



17 May 2022

Mr Ken Lay AO APM
Board Chair
Ambulance Victoria
375 Manningham Road
Doncaster VIC 3108

By Email: Ken.Lay@ambulance.vic.gov.au

Dear Mr Lay

Re: RESPONSE TO LETTER RECEIVED FROM AV BOARD – 8 APRIL 2022

We write in response to the letter **(the response)** we received from you on 8 April 2022. This letter was in response to the letter **(the letter)** the Ambulance Employees Australia Victoria **(AEAV)** wrote to you as Chair of the Ambulance Victoria **(AV)** Board on 25 March 2022 in relation to the employment tenure of an AV Executive Director.

Response to your concerns

Whilst we appreciate your disappointment that the letter was provided to the media prior to you having an opportunity to respond, we do not agree that the letter was confidential. In the interests of transparency, the AEAU reserves the right to publish any correspondence between AEAU and AV with efforts made where appropriate to protect anonymity, or in the case of exceptional circumstances, we expressly agree otherwise. On this occasion we believe the public interest deemed it appropriate to not redact names and to provide the letter in full.

At this stage the AEAU has not released the letter in full beyond one media outlet and a group of AEAU Leaders, however that decision is subject to review, and we may publish the letter in full to members if we deem it necessary. We understand that the nature of the letter might be considered sensitive, however the AEAU was not prepared to wait for the predictable response while our members continued to be harmed.

@aeavicunion

We also propose to distribute both the response letter we received from you on 8 April 2022 and this letter to our members and publish it on our website in the interest of transparency. It is our opinion that a lack of transparency in the past has enabled AV to avoid taking action and avoid accountability for decisions impacting staff.

Furthermore, it is our understanding that the resignation of the Executive Director had not been received prior to the AEAU sending the letter and as such we make no apologies for our decision to write the letter requesting immediate action.

We believe the failure of the AV Board to take definitive action earlier, or to adequately oversee the People & Culture Department led to significantly more AV staff being harmed.

In November 2020 the AEAU wrote to you with concerns about the investigation process being managed by the Professional Conduct Unit (**PCU**) and the risk of further harm to staff without additional oversight. Our letter recommended the development of controls and a process for managing complaints in the interim. Your response, which we received on 20 November 2020 was devoid of any commitment to implement any short-term controls over a department that was clearly failing to protect staff. Your decision ultimately was to allow AV to continue harming staff despite the knowledge that the review outcomes would not be provided for over 12 months and that implementing the recommendations would take many more months.

For these reasons we believed the only way to ensure definitive action to protect staff from further harm was to ensure our submission could not be ignored and the Board would be held accountable publicly for not acting decisively. We were not prepared to accept hollow statements of commitment after many years of avoidance and subsequently we make no apologies for calling for definitive action.

On the topic of leadership, we believe the ultimate failure of leadership rests with the AV Board and the AV Executive. Many of the personal accounts provided by contributors to the Victorian Equal Opportunity & Human Rights Commission's (**VEOHRC**) review detailed escalation of matters to the Board and the Executive and yet the failures and subsequent harm continued unabated.

It is disappointing that despite the clear indicators of harm over many years as evidenced by individual accounts, successive People Matter Surveys and Psychosocial Surveys, that it took exposure of the failures in the media in October 2020 to see any real action by the AV Board or the AV Executive.

In response to your statement on the principles of natural justice and the focus of the VEOHRC review on systemic issues we provide the following response: The VEOHRC review exposed systemic failures in the People & Culture Department. The Executive Director of this department had ultimate responsibility for the conduct of this department, and the AEAU believes their position was no longer tenable given the extent of the failures. In our conversations with members, the reason many staff were reticent to engage with the reforms was the lack of accountability at the senior levels of the organisation for the systemic failures that they had overseen or walked past. Not holding the AV Executive or the AV Board accountable seriously threatened the integrity of the VEOHRC review and still pervades as an underlying concern for members.

Summary

We acknowledge your disappointment in the approach taken by the AEAU, however it is our opinion that this disappointment pales into insignificance compared to the disappointment the AEAU and our members have in the Board's failure to implement controls as soon as concerns were raised. The Board's failure to act has caused irrevocable harm to numerous staff.

The AEAU will ensure transparency in our communications with the AV Board and the AV Executive, and we make no apologies for doing so.

Whilst we commit to engaging constructively with the reform process, we will not be complicit or accept being lectured to by a Board that has overseen one of the most damaging periods in AV's history.

Yours faithfully



Brett Adie

Secretary

Ambulance Employees Australia Victoria (AEAV)

@aeavicunion