

Queensland Legislative Assembly
Number: 5019T187
 14 FEB 2019 Tabled
By Leave
MP: MR BLEWIE
Clerk's Signature: [Signature]



HopgoodGanim
LAWYERS

19 December 2018

Urgent

Simon Blackwood
Deputy Director-General
Office of Industrial Relations
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BRISBANE QLD 4000

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Our ref: 1804418 - Alana Paterson

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Dear Deputy Director-General

Enco Precast Pty Ltd

We act for Enco Precast Pty Ltd (**Enco**) who has been subject to attempts to exercise purported right of entry rights by officials of the CFMMEU and CEPU on 17 December 2018.

A similar right of entry dispute arose on 20 and 23 July 2018 which was subject to a dispute notification in the Queensland Industrial Relations Commission (matters WHS2018/102 and WHS2018/117). These matters were ultimately resolved by consent.

Enco's primary objection to the attempted entries in both July and 17 December 2018 is that the CFMMEU and the CEPU are not entitled to represent any workers based at Enco's workplace, 73 Counihan Rd, Seventeen Miles Rocks.

There were other concerns regarding the conduct of the union officials in July as well as no basis for any reasonable suspicion of safety contraventions necessitating the entries both in July and yesterday.

Ms Helen Burgess and Mr John Azcune of your office responded to requests for assistance to resolve the dispute about right of entry.

Our client had concerns with Ms Burgess' dealing of the matter in July whereby we are instructed that she called the General Manager of Enco, Mr Steven James on Saturday 21 July 2018 and said words to the effect that the CFMMEU "will be coming onto your site" but disclosed no basis on which she was "reasonably satisfied" that the CFMMEU officials were entitled to do so. It is difficult to understand why Ms Burgess would have taken this step.

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19 December 2018

These concerns were borne out again on 17 December by Ms Burgess' conduct on site whereby:

1. She provided police attending the site at the request of Enco a copy of a Memorandum of Understanding between the Office of Industrial Relations and the Queensland Police Service dated 12 July 2018 (**MOU**) and represented that this limited the powers available to police in responding to Enco's concerns. This is despite the MOU applying to the investigation of workplace safety incidents, a situation which was not occurring at Enco's workplace.
2. When Enco tried to discuss with Ms Burgess its concerns about the purported entry by the CFMMEU and CEPU officials, Ms Burgess' response was that her office was currently preparing a contravention notice for hindering or obstructing an officer in the performance of their duties as documentation requested by her to be provided by Enco had not been produced within minutes of her request.
3. Ms Burgess stated that she had viewed and photographed the entry permits and notices of the union officials. However, a search of the WHS permit holder list available on the QIRC website on 17 December 2018 showed that one of the union officials attempting entry, Mr Kieron Cundy of the CEPU, only holds a federal permit and does not hold a State permit which is required for entry for WHS issues.
4. In trying to provide Ms Burgess with requested documentation, she did not accept that a position description provided to her is the position description applicable to all workers (excluding management) on site. She said she required employment contracts with **attached** position descriptions (which do not exist as the site operates pursuant to an enterprise agreement), a list of all workers on site and their position title and required an inspection of the plant to take photographs to determine whether the union officials seeking to enter the site had coverage.
5. Enco requested 5-10 minutes to discuss this with their lawyers. However, before the end of the 10 minutes Ms Burgess entered the office area in which Enco was obtaining advice and informed Enco that she was leaving the site and would be issuing a contravention notice for hindering or obstructing an officer in the performance of their duties. To date, Enco has not received this contravention notice.
6. After exiting the Enco worksite Ms Burgess remained outside the premises with Mr Jade Ingham of the CFMMEU for approximately an hour.

There have been further incidents yesterday whereby Ms Burgess and other inspectors attended Enco's premises to conduct inspections. Enco alleges that some inspectors did not provide identification and that the inspectors were unclear of the purpose of the inspection.

