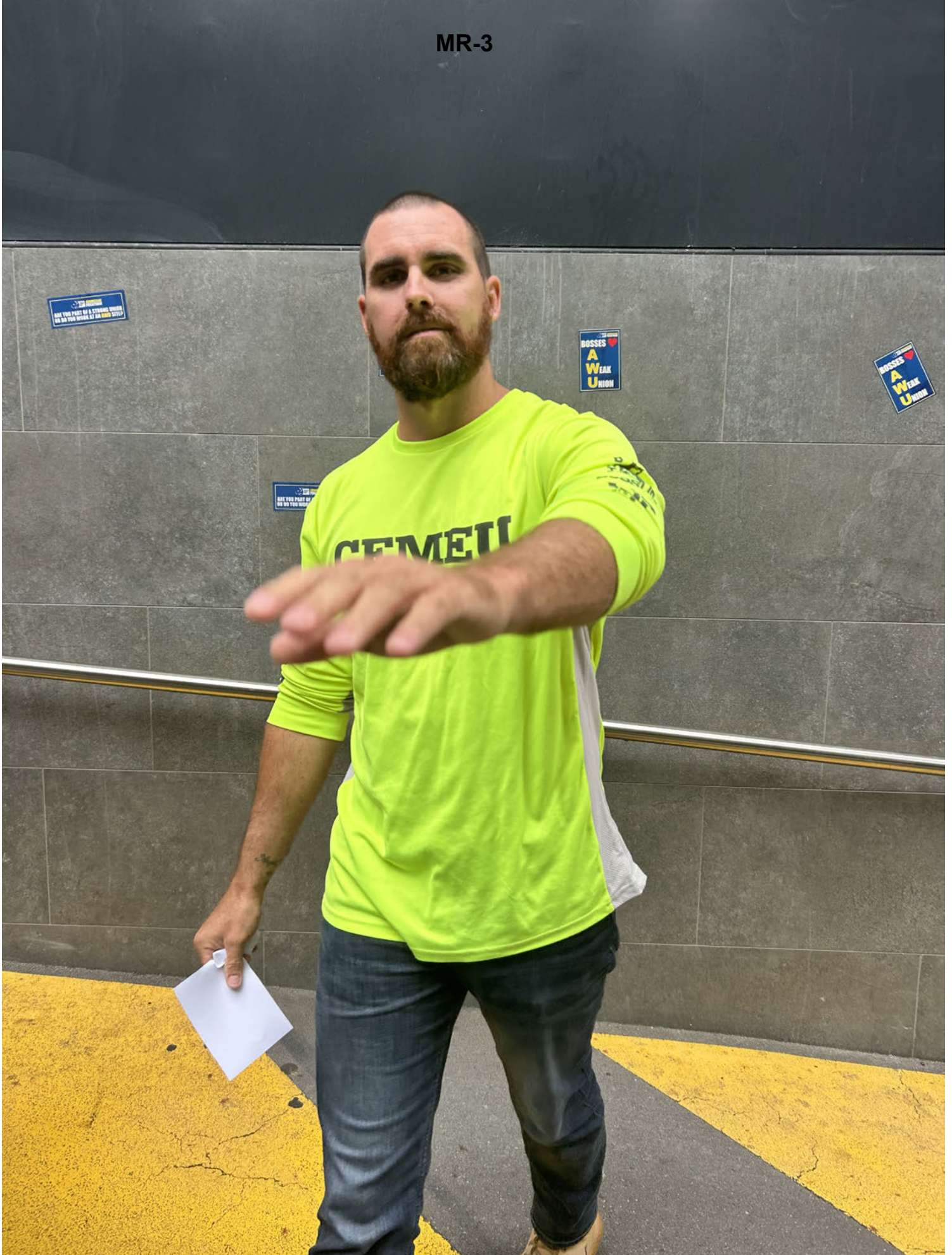
List of Callings submitted with Certification Application to be covered by the Proposed Agreement for Determining application of Model Demarcation Clause

