



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

**COMMISSIONED UNDER THE PROVISIONS OF THE
COMMISSIONS OF INQUIRY ACT 1950**

**PUBLIC HEARING
BRISBANE MAGISTRATES COURT**

**WEDNESDAY, 23 APRIL 2026
AT 10.00 AM**

DAY 21

APPEARANCES

**Mr S. Wood AM KC, Commissioner
Mr P. Wheelahan KC, Senior Counsel Assisting
Mr S. Harburg, Counsel Assisting
Mr D. de Jersey KC, Counsel for the State of Queensland
Ms M. Brooks, Counsel for the State of Queensland
Mr C. O'Grady, Ms F. Fox and Ms A. Hughes, Counsel for the CFMEU
Administration
Mr S. McCarthy, Counsel for Enrique Blanco Gomez
Ms R. O'Gorman KC and C. Massy, Counsel for Michael Ravbar and William
Kane Lowth
Mr T. Kimmins, Counsel for Jade Ingham
Mr Mr Geoffrey Watson SC, Witness**

<THE HEARING RESUMED AT 10.00 AM

COMMISSIONER: I'll take appearances. Mr Wheelahan, you appear with Ms Harburg as counsel assisting?

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MR WHEELAHAN: Yes, Commissioner.

COMMISSIONER: Mr O'Grady, you appear with Ms Hughes and Ms Fox for the administrator?

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MR O'GRADY: Yes, Commissioner.

MR KIMMINS: Kimmins, your Honour.

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COMMISSIONER: And you appear, Mr Kimmins, for Mr Ingham?

MR KIMMINS: That's correct, your Honour.

COMMISSIONER: And Ms O'Gorman, you appear for Mr Ravbar and Mr Lowth?

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MS O'GORMAN: I do, Commissioner, and I'm with Mr Massy today. He's also at the bar table.

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COMMISSIONER: I'm sorry, I didn't see Mr Massy there.

MS O'GORMAN: Thank you.

COMMISSIONER: And Mr de Jersey, you appear with Ms Brooks for the State of Queensland?

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MR DE JERSEY: Yes, Commissioner.

COMMISSIONER: Are there any other appearances I need to be aware of? No?

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MR WHEELAHAN: Doesn't appear to be so, Commissioner.

COMMISSIONER: Sorry, what did you say then?

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MR WHEELAHAN: It doesn't appear to be so.

COMMISSIONER: All right. What's happening this morning, Mr Wheelahan?

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MR WHEELAHAN: So firstly, Mr O'Grady would just like to follow up from yesterday and tender a document to you that you'll recall.

COMMISSIONER: Very well.

5 MR O'GRADY: Yes, good morning, Commissioner. If I can provide you with a properly printed version of the enforceable undertaking that I was referring to yesterday afternoon.

COMMISSIONER: Did we receive as exhibit and give it an exhibit number?

10 MR O'GRADY: No, we didn't, Commissioner. You might recall there was a problem in printing it. We provided an electronic version, but you sensibly said, "Well, why don't we wait till we've got a proper paper version before it's tendered?" And that's what I'm seeking to do.

15 COMMISSIONER: And what exhibit number are we up to?

MR O'GRADY: I'm not sure, Commissioner. If you're going to give it an exhibit number associated with this particular case study, then I think we're up to 10.

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COMMISSIONER: 10?

MR O'GRADY: Yes. TSRC 10.

25 COMMISSIONER: And did we deal with any objections to the tender yesterday?

MR O'GRADY: No. There was no discussion, but I don't understand there to be any objection, at least from counsel assisting, because I've discussed this with Mr Wheelahan.

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COMMISSIONER: No one else has got any other objection, I take it? What do you want me to describe this as?

35 MR O'GRADY: Enforceable undertaking entered into by Acciona Infrastructure Australia in for July 2022.

40 COMMISSIONER: Enforceable undertaking entered into by Acciona Infrastructure Australia Pty Ltd of 4 July 2022, with covering letter from Mark Barber, Office of Industrial Relations, 23 January 2023, will be exhibit TSRC 10.

45 <EXHIBIT TSRC 10 ENFORCEABLE UNDERTAKING ENTERED INTO BY ACCIONA INFRASTRUCTURE AUSTRALIA PTY LTD OF 4/7/2022 WITH COVERING LETTER FROM MARK BARBER, OFFICE OF INDUSTRIAL RELATIONS, 23/1/2023

MR O'GRADY: Thank you, Commissioner.

5 **MR WHEELAHAN:** Commissioner, today Mr Geoffrey Watson SC is attending for the purposes of cross examination. The order of the cross examination by counsel will firstly be Mr Chris O'Grady; secondly, Mr Anthony or Tony Kimmins; and thirdly, Ms O'Gorman KC.

10 **COMMISSIONER:** I thought Mr O'Grady had already cross examined this witness, but

MR WHEELAHAN: There's one discrete matter that he wishes to cross examine upon, and I've agreed to allow that.

15 **COMMISSIONER:** And in terms of the written application by Mr Kimmins to cross examine, what's the position with that?

MR WHEELAHAN: That's allowed.

20 **COMMISSIONER:** Leave is granted?

MR WHEELAHAN: As I understand it, there are five discrete incidents that he wishes to cross examine upon.

25 **COMMISSIONER:** All right. Leave is granted to you, Mr Kimmins, in accordance with your written application. And what about the written application from Ms O'Gorman?

30 **MR WHEELAHAN:** Yes. That is also allowed. There are some conditions as to documents, because of their sensitivity, which have been discussed with Ms O'Gorman KC, and they're understood between counsel. You'll recall you've made some orders with respect to keeping some names redacted in reports, and not to be published, so both counsel understand that. We've had discussions, and Ms O'Gorman

35 **COMMISSIONER:** Right. I don't need to make any ruling about that?

MR WHEELAHAN: You don't. I'm just letting you know.

40 **COMMISSIONER:** All right. Your written application for leave to cross examine Mr Watson is also granted, Ms O'Gorman. I know Mr Watson is available here Thursday and Friday. Obviously he'd prefer to finish today, but you're under no time pressure to finish today. If you need to go over to tomorrow morning, you're free to do that.

45 **MS O'GORMAN:** Thank you, Commissioner.

MR WHEELAHAN: With that, I call Mr Watson SC.

<GEOFFREY WATSON, RECALLED AND RE AFFIRMED

5 **COMMISSIONER:** Please take a seat, Mr Watson. Mr Wheelahan or Mr O'Grady?

MR WHEELAHAN: Mr O'Grady.

10 **<CROSS EXAMINATION BY MR O'GRADY**

MR O'GRADY: Yes, thank you, Commissioner. Mr Watson, I just want to clarify the circumstances regarding your engagement by the national office of the CFMEU. As I understand the position, on or about 25 July 2024 you were requested by the law firm Maurice Blackburn, acting on behalf of the national office of the CFMEU, to conduct an investigation?

15 **MR WATSON:** Yes. Actually, just thinking about it now, I'm not so sure. It was Josh Bornstein. He may have been acting on behalf of the Victorian/Tasmanian branch.

20 **MR O'GRADY:** Yes.

MR WATSON: Now, I'll come back to that. Go on.

25 **MR O'GRADY:** All right. Thank you. And that was he was acting on instructions from a Mr Zach Smith?

MR WATSON: Yes, as I understood it.

30 **MR O'GRADY:** Yes. And that was in his role as national branch secretary, Victoria, of CFMEU?

MR WATSON: Yes.

35 **MR O'GRADY:** And you understood that Mr Smith wasn't acting in a personal capacity; he was acting in his capacity as the national branch secretary of Victoria CFMEU?

40 **MR WATSON:** Oh, yes.

MR O'GRADY: Yes. And he was the person giving instructions on behalf of the CFMEU until 23 August 2024?

45 **MR WATSON:** Yes. I insisted that an individual be nominated to whom I could resort for specific instructions if necessary.

MR O'GRADY: Understand. And on 23 August 2024, Mr Irving, King's Counsel, was appointed the administrator of the CFMEU.

5 **MR WATSON: Yes. That's why look, I can't remember the dates, Mr O'Grady, but about then.**

MR O'GRADY: In or around then.

10 **MR WATSON: Yes.**

MR O'GRADY: And the effect of the administration was that Mr Irving became the administrator of the federal union and all of its branches.

15 **MR WATSON: Correct.**

MR O'GRADY: Yes, and that included obviously the Victorian branch.

MR WATSON: Yes.

20 **MR O'GRADY: Yes. And when Mr Irving came into the role, he made it clear to you that he wanted the investigation to continue.**

MR WATSON: Oh, yes.

25 **MR O'GRADY: Yes. And his position was that now that he he was the CFMEU and that you had been engaged by the CFMEU.**

30 **MR WATSON: Yes. Sorry, you put that to me as though it was put to me emphatically by Mr Irving, but it was a very friendly discussion.**

MR O'GRADY: I'm not Mr Irving is a very friendly man.

MR WATSON: Yes.

35 **MR O'GRADY: And he told you that his view was that all the powers and responsibilities that Mr Smith previously had in his role now were vested in him in his role.**

40 **MR WATSON: Yeah, not in those terms, but generally speaking, and we agreed that that was so.**

MR O'GRADY: Yes. And his position was that you'd been engaged by the union and you continued to be engaged by the union.

45 **MR WATSON: Yes. That's where I said to him, "There's a hiccup, insofar as I do want to get a release," but I can explain why I sought that.**

MR O'GRADY: Yes.

MR WATSON: You you go ahead.

5 **MR O'GRADY: And you're aware that the position that Mr Irving had discussed with you was also conveyed to Mr Smith?**

MR WATSON: Oh, yes.

10 **MR O'GRADY: Yes. And you understood**

MR WATSON: I spoke to or I exchanged a text message, at least, with Mr Smith.

15 **MR O'GRADY: Yes. And perhaps if I could ask you to have a look at these documents for me. Have you got them there?**

MR WATSON: Yes, I've got a copy of them.

20 **MR O'GRADY: Yes. Can I provide this to you, Commissioner?**

COMMISSIONER: Thank you.

25 **MR O'GRADY: Could you explain to the Commission what these text messages are, perhaps starting with the pink one, which appears to be 28 August 2024 at 5.39 pm, and then moving on to the blue one, which is on the same day at 5.42 pm.**

30 **MR WATSON: This reflects the discussion which I had with Mark Irving in which I made clear that I would want "need" is too strong a word I would want do get clearance from Zach Smith to permit me to use the knowledge which I'd acquired in continuing the investigation. And so you can see there that Mark is contacting Zach to pass that on. I see the point there. It's saying that I spoke fondly of Zach.**

35 **MR O'GRADY: Yes.**

40 **MR WATSON: I just want to make it clear now: he was, I thought, a first rate man, a really good, solid client, and I was very happy dealing with him.**

MR O'GRADY: Yes.

45 **MR WATSON: That explains the background to that. This was just Mark acting on my request to clear it with Zach.**

MR O'GRADY: And you can see that at least Mark was of the view that, well, it's probably unnecessary, but he was nonetheless, as a matter of courtesy to you

and to Mr Smith, asking him to send you a text message saying that you that he authorised you to speak with him.

5 MR WATSON: This is a real lawyer thing, but I also thought it was probably unnecessary.

MR O'GRADY: Yes, yes.

10 MR WATSON: But there was a reason why I was being doubly protective of all of this.

MR O'GRADY: Yes.

15 MR WATSON: Quite literally, I was in the middle of teaching a course at the University of New South Wales, where I was teaching ethics, and part of it about was about legal professional privilege and who owns it.

MR O'GRADY: Yes.

20 MR WATSON: And the thought did go through my mind that I don't want to make any mistakes here, that I'd be sitting shortly and marking the exams of my students, and I didn't want to be in trouble with the New South Wales Bar Association for having breached it myself.

25 MR O'GRADY: They wouldn't dare, Mr Watson. But in any event, it's clear that Mark's of the view that it's probably unnecessary, from the pink text, and then when we go to the blue text this is Mr Smith's response to you, or this is the text that Mr Smith sends in response to Mark's text, and he indicates that you are authorised to discuss the investigation that the national office of the
30 union engaged you to conduct with Mark.

MR WATSON: Yes.

35 MR O'GRADY: Yes. So you were acting for the union before the administration was put in place?

MR WATSON: Yes.

40 MR O'GRADY: And you were still acting for the union after the administration was put in place?

45 MR WATSON: Yes. Look, that idea of me selecting an individual I mentioned before about which branch it was. I remember Josh Bornstein originally contacted me and said, "You will be acting for the CFMEU." Well, of course, that's a legal nonsense no disrespect, Josh because it's got branches, et cetera, et cetera. I said, "No, I need to have it with more clarity than that,

because I need to know the person to whom I would owe any ethical duties."
And we just agreed that it would be nominally Zach.

5 MR O'GRADY: Yes. Yes, but that would

MR WATSON: And it was a sensible solution, but my understanding was I was
doing it for the national branch.

10 MR O'GRADY: Yes, Zach was giving instructions, but he was doing so in his
capacity as branch secretary.

MR WATSON: Yes.

15 MR O'GRADY: And subsequently, Mark was giving instructions, but he was
doing so in his capacity as administrator of the CFMEU generally but in
particular the Victorian branch. Sorry, you need to answer for the purpose of
the transcript, Mr Watson.

20 MR WATSON: I agree. I was just distracted because I've just noticed my
avatar on those things. If anybody was wondering, it's a bust I have on my shelf
of Ho Chi Minh.

25 MR O'GRADY: Well, the world will now know. And you continued the
investigation after Mr Irving was appointed as administrator on that basis, that
he was giving you instructions on behalf of the branch which you were acting
for from the very outset.

MR WATSON: Exactly.

30 MR O'GRADY: Yes. I have no further questions.

35 MR WATSON: Could I just add to that idea, when Mark said he thought it
was unnecessary. Legally speaking I'm sure he's right, but once the
administration was put in place, that he could have said, "No, I demand you to
do this."

MR O'GRADY: Yes.

40 MR WATSON: And I only wanted to do it this way out of courtesy.

MR O'GRADY: I understand. Belt and braces.

MR WATSON: Belt and braces. That's one of my favourite lines.

45 MR O'GRADY: Yes, all right. I have no further questions, Commissioner.

COMMISSIONER: Do you want to tender those text messages?

MR O'GRADY: Yes, if I could tender as long as Mr Watson is not too concerned about his avatar being part of the public record, I seek to tender those.

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MR WATSON: No, no, I don't mind.