Ms Burgess provided Mr James with an email at 11.55 am requiring a response by 12.30pm. Mr James replied to that email at 2.00pm as he did not see the email until after the nominated response time.

All these matters suggest our client is the target of a campaign of harassment by Ms Burgess. As you know the Regulator is bound under s152 of the *Work Health and Safety Act (Act)* to foster a cooperative, consultative relationship between all stakeholders. Enco is entitled to expect that its employees will be treated with respect and that your inspectors will act reasonably within the terms of the Act. That has not occurred.

Simon Blackwood
Deputy Director-General
Office of Industrial Relations



19 December 2018

Enco is committed to meeting its obligations under work health and safety legislation and has no issue with Inspectors attending its workplace to inspect its premises. It does have an issue with Ms Burgess' behaviour to date and would ask for another inspector to attend for this purpose today.

Yours faithfully

HopgoodGanim Lawyers

Contact: Alana Paterson
Special Counsel
T 07 3024 0352
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We wish you a safe and restful holiday period and a prosperous New Year. Our offices will remain attended throughout the Christmas and New Year period with the exception of the public holidays and Monday 31 December 2018.

Jarrold BLEIJIE MP

Member for **Kawana**

Shadow Minister for Education and Shadow Minister for Industrial Relations
Manager of Opposition Business



19 December 2018

Mr Alan MacSporran QC
Chairman
Crime and Corruption Commission
GPO Box 3123
Brisbane Qld 4001

Dear Mr MacSporran

I write to you with respect to a matter of utmost importance. I believe that a private company is being deliberately targeted, bullied and harassed by a Director and other officers in the Office of Industrial Relations. I also suspect there is collusion or improper influence between the CFMMEU and the Office of Industrial Relations.

I enclose the following:

1. Speech I made to Parliament on 18 September 2018;
2. Letter from Hopgood Ganim Lawyers to Mr Simon Blackwood, Deputy Director General Office of Industrial Relations dated 19 October 2018; and
3. Various email correspondence between Mr Steven James, General Manager, ENCO Precast Pty Ltd and Ms Helen Burgess, Director, Construction Compliance and Field Services, Office of Industrial Relations.

As you will see from the letter from Hopgood Ganim Lawyers, a dispute arose between the CFMMEU and the CEPU in July 2018. That matter was settled by consent in the Queensland Industrial Relations Commission.

It is apparent from the attached email correspondence that Ms Burgess has personally taken it upon herself to communicate and attend at the ENCO site. It appears that Ms Burgess' attendance at this site and other sites, as I have mentioned in my speech to Parliament, is when the CFMMEU has directly contacted her.

In one particular job site, on the Sunshine Coast, union officials demanded entrance to the construction site. They were rightly refused entrance as they did not have the appropriate permission. I recall two of the three union officials actually had their permits cancelled by the Fair Work Commission. I was advised that within 10 minutes of the refusal, Ms Helen Burgess turned up on site to demand entrance and advocate for the union to be given access.

Ms Helen is a senior public servant in the Office of Industrial Relations Commission based in Brisbane. The fact that she just happened to be around the corner from this job site on the

19 December 2018 Letter to Chairman, Crime and Corruption Commission

Sunshine Coast is more than a coincidence. It is also important to note there are Workplace Health and Safety Inspectors readily available to attend job sites if workplace health and safety issues arise.

I submit that there appears to be a deliberate and targeted campaign by the CFMMEU and the Office of Industrial Relations to cause financial distress to ENCO Precast Pty Ltd.

I am concerned over the actions of Ms Burgess and the independence of the Office of Industrial Relations.

I respectfully request that the Crime and Corruption Commission conduct a full investigation into the actions of Ms Burgess and other senior officers in the Office of Industrial Relations to ascertain whether any improper action or external influence has taken place.