Calling	Registered Industrial Organisation
Gardener	Determined by QIRC consistent with eligibility rules of relevant RIO/s to represent
Water Industry Worker	Determined by QIRC consistent with eligibility rules of relevant RIO/s to represent
Horticulturalist	Determined by QIRC consistent with eligibility rules of relevant RIO/s to represent
Treatment Plant Operator	Determined by QIRC consistent with eligibility rules of relevant RIO/s to represent
Ganger	Determined by QIRC consistent with eligibility rules of relevant RIO/s to represent
Concreter	Determined by QIRC consistent with eligibility rules of relevant RIO/s to represent
Licensed Electrician	Determined by QIRC consistent with eligibility rules of relevant RIO/s to represent
Recycling Officer	Determined by QIRC consistent with eligibility rules of relevant RIO/s to represent

	represent
Compliance Officer	Determined by QIRC consistent with eligibility rules of relevant RIO/s to represent
Licensed Plumber	Determined by QIRC consistent with eligibility rules of relevant RIO/s to represent

- Where an registered industrial organization or other entity has enrolled a worker in a calling which falls outside the scope provided at clause 2 (c) such registered industrial organization or entity shall be required to resign the said worker from their roll and notify the effected member by mail that they cannot legally be represented by the said registered industrial organization
- Where a registered industrial organization or other entity has enrolled a worker in a calling which falls outside the scope provided at clause 2 (c) and has knowingly held out to such worker that they can be represented, such registered industrial organization shall be required to resign the said worker from their roll and notify the effected member by mail that they cannot legally be represented by said registered industrial organization and provide a full refund for any membership dues paid by the said worker.
- Parties bargaining for an enterprise agreement may not reach agreement on any proposed scope which falls outside that scope provided in the model clause at 2 (c). Any proposed scope which falls outside the scope provided in the model clause at clause 2 (2) shall have no effect and cannot be certified by the Queensland Industrial Relations Commission.
- Any registered industrial organization or other entity that knowingly holds out to a worker that they can enroll and represent that worker when such worker's calling falls outside the scope at clause 2 (c) may have penalties imposed for making a misrepresentation to the said worker.