COMMISSIONER: How do I describe them? There's two printouts, two separate pages. They look like one looks like messages from Mr Irving to Mr Smith and the other one Mr Irving to Mr Watson. Is that how I would read it?

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MR O'GRADY: Yes, that's how to read them. So perhaps they should be separately marked, just for clarity. So the first is text message from Mr Irving to Mr Smith, 28 August 2024, at 5.39 pm. Now, I'm afraid, Commissioner, I don't know what numbers we're up to in respect of Mr Watson's evidence, but perhaps if we just do it as COG

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COMMISSIONER: We'll just get the just work it out. But you want to tender the whole document, don't you? It's all the text messages from 25 August '24 through to 1 September '24?

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MR O'GRADY: Yeah, I'm happy if they go in as a bundle. It's GW 17.

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COMMISSIONER: I take it there's no objections to the text message?

MR WHEELAHAN: No, Commissioner.

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COMMISSIONER: So one page of printout of text messages from Mark Irving to Zach Smith from 25 August

MR O'GRADY: 28 August.

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COMMISSIONER: My one starts at 25.

MR O'GRADY: Yes, but the relevant message is 28 August.

COMMISSIONER: You only want to tender that one message?

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MR O'GRADY: Yes.

COMMISSIONER: All right. One page printout of text messages from Mark Irving to Zach Smith, including text message 28 August 2024 at 5.39 pm, will be did you say

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MR O'GRADY: GW 17.

COMMISSIONER: GW 17.

<EXHIBIT GW 17 ONE PAGE PRINTOUT OF TEXT MESSAGES FROM MARK IRVING TO ZACH SMITH INCLUDING TEXT MESSAGE 28/8/2024 AT 5.39 PM

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COMMISSIONER: And the other one?

MR O'GRADY: I'd describe it in similar terms: one page of text messages, including a message of 28 August 2024 at 5.42 pm, between Mr Zach Smith and Mr Geoffrey Watson.

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COMMISSIONER: I thought this was between Mr Irving and Mr Watson.

MR O'GRADY: The first one is between Mr Irving and Mr Smith, where he is requesting Mr Smith to authorise the discussion.

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COMMISSIONER: That's the one we've just marked.

MR O'GRADY: That's the one we've just marked. And the second one is from Mr Smith this is what Mr Smith does in response.

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COMMISSIONER: But there's three people in this text message.

MR WATSON: Yes, Mr Irving is in it as well.

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COMMISSIONER: He doesn't have an avatar, but he's there.

MR O'GRADY: Yes. Yes.

COMMISSIONER: So one page printout of text messages between Geoffrey Watson, Zach Smith and Mark Irving, including text message 28 August 2024 at 5.42 pm will be GW 18.

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<EXHIBIT GW 18 ONE PAGE PRINTOUT OF TEXT MESSAGES BETWEEN GEOFFREY WATSON, ZACH SMITH AND MARK IRVING INCLUDING TEXT MESSAGE 28/8/2024 AT 5.42 PM

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MR O'GRADY: Yes. Thank you.

COMMISSIONER: You don't need to answer this question if you don't want to, Mr O'Grady, because it's all been determined between you and Mr Wheelahan, but what was the point of that cross examination?

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MR O'GRADY: It was to make clear that there had been no waiver of privilege by Mr Smith.

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COMMISSIONER: Oh, I see.

MR O'GRADY: Because ultimately, at all times Mr Watson was acting for the Victorian branch of the CFMEU. The people who were giving him instructions changed, but he was acting for the Victorian branch of the CFMEU.

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COMMISSIONER: I understand. Thank you.

MR O'GRADY: Yes. Thank you, Commissioner.

10 **MR WHEELAHAN:** Commissioner, just a moment. So we're going to rearrange the bar table just momentarily for Mr Kimmins to replace Mr O'Grady.

15 **COMMISSIONER:** Do you want me to adjourn for three minutes or something?

MR WHEELAHAN: No.

20 **MR KIMMINS:** I'm happy just to move.

MR WHEELAHAN: This should only be a moment.

COMMISSIONER: Very well.

25 **MR KIMMINS:** Mr Watson, my name is Kimmins. I appear on behalf of Jade Ingham.

MR WATSON: Thank you.

30 **MR KIMMINS:** The only document that I will be referring to you is your report. Do you have a copy of that or will various of the paragraphs be able to be brought up?

35 **MR WATSON:** I do have a copy of the report

MR KIMMINS: Thank you.

MR WATSON: in a bundle which was separately provided to me, and

40 **MR KIMMINS:** GW 6, I understand, Commissioner.

MR WATSON: Well, you've got to be careful, because there's a redacted version and an unredacted version.

45 **MR KIMMINS:** I'm looking at the redacted version.

MR WATSON: Redacted version is GW 4, as I understand it.

MR KIMMINS: Sorry.

5 **MR WATSON:** Possibly safer to use the redacted version, although I wish to make clear, I've got except for the safety issues and one or two promises of confidentiality to people, I've got no problem with I didn't order the redactions or make the redactions or request the redactions.

10 **MR KIMMINS:** I won't be asking you anything about what's contained under the redactions.

COMMISSIONER: So we'll use exhibit GW 4?

15 **MR KIMMINS:** Yes, please.

COMMISSIONER: And Mr Kimmins, the operator should be able to pull up the paragraphs you want to go to in due course.

20 **MR KIMMINS:** Thank you. I just want to ask you sorry, are you ready to go?

MR WATSON: Yes.

25 **MR KIMMINS:** I just want to ask you a couple of lead up questions in relation to this. As I understand from what you just told Mr O'Grady, you were commissioned on 26 July 2024 by Mr Smith; is that correct? To undertake this investigation?

30 **MR WATSON:** Well, when I originally came into it, it was actually more formal than that. I was commissioned by Maurice Blackburn. There was a solicitor intervening on behalf of the national branch, and I insisted that I have a human being. And that was Mr Smith.

35 **MR KIMMINS:** And I understand that the date was correct, wasn't it: 26 July '24?

40 **MR WATSON:** Look, it was negotiated over days, because originally I said I couldn't do it because I'd been on the 60 Minutes episode, and Josh Bornstein and Zach Smith thought that that was better that I had been, because it might make it look as though I was independent. And so I discussed it with them over a few days. I remember the first day I spoke to Josh Bornstein. It was a Sunday. That sticks in my mind for various reasons.

45 **MR KIMMINS:** Your report was dated 17 June 2025?

MR WATSON: Yes, I haven't looked at the date, but I accept that.

MR KIMMINS: So last page. So effectively for around about 12 months you were involved in the investigation?

5 **MR WATSON:** No. No, no, no. You're mixing up the Queensland investigation with my rolling appointment.

MR KIMMINS: Oh, with all right.

10 **MR WATSON:** You see, the original appointment was very narrow. There's an interim report somewhere in the same bundle, and you'll see that there are terms of reference drawn up which came from Maurice Blackburn. Now, initially when I started, that's what I was doing, and you'll see that they're quite narrow. They were really about the 60 Minutes episode. And then when Mark Irving came in, it broadened, but it was still Victoria. Mark then asked me to
15 present an interim report on the Victorian issues. Then I was commissioned to undertake a report into a particular incident involving Faruk Orman and ZK Infrastructure, and from there, other things rolled on. It was only

20 **MR KIMMINS:** What I'm trying to sorry to interrupt.

MR WATSON: I only did the Queensland inquiry for it was a matter of months. Probably four months.

25 **MR KIMMINS:** All right. So four months, you were investigating the Queensland branch, effectively.

MR WATSON: It could be out by a month or something.

30 **MR KIMMINS:** Yes. All right. And in relation to that, were you in fact provided with a brief of material to consider?

35 **MR WATSON:** Not a brief as such. I was given a bundle of documents. I think it actually was called a brief, and I think the original folder had on it handwritten that it was a brief. But we used to laugh about that, because one thing it wasn't was brief.

MR KIMMINS: Right. Right. A fair bit there.

40 **MR WATSON:** Yeah, there were a whole bunch of documents. There was quite a bit of paperwork. But that grew as obviously, as I was researching it, and I acquired quite a bit more for myself.

MR KIMMINS: Did you have any staff?

45 **MR WATSON:** No.

MR KIMMINS: No?

5 **MR WATSON:** No. What happened was, I was really effectively working by myself. I'm glad you asked this question, Mr Kimmins. And so I retained a paralegal, who I paid for myself. I'm a two finger typist. Now, that's not too bad, because you can think and write with two fingers.

MR KIMMINS: Better than me.

10 **MR WATSON:** And so I was really doing that. So I was coming up to Queensland, staying here, interviewing people, but nearly all of it was done by me. There were some people back at the administration who were brilliant who would give me assistance on finding documents and sometimes making contacts with potential witnesses.

15 **MR KIMMINS:** You did all the interviewing of the witnesses yourself?

MR WATSON: All myself.

20 **MR KIMMINS:** Right.

MR WATSON: Many of them, I was alone. Sometimes I was accompanied by Peter Keogh. Sometimes I was accompanied by my paralegal.

25 **MR KIMMINS:** In all, approximately how many witnesses did you interview?

MR WATSON: I put it in the report as 55. But when I did a recount afterwards, I found out it was actually 56.

30 **MR KIMMINS:** Right. And apart from your interviews these the witnesses and also the brief that you had been provided with, what other sources did you look at, effectively, to complete your report?

35 **MR WATSON:** A myriad of things. If I start with some of the most basic, I read and I can tell you, I never want to do this again in my life I read literally dozens, maybe a hundred, decisions of Federal Circuit Court judges and federal judges in the prosecution matters. I also read some industrial cases which set out the lines of demarcation. I also read newspapers, and I had to take a subscription to newspapers. If The Courier Mail's represented, I've got one to it still. You know, that sort of thing. I went to YouTube and I did searches on YouTube. Now, I don't have social media. I don't have Facebook. But I went to Facebook, and I got access to those parts of Facebook which you can get access to if you're not a member yourself. But I was never willing to cross that awful line and become a member myself. And I did all of that. I followed up on materials which I was directed to look at by some of the witnesses.

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MR KIMMINS: I should make it clear, some of this work was being done generally under the broader work I was doing in places other than

Queensland. But I read things like Royal Commission reports. Obviously, I read the relevant portions of the trade unions Royal Commission conducted by Mr Dyson Heydon. I looked back at relevant portions of the earlier Commission conducted by Mr Terry Cole, and I even went back and looked at the Royal Commission which was conducted by Mr Roger Gyles in New South Wales. So there was a lot of reading. And if you're wondering, no, I wasn't charging for all that time.

MR KIMMINS: No, I wasn't going to. What I was going to ask you was did you have a time limit in relation to the preparation of the report or was it left up to you?

MR WATSON: It was left up to me, but I had a time limit. I think this is something I've learned over many years as a barrister. I work much better under a time limit. So whether it was artificial or not, I set my own time limit, and I complied with it.

MR KIMMINS: You, I take it, then, didn't cut any corners, didn't cut out potential witnesses who may have assisted you? You actually, by the time you'd done the 56, you'd satisfied yourself that that was sufficient for your purposes?

MR WATSON: No, I actually refer to this in the report. It actually, when I was investigating, became very apparent to me that I'd done enough. I'd heard the same story from a lot of people, and I thought, "Well, there's only so far and so long I should do this." And I had other things which I thought I do for the CFMEU, especially in Victoria, and so I drew a line.

MR KIMMINS: Could I then take you to

MR WATSON: Can I tell you just something in that respect?

MR KIMMINS: Yes.

MR WATSON: I spoke to 56 people. I noticed that when this Commission was called that the Attorney General said that I had spoken to only 56 people. I looked at the West Gate Royal Commission, which the Commissioner will know about, Queenslanders possibly less so, but a terrible thing. 35 men died in that Royal Commission. They spoke to 52 witnesses. So I was pretty comfortable with 56.

COMMISSIONER: Mr Setka's uncle, I think it was, was on the bridge that day when it

MR WATSON: His his father. He says that his father was there.

COMMISSIONER: Father.

MR KIMMINS: I was going to take you firstly to paragraph 7 of your report, please.

MR WATSON: Yes. Yes?

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MR KIMMINS: So we can see there, this is you, at the start of your report, identifying a conclusion; is that correct?

MR WATSON: Yes. That's really the way that I write, is normally to state a conclusion and then following it up with the reasons.

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MR KIMMINS: Yes.

MR WATSON: That's not the entire paragraph. Thank you. That is the conclusion, and it comes, as you can see, from it being number 7, very early in the report.

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MR KIMMINS: Yes. So the phraseology you would've carefully picked was very likely planned.

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MR WATSON: Yes.

MR KIMMINS: Could I then take you to paragraph 276.

COMMISSIONER: What was that paragraph you just went to, please?

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MR KIMMINS: 276, Commissioner.

COMMISSIONER: Thank you.

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MR KIMMINS: And this was a further justification, was it, for your conclusion?

MR WATSON: Yes.

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MR KIMMINS: Okay. Thank you. In relation to Mr Ingham, were you able to ascertain any history of his with the union?

MR WATSON: Oh, a little. A little. Not a great deal. He was kind of elusive in that sense. I tried to meet with people who knew him, and I spoke to several people in the trade union movement here in Queensland, and I got different facets of his character, I felt. At one stage in the draft report I had some paragraph trying, as it were, to think about what I thought about these two men, particularly Ravbar and Ingham, and then I realised it was just mumbo jumbo.

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MR KIMMINS: Okay. Were you able to ascertain how long he had occupied the position of assistant secretary?

MR WATSON: Probably, but I've forgotten.

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MR KIMMINS: Right. Okay.

MR WATSON: I knew that he was a very established figure in the trade union.

10 **MR KIMMINS: I then want to actually touch upon five particular incidents that involve Mr Ingham that are specified in your report, and I'll do that chronologically. The first is in relation to the Grim Reaper, which was pages 31 to 33 of your report, paragraphs 203 to 209.**

15 **MR WATSON: Yes.**

MR KIMMINS: Right. So it seems that this is the first chronologically, first incident chronologically, that involved Mr Ingham specifically, and we note that's 8 February 2022.

20

MR WATSON: Good.

MR KIMMINS: And a number of references were there, and I'll take you to the first one in relation to Mr Ingham at 206. And what was effectively noted there was the march was led by Mr Ravbar and Mr Ingham.

25

MR WATSON: Yes.

MR KIMMINS: Right. Reading this particular set of paragraphs as such, you don't identify any particular source in relation to this particular incident was concerned. Do you have any memory as to where you obtained this information from?