Yours sincerely

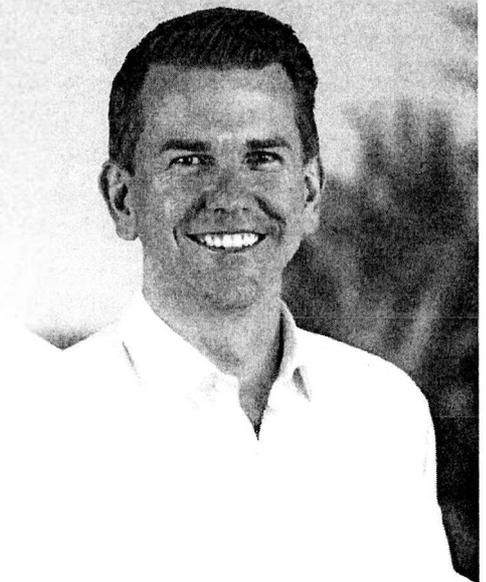


Jarrod Bleijie MP
Member for Kawana
Shadow Minister for Education and Shadow Minister for Industrial Relations
Manager of Opposition Business

Jarrood BLEIJIE MP

Member for **Kawana**

Shadow Minister for Education and Shadow Minister for Industrial Relations
Manager of Opposition Business



21 December 2018

Mr Tony James
Acting Deputy Director-General
Office of Industrial Relations
Level 11, 1 William Street
Brisbane QLD 4000

Dear Mr James,

I have been provided copies of correspondence between Mr Steven James, General Manager, ENCO Precast Pty Ltd and Ms Helen Burgess, Director, Construction Compliance and Field Services, Office of Industrial Relations.

I am concerned by the contents of the correspondence and what appears to be the external influences of the CFMMEU on the Office of Industrial Relations.

I have today referred these matters and my concerns to the Crime and Corruption Commission.

Until I hear from the Crime and Corruption Commission, I request that an independent officer take over these matter from Ms Burgess. I am concerned that with the previous disputes between Ms Burgess and Mr James, there is no ability for Mr James or ENCO Precast Pty Ltd to be heard in an unbiased and independent manner.

I look forward to your response.

Yours sincerely

Jarrood Bleijie MP
Member for Kawana
Shadow Minister for Education and Shadow Minister for Industrial Relations
Manager of Opposition Business

CC: Hon Grace Grace MP, Minister for Education and Minister for Industrial Relations
Mr Tony Cook PSM, Director-General, Department of Education



Queensland
Government

Office of
Industrial Relations

Department of Education

Our reference: FILE21040, REC21093

09 JAN 2019

Mr Jarrod Bleijie MP
Member for Kawana
Email: Kawana@parliament.qld.gov.au

Dear Mr Bleijie

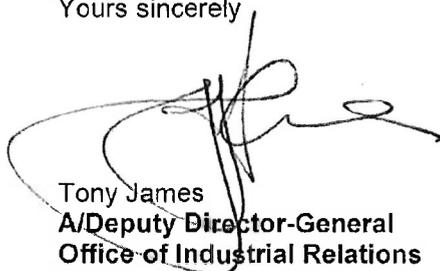
Thank you for your letter dated 21 December 2018 regarding Enco Precast Pty Ltd.

I advise that Workplace Health and Safety Queensland (WHSQ) is working with Enco Precast Pty Ltd and its legal representatives to resolve any outstanding health and safety issues. Whilst I note your concerns and acknowledge your advice that you have raised same with the Crime and Corruption Commission, I am confident that in all matters WHSQ inspectors undertake their duties in a professional and independent manner, and in accordance with their legislative responsibilities.

If you require further information or assistance, please contact me on (07) 3406 9873.

I trust this information is of assistance.