MR-3



COM.0001.0001.3698_0001



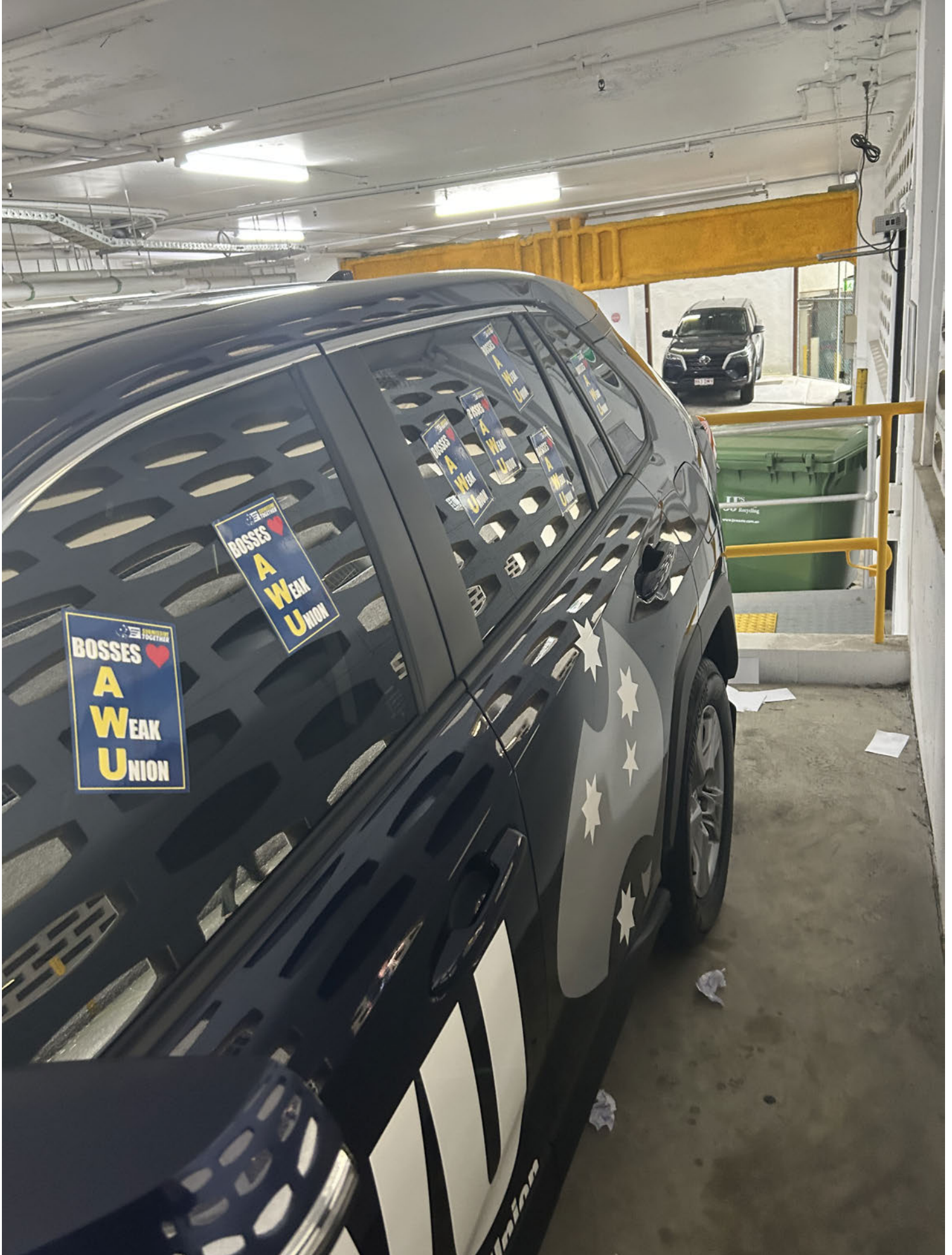






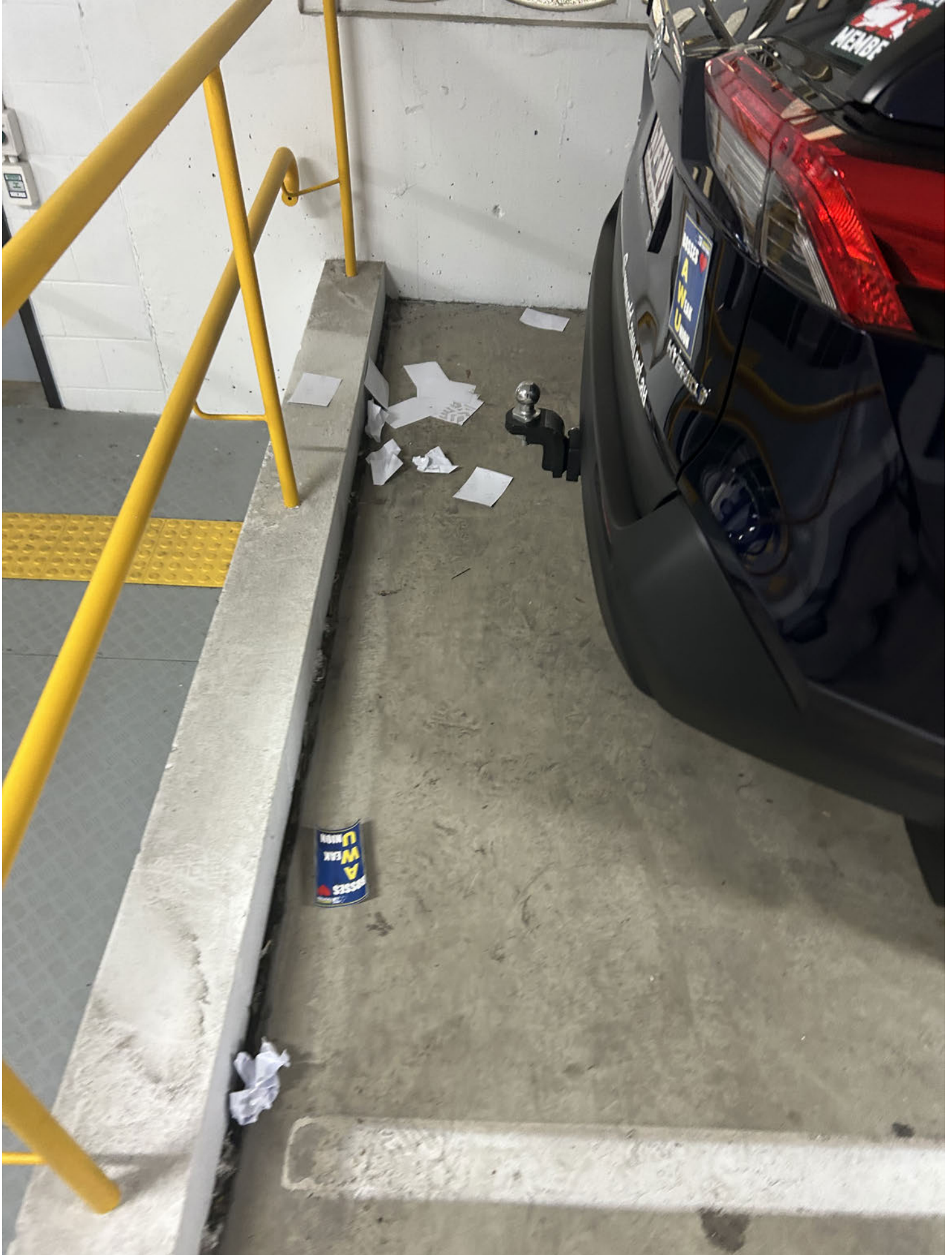














From: Prior, Terry [REDACTED]
Sent: Sunday, 14 April 2024 4:12 PM
To: Mark Raguse
Subject: -Updated WH&S controls in relation to entry to CPB controlled Premises and Workplaces across the Cross River Rail Project

Attention: Mr. Mark Ragusse

Dear Mr Ragusse

RE: Updated WH&S controls in relation to entry to CPB controlled Premises and Workplaces across the Cross River Rail Project – Effective Immediately

Employees of CPB working at our workplaces across the CRR Project have recently reported being subjected to inappropriate, unlawful conduct. That allegedly conduct was engaged in by employees of a third party who had been granted access to our workplaces on the understanding that they had lawful and legitimate business to conduct. As a PCBU yourself, you will appreciate that CPB (in its capacity as an employer and PCBU with control over access and egress in its capacity as a Principal Contractor), cannot tolerate any employee of a third party engaging in conduct at our workplaces, which causes, or is likely to cause, a WH&S risk to our employees or any other person who is lawfully on our projects.

To address these risks, we write to inform you that we have, effective immediately, reintroduced the following WH&S controls:-

1. Any general licence to enter our workplaces (with the exception of those contractual licences granted to contractors for the performance of their contracted works) has been withdrawn. In short, effective immediately, ONLY those persons with a valid entry permit, who have fully complied with all legislative and other requirements (including notice requirements where necessary) to authorise their entry to our workplaces, will be permitted to enter; and
2. Any person (including a person purporting to exercise a lawful right of entry) will be required to immediately remove themselves from our workplaces if they engage in any conduct that places a CPB employees (and /or any other person lawfully on our workplaces) at risk to their health or safety; and
3. Any person who is not able to, or declines to provide evidence of their identity, will not be permitted to enter any CPB workplace;

Regards

Terry Prior
Industrial Relations Manager



Level 3, North Tower, 339 Coronation Drive, Milton, QLD 4064, Australia

T [REDACTED]
E [REDACTED]