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MR WATSON: Oh, yeah, I spoke a lot of people about this particular incident. But if you're talking about the whole incident, that's it. There were several parts to it. There was an initial speech, where there was a soapbox, and I've got a broad recollection that I saw photographs of Mr Ravbar and Mr Ingham speaking on the soapbox, the Grim Reaper by their side. There was a photo of that kind. So I probably got that from newspaper sources.

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40

MR KIMMINS: Right.

MR WATSON: I think that in this respect, the real people from whom I got important information came from people down at the other end of the walk, who were the Master Builders people.

45

MR KIMMINS: In relation to the speech itself, did you from Mr Ingham, were you ever able to obtain audio of that speech?

MR WATSON: Not to my recollection.

5

MR KIMMINS: And so it seems there was a speech

MR WATSON: There could well have been and I should have mentioned this in the sources that I used, but it was part of the YouTube material. I also
10 looked for and this was a really good source nightly news. So did you look

COMMISSIONER: What, sorry, I missed that?

MR WATSON: Nightly news articles, so Channel 7, Channel 2, et cetera, et
15 cetera, and I'd look for those sorts of things. Now, I can't presently recall whether I saw it on the nightly news. I've got in the back of my mind that I did see something about the march proceeding.

MR KIMMINS: Paragraph 207, the opening words there were:

20

"Inflammatory speeches were given by Ravbar and Ingham."

MR WATSON: Yes.

MR KIMMINS: That is, nothing you were unable to listen to the speeches themselves?

MR WATSON: I that's I

MR KIMMINS: Best memory.

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MR WATSON: That's my best memory.

MR KIMMINS: Yes. And so is that an assumption on your part?

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MR WATSON: Oh, no. It's really, I guess, an inference from having seen these people speak on other occasions.

MR KIMMINS: Right.

40

MR WATSON: And I think I saw photos of them. The very fact that they were there with the coffin and the Grim Reaper, I think that's sufficient to draw that they weren't getting up there and saying, "Look, we should all disperse and go home and hug our children."

45

MR KIMMINS: No.

MR WATSON: And I also take into account that, by the time they got down to the MBA, they were out of control.

MR KIMMINS: You talk

5

MR WATSON: When I say "they", I'm not talking about Mr Ravbar and Mr Ingham. I'm talking about the mob.

MR KIMMINS: You use the word "frenzy", and that's in quotes four lines down in 207.

10

MR WATSON: Yes.

MR KIMMINS: Is that your word or is it a word that was provided?

15

MR WATSON: If it's in quotes, I got it from somebody. And I believe I know, but I think their name has been redacted from the report.

MR KIMMINS: Right. And then down to the end of that particular paragraph, the quote:

20

"You fucking cunt."

Was that obtained from some other person?

25

MR WATSON: Oh yeah, if it's in quotes, it's a quote. Now, I think you were given my notes of people, and you probably have seen and I'm not sure how far it can go the person who I was speaking. But I know who it is. I've got their name in my mind, but I'm not going to say it.

30

MR KIMMINS: I'm not interested in identifying any person.

MR WATSON: Right. If it's in quotes, it's a quote.

MR KIMMINS: Right. Do I then take it that those two quotes in paragraph 207 came from the same person?

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MR WATSON: Yes.

MR KIMMINS: And if we go to 208, the last part of that, there's a reference to a reference to someone yelling out at the CEO:

40

"If you don't fix this we will end you."

MR WATSON: Yes.

45

MR KIMMINS: That's in quotes as well, and is that from the same person?

MR WATSON: Yes.

5 **MR KIMMINS: So in relation to 207 and 208, those particular quotes there are not attributed by you to Mr Ingham?**

MR WATSON: No, not at all. Sorry, those quotes came from members of the mob.

10 **MR KIMMINS: Yes.**

MR WATSON: If I'd had information that it came from Mr Ingham, I would've said so.

15 **MR KIMMINS: Right.**

MR WATSON: But no, I'm not attributing those words to him.

20 **MR KIMMINS: Right. So effectively, so far as this particular incident was concerned, you're aware that Mr Ingham gave a speech and you are unaware as to what the contents were, but you assumed that they would've been fighting words.**

25 **MR WATSON: Well, I do know what the general content was, because it was a protest, which I might say just seems to me to be ridiculous, about I think it was BUSSQ being subsumed into Cbus, which was never going to happen at the suit of the MBA, and it was always going to have to be approved by APRA. It just seemed to me, when I looked at all of this, that to be honest, I just thought it was just a set up so that they could hold a protest. It's just a stupid thing.**
30 **You cannot possibly have a huge superannuation organisation like BUSSQ just taken in to another huge superannuation organisation at the whim of stakeholders. It's got to be approved at the highest governmental levels.**

35 **MR KIMMINS: The paragraph 203, you talk in terms of the Queensland Police and particularly the Riot Squad being present. Were you well aware that there was a very heavy police presence during that particular incident?**

40 **MR WATSON: Yes, there was, and I saw photographs or saw things on the news when I say photographs, probably from newspaper articles where it was evident that the police were there.**

45 **MR KIMMINS: So in other parts of your report, you make reference to people being arrested. There's nothing in this particular segment which talks about people arrested?**

MR WATSON: Exactly, and that would have been because I never heard that anybody was arrested. That doesn't mean they weren't, but it means I didn't know about it if they were.

5 **MR KIMMINS:** At paragraph 209, you refer to a footnote three lines from the bottom it's footnote 34 and then you identify that there were two sources in relation to the material that you've referred to there, and one was from a press release by the CFMEU. Is that correct?

10 **MR WATSON:** Well, I can't remember that. Can I see it's in the footnote, is it?

MR KIMMINS: Footnote, yes, 34.

15 **COMMISSIONER:** If you just could blow up the footnote, please, Mr Operator.

MR KIMMINS: Sorry. I apologise.

20 **COMMISSIONER:** Don't be sorry.

MR WATSON: Oh, there we are. You can see there, that's very typical of the sort of thing which I was going into to find. I went through a lot of the material which the CFMEU published about these events, because they have a Facebook
25 page, very active on it, and also there's one particular newspaper. Can I tell you something? I've been to the CFMEU headquarters. Probably you've driven past it; you can't help it if you're a Brisbane liver. And you will see I apologise if there's anybody here from it that there's a sign out the front saying:

30 "Ask yourself is it true or did you read it in The Courier Mail?"

Having seen that, and knowing that there seemed to be some hostility between the CFMEU and The Courier Mail, if I could find a newspaper source or a news source other than The Courier Mail, I preferred it.

35

MR KIMMINS: Right. In relation to the press release about this particular matter, you don't have any memory in relation to whether the substantial press release was

40 **MR WATSON:** No, it's a one pager.

MR KIMMINS: Right. And apart from the fact that you quoted the number of participants, there seems to be nothing else in this particular segment which you relied upon their press release or the newspaper?

45

MR WATSON: I I would've looked at there were television reports of this incident. Of that I'm pretty sure. Newspaper reports. I've just cited two there

for the purpose of getting the number of people involved. I mean, it did seem a bit of a shock to me that on a working day, 5,000 workers would be here engaged in what I thought was just a silly, futile, non issue protest.

5 MR KIMMINS: Where did the photos come from?

MR WATSON: That I've got in the report?

MR KIMMINS: Yes.

10

MR WATSON: Not sure.

MR KIMMINS: Right.

15 MR WATSON: Well, again, I wonder whether I will be sued as a result of this, but quite often I was stealing them from newspapers and not attributing them.

MR KIMMINS: So far as the Brisbane Times were concerned

20 MR WATSON: I always thought they'd let me off the hook and say, "Don't worry about it."

MR KIMMINS: So the Brisbane Times, which is referred to in footnote 34, did you actually speak to the journalist?

25

MR WATSON: No.

MR KIMMINS: Did you speak to any of the journalists of any of the newspaper reports that you quote?

30

MR WATSON: I did. I did, and look, I did. It was a little unsatisfactory. Journalists and I was told this by several of them said, "You know that first tenet of journalism? You report on the story; you are not the story." They responded in that way. In respect of one of the newspapers, I really did want them to participate, and I did speak not only to the journalists but to their in house lawyers, trying to persuade them to let me use their material, to speak to me and let me use what they had as primary materials, but I couldn't get it.

35

MR KIMMINS: As best your memory

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MR WATSON: Journalists.

MR KIMMINS: sits at this particular point, it's fair to say that you spoke to one witness who provided you with their understanding in relation to what happened at the

45

MR WATSON: No, I had two sources of information about what was going on at the MBA.

MR KIMMINS: Right. And you've only quoted one?

5

MR WATSON: One yeah, one one was much better than the other; that's all.

MR KIMMINS: Right.

10 **MR WATSON:** I mean, quite often you've got people who will tell you, "I think it was this. I think that happened. I thought this. Blah blah." Well, I also go through a kind of sifting process and try and make some judgments as to what I thought was reliable. And that's not to dismiss the other person at all.

15 **MR KIMMINS:** So just summing this one up, there's one person who you relied upon, effectively, being the better of the two, and there seems to be this CFMEU press release and also an article from the Brisbane Times.

20 **MR WATSON:** No, no, no. No. Come on. I've told you. There were newspaper articles. There were evening news films that I looked at. There was all that kind of material. Now, you're just looking at the

MR KIMMINS: What's contained in your report.

25 **MR WATSON:** couple of quotes and the footnote 34, which is referring to a number. No, I used lots of sources.

MR KIMMINS: Okay.

30 **MR WATSON:** I mean, sorry, are you saying this didn't happen? Is that your point?

MR KIMMINS: No, no, no.

35 **MR WATSON:** It happened.

MR KIMMINS: I'm trying to ascertain what information you had that you relied upon which allowed you to report as you did.

40 **MR WATSON:** Yes. Well, the answer to that is plenty.

MR KIMMINS: Right.

45 **MR WATSON:** And the other answer to it is it happened.

MR KIMMINS: Could I then take you to 23 August 2022. This was workers just wanting to have a say, and this commences at paragraph 91. Are you familiar

5 **MR WATSON:** Oh, yeah, I remember reporting on this and hearing the story here from a number of people.

MR KIMMINS: If we look at the first photograph in paragraph 92, there's specific references to ABC footage, et cetera.

10

MR WATSON: Oh, good, I've attributed.

MR KIMMINS: Yes. One less thing to worry about.

15 **MR WATSON:** Well, I didn't get permission, so sorry.

MR KIMMINS: So that's so we know that you've at least had reference to that so far as this is concerned. We then look at

20 **MR WATSON:** Oh, this was well and truly covered all over the press, and I spoke to a number of people about this incident. What was disappointing is that there were a couple of people who were there, politicians and the like, and I contacted them but they wouldn't deal with me. But I can tell you, I spoke to enough people who were there.

25

MR KIMMINS: So far as paragraph 91, the last part of it, three senior officials were invited from the CFMEU.

MR WATSON: Yes, the CFMEU was invited to the particular meeting.

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MR KIMMINS: So you're unaware as to whether anyone turned up as the officials or were they nominated?

MR WATSON: Well, a whole lot of people turned up.

35

MR KIMMINS: Yes, they did.

MR WATSON: I've got a feeling that Jade Ingham was amongst those invited. What it was is that this is I don't think it's an annual event, but it's regularly held, which is kind of a planning meeting: what have we got on the drawing board between these very important bodies in Queensland, infrastructure bodies in effect. And so the CFMEU was invited. I've got a feeling Mr Ingham might have been one of them.

40

45 **MR KIMMINS:** Paragraph 92, the reference to a security officer being knocked to the ground: there was never a complaint or anyone arrested in relation to that, to your knowledge?

MR WATSON: Not to my knowledge. The fella was just knocked to the ground; I don't think he was hurt.

5 **MR KIMMINS:** No. In fact, were you able to see the footage of that person?

MR WATSON: I yes, I did.

MR KIMMINS: Being knocked to the ground?

10

MR WATSON: Yes, yes.

MR KIMMINS: And he was helped up by one of the members who were there?

15 **MR WATSON:** I don't know who helped him up, but he got bowled over and got picked up, dusted himself and got on with life.

MR KIMMINS: So far as paragraph 95, you make reference to the Premier this is obviously subsequent to the incident itself describing, in her view, that it was disgraceful and it required an apology?

20

MR WATSON: Yeah. This acquired a lot of press attention, this event.

MR KIMMINS: So she wasn't there, the Premier?

25

MR WATSON: No.

MR KIMMINS: And this is something that she had said subsequent?

30 **MR WATSON:** Yes, that's true.

MR KIMMINS: She was obviously watching the news at night time?

MR WATSON: Or having been told by the people who were there what happened.

35

MR KIMMINS: Right. Then, subsequent to that, in paragraph 95, you've noted about Mr Ingham making a statement about "trespassing on the premises was 'nothing more' than construction workers 'wanting to have a say'". So you've used quotes there. Where did you get the quotes from?

40

MR WATSON: Not sure.

MR KIMMINS: Right.

45

MR WATSON: Didn't I footnote it? Must have got it from a newspaper article.

MR KIMMINS: Well, in relation to 95

5 **MR WATSON:** It could well have been a CFMEU press release. More likely a newspaper article.

10 **MR KIMMINS:** When you refer there to Mr Ingham responding to the Premier, that was obviously sometime after the incident had finished and after the Premier had made those comments?

MR WATSON: I don't know. That's the way you'd fairly read what I've written.

15 **MR KIMMINS:** Yes. So in relation to that I know you've indicated you have a belief that Mr Ingham may well have been invited there do you have any actual knowledge that Mr Ingham was there?

MR WATSON: Not in my head now.

20 **MR KIMMINS:** And so far as the paragraph 96 is concerned

25 **MR WATSON:** Look, I should say this: Mr Ingham may not have been invited there. If he says he was, I accept his word on it. I just have I know that these events QTRIP, I think it's called. I'm not a Queenslander. QTRIP, I think it's called. I know that they invite people from the serious unions. So obviously that would be the AWU as well as the CFMEU. And they invite fairly senior people. And I know from my dealings with several of the senior bureaucrats that they would always talk about their direct dealings with the senior members of the executive: Mr Ravbar, Mr Ingham, Mr Kupsch and to a lesser extent Mr
30 Lowth.

MR KIMMINS: And effectively, on that basis, is this an assumption that he was part of this?

35 **MR WATSON:** Yeah. I don't know why I've got it in the back of my head that he was. Sorry, I shouldn't say "part of this" in the sense of bowling over the security guard. You could ask him whether he was there or not. I was talking about the incident.

