

6 February 2023

Submission of Peter Russell to the CITF Act review

I provide this brief submission in my personal capacity as the employee representative board member of the Construction Industry Training Board, appointed pursuant to the *Construction Industry Training Fund Act 1993*.

I have been unable to join in the submissions of the Board. It was, and is, my belief that the most appropriate course was for the board to focus on the provision of information that would assist in the review's consideration of the board's functioning, for example by furnishing details about the administration of the organisation and difficulties which it faces, rather than presenting its opinion on a preferred legislative scheme. It is also my belief that submissions on legislative reform are more appropriately made by persons in their individual capacities or by relevant organisations or bodies and not on behalf of the Board itself. I provide comment on only one issue of law reform in this submission, being board composition, because it is intrinsically linked to my experiences as a board member.

I have significant concerns about the capacity for the employee representative position to be meaningful under the current legislation and board composition.

I wish to be clear from the outset that I do not make any allegation or suggestion that any of the board members that I have shared the board with have acted improperly, to criticise any particular individual, or to otherwise comment on the appropriateness of their holding positions.

It is my understanding that only two board members can be considered to have a representative role. Nevertheless, in my observations in the limited time that I have been on the board it is not uncommon for other board members to participate from a perspective that could be perceived as being representative in nature, including by presenting the views of their organisations or employers. In that way, the board functions similarly to the representative boards that I participate in, but without the same balance.

Additionally, I have formed the impression that there is tendency to consider that the board itself is a meeting of the industry stakeholders, and therefore that industry consensus can be reached through the board's deliberations.

I do acknowledge the limited number of independent board members, and make no criticism of the appropriateness of their conduct.

I believe that the current structure of the board does a disservice to employees in the construction industry by denying them a meaningful seat at the table through their representatives. Although I endeavour to carry out the employee representative aspect of my roles in a broadly consultative manner and both meet with and discuss matters relevant to CITB with worker representatives including other unions, I consider that much is lost by not having a broader cross section of employee representatives present on the board, for instance persons from unions representing plumbing and electrical workers.

In my view training and other outcomes would be significantly improved from having those perspectives present.

As it currently stands, the employee representative position on the board cannot in any meaningful way counterbalance employer association perspectives. The position represents little more than the capacity to provide a dissenting view, with the accompanying expectation from the board that the employee representative would then adopt and support the decisions which are imposed on them by

the majority, largely comprised of employer perspectives, and that they forfeit their right to speak about CITB matters outside of the board. Although I am mindful of my duties both to employees and my fiduciary duty to the CITB organisation in its statutory tasks, I hold real concerns about whether it is possible to represent the interests of employees appropriately and independently under the present framework.

It was my desire, and intention, to provide examples in this submission of matters which I have become aware of during the course of my time on the board that have given me cause for concern, and which I consider inquiries into may have assisted the review in considering the terms of reference and in particular the functioning of the board since the 2019 bill amending the board's composition.

Regrettably, during the last meeting of the Board my motion that Board members be relieved from Board imposed confidentiality obligations for the limited purpose of providing information to this review was denied by the Board.

Subject to the confidentiality discussed above, I am available to discuss my concerns if that would assist the review.

Kind regards,

A handwritten signature in blue ink, appearing to read 'Peter Russell', with a long, sweeping underline that curves to the right.

Peter Russell