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Stacey Schinnerl

From: Secretary AWU Queensland Branch
Sent: Friday, 18 August 2023 2:14 PM
To: epw [REDACTED]
Cc: Stacey Schinnerl; Mark Raguse; premier [REDACTED];
deputy.premier [REDACTED]; Treasurer; education [REDACTED];
transportandmainroads [REDACTED];
regionaldevelopment [REDACTED]; bart.mellish [REDACTED];
Rachel.hunter [REDACTED]; Michael.kaiser [REDACTED];
paul.martyn [REDACTED]; David.mackie [REDACTED];
peter.mackay [REDACTED]; maryanne.kelly [REDACTED];
linda.dobe [REDACTED]; sally.stannard [REDACTED];
Sharon.Bailey [REDACTED]; bernadette.zerba [REDACTED];
trevor.dann [REDACTED]; tam.vanalphen [REDACTED];
ryan [REDACTED]; Barry Watson
Subject: AWU Response to Correspondence from Mr Randell Fuller
Attachments: 20230818 AWU Correspondence - Response to Mr Fuller.pdf; History.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Minister de Brenni,

See *attached* response from AWU Queensland Secretary Stacey Schinnerl to correspondence received by Mr Randell Fuller, a consultant currently engaged by your Department.

The correspondence from Mr Fuller is also *attached*.

Given the inaccuracies contained within Mr Fuller's correspondence, the Australian Workers' Union now holds serious concerns in regard to his conduct, obvious personal biases and the potential effect of those biases on the integrity of the ongoing BPIC consultation process.

I can be reached via [REDACTED] to discuss this further.

Regards,

Stacey Schinnerl
Secretary AWU Queensland Branch
Queensland & NT
E: [REDACTED]
L13 333 Adelaide Street Brisbane



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Stacey Schinnerl
Secretary, Queensland AWU
GPO Box 88
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Minister for Energy, Renewables and Hydrogen
Minister for Public Works and Procurement

Our Ref: MN10290-2023

28/08/2023

1 William Street
Brisbane Queensland
GPO Box 2457 Brisbane
Queensland 4001 Australia
Telephone [REDACTED]

Ms Stacey Schinnerl
Branch Secretary
The Australian Workers' Union
Email: [REDACTED]

Dear Ms Schinnerl

Thank you for your letter of 18 August 2023 regarding email correspondence the Australian Workers' Union received.

I can confirm the Department of Energy and Public Works (DEPW) has not asked for any advice in regard to industrial relations history or information in relation to demarcation issues.

DEPW has contracted two negotiators to finalise a set of Best Practice Industry Conditions that:

- is supported by all five construction unions
- enables industry to deliver projects at the rate required to meet Queensland's renewable energy targets.

I note that the engagement of a second negotiator from OneIRC, Mr Ryan Murphy, was at your request, to address your concerns for balance and fairness.

The focus of this work has been repeatedly clarified and advice outside of these parameters is disregarded.

I can assure you that integrity and accountability are core to the work of the departmental officials.

Yours sincerely

[REDACTED]

Mick de Brenni MP
Minister for Energy, Renewables and Hydrogen
Minister for Public Works and Procurement

Isabelle MacNicol

From: Logan Timms [REDACTED]
Sent: Friday, 2 June 2023 12:57 PM
To: pdunbar [REDACTED]; 'kegan.scherf [REDACTED]'; Troy Fernandez; chris [REDACTED]; Geoff Taylor
Cc: Secretary AWU Queensland Branch; Michael Ravbar [REDACTED]; Jade Ingham; Peter Ong; Rohan Webb; Gary O'Halloran [REDACTED]; Sharon Bailey; Mark Raguse
Subject: RE: Updated Standard BPICs - Building Construction and Renewables
Attachments: 230602 Standard BPICs BCM and Renewable RP LT 1204 remote 34.docx

Good afternoon Colleagues,
Please find attached an updated Standard BPICs for Building Construction and Renewable Energy Projects. It is now on departmental template and formatted consistently.
May I draw your attention to a new section on **page 37** that deals with remote and regional working and rostering arrangements. This inclusion is designed to address concerns raised with me during consultation on the application of the default five-day working week to remote/regional projects.
Keen to have everyone's written feedback, with track changes if possible, by next Wednesday 5pm **7 June 2023** please.
Kindest Regards
Logan