40 **MR KIMMINS:** Incident. Right. I suppose why I'm referring to it is because it was specifically referring to what you've got in quotes from Mr Ingham at paragraph 95. That seems to be the only thing that you were able to obtain from your investigation, that he made some comments about it after the Premier had first raised her view that it was graceful.
45

MR WATSON: Yeah, I think that's fair.

MR KIMMINS: Thank you.

MR WATSON: Mind you, somebody had to tell the 200 workers to turn up, and if you ask me, it's plain as day that's coming from Mr Ravbar and Mr Ingham. But and you've got to bear in mind this is an investigation. I'm drawing inferences from available information, and I think they're pretty fair inferences.

MR KIMMINS: The next in chronological order is on 5 April 2023, and that's between paragraphs 85 and 89 sorry, 90. So paragraph 85, if we can just bring that up, please. You focused in relation to that

MR WATSON: I remember this quite well. Or I remember looking into it quite well.

MR KIMMINS: Yes.

MR WATSON: In fact, I went for a walk just when I was killing time when I was giving evidence on an earlier occasion during this inquiry, and so I went and walked past the doors.

MR KIMMINS: Right. We've got two

MR WATSON: I lead a very exciting life.

MR KIMMINS: Pardon?

MR WATSON: Very exciting life.

MR KIMMINS: Two photographs there, and you credit those to The Courier Mail on two different dates: 4 and 19 April.

MR WATSON: Yes.

MR KIMMINS: Right. So in relation to your investigation, so far as this matter was concerned, is there anything that you can point to in relation to Mr Ingham's involvement of this?

MR WATSON: Well, yeah. He was there. He spoke.

MR KIMMINS: Where did he speak?

MR WATSON: I can't tell you. I think it was actually in the area near where the door was smashed.

MR KIMMINS: Right.

5 **MR WATSON:** But this was heavily covered again on television. So I don't have the skills to put the photos into the report, much less the skills to embed a video. But you can watch it, and I've got a recollection of Mr could be wrong, but pretty sure I'm right Mr Ingham walking at the front of this march. Now, this one

MR KIMMINS: Well, it started elsewhere, didn't it?

10 **MR WATSON:** It did. It was a march that ended up at these because they were Commonwealth offices, and there was a complaint regarding the Fair Work Ombudsman. What had happened was that part of an election promise, the Albanese government got rid of the ABCC, the Australian Building and Construction Commission, and replaced it with the Fair Work Ombudsman. Now, this was a protest against that. Now, one of the weird things is the
15 **CFMEU** had really got its way with the removal of the ABCC and now it wanted the Fair Work Ombudsman gone. In other words, it was really a protest saying, "We don't want to be controlled by anybody." So it was pretty serious.

20 Now, this was a federal matter, which is why they ended up at the building in Brisbane where the federal departments have their offices. It's the sort of place where, for example, there are offices set aside so that ministers, when they're in Brisbane, have somewhere to go. And so that's why they were there and that's what they were protesting about. Again, a protest which seemed to me to be a
25 little misguided and poorly understood by the members, because somebody had written I recall some of the graffiti was "fuck the ABCC", which no longer existed. So I'm not even sure whether they had a clear impression as to why they were there. But they were there.

30 **MR KIMMINS:** And you note that two people have been charged for the graffiti?

MR WATSON: No, I don't remember that. I do remember two men were charged and I believe convicted in relation to the smashing of the glass pane in
35 the door.

MR KIMMINS: Right.

40 **MR WATSON:** I think the graffiti went uninvestigated.

MR KIMMINS: Maybe if we could just have a look at paragraph 88 and footnote 17, please.

45 **MR WATSON:** Yeah. I that's then poorly written, because it's not about the graffiti; it was about the smashing the door.

MR KIMMINS: Right. So obviously your information was that two people responsible for the smashing of the door were prosecuted.

MR WATSON: Yes.

5

MR KIMMINS: And so far as the graffiti is concerned, that may be still outstanding.

MR WATSON: Best recollection I've got is that I didn't even see any signs it was investigated. It was just graffiti.

10

COMMISSIONER: Missed that last bit, sorry.

MR WATSON: I don't know that the graffiti was even investigated. It was unimportant compared to the door.

15

MR KIMMINS: Once again, there was a large police presence down there, as far as you were able to ascertain?

MR WATSON: Oh, yes. I think you can see them in one of the photos.

20

MR KIMMINS: And you can see in photographs, yes. So far as this particular incident is concerned, the first time we find you referring to Mr Ingham is in paragraph 90.

25

MR WATSON: Yes.

MR KIMMINS: And, specifically, there is you describe it as video evidence that the door was smashed when the CFMEU members were forcing it open. Now, that's from what you saw on the TV news, was it?

30

MR WATSON: Yes. I'm not sure. I may have also seen something which was taken from CCTV inside the building, from memory.

MR KIMMINS: And then you quote from the rest of that paragraph:

35

"Jade Ingham brushed that aside: he told the mob 'I know the crack was probably already in the glass and that it wasn't our fault.'"

So did you actually see that on the video, or why does that end up being in quotes?

40

MR WATSON: Because he said it and I either got it from a video and/or a newspaper report.

45

MR KIMMINS: Right. Okay. And it's described that that was at the mob. Was that subsequent to the breaking of the glass, obviously?

MR WATSON: Sorry, I referred to a mob? "He told the mob" that's my word.

5 **MR KIMMINS:** Yes. Yeah. They're your words. And the

MR WATSON: Yes. This is after obviously the glass is broken, because he's referring to it.

10 **MR KIMMINS:** Yes. Were you aware that there had been some history of problems so far as the glass in that particular building was concerned? That the windows were popping out and smashing onto the street?

MR WATSON: Oh, come on. You've got

15

MR KIMMINS: No, I'm saying were you aware that that was there.

MR WATSON: No.

20 **MR KIMMINS:** People have been convicted, as you said, of breaking the glass.

MR WATSON: Have you seen the video?

MR KIMMINS: I'm just

25

MR WATSON: Are you suggesting that glass panel, just because it had the men dragging on it, pulling on it, even though it was locked, and then it smashes out, was just popping out of its own accord? Come on.

30 **MR KIMMINS:** No, I'm just I'm looking at his words that he used.

MR WATSON: Yeah, all right.

MR KIMMINS: That's all I'm saying.

35

MR WATSON: Yeah. It was all because of foreigners. Oh well.

MR KIMMINS: But once again, in relation to this particular incident, there is you attribute no criminal offending on Mr Ingham's behalf.

40

MR WATSON: Well, somebody got these people there. You'd have to ask him. I tried to interview Mr Ingham, but he wouldn't come.

45 **MR KIMMINS:** But I'm asking you you were the investigator. Is that a fair statement?

MR WATSON: Yeah, but if he organised the mob which led to that door I'm not a criminal investigator. You can pass that over to the cops. They can tell you whether or not that might be an offence. Somebody organised those men to be there. Where do you think that came from? Down at the grassroots or from the top level?

MR KIMMINS: I'm not

MR WATSON: I draw the inferences. I'm the investigator.

MR KIMMINS: Well, it seems that since 5 April 2023, there has been no further movement so far as police action is concerned.

MR WATSON: About the door?

MR KIMMINS: Yeah.

MR WATSON: I think two men were convicted.

MR KIMMINS: That's right, but I mean since then.

MR WATSON: I don't know. I gave my report.

MR KIMMINS: Right. Could I then go to incident number 4 on 1 May 2023, and that's paragraphs 259 to 263. This is the 2023 Labour Day celebration, which I ascertain was on 1 May of 2023.

MR WATSON: Yes.

MR KIMMINS: So this is obviously given to you information by someone who was involved?

MR WATSON: Directly involved.

MR KIMMINS: Yes. And without naming it, that was the woman?

MR WATSON: It was a woman. It was a mother.

MR KIMMINS: Yeah. And 261, that's what she's outlined to you was said to her?

MR WATSON: Yes. By a man she did not know.

MR KIMMINS: Yes. So the incident itself was there were three people in around that particular incident: the woman, her son and the male?

MR WATSON: No, the woman and her daughter and the male.

MR KIMMINS: Right.

5 **MR WATSON: And they were in a tent, but there were other people I don't have a clear impression of how big they were, but they sound like they were big, sort of carnival day tents.**

MR KIMMINS: Sorry, who else was these are

10 **MR WATSON: There were other people there.**

MR KIMMINS: Oh, right. Right.

15 **MR WATSON: Not in the immediate group.**

MR KIMMINS: No. And

20 **COMMISSIONER: I thought there had been some direct evidence from the person involved.**

MR KIMMINS: That's what I thought, your Honour.

COMMISSIONER: Isn't that correct? So do we have to refer to this person as

25 **MR WATSON: They'd know better than me.**

COMMISSIONER: Can't we refer to this person by her name?

30 **MR WATSON: Well, I think we should, because Stacey Schinnerl has given evidence about this very matter.**

MR KIMMINS: No, that's fine.

35 **MR WATSON: I had the impression that there were other people around.**

MR KIMMINS: Yes.

40 **MR WATSON: It was a big event, and I know that Ms Schinnerl gave evidence, although I didn't read her evidence, because I knew I was coming back for more evidence. And I still haven't. But she would know better than me how close those people were.**

45 **MR KIMMINS: So those other people were was there sorry, I withdraw that. The man who's referred to there, that person has been unidentified.**

MR WATSON: Unidentified man, Stacey Schinnerl and Stacey Schinnerl's daughter.

MR KIMMINS: Yes. And there were other people in and around what was happening that day.

5 **MR WATSON:** It's a really big event.

MR KIMMINS: Yes.

MR WATSON: And this was at the end of the day.

10

MR KIMMINS: Right.

15 **MR WATSON:** I know they were packing up to leave, because I remember Ms Schinnerl telling me that her husband had gone off with some of the other children and she was just there with one child, and I just had the impression there would've been other people around in the general area, maybe.

20 **COMMISSIONER:** I don't want to stop you, Mr Kimmins. You're free to cross examine as you see fit, but unless Mr Watson had a source another source apart from Ms Schinnerl, we've got Ms Schinnerl's evidence.

MR KIMMINS: Yes.

25 **COMMISSIONER:** I don't think I would be likely to rely upon up to senior counsel assisting to make submissions as they see fit, but it'd be unlikely that I'd rely upon what Mr Watson says Ms Schinnerl told her had happened when Ms Schinnerl has come forward and given evidence himself.

30 **MR KIMMINS:** Yes, I was just really dealing with the five incidents with Mr Ingham was

COMMISSIONER: No. Again, I don't want to stop you, but

35 **MR KIMMINS:** Okay. Effectively you relied upon what she told you.

MR WATSON: That was the only source of information I had for that particular event. No photos, no newspaper reports, nothing but Ms Schinnerl.

40 **MR KIMMINS:** And the high point seems to be in paragraph 262 that your information that Mr Ingham was standing less than 50 metres away.

MR WATSON: Oh, yes. Yeah.

45 **MR KIMMINS:** And that brings him into this particular aspect?

MR WATSON: Yes.

MR KIMMINS: Right. And it's a probability that he may have been within earshot?

MR WATSON: See, I deliberately did not read Ms Schinnerl's evidence.

5

MR KIMMINS: Yes.

MR WATSON: But she'd be able to describe whether that's right or wrong or so I couldn't tell you whether, where he was, he could see or hear what was going on.

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MR KIMMINS: All right. And the final matter and this is on 26th, 27th of July of 2023 paragraphs 165 to 171.

MR WATSON: I will be very careful here, but has the particular man who was the subject of this been identified? Has he given evidence? So I will be careful not to use names.

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MR KIMMINS: So there was one person that you received information from, so far as this

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MR WATSON: Only one person who I received information from in relation to this.

MR KIMMINS: Right. And once again, there's a number of quotes in paragraph 167. They are from that witness?

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MR WATSON: Only from that witness.

MR KIMMINS: Once again, there's no footage or anything like that that you're aware of?

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MR WATSON: No. He was alone this day.

MR KIMMINS: Yes. And Mr Ingham is noted at paragraph 169 arriving and effectively dismantling or what was happening at that particular time?

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MR WATSON: Yeah. I mean, my my recollection of this, which is fairly vivid, actually, of meeting the man who was at the centre of it, was that the arrival of Mr Ingham was to defuse the circumstances.

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MR KIMMINS: So could I just suggest to you that they are the five particular areas, incidents, that you relied on that Mr Ingham was involved in?

MR WATSON: No, I that's not right.

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MR KIMMINS: Right.

MR WATSON: What about the whole of it?

MR KIMMINS: No, no, I'm saying Mr Ingham

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MR WATSON: Where does the responsibility in the union rest? If the whole of the union is violent and has a bad attitude toward women, a bad attitude toward the AWU, et cetera, et cetera I could go on where does that responsibility rest? And then you have a look at something. You have a look at whether or not there are credible accounts that these people were involved, and I had credible accounts of Mr Ingham's involvement. I contrast him with Mr Lowth. Of course, he having a senior position, I asked about him, and every time saying, "Oh, no, Kane was never involved in it," but all of them would implicate violent language from, amongst others you're interested in Mr Ingham Mr Ingham.

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MR KIMMINS: Right.

MR WATSON: But it wasn't just him. It was also Mr Ravbar and Mr Kupsch and some of the senior organisers.

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MR KIMMINS: Those particular five incidents that I took you to form the backbone for what we saw in paragraph 7. Can we have that up, please.

MR WATSON: No, I just went through that. The backbone of what is in paragraph 7 is what I just said. Responsibility here rests with somebody for the whole of the conduct of the CFMEU, unless it was springing up by itself. That's just not feasible. Then you throw in at least four of those five incidents, and you can see Mr Ingham was centrally involved. If people are turning up, 5,000 men, 200 men, in a protest at a particular place, and Mr Ingham, the assistant secretary of the union, is there speaking to them before the protest ends in violence, where would you draw the link?

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MR KIMMINS: Well, I'm I'm not answering questions. Can I take you to your words that we started off with. In paragraph 7 was:

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"The campaign of violence was very likely planned and directed by the leadership."

MR WATSON: That's my view, and frankly, after our discussion this morning, I think, if anything, I hold it more firmly.

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MR KIMMINS: Right. I have nothing further. Thank you, Commissioner. Thank you, Mr Watson.

45

COMMISSIONER: Thank you, Mr Kimmins.