Yours sincerely



Tony James
A/Deputy Director-General
Office of Industrial Relations

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Kawana Electorate Office

From: Complaints <Complaints@ccc.qld.gov.au>
Sent: Thursday, 17 January 2019 5:27 PM
To: Kawana Electorate Office
Subject: Our reference: CO-18-2843
Attachments: Attachment 2.pdf; charter-of-service.pdf

Categories: Jarrod

Dear Mr Bleijie

Thank you for your email to the Crime and Corruption Commission (CCC) below, dated 21 December 2018, in which you raised concerns about the conduct of Ms Helen Burgess, a Director with the Office of Industrial Relations (OIR)

We have carefully considered the information you gave us in your email and we understand you allege that Ms Burgess has inappropriately involved herself in a deliberate and targeted campaign by the CFMEU, in order to cause financial distress to ENCO Precast Pty Ltd (ENCO). This is due to ENCO possessing a contract to deliver services for the federal government. CFMEU is attempting to shut down ENCO's site and at times is assisted by Ms Burgess. Particular concerns were raised when a CFMEU official was refused entry on a Sunshine Coast site and Ms Burgess, who is based in Brisbane, appeared at the Sunshine Coast site 10 minutes after the CFMEU official was turned away.

It was clear to you that Ms Burgess was already in Sunshine Coast to assist the CFMEU official.

Though we may have used different words to describe your concerns or not referred to every issue that you raised, please be assured that we have considered all the information you gave us.

Under the *Crime and Corruption Act 2001* (the Act) the CCC's role is to ensure that complaints involving suspected 'corrupt conduct' in Queensland's public sector agencies are dealt with appropriately.

Attached, for your information, are excerpts from the Act that define the term 'corrupt conduct' and outline the role of the CCC.

In making a decision about the way to deal with a complaint, the CCC must consider the circumstances of the case and the 'Corruption principles' set out in *section 34* of the Act. In particular the CCC has regard to the devolution principle, which recognises the responsibility of a chief executive officer and senior managers to manage their agency, including dealing with inappropriate behaviour of staff. In effect, the principle provides that action to deal with corrupt conduct should, generally, be taken by the agency.

The CCC considers that it is appropriate for the Ethical Standards Unit of the OIR to take responsibility for dealing with your concerns.

A report of the information you provided to the CCC in your telephone conversation has been forwarded to the OIR.

The OIR will then:

- consider all the information you have provided;
- decide on the most appropriate way of dealing with your concerns (e.g. conducting an investigation; taking management action; or reviewing their practices, policies or procedures); and
- keep you informed about the handling of your matter.

Under *section 44(5)* of the Act the OIR is required to provide you with a response to your complaint. They must advise you of the action taken to deal with your complaint, the reason they considered the action to be appropriate and any results that are known at the time of the response to you.

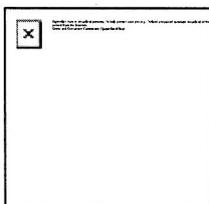
Should you be dissatisfied with the response from the OIR you should raise your further concerns with them directly.

The OIR will not advise the CCC of the outcome but we may include your complaint in a future integrity and compliance audit.

Our audits are a way meeting our statutory obligation to promote public confidence by ensuring complaints or information involving corruption are dealt with appropriately by an agency. We do not consider the outcomes of individual matters, and as a result will not change the outcome provided to you by the OIR.

You should be contacted in due course by an officer of the OIR.

Kind regards

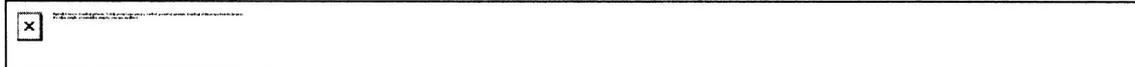


Integrity Services

Crime and Corruption Commission
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GPO Box 3123, Brisbane QLD 4001
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From: Kawana Electorate Office [mailto:Kawana@parliament.qld.gov.au]

Sent: Friday, 21 December 2018 12:12 PM

To: Mailbox <Mailbox@ccc.qld.gov.au>

Subject: Correspondence from Jarrod Bleijie MP

Dear Mr MacSporran,

Please find attached urgent correspondence from Jarrod Bleijie MP.

Regards

Aaron Soden-Taylor
Electorate Officer

Office of Jarrod Bleijie MP | Member for Kawana

Shadow Minister for Education
Shadow Minister for Industrial Relations

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Jarrod BLEIJIE MP

Member for Kawana

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