Logan Timms

Executive Director, Strategy – Strategy and Policy and Building Contract Management

Major Projects | Public Works Division

Department of Energy and Public Works



[REDACTED]
Level 10, 53 Albert Street, Brisbane Queensland 4001

From: Logan Timms
Sent: Wednesday, 31 May 2023 10:16 AM
To: pdunbar [REDACTED]; 'kegan.scherf [REDACTED]'; Troy Fernandez; chris [REDACTED]; Geoff Taylor
Cc: secretary [REDACTED]; Michael Ravbar [REDACTED]; Jade Ingham; Peter Ong; Rohan Webb; Gary O'Halloran [REDACTED]; Sharon Bailey; 'mark.raguse [REDACTED]
Subject: Updated Standard BPICs - Building Construction and Renewables

Good morning Colleagues,

Thanks all for providing the amended set of conditions on 17 May.

Since 17 May, I have talked to most of you and taken further feedback both verbal and written Thank you for taking my phone calls. It is appreciated.

The BPICs will be attached to tenders to communicate the Government's expectations on best practice industrial relations. The attached would also form the core of the Renewable Energy BPICs perhaps with a slightly amended Overview and project specific appendices, we are not sure what the project specific appendices would look like or if indeed they would be necessary at this stage.

As such, the document has been reformatted to make it fit for purpose. The wage rates and allowance rates remain as proposed and will be attached as appendices. The majority of the text also remains the same. I will issue the appendices separately tomorrow as I ran into a formatting error with our document last night.

To make this a clear document, I have also tried to move more information from the appendices into the core. I believe the primary document reflects some of the key priorities. The changes you will notice in addition to formatting are:

- As this is expected to cover Renewables as well as building construction, some provisions are included with a more remote camp work type flavour. I extracted these primarily from an old Bechtel agreement from 2014 as this had AMWU, AWU, Plumbers and CFMEU agreement. So hopefully that approach is ok. The key inclusion from this agreement was the remote working conditions as many of the common clauses, such as dispute resolution, casual conditions, casual conversion, first nations, basic hours, termination, redundancy, higher duties are covered in the current document.
- Another key proposal is the inclusion of a BOOT test. While we are specifying the Government's terms and conditions for contractors working on BPP projects, It is not an agreement. it is in my thinking that if unions negotiate an agreement that exceeds the BPIC then that should be explicitly called out and allowed for. Previously a BOOT test may not have been thought to have worked very well. But as we now publish the Standard BPICs and they are attached to tenders and then used for tender evaluation purposes and called up and enforced under the DEPW Managing Contractor contract, it means the BPIC minimum will always be enforceable under the contract.

We are keen to get this settled asap to meet our approval timeframes. If you have any remaining concerns – very happy to receive feedback, please. Also, if a workshop would assist, very happy to convene that.

Alternatively, if we could have feedback to us by COB Friday, we would appreciate it.

Kindest regards
Logan



Logan Timms

Executive Director, Strategy – Strategy and Policy and Building Contract Management

Major Projects | Public Works Division

Department of Energy and Public Works



Level 10, 53 Albert Street, Brisbane Queensland 4001

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Thank you.

Isabelle MacNicol

From: Mark Raguse [REDACTED]
Sent: Wednesday, 7 June 2023 10:00 AM
To: Logan Timms; Sharon Bailey
Cc: Stacey Schinnerl; Barry Watson; Joey Kaiser; paul.martyn [REDACTED]
Subject: RE: Updated Standard BPICs - Building Construction and Renewables

Dear Sharon/Logan

I refer to the draft DPWE BPIC document provided to the AWU on 2 June 2023.

This BPIC document is a disgrace.

The AWU Queensland Secretary Stacey Schinnerl and National Secretary Daniel Walton met with Sharon Bailey and Scott Gartrell on 21 October 2022 clearly outlining the position of the AWU, industry representation and ensuring that projects effectively get off the ground. This advice was ignored.

A draft BPIC document was provided by your department to the AWU in November 2022.