MR WHEELAHAN: I have no questions. Next, if we could have an adjournment it's almost 11.15 so that we can rearrange the bar table, please.

COMMISSIONER: Very well. We'll adjourn till 25 past 11.

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<THE HEARING ADJOURNED AT 11.12 AM

<THE HEARING RESUMED AT 11.26 AM

10 **COMMISSIONER:** Ms O'Gorman.

MS O'GORMAN: Thank you, Commissioner.

<CROSS EXAMINATION BY MS O'GORMAN

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MS O'GORMAN: Mr Watson, you might recall that I was permitted to ask you some brief questions at the time at which you came before the Commission initially and gave some evidence about your report.

20 **MR WATSON:** I certainly do.

MS O'GORMAN: The purpose of my questions today, and into tomorrow if necessary, will be to explore with you the methods that you used for your investigation and then, to put it in broad terms, to explore with you in the course of moving through your report the extent to which the evidence that you were provided with or the facts that you were told supports your ultimate conclusions.

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MR WATSON: Fine.

30

MS O'GORMAN: Thank you. I want to start by asking you briefly about your own background and experience relevant to this investigation. It's right, isn't it, that you've been a barrister since 1984?

35 **MR WATSON:** That's correct.

MS O'GORMAN: And that you took silk in 2002.

MR WATSON: Correct.

40

MS O'GORMAN: Nearly 25 years ago.

MR WATSON: Don't remind me.

45 **MS O'GORMAN:** You've been counsel assisting the New South Wales Independent Commission Against Corruption?

MR WATSON: Oh, on a dozen or more times.

MS O'GORMAN: And you've been involved in several large scale public inquiries, including inquiries like this?

5

MR WATSON: You know, when I came to the bar, one of the very first briefs I got was to appear it was only for a witness, but it was in the Maralinga Royal Commission. I've been doing commissions of inquiries on and off I guess since 1985. In a lot of them, I've been counsel assisting, not all of them, but I did that work with ICAC, but also the work I did with the Police Integrity Commission. And it's not only that; there's plenty of private investigations that I've been involved with as well.

MS O'GORMAN: And all of that work, your work as counsel generally, but also your private investigation work, would have led you to understand that for the purposes of conducting an investigation like the one that you've done here, what's very important is that you clearly identify and collate records of relevant facts told to you; correct?

20 **MR WATSON:** Yes.

MS O'GORMAN: And that you report on those facts fairly, accurately and objectively; correct?

25 **MR WATSON:** Well, there's a little bit of a difference. My role here was very different to the role that I had as a barrister. You see, as a barrister, I was actually presenting the work of the investigators. Now, I can tell you, I used to love watching them at work when I was at ICAC. I really was in awe of those fellows. In fact, some of them remain friends of mine. But that's a totally different role there, when you're the counsel assisting, than it is as the actual investigator. It's different to your role, Commissioner, as well, because I didn't have staff and I didn't have a formal structure in which to obtain this. I had to invent it as I was going along. And I've been through this sort of thing, I guess, enough to see how to do it, but I knew that I had to keep a record of the things which I was finding out

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MS O'GORMAN: Mr Watson

MR WATSON: and retain them.

40

MS O'GORMAN: I'm sorry, I thought you'd

MR WATSON: And to retain them.

45 **MS O'GORMAN:** I see. That answer, with respect, doesn't in fact answer the question I asked you. What I was interested to know was whether you accept that your experience led you to understand that when conducting this

investigation, it was important that you report fairly, accurately and objectively on the facts you heard in this investigation. That's all I wanted to know.

5 **MR WATSON:** Well, I think that's pretty obvious that you should do it fairly and accurately.

MS O'GORMAN: Thank you.

10 **MR WATSON:** But it wasn't based upon my experience. I think that's common sense. And you could ask anybody in the room. They would say, "Are you going to conduct an investigation? Should you do it fairly or unfairly, accurately or inaccurately?" You're always going to come up with one answer. Of course I knew that.

15 **MS O'GORMAN:** If I recall correctly, you told this Commission when you gave your evidence that a butcher could have done good a job as you did in this investigation.

20 **MR WATSON:** That was typical Watson hyperbole.

MS O'GORMAN: I see.

25 **MR WATSON:** But I'd normally say a newsagent. What it is is that it didn't require a barrister to do it. It didn't even require a lawyer to do it. Of course, the best investigators are probably sitting somewhere around here. They're experienced police officers. In fact, I raised those issues with Mark Irving when he asked me to come into it. I feel as though it wasn't necessary to have a legal background. But I did.

30 **MS O'GORMAN:** Whether you considered it was necessary or not, clearly Mr Irving SC considered that it was at least desirable and beneficial that you had the experience and the standing that you did. Would you accept that?

35 **MR WATSON:** I agree. He thought I was suited to it.

MS O'GORMAN: All right. Terrific. What I wanted to ask you next was, then, whether relying on your experience or not, did you understand that for the purpose of this investigation, it was important that in your ultimate report you would express opinions only which were supported by the facts that you
40 had gathered during the course of your investigation?

MR WATSON: No.

45 **MS O'GORMAN:** Well, on what basis

MR WATSON: Sorry, I'm an investigator. Am I not allowed to express an opinion?

MS O'GORMAN: I'm asking you whether it's important that any expressed opinion be not only based on the facts that you had gathered but clearly and demonstrably based on those facts.

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MR WATSON: Well, you didn't ask me that, but now you've asked me that, I would agree generally with that. But I would put it a little differently: I think that an opinion which you hold should be explained and it should be genuinely held.

10

MS O'GORMAN: All right. Noting that background, I just want to make sure that I understand the scope of your investigation into Queensland violence within the CFMEU. Is the upshot of the evidence that you gave this morning about your engagement, first by the CFMEU, perhaps instructed by Zach Smith, and later by the CFMEU in administration by Mark Irving, that ultimately you were instructed by Mr Irving to conduct this investigation, that you did so, that it took about three months or so, and then you provided your report, which we know is dated 17 June 2025?

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20 **MR WATSON:** Yes.

MS O'GORMAN: Thank you. You would have been provided with a letter of engagement by Mr Irving for the purposes of undertaking your investigation and providing your report?

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MR WATSON: Probably. It's possible that it was just a carryover of earlier letters of engagement. I can't remember whether there was one specifically for the Queensland report could well have been or whether it was just a carryover and the terms of reference which I was given really picked that up.

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MS O'GORMAN: Could I ask you, please, to take up the first of the volumes of material to your left, Mr Watson.

35

MR WATSON: Yes. Yes. These are my notes or the documents that I produced under summons.

MS O'GORMAN: Yes, that's so.

40

COMMISSIONER: Is this called Documents Geoffrey Watson Cross Examination? Is that what it's

MS O'GORMAN: Yes, I'm told it is. Volume 1, page 1 to 750, Commissioner. Mr Watson, could I ask you, please, to turn to page 516.

45

MR WATSON: Got it.

MS O'GORMAN: Thank you. Would you be so good as to confirm that that document is a document dated 3 March 2025, entitled Brief to Geoffrey Watson Index and Explanation?

5 **MR WATSON:** Yes. Mr Kimmins, this is the thing I had in the back of my mind.

COMMISSIONER: Ms O'Gorman.

10 **MR WATSON:** Sorry, no, but Mr Kimmins is still here? If he's till

MS O'GORMAN: No.

15 **MR WATSON:** This is what I was trying to tell Mr Kimmins. There was a thing given to me which was described as the brief, and I got this from Tom Dillon at the administration, from recollection.

COMMISSIONER: I wonder if the operator can bring that up.

20 **MR WATSON:** No, these documents, I was told, are not on the screen, that I would have to manage my way through them.

25 **MS O'GORMAN:** Commissioner, the arrangement that's been reached between counsel assisting and us as the representatives is that this bundle of two volumes of material has been made available to us but isn't going to be displayed on the live stream, at least at this time.

COMMISSIONER: I don't need to know the reason for that at the moment, do I? All right.

30

MR WATSON: By the way, Commissioner, this also puts dates on things. If you have a look at that date, 3 March 2025, I got this in very early days of having been asked to undertake the Queensland investigation. So it's 3 March 2025. My report is 17 June 2025. Roughly three months, three and a half
35 months later.

MS O'GORMAN: And that's the basis, I understand it, Mr Watson, that you now recall that your investigation into violence in the CFMEU in Queensland lasted about three months or so.

40

MR WATSON: Well, no, I was doing that from recollection, but now I see that my recollection wasn't too far out.

45 **MS O'GORMAN:** I see. I was asking you about whether or not you had been provided with a letter of engagement or instructions. Your recollection was you might not have; it might have been some rollover from the other investigation you were doing.

MR WATSON: Yes.

5 **MS O'GORMAN:** But if you could have regard, please, to reference 1A, can you see there that you were in fact provided with a letter of instruction with respect to this particular investigation into violence in the CFMEU in Queensland?

10 **MR WATSON:** Yes, it sure looks like it from that, and the terms of reference are there too.

MS O'GORMAN: All right. I see.

15 **MR WATSON:** See, I did look. The terms of reference attached to my report are undated, but so there you can see when I was given them.

MS O'GORMAN: Yes, but I'm particularly interested to ask you about that letter of engagement

20 **MR WATSON:** Yes.

MS O'GORMAN: because you would agree, wouldn't you, that having access to that letter of engagement or set of instructions would be very useful indeed, foundational to understand whether or not you conducted your investigation in accordance with the instructions given to you?

MR WATSON: No. Why? The terms of reference are attached to the report.

30 **MS O'GORMAN:** Yes.

MR WATSON: The letter of engagement deals with things like, "We're retaining you to do this." It's got no detail in it, so no.

35 **MS O'GORMAN:** And is that your recollection, that the letter of engagement was bereft of all details other than to advise you that you'd been engaged?

MR WATSON: Yeah.

40 **MS O'GORMAN:** I see.

MR WATSON: It didn't even refer to pay or anything like that. It was just like a letters that I receive from time to time are not in respect of all matters. I've got to say, the administration was they were pretty determined at this, that I mean, the expression was used "letting me off the leash". They were letting me design it, think about how to do it, work it out. And quite frankly and I they paid respect to the fact that I had a better background in it than them, and I admire their frankness.

MS O'GORMAN: Do you consider at least in

5 **MR WATSON: By the way, there's a reason why, if you're going to ask me if I haven't produced this document, it's because if you have a look at this brief, see on the right hand side where it says N/A? That's because it wasn't given to me as part of the brief, and only the materials down there which were numbered. And from recollection only some of the documents were copied and put in the brief, at my request, because it was otherwise, as I said before, it wasn't brief.**
10 **It was too bulky. Now, I don't want to dig down too deep, but I've got a spinal problem and I have trouble lifting heavy weights and I have trouble getting bags in and out of airports and that sort of thing. So everything was pared down to basic minimum. So of those documents, there were plenty of them which probably were not copied and given to me simply to ease the burden of**
15 **what I had to lug around.**

MS O'GORMAN: Mr Watson, you apprehended correctly that I will come to ask you about documents that you haven't produced following your investigation, but that's not what I'm asking you questions about at present.
20 **What I want to ask you at the moment is whether you would agree that, at least in hindsight, it would have been preferable for you to seek a letter of engagement and instructions so that you knew the metes and bounds of the investigation that you were being asked to do.**

25 **MR WATSON: No.**

MS O'GORMAN: Okay. Let's turn then

MR WATSON: What do you think the terms of reference are there for?
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MS O'GORMAN: Mr Watson, as Mr Kimmins explained, I'm not here to answer any questions. The terms of reference

MR WATSON: It was a rhetorical question. I'll ask it again. That's what the terms of reference do.
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MS O'GORMAN: And in your view, is a letter of instruction setting out the metes and bounds of the investigation you've been asked to do, including the methods that you're being asked to conduct the investigation with, the same as the terms of reference that you were provided with?
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MR WATSON: No.

MS O'GORMAN: Well, when you rhetorically ask, "What's the terms of reference for?" I'm just trying to understand the basis of your conclusion. Or your confusion, I should say.
45

MR WATSON: I don't think I'm confused.

5 **MS O'GORMAN:** All right. Let me see if I understand properly. Is it your evidence that a letter of engagement and instruction to an investigator to conduct a significant investigation, the same thing as the terms of reference?

MR WATSON: I reckon that you'll find it says:

10 "Please conduct an investigation in accordance with the terms of reference which are attached."

15 **MS O'GORMAN:** Well, you'll understand that that's a little difference to the evidence that you gave earlier, which was the letter only says that you're engaged. I'm wondering whether or not you accept that the letter of engagement and instructions would necessarily, or in the ordinary course, contain different information for you about how you should conduct the investigation, separate to the terms of reference.

20 **MR WATSON:** No.

25 **MS O'GORMAN:** Okay. Let's move on. I want to ask you about the notices to produce material that you were given by this Commission in respect of the investigation materials that you were given or gathered for the course of your investigation. Do you understand where I'm going to now?

MR WATSON: Not really, but go on and ask individual questions, and I'm sure I will.

30 **MS O'GORMAN:** Well, do you agree that you were provided by this Commission with two notices to produce documents?

MR WATSON: I was given notices to produce. I don't know how many. I'll accept that there were two if you say so.

35 **MS O'GORMAN:** All right. Accepting for the moment that there were two, do you agree that your evidence on the occasion you gave evidence in chief about this matter was to the effect that you understood that it was a requirement to produce all of the records that you had been given or obtained during the course of your investigation?

40 **MR WATSON:** No. If I said that, I was wrong. I understood it was an obligation to produce all of those things which I retained.

45 **MS O'GORMAN:** Which you retained. All right. Now, as I recall your evidence from the last occasion, it was that you didn't consider that the summons which had been provided to you were adequate for the purpose of

properly asking you to disclose your records, and you'd redrafted it for the Commission.

5 **MR WATSON:** I remember something like that happening, because they asked some questions. I said, "That's not really how it worked." And so what I did was, I assisted them so that they would capture the lot.

10 **MS O'GORMAN:** Well, I'm seeking to understand what your evidence is. Do you say that you redrafted notices to produce issued to you?

MR WATSON: I didn't redraft it. I spoke to some people who I think I said, "You'd be better off directing it this way because you'll get everything," and I gave them everything.

15 **MS O'GORMAN:** All right. Do you accept that that's different, though, to what you said in your evidence in this Commission on an earlier occasion when you said that you redrafted the summons?

20 **MR WATSON:** Oh, look, I might have used that expression, but if you think that I sat down and I faked their letterhead and sent myself a letter on my laptop, you're wrong. I didn't redraft it. What I did was suggest to somebody I don't type these things up myself. If I said that before, I was lying through my teeth, because I wouldn't know how to do it.

25 **MS O'GORMAN:** All right. You'll appreciate, Mr Watson, that I'm not accusing you of fraudulently faking anyone's template in the question that I asked you.

30 **MR WATSON:** Thank you.

MS O'GORMAN: All right. You say, through whatever means, perhaps by some discussions with the Commission, that you assisted the Commission to properly ask you to disclose all of the records that you had; correct?

35 **MR WATSON:** This was all very unimportant to me. It was an episode where I was sent something and I said, "The way that you're doing it, you're not getting all the documents." And I remember having a discussion with somebody, and I cannot now tell you who it was, who I suggested redo it so that I could give them all of it. I then got all of the documents that I had, and I put
40 them all into a box. And I am very private about where I live. I took it out the front and a young lady from Seyfarth Shaw came to my home and I passed over every document that I had. Now, that was a result of me suggesting that it be redrafted. I think I later found some additional documents which were sent
45 along.

MS O'GORMAN: Thank you. Do you agree that the bundle of documents that you provided to the Commission pursuant to that notice to produce or those notices to produce comprised approximately 1,146 pages of material?

5 **MR WATSON:** I wouldn't have the foggiest.

MS O'GORMAN: All right. Well, perhaps

10 **MR WATSON:** But I can tell you this much: it was in one of those archive boxes, and I filled up about a third of it.

MS O'GORMAN: All right. Mr Watson, you've been provided to your left with two volumes of material.

15 **MR WATSON:** Yes.

MS O'GORMAN: And I think it might have been explained to you already, and before the Commission started this morning, that that is the material that you've provided to the Commission.

20 **MR WATSON:** Yes. Well, I accept that. I wasn't told that this morning, but that's everything, is it? Good.

MS O'GORMAN: Yes. You can work

25 **MR WATSON:** It's not in the format that I gave it over. I'm pretty sure, for example, if you have a look at the originals, my handwritten notes were in pads, which I kept, and these are photocopies of the pages. So it's in a slightly different format. I also notice yes, sorry, go on.

30 **MS O'GORMAN:** If you take up the second of the two volumes, then, Mr Watson, please, and just turn right to the very back of that folder. You might be able to satisfy yourself that the last page is numbered 1146.

35 **MR WATSON:** That's yes. Yes.

MS O'GORMAN: And on the basis that these two volumes contain an accurate copy of everything that you provided to the Commission, do you accept that what you provided to the Commission was some 1,146 pages of documents?

40 **MR WATSON:** I guess if it says, it must be so.

MS O'GORMAN: And do you accept that when you provided the material that you had retained to the Commission, it wasn't organised in any way at all?

45 **MR WATSON:** It was dumped into an archive box, I'm afraid.

MS O'GORMAN: All right. So to the extent the material has now been organised pursuant to different headings in the volume that has been given to you, that's something that someone at the Commission has done, not that you did before providing the material. Is that right?

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MR WATSON: You might have a different version to me, but I don't have any headings or organising features except for numbers.

MS O'GORMAN: What I'm talking about is the fact that we as legal representatives of a party in the Commission have been provided with an index, which

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MR WATSON: Well, I haven't.

MR WHEELAHAN: I object. And I should clarify for the benefit of the Commission: an index was provided to assist Ms O'Gorman. It's not any part of these two folders that the witness has.

15

MS O'GORMAN: All I'm seeking to ascertain is that the documents weren't organised in any way and certainly not pursuant to an index. But I think Mr Watson agrees with that; is that right?

20

MR WATSON: Absolutely. But I put them in a box and, without putting too fine a point on it, felt relieved that they were going out of my house to somebody else's place. I was happy to see them go.

25

MS O'GORMAN: Do you agree, Mr Watson, that not only were the records that you had retained not organised in any way, but nor were they a complete bundle of the documents that you had either been given or obtained during the course of your investigation?

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MR WATSON: I think I found a small group of documents later which I sent on. But now I'm not 100 per cent sure of that. Other than that, it's everything that I had retained. Now, there are some things which I had which I did not retain. I'll give you an example. They were trivial and unimportant. They were copies of judgments and the like. Now, I kept some of them which were more significant to me than others, but as I would read some, I would make a note of what was resolved in the judgment and then get rid of it. I am not very good at reading on a screen. I find it gives me a headache. So I tend to print things off. But I didn't keep that sort of paperwork which I just thought was just crowding me out. I've only got a very small desk at which I work at home.

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MS O'GORMAN: All right. Well, returning to the letter of instructions as an example, we've ascertained, I think, that if you were given one, you didn't retain it. Is that correct?

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MR WATSON: Yep. I wasn't interested in them.

MS O'GORMAN: Okay. You weren't interested in your instructions. And

5 **MR WATSON:** Look, I think it's widely known, for example, that Mr Gatto has sued me for defamation. I'm talking to the lawyers there, and they're saying, "Where are your letters of engagement?" I said "Oh, I don't know," and they've had to go back to the administration to get them from their servers, because I didn't keep them. They're just not of any importance to me.

10 **MS O'GORMAN:** All right. One set of documents that we happen to know is not in there, because we have possession of them, is the correspondence that you engaged in with our client's lawyer for the purpose of seeing whether our clients would participate in an interview.

15 **MR WATSON:** I didn't have that. I only had that electronically. I didn't print things off just willy nilly for the sake of accumulating documents, and if you look at the notice to produce, pretty confident didn't require me to do so.

20 **MS O'GORMAN:** So do you say, then, or is it your evidence, then, that you still retain documents on your computer in electronic copy which have not been given to the Commission pursuant to the notices to produce that you've been given?

25 **MR WATSON:** Possibly.

MS O'GORMAN: I see.

MR WATSON: Probably.

30 **MS O'GORMAN:** And you consider that you've complied sufficiently with the notices to produce material, do you, because what you handed over was anything that you had kept in hard copy. Is that right?

35 **MR WATSON:** Yes. Not only that: if things were important, I printed them off.

MS O'GORMAN: Mmm hmm.

40 **MR WATSON:** And if I printed them off, I kept them, except if they were things like cases, or sometimes and there were a lot of them newspaper reports, although I read a lot of those on screen. See, I suppose if you went through my laptop I've brought that down here with me. It's in the hotel room, but you can have it if you like. I suppose there might be somewhere embedded, you know, you can go back and find deleted things and whatnot,
45 that somehow or another, they're kept on the whatever it's called, the cloud. But you've got everything that was of any utility to me.

5 **MS O'GORMAN:** And given the discussions that you say you had with someone from the Commission about redrafting the summons provided to you to make it adequate to require you to provide all the material that might be relevant, you consider that the way you helped draft that summons and your response to it is sufficient?

MR WATSON: No, it was better than what I first got it. It captured a lot more material than the way in which it had been originally framed.

10 **MS O'GORMAN:** Did you think to suggest to whoever it was that you spoke to about the drafting of the summons that perhaps it should be worded so as to capture things on your computer that might not be in hard copy?

15 **MR WATSON:** Obviously not.

MS O'GORMAN: All right.

20 **MR WATSON:** And if we were having the same conversations today, I wouldn't bring it up again, because if it was not amongst the documents which I kept, it was not important.

MS O'GORMAN: Not important to you. Is that your evidence?

25 **MR WATSON:** Who else? I mean, I was conducting an investigation by myself. To who else could it have been important?

30 **MS O'GORMAN:** Well, did you understand at the time you undertook your investigation and then at the time that you provided your report that the damning conclusions you reached with respect to Mr Ravbar might have been important to him?

MR WATSON: Yes.

35 **MS O'GORMAN:** And on that basis, do you not agree

MR WATSON: That's why I tried to interview him several times. That's why I tried to speak to him and to get him to tell me his side of the story. Bu you know he declined.

40 **MS O'GORMAN:** Well, we'll come to the

45 **MR WATSON:** I thought it was going to be so important for Mr Ravbar that I thought, "Well, I've got to speak to him. I've got to sit down with him. He should be entitled to bring along a lawyer or other support person. He should be entitled to tape it."

COMMISSIONER: Mr Watson, just see if you can listen to Ms O'Gorman's questions and answer them.

5 **MR WATSON:** Sorry, Commissioner. Sorry. Yes, I thought this was going to be important for Mr Ravbar.

10 **MS O'GORMAN:** All right. In those circumstances, and accepting that you did understand the importance of the conclusions that you reached to Mr Ravbar, do you accept, at least in hindsight, that it would have been preferable for you to retain a complete record of your investigation?

MR WATSON: Well, I think I did.

15 **MS O'GORMAN:** Well, if I understood you correctly, you retained some records, namely, those that you did not consider were trivial and unimportant. Is that right?

20 **MR WATSON:** Well, I don't really regard those as part of the investigation. If they were so insignificant that I didn't bother to print them off, then I didn't really regard them as part of the investigation. There's a whole lot of stuff which was more or less useless to me.

25 **MS O'GORMAN:** Let me ask you about things that might be missing from the brief that might reasonably be considered, even by you, to be important to your investigation. You mentioned to Mr Kimmins that in some of the interviews you had one or other of two assistants helping you from time to time. Do you recall that?

30 **MR WATSON:** Just in some of them. I'm not terribly sure about the paralegal, whether my paralegal I think she sat in on some Zoom interviews.

MS O'GORMAN: I see.

35 **MR WATSON:** But Peter Keogh was there for quite a few.

MS O'GORMAN: Do you accept from me that the materials that you've provided to the Commission do not appear to include any notes made by Mr Keogh or your paralegal of any interviews that you conducted?

40 **MR WATSON:** No, I don't agree with that at all.

MS O'GORMAN: You think that there are notes made by Mr Keogh?

45 **MR WATSON:** There are. Look, somebody gave me a number. They're in here. I mean, I can take you to some.

MS O'GORMAN: Well, do I take it from what you're saying that in fact some of the documents in there are handwritten notes made by somebody other than yourself?

5 **MR WATSON:** No. They're typed. You see, Peter Keogh is superior to me. He can type with all of his fingers. And he took in a laptop and he took notes. I'm looking at some now. I mean, page 723 is in the middle of a whole bunch of notes taken by Peter Keogh

10 **MS O'GORMAN:** All right. If I can just

MR WATSON: which he would type up as the interview was going and then he gave to me later on.

15 **MS O'GORMAN:** Let me just perch for there for a moment.

MR WATSON: I think what he did was he emailed them to me and I printed them out. They're all in the things which I produced.

20 **MS O'GORMAN:** Is it your evidence, then, that the typed notes relating to any interviews that you conducted are notes in fact typed by Mr Keogh and not by yourself?

MR WATSON: I think that would be right. The handwritten ones are me.

25 **MS O'GORMAN:** All right. So that I understand.

MR WATSON: I think I've just got a recollection that I did reduce some of them when I came back to hotel rooms, or if I was in Sydney doing it by
30 telephone or Zoom, I may have taken them by hand and then put them in writing. But in that event you've got both.

MS O'GORMAN: And is there any way for the Commission to know, when it's
35 having regard to the typed interview notes, whether they're interview notes which were typed by Mr Keogh or by yourself?

MR WATSON: Yes. I could go through them page by page and tell you. That's one way that the Commission could know about it. But other than that, I
40 don't think there's any signifier. I don't think there's any message on the pages themselves. I'm just no, the one that I told you about is actually a source. There are also some notes of or even transcripts from an organisation called KordaMentha, who also interviewed people. The ones which had any importance or any significance at all I printed off. But to be honest, I didn't get
45 a lot of benefit from reading them. The transcripts were auto generated and they were hopeless, and also I interviewed all those people myself anyway. So I didn't print a lot of them off.

MS O'GORMAN: All right. Do I understand the position to be this, then: with respect to the typewritten notes that you have provided to the Commission relating to interviews that you conducted with witnesses, they may have been written by either KordaMentha or Mr Keogh or yourself, and you would need to go away and sit down with someone at the Commission to go through and identify which notes come from which person. Is that the upshot of your evidence?

MR WATSON: Yes.

MS O'GORMAN: Okay.

MR WATSON: You can tell mine. They're in handwriting.

MS O'GORMAN: No, I asked

MR WATSON: So they're easy. Nobody would need to sit down with the Commission about them. And if you look at page 683 this is just as an example you'll see that this comes from KordaMentha, and you'll see that one of the KordaMentha people starts at 684, a transcript running. So that's an electronically generated transcript. So you can tell from some of them, but not all of them.

MS O'GORMAN: All right. So the ones which have a KordaMentha heading towards the top of the page are identifiable as notes prepared by KordaMentha following investigations that they conducted, but the ones which are not so headed might have been written by either yourself or Mr Keogh. Is that right?

MR WATSON: I look, to be honest, I can't think of any instances where, in this investigation, as opposed to some of the others in the Queensland investigation, I don't think there are any typed notes from me. So if there are interview notes which are typed, it'd be Peter Keogh. If they're handwritten, they're me. And I think the KordaMentha ones, to the extent they're there, are printed out as clearly as part of documents provided to me from their investigation.

MS O'GORMAN: For the interviews that you conducted with Mr Keogh present, will there be two sets of notes generated: your handwritten notes and Mr Keogh's typewritten notes?

MR WATSON: Not necessarily. For some of them there would be, but for most of them there would not be, because Mr Keogh was only there for a quarter of the interviews.

MS O'GORMAN: And would you be able to say not now, but later and privately to someone at the Commission which of the interviews you conducted with Mr Keogh and which of them you conducted by yourself?

MR WATSON: I probably could nearly very well tell you off the top of my head.

5 **MS O'GORMAN:** We won't spend time doing that now, but your evidence is you will be able to do that separately and at a later time if necessary?

MR WATSON: Yes.

10 **MS O'GORMAN:** All right. Do you agree that it's less than ideal, at least for present purposes, that you didn't retain all of the documents that you were given or obtained during the course of your investigation so that the Commission could make a decision for itself whether or not the documents that you haven't produced are only trivial and unimportant?

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MR WATSON: No.

MS O'GORMAN: And why do you say that?

20 **MR WATSON:** Because I've been doing this on and off now for 30 years. I know it's important and what's not important. I also know that I was conducting the investigation. Not somebody else; me. And it was for me to make judgments about what was important and not important, and I made those judgments. So if you're asking me, I will tell you again: no.