A further meeting was held with AWU Queensland Secretary Stacey Schinnerl, Assistant Secretary Mark Raguse, Sharon Bailey and Scott Gartrell on 24 November 2022 where the AWU position and expectations were reiterated and understood by the department.

The AWU Queensland Assistant Secretary Mark Raguse, District Secretary Tony Beers and Industrial Advocate Geoff Taylor met with Sharon Bailey on 18 January 2023 and provided page by page feedback in relation to the draft BPIC document. A further email was sent to Sharon Bailey on 22 February 2023 providing further information in relation to providers of superannuation, income protection and redundancy fund. All of this feedback and advice was ignored.

On the 22 February 2023 the AWU requested an updated copy of the BPIC via email that included the feedback, there was no response.

On 5 April 2023 the AWU requested via email to Sharon Bailey an updated copy of the BPIC and was advised that it wasn't available.

On 17 May 2023 the AWU requested via text to Sharon Bailey an updated copy of the BPIC and was advised via text that a draft BPIC will be sent this week or early next week. There was nothing sent.

On 20 April 2023 the AWU was sent a cost analysis document and draft classifications and wage rates but nothing further. There was no draft BPIC document.

Finally, on 19 May 2023 Logan Timms sent through a draft BPIC document for consideration. Although it was a conditions document not a draft enterprise agreement it did not include any substantive feedback provided by the AWU in January. The email sent from Logan Timms also advised that this document would be the BPIC document which would apply for all construction projects across government moving forward. This meant the AWU had to suspend engaging in any discussions with contractors in TMR as the TMR BPIC document is inferior to the draft DEPW BPIC. The AWU has sought to clarify this advice with senior persons at transport and water and they are not aware of this position.

The Queensland Assistant Secretary Mark Raguse and District Secretary Kurt Neumann and Industrial Advocate Geoff Taylor met with Sharon Bailey and Logan Timms on 25 May 2023 to discuss the draft BPIC document was sent to the AWU. The AWU reiterated the advice provided in January and stressed the importance of understanding the

difference between civil versus dwelling construction and the importance of getting this right when framing BPIC documents so that projects could effectively commence and be completed.

On the 2 June 2023 the AWU was provided with a revised BPIC document which had been completely redrafted from a conditions document format to a certified agreement format. This document did not include any advice or feedback from the AWU from either the January and June meetings other than a crude cut and paste of a regional work clause for the purpose of being able to note that the AWU had been "consulted".

In the view of the AWU, it specifically sought to amend the agreement in ways that purposefully ignored our direct feedback and advice.

Two examples being, it contains a definition of 'construction work' that is directly inconsistent with the constitution and rules of the registered organisations and settled case law within the civil construction industry and it removed the AWU, which is THE industry union for civil construction work, as a party to the document completely. This is just two of a litany of concerns with the document.

Notwithstanding it took almost 6 months to actually get an unworkable draft BPIC out of the department, the AWU was provided with three working days to provide a response. Although sent in error, an email was sent to the AWU last night providing the union with a "friendly reminder" we had one day to submit feedback. This is completely unacceptable.

Whether this response by the department on 2 June 2023 is the result of incompetence, indifference or purposeful offence is unknown.

For the purpose of briefing the DG, the Minister or Cabinet, the AWU definitively submits that we have NOT been genuinely consulted nor do we agree in any way with the draft BPIC document provided on 2 June 2023.

The course of this process has been extremely disappointing and in our view will slow down the government being able to commence landmark construction projects across the state until it is resolved.

Regards

Mark Raguse
Executive Officer / Assistant Secretary
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Stacey Schinnerl
Secretary, Queensland AWU
GPO Box 88
BRISBANE QLD 4001

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From: Logan Timms

Sent: Friday, June 2, 2023 12:57 PM

To: pdunbar [REDACTED]; 'kegan.scherf [REDACTED]; Troy Fernandez; chris [REDACTED]; Geoff Taylor

Cc: Secretary AWU Queensland Branch; Michael Ravbar [REDACTED]; Jade Ingham; Peter Ong; Rohan Webb; Gary O'Halloran [REDACTED]; Sharon Bailey; Mark Raguse

Subject: RE: Updated Standard BPICs - Building Construction and Renewables

Good afternoon Colleagues,

Please find attached an updated Standard BPICs for Building Construction and Renewable Energy Projects. It is now on departmental template and formatted consistently.

May I draw your attention to a new section on **page 37** that deals with remote and regional working and rostering arrangements. This inclusion is designed to address concerns raised with me during consultation on the application of the default five-day working week to remote/regional projects.

Keen to have everyone's written feedback, with track changes if possible, by next Wednesday 5pm **7 June 2023** please.

Kindest Regards

Logan



Logan Timms

Executive Director, Strategy – Strategy and Policy and Building Contract Management

Major Projects | Public Works Division

Department of Energy and Public Works



Level 10, 53 Albert Street, Brisbane Queensland 4001

From: Logan Timms

Sent: Wednesday, 31 May 2023 10:16 AM

To: pdunbar [REDACTED]; 'kegan.scherf [REDACTED]; <kegan.scherf [REDACTED]>; Troy Fernandez

<troy [REDACTED]>; chris [REDACTED]; Geoff Taylor <geoff.taylor [REDACTED]>

Cc: secretary@ [REDACTED]; Michael Ravbar [REDACTED]; Jade Ingham

[REDACTED]; Peter Ong [REDACTED]; Rohan Webb [REDACTED]; Gary

O'Halloran [REDACTED]

Sharon Bailey [REDACTED]

[REDACTED]; 'mark.raguse [REDACTED]

Subject: Updated Standard BPICs - Building Construction and Renewables

Good morning Colleagues,

Thanks all for providing the amended set of conditions on 17 May.

Since 17 May, I have talked to most of you and taken further feedback both verbal and written Thank you for taking my phone calls. It is appreciated.

The BPICs will be attached to tenders to communicate the Government's expectations on best practice industrial relations. The attached would also form the core of the Renewable Energy BPICs perhaps with a slightly amended Overview and project specific appendices, we are not sure what the project specific appendices would look like or if indeed they would be necessary at this stage.

As such, the document has been reformatted to make it fit for purpose. The wage rates and allowance rates remain as proposed and will be attached as appendices. The majority of the text also remains the same. I will issue the appendices separately tomorrow as I ran into a formatting error with our document last night.

To make this a clear document, I have also tried to move more information from the appendices into the core. I believe the primary document reflects some of the key priorities. The changes you will notice in addition to formatting are:

- As this is expected to cover Renewables as well as building construction, some provisions are included with a more remote camp work type flavour. I extracted these primarily from an old Bechtel agreement from 2014 as this had AMWU, AWU, Plumbers and CFMEU agreement. So hopefully that approach is ok. The key inclusion from this agreement was the remote working conditions as many of the common clauses, such as dispute resolution, casual conditions, casual conversion, first nations, basic hours, termination, redundancy, higher duties are covered in the current document.
- Another key proposal is the inclusion of a BOOT test. While we are specifying the Government's terms and conditions for contractors working on BPP projects, It is not an agreement. it is in my thinking that if unions negotiate an agreement that exceeds the BPIC then that should be explicitly called out and allowed for. Previously a BOOT test may not have been thought to have worked very well. But as we now publish the Standard BPICs and they are attached to tenders and then used for tender evaluation purposes and called up and enforced under the DEPW Managing Contractor contract, it means the BPIC minimum will always be enforceable under the contract.

We are keen to get this settled asap to meet our approval timeframes. If you have any remaining concerns – very happy to receive feedback, please. Also, if a workshop would assist, very happy to convene that.

Alternatively, if we could have feedback to us by COB Friday, we would appreciate it.

Kindest regards
Logan



Logan Timms

Executive Director, Strategy – Strategy and Policy and Building Contract Management

Major Projects | Public Works Division

Department of Energy and Public Works

Level 10, 53 Albert Street, Brisbane Queensland 4001

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Thank you.