25

MS O'GORMAN: Well, what about the fact that your investigation was commissioned by Mr Irving and your report was written for him? Did you understand that that report was commissioned by him so that amongst other things, he might consider what disciplinary action to take with respect to various people?

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MR WATSON: Yes.

35 **MS O'GORMAN:** And do you agree that it would have been more useful for somebody in Mr Irving's position if you could produce all of the documents that you had gathered in the course of your investigation so that if somebody in Mr Irving's position wanted to check the veracity of your conclusions, they could do so by having regard to all of the documents that you had gathered?

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MR WATSON: No.

MS O'GORMAN: And why is that?

45 **MR WATSON:** Well, for obvious reasons. The thing is that if Mark Irving is asking me for my opinion about whether disciplinary action should be taken in respect of people, he's asking me for my opinion. What would be the point of giving him documents which I thought were useless, trivial, unimportant in

relation to that, in addition to the ones which I'd kept and made available to him, because I felt that they were important and useful? And just bear this in mind: he could always read my report and sit down and talk to me. Giving somebody thousands of pages of useless documents I don't think is helpful.

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MS O'GORMAN: And is it your evidence that Mr Irving, on the one hand, or someone in his role, and now the Commission on the other can just be confident that all of the important documents have been produced because you're confident of that fact? Is that your evidence?

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MR WATSON: Yes.

MS O'GORMAN: All right. I want to ask you, then, a little

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MR WATSON: Some time later, you can tell me why not.

MS O'GORMAN: Well, I

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MR WATSON: Are you suggesting that I've destroyed something? Because you've got to get this on the table. Are you suggesting I'm hiding something? Because if you're going to make a submission of that kind, you're going to have to put it on the table and ask me about it.

25

COMMISSIONER: Mr Watson, perhaps it's just best if you listen to the questions and answer them.

MR WATSON: Yes. Sorry. Go ahead.

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MS O'GORMAN: I was starting to indicate to you that I want to ask you some questions now about your investigation and the methods that you used. You mentioned KordaMentha interviews.

MR WATSON: Yes.

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MS O'GORMAN: So that we may understand the significance of that, let me ask you this. You received as part of your brief from Mr Irving, did you not, transcripts of interviews conducted by KordaMentha with 12 witnesses in November of 2024; correct?

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MR WATSON: I can't remember the number, but that sounds about right, and yes.

MS O'GORMAN: Well, if you were to go to page 516 through to 520 of the materials

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MR WATSON: Yes. I've got that now.

MS O'GORMAN: I'd be grateful for you to confirm that those pages contain the brief that was provided to you by Mr Irving to investigate into violence in the CFMEU in Queensland; correct?

5 **COMMISSIONER:** Which pages again, sorry, Ms O'Gorman?

MS O'GORMAN: Commissioner, these are pages 516 through to 520.

COMMISSIONER: Thank you.

10

MR WATSON: Yes, but I didn't get all of these things. Some of them were not reproduced for me.

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MS O'GORMAN: Well, when you say you didn't get all of them, which parts of your brief of evidence did you not receive?

MR WATSON: Well, see where they're numbered up down the right hand side?

20

MS O'GORMAN: Yes.

MR WATSON: It starts with page 1 is item 3. So I didn't get the things before that. And then there are as you go through it, there are items which are crossed out because they were excluded from the brief.

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MS O'GORMAN: The items which are crossed out are electronic documents, Mr Watson, which were provided by another means, not in hard copy. You see that?

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MR WATSON: Well, they weren't provided to me, from recollection.

MS O'GORMAN: I see. Were you provided with the 523 or so pages which seem to be indicated to be provided to you in the right hand column?

35

MR WATSON: No.

MS O'GORMAN: I see. Why did you not ask for the entirety of the brief if you weren't provided with it?

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MR WATSON: I asked not to get them. I'd been shown some of the materials and they weren't useful. And I told you before: I actually had a great deal of difficulty getting on and in and out of an aircraft. I have to make my bags as light as possible. I asked for them to exclude some of the material. Now, I'm sure somebody in the administration could've got it and could get it for you if

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you think that you can use it.

MS O'GORMAN: Mr Watson, I'm not interested for present purposes with what use I might make of that. What I'm seeking to understand is your evidence about the brief that you received and the fact that you didn't receive a full brief and that you didn't think it was necessary that you had one.

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MR WATSON: That's right.

MS O'GORMAN: Is that the upshot of your evidence?

10 **MR WATSON:** Yes.

MS O'GORMAN: That means, does it not, that of the brief of evidence you were provided with by Mr Irving, you in fact only ever received a partial brief and didn't consider it important to request the remainder?

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MR WATSON: That's exactly right.

MS O'GORMAN: I see.

20 **MR WATSON:** I couldn't agree with you more.

MS O'GORMAN: All right. In hindsight at least, do you accept that it would have been preferable if in fact, having been given a brief of evidence to conduct an investigation into violence in the CFMEU in Queensland by Mr Irving, you had in fact asked for the whole of the brief?

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MR WATSON: No. Could I explain why? This was an investigation being conducted by the CFMEU internally

30 **MS O'GORMAN:** No. Mr Watson

MR WATSON: where I was producing a report which was going to be you'd know better than me, would you? You would know better than me?

35 **MS O'GORMAN:** Well, Mr Watson, I'm asking about the brief that you received from Mr Irving, not the about the brief that you received from the CFMEU before it was in administration.

40 **MR WATSON:** Oh, dear me. All right. Okay. What I was doing was conducting an internal investigation on the instruction of Mr Irving as the administrator.

MS O'GORMAN: I see.

45 **MR WATSON:** I was going to produce a report to him. It was going to be in accordance with terms of reference. I was given the opportunity to design how to do it and to whom I should speak and to report in the manner in which I

thought fit. And that's what I did. If you think for a moment that I was just going to rely upon materials which are being collected by another organisation, you're wrong. I was going to redo it, start it from the very beginning and do it myself. And I did. I did not wish to be infected with materials gathered by others. I then had a look at some of those materials, and I found them to be unhelpful.

MS O'GORMAN: Mr Watson, you're developing a habit of suspecting that I'm about to accuse you of things about which I am not going to accuse you. What I'm seeking to understand is whether or not you consider, at least in hindsight, it would have been preferable to receive the entirety of the brief of evidence that Mr Irving prepared for you.

MR WATSON: No.

MS O'GORMAN: All right. And do I

MR WATSON: And I've just told you why.

MS O'GORMAN: Well, I'm seeking to understand it. Do I understand it correctly that the reason you didn't consider it necessary or desirable to obtain the full brief of evidence is that you were going to be doing your own investigation and so you didn't need to see what was in the brief?

MR WATSON: No, that's not exactly right, but I'll explain it again. It was partly because I was going to do my own investigation and I thought I should come to it with a fresh mind and get the detail for myself rather than rely upon somebody else's account of it. In addition, I looked at what was available and I didn't think it was helpful.

MS O'GORMAN: Well

MR WATSON: So between those two things, I culled it.

MS O'GORMAN: I'm wanting to understand whether in fact you were provided with everything and then handed some of it back because, having looked at it, you thought it wasn't helpful.

MR WATSON: I've just forgotten exactly the details. I know that I was down in Melbourne and we had successive meetings with the people from KordaMentha. There were Zoom calls, and I sat in on them and I listened to what they had to say about Queensland. And I know that I did have a look at what they held and had done in respect of Queensland. And there were some things which I thought were helpful, but to tell the truth, most of it wasn't. And the material which was helpful really only identified people who they'd seen as potential sources. And so I used them as a means of a checklist, if you like, that

I was talking to people to whom they had spoken. I tried to avoid using their material, because I thought I should do it myself.

5 MS O'GORMAN: All right. Can we just see, by way of seizing on one example of some facts you were told and relayed to Mr Kimmins earlier, whether or not relying on the KordaMentha material might have been helpful to you. And I'll do it this way: do you recall telling Mr Kimmins that the incident on Labour Day 2023 involving Ms Schinnerl also involved, to your knowledge, her daughter. Correct?

10 MR WATSON: That's my recollection.

15 MS O'GORMAN: All right. Very good. Do you accept that in the brief of materials provided to you by Mr Irving is material which identifies that the people involved in that incident were Ms Schinnerl and her son?

20 MR WATSON: Oh, sorry, I forgot. Mr Kimmins said "son", and I thought, "I think it was the daughter." But that doesn't matter to me, because what would be in my report matters to me, and what are in my notes from my conversation with Ms Schinnerl. What will matter to you and to the Commissioner, I imagine is what Ms Schinnerl said about it. But if I said "son" instead of daughter this morning

25 COMMISSIONER: You don't need to tell me what matters to me.

MR WATSON: I'm so sorry, Commissioner. But really, if I said "son" instead of "daughter", I'm sorry, that's it, that's shut down my entire report, has it? No credibility can be attached to it? Can we deal with the substance, please?

30 MS O'GORMAN: Mr Watson, I'll continue asking my questions, because I'm hopeful that they might help us establish what you thought was important and what was not. If you accept for present purposes that Ms Schinnerl has given evidence to the Commission that the people involved in that incident were her and one of her sons

35 MR WATSON: Good.

40 MS O'GORMAN: then do you accept that actually it would have been helpful for to you have regard to the KordaMentha interview that it was a son, and not a daughter as you mistakenly think?

MR WATSON: No.

45 MS O'GORMAN: Okay.

MR WATSON: Because if you think that this morning, sitting here giving evidence, I had it in mind whether it was a son or a daughter something just

came through my mind. What's in my report is what counts. What I have in my handwritten notes, which I've provided to you, after my conversations with Ms Schinnerl, is what should matter to you. What KordaMentha wrote about it, why should that matter after I spoke to Ms Schinnerl herself?

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MS O'GORMAN: All right. Let me move on to ask you about the interviews that you then did, not the interviews conducted by KordaMentha.

MR WATSON: Good.

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MS O'GORMAN: As I understand it, your evidence is that you interviewed 56 people; is that correct?

MR WATSON: Yes.

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MS O'GORMAN: Now, you'll appreciate that we've been given a redacted copy of your private report which does not reveal the names of the people that you interviewed. You understand that to be so?

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MR WATSON: I don't know.

MS O'GORMAN: All right. Do you say that you interviewed in a substantive way each of those 56 people, do you?

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MR WATSON: No. No. Well, I'm not sure what you mean by substantive.

MS O'GORMAN: Well, from each of

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MR WATSON: Some of them were not helpful or some of them were look, when I say not helpful, I think I would need to know first of all what you mean by substantive. Do you mean did I actually, literally speak to them? Yes, I did.

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MS O'GORMAN: I mean with respect to each of the 56 witnesses, do you say that you had a proper interview where questions were asked and the opportunity for answers given, or do they include the names of people that you contacted who did not want to speak to you?

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MR WATSON: No, these the 56 did not include the people who did not return my calls.

MS O'GORMAN: I see. So the 56 are people who you spoke to, asked questions of

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MR WATSON: I gave in the private report a list also of people who I attempted to contact, because I was very disappointed that there were some politicians who wouldn't return my calls.

MS O'GORMAN: Mr Watson, I'm just trying to understand. You say, do you, that you interviewed 56 people in interviews in which you asked questions and answers were given to you of some kind or another?

5 **MR WATSON:** Yes.

MS O'GORMAN: All right. Do you accept from me that amongst your 1,146 odd pages of investigative materials that you kept, there is not a reflection of notes taken by you in handwriting or written by your colleague electronically to reflect 56 interviews?

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MR WATSON: I don't know. I'm surprised to hear that, but I would have thought that it would have a lot more names than 56, because it'd have in there notes, I imagine, of when I called people to try to speak to them and they'd not.

15

MS O'GORMAN: Mr Watson, I'm not asking you for weren't purposes about names of people that you called and tried to speak to but did not. I will suggest to you, and you can accept it or not as you consider accurate: do you accept from me that there is not, amongst the material that you've provided to the Commission, handwritten notes or electronic notes of 56 interviews?

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MR WATSON: No.

MS O'GORMAN: There is something far short of that.

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MR WATSON: No, I don't accept that at all.

MS O'GORMAN: All right. Your evidence is that you kept and retained and gave to the Commission notes from all of those 56 interviews, is it?

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MR WATSON: Look, if you say if I kept notes?

MS O'GORMAN: Mmm.

MR WATSON: Sometimes what I would do is I would enter things into a report, into the report straight away. But there should be notes. There should be handwritten notes of me making contact and speaking to somebody. I was very lousy on keeping a note of dates and times, something I kicked myself about later, not so much in respect of this report but in respect of the Victorian reports, or one of them, because I couldn't tell which dates I did certain things. But there should be more than 56 names, because I was ringing people, and them saying no.

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There are also occasions when I spoke to people at great length, and I know one of them who has given evidence here, which I probably only noted that I went to meet with them, for example [redacted] who gave me a great deal of really fantastic background on industrial relations in Queensland, union structure,

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personalities involved, that sort of thing, I don't know. If you can find notes about [redacted] they'd only be scant. You've heard her give evidence, presumably, and you'll know that she speaks at a million miles an hour. I remember that interview very well. But I I I'm scared to do this. Are you suggesting I did I'm lying when I said I've spoken to 56 people?

COMMISSIONER: You don't need to ask questions, Mr Watson.

MR WATSON: Because you should put that, you know.

COMMISSIONER: You don't need to ask questions. Let Ms O'Gorman ask questions.

MS O'GORMAN: Mr Watson, rest assured if I'm going to put a proposition of that kind to you, I'll put that to you squarely so that you understand that I am. I'm certainly not. What I'm trying to understand is whether you say that there are records, handwritten or electronic, of all of the 56 interviews that you conducted. That's all I'm trying to understand from you.

MR WATSON: There should be a record in there.

MS O'GORMAN: And if I say to you that, having gone through the materials, I cannot find a record of 56 interviews, do you accept that you did not in fact keep records of all of your interviews?

MR WATSON: Well, you're telling me you're a barrister and you're telling me that you can't find it. I'm saying look harder. I gave a note

MR WHEELAHAN: Sorry, Commissioner, I object to that question, because (crosstalk).

COMMISSIONER: Well, there's a few, I think anyway.

MR O'GRADY: Sorry, it's just a concern about the witness naming individuals, and he's mentioned [redacted]. We were of the understanding that [redacted] wasn't going to be named in that context.

COMMISSIONER: Right.

MR O'GRADY: We understand there is a delay in respect of the livestream, and I wanted to bring that to your attention, Commissioner.

MR WATSON: I'm sorry.

MR WHEELAHAN: The livestream stopped as well.

COMMISSIONER: I beg your pardon?

MR WHEELAHAN: I was going to make the same point as Mr O'Grady.

COMMISSIONER: Right.

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MR WHEELAHAN: And an additional point.

COMMISSIONER: All right. What's the additional point?

10 **MR WHEELAHAN:** The additional point is that that question is completely
unfair to the witness, because Ms O'Gorman well knows that the material she's
been provided has a number of names redacted, so it would be in my
submission, you would it's wrong of her to put, "What if I tell you there are
15 not 56 interviews," when there are names redacted in circumstances where this
witness has already answered, "On some occasions I would simply write the
name and I met with them." That name might be redacted.

COMMISSIONER: What do you say about that, Ms O'Gorman?

20 **MS O'GORMAN:** Commissioner, just to be clear, if I wasn't earlier, I'm not
suggesting to Mr Watson that he didn't conduct 56 interviews. What I'm asking
him to accept is that he hasn't provided records of 56 interviews. That's all.

COMMISSIONER: I didn't think there was anything unfair about your
25 question. The witness has shown in his answers this morning, in his answers to
the examination by Mr Costello, he's well able to look after himself, Mr
Wheelahan. He's well able to understand and answer questions and deal with
them. So I'm not going to rule that I'm not going to uphold your objection in
relation to the question. What do we do about the livestream and [redacted]?
30 Should I just adjourn for 10 minutes and

MR WATSON: I'm so sorry about that. I

COMMISSIONER: No, these things happen.

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MR WATSON: I didn't realise.

COMMISSIONER: These things happen, Mr Watson. Let's just adjourn for
40 10 minutes and you can have a discussion at the bar table about what to do.

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<THE HEARING ADJOURNED AT 12.23 PM

<THE HEARING RESUMED AT 12.35 PM

45 **MR WHEELAHAN:** Commissioner, the technical matters have been dealt
with. The livestream has been stopped at 12.15. So 12.15 to 12.22 will not

appear on the stream. Second to that and I will have the Commission staff prepare a non publication and confidentiality order, but

COMMISSIONER: Say that last bit again.

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MR WHEELAHAN: Prepare a non publication and confidentiality order for the purposes of people that are present in the courtroom, and the substance of which and you've done this before pursuant to section 16 of the Commissions of Inquiry Act, that there be no publication of the name of the witness to whom Mr Watson SC spoke to and identified between the time period 12.15 to 12.22 pm of today.

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COMMISSIONER: Is there any objection to me making that order? I make that order.

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MR WHEELAHAN: Thank you, Commissioner.

MR WATSON: Again, I apologise.

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COMMISSIONER: These things happen, Mr Watson. Ms O'Gorman, Mr Costello had some difficulties in with getting Mr Watson to answer his questions. Mr Kimmins asked him to answer his questions. You did. I have asked him three times. You should feel free to take a tighter rein with this witness so that the witness answers your questions, but beyond that, you are free to make whatever submission you wish to make at the appropriate time of the proceedings that if the evidence justifies it that the answers to your questions were non responsive or argumentative. Beyond that, I'm really it's up to you about how you wish to handle this witness.

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MS O'GORMAN: Thank you, Commissioner. Can I just indicate that I am very mindful that the estimate that we gave for cross examination of Mr Watson would be one to two days. I will be finished within two days, but I do have a significant number of matters to move through, and so from time to time it might be necessary for me to cut Mr Watson off. If my learned friend thinks I do so unfairly, I'm sure the objection will be taken.

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COMMISSIONER: I understand the position you're in, and I you've indicated to counsel assisting what your approach will be, and if there are any other applications you wish to make, it's up to you.

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MS O'GORMAN: Thank you, Commissioner. Mr Watson, can we return briefly to my questions about your handwritten notes of the records of your interview and the typewritten notes of the records of your interview. Do you accept that with respect to each of the interviews you conducted, neither your handwritten notes nor the typewritten notes are a detailed account of questions you asked and answers you were given?

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MR WATSON: Not really.

5 **MS O'GORMAN:** Do you suggest that they were a complete account of the answers you asked and the the questions you asked and the answers you were given?

MR WATSON: Not really.

10 **MS O'GORMAN:** Well, perhaps you can explain to the Commission what you say they do contain and the use that the Commission will be able to make of them.

15 **MR WATSON:** They contain sufficient detail of the important points. They are not a verbatim transcript.

MS O'GORMAN: And is it your evidence, then, that anything important that was told to you in any of the interviews is recorded accurately in either your handwritten notes or your typewritten notes?

20 **MR WATSON:** I'm not sure that I've got any typewritten notes.

MS O'GORMAN: Well, Mr Keogh's

25 **MR WATSON:** Well, I can't speak for Mr Keogh, but in respect of my handwritten notes, yes.

30 **MS O'GORMAN:** Mr Watson, with respect, you can speak for Mr Keogh to this extent: you've produced, pursuant to a notice to produce to the Commission, typed written notes. I had mistakenly apprehended that they were your typewritten notes. You've said this morning that they're Mr Keogh's. My question is whether you accept that those typewritten notes, whether they be yours or Mr Keogh's, do not contain all of the important information that you were given in the interviews that you conducted with witnesses.

35 **MR WATSON:** My notes do.

40 **MS O'GORMAN:** You say, do you, that your handwritten notes contain all of the important information that was provided to you by all of the witnesses that you interviewed? That's your evidence?

MR WATSON: Yes. Yes.

45 **MS O'GORMAN:** Now, I understand correctly, do I, that you didn't record by any audio means the interviews that you conducted with the witnesses?

MR WATSON: I did not record them by audio means. I took handwritten notes.

MS O'GORMAN: As I understand it from evidence you gave on another day, the reason that you didn't record your interview by audio means was that people do not talk if they're being recorded. Do you remember saying that?

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MR WATSON: Yes, and it's my experience that that is so.

MS O'GORMAN: Do you accept that if you had received the full brief of evidence that had been provided to you by Mr Irving and moreover if you had had regard to the full brief of evidence by Mr Irving, you would have seen that 12 people spoke to KordaMentha interviewers and agreed to be recorded in doing so?

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MR WATSON: I don't know.

15

MS O'GORMAN: All right. Accepting that you don't know that to be true, if you accept from me for the moment that 12 people did speak to KordaMentha interviewers and agreed to be recorded, do you agree that those same people at least may well have agreed to be recorded in their interviews with you?

20

MR WATSON: They might have. I don't know. I did not ask them.

MS O'GORMAN: All right. So when you say in your evidence earlier that people do not talk if recorded, that's not true, is it, in an absolute sense?

25

MR WATSON: You're wrong. I've been doing this for 30 years, and the fact is that when I say that people don't talk, it's because they clam up. They may respond on an audio tape, but they are not full. I will give you an example drawn from this. One person who, early in an inquiry in New South Wales that I did for the CFMEU, gave me certain answers on tape. And then he walked out of the room, I was walking him to the lifts, and he told me an entirely different story. That's my experience. I made a judgment. I did not ask them to give recorded interviews.

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MS O'GORMAN: Mr Watson, I understand that your evidence is that you didn't see all of the brief of evidence. If you take it from me, for present

MR WATSON: I didn't say that.

40

MS O'GORMAN: If you take it from me for present purposes that there are people who spoke at length to KordaMentha and were recorded, who then subsequently also spoke to you, do you accept the proposition that at least those people would have agreed to be recorded had you asked them?

45

MR WATSON: You asked me that before. I'll give you the same answer: they may have, but I did not ask them.

MS O'GORMAN: Do you accept, at least in hindsight, that it would have been preferable for you to ask all of your interviewees if you could record the interviews, to keep an accurate recollection of everything that was said to you?

5 **MR WATSON:** No.

MS O'GORMAN: You're content, are you, that you heard everything that was said to you by your interviewees accurately?

10 **MR WATSON:** I'm not sure what you mean by that. If they weren't speaking up, I'd ask them to repeat what they were saying.

MS O'GORMAN: Mmm hmm.

15 **MR WATSON:** But I was confident that I was taking down what they were telling me.

MS O'GORMAN: All right. You would have had this experience, Mr Watson, I suggest, as a barrister: an experience of meeting with a potential witness in a meeting to understand the evidence that they might give at a trial. You're asking questions. They're giving you answers. You or your solicitor go away, type up what you understood the person to be saying in a statement and send it back to the person, only to have that person say, "Actually, Mr Watson, in paragraph 12, that's not what I said or that's not what I meant." That's happened to you, Mr Watson?

MR WATSON: Something like that. But I don't normally go away and type up notes, as you suggested that I did, and nor do I check them off with other people. But I've had people suggest that, "No, that's not what I said," even if they did say it.

MS O'GORMAN: All right. So whether or not you've had the experience personally in your role as counsel in going away and typing up things that you've been told in witness conferences, you know that there have been, from time to time, experiences where at least your solicitors have gone away and typed up a statement following a witness conference. Correct?

MR WATSON: I guess so.

40 **MS O'GORMAN:** Well, they would be routinely provided to you in the course of your work in order to run a trial, wouldn't they?

MR WATSON: I can't ever remember seeing that. Are you saying that interviewing a witness and the solicitors have gone away and typed up notes of a conference?

MS O'GORMAN: I'm suggesting exactly that as being entirely orthodox practice.

MR WATSON: Right. I must have had an unorthodox practice.

5

MS O'GORMAN: All right. So your experience is that that's not done or not routinely done?

MR WATSON: Well, I don't know. You're telling me it is. I'm telling you what I've experienced.

10

MS O'GORMAN: All right. And I'm seeking to understand what your experience is. Is your experience that that wouldn't ordinarily be done?

MR WATSON: No; I just said that. Are you saying that I would have a conference with a witness and the solicitor would go away, type up notes and send those notes to me?

15

MS O'GORMAN: No, send them back to a witness to turn into a statement, which would ultimately be provided to you to help you conduct a trial.

20

MR WATSON: Oh, they might do that. I don't know. You'd have to ask them.

MS O'GORMAN: I see. You just don't know whether that happens or not?

25

MR WATSON: I guess it does if there's a statement being produced.

MS O'GORMAN: And do you accept or agree that the production of a statement, a written form of a witness's account, is useful, including for the purpose of making sure that the person who interviewed the witness understood correctly and accurately exactly what the witness was telling them?

30

MR WATSON: Generally speaking, yes.

MS O'GORMAN: All right. And do you agree, at least in hindsight, that it would have been preferable if you had engaged in a course like that with your interviewees so that somebody seeking to understand whether the matters set out in your report are an accurate account of what witnesses said to you could do so?

40

MR WATSON: No.

MS O'GORMAN: All right. You don't think that it would be of any use to those considering your report and the conclusions

45

MR WATSON: There was no solicitor.

MS O'GORMAN: Mr Watson, if I might just

5 **MR WATSON:** There was no solicitor. There was no solicitor to go away and take a statement. It was me sitting down with people, meeting them, talking to them, making a careful note of the important parts and then presenting it in a report. Now, a number of people, including Mr Ravbar, have been critical of the amount of money spent on me. I was doing this quickly and efficiently over a short period of time. No, I don't agree with you.

10 **MS O'GORMAN:** All right. Accepting, as I do, that you don't agree that that would have been an appropriate course, do you nonetheless accept that if your interviews had been recorded by audio means or sufficiently lengthy and detailed written notes, that it would have been better and easier to assess the credibility and reliability of accounts given to you by your various interviewees?

15 **MR WATSON:** No. I was meeting the people, so I was assessing their credibility as I spoke to them.

20 **MS O'GORMAN:** Do you accept, though, leaving aside

MR WATSON: I didn't have to go away and re read my own notes or listen to a tape to make an assessment of the kind of people that I was meeting. I've got vivid recollection of meeting some of them and the incredible impression that they made on me, sometimes favourable and sometimes unfavourable.

25 **MS O'GORMAN:** I'm not suggesting for the moment that certain people didn't make very vivid impressions on you, and we'll come to your observations about that in due course. What I'm asking is, leaving aside your own confidence in the matters reported in your report, do you accept in hindsight that it would have been preferable to keep records of what was told to you so that somebody other than yourself could assess the credibility and reliability of things told to you?

30 **MR WATSON:** No.

35 **MS O'GORMAN:** Okay.

MR WATSON: Because there was no reason for that. There was no other person other than myself. This was an investigation being conducted by me to report to Mark Irving. It was not a Royal Commission. It was not a criminal investigation.

40 **MS O'GORMAN:** You understood, though, as I understand it from your evidence a little earlier, that Mr Irving might be considering, amongst other things, what disciplinary action could or should be taken against various people on the basis of your report. Correct?

45 **MR WATSON:** Yes.

5 **MS O'GORMAN:** All right. Do you accept that your report, presented in the way that it is, containing mostly opinion and conclusions, would make it very difficult for somebody in Mr Irving's position to take any action because it's not possible to see what the actual facts and evidence that you were presented with are?

10 **MR WATSON:** No. And I've been doing this for 30 years, and I've never known anybody to go behind the report to say, "Oh, the report's not good enough. I now need to see your notes." And let me just give you an example. Even though I made all of my paperwork available to the administration, none of it was ever opened to second guess or check on what I was doing.

15 **MS O'GORMAN:** I understand. But the question I was asking you was if, following on from the provision of your report, Mr Irving was in a position of having to consider what disciplinary action he could or should take about

MR WATSON: And I answered that question: no.

20 **MS O'GORMAN:** All right. Do you accept that the absence of full and complete records of the interviews that you conducted with your interviewees now makes it impossible for anyone other than yourself to assess the correctness of the conclusions in your report?

25 **MR WATSON:** I do not accept the premise of your question.

MS O'GORMAN: And why is that? Because you're sufficiently confident that what is in your report is an accurate representation of what you were told, and so we should be too?

30 **MR WATSON:** The premise of your question is that there was an absence of detail in my notes which would prevent a person from making such an assessment. I don't accept that premise.

35 **MS O'GORMAN:** All right. So you say that this Commission will find, in your handwritten notes, a complete and accurate account of all of the information that you were told by all of the witnesses that you interviewed?

40 **MR WATSON:** I'm sorry? What's that?

MS O'GORMAN: I'm asking you whether your evidence is

45 **MR WATSON:** Are you asking for me to speculate on what the Commissioner might find? And I might remind you, this is not a Commission into me or my report. I'm not going to speculate on that.

MS O'GORMAN: Is your evidence that your handwritten notes contain all of the necessary information to a sufficient level of detail to enable somebody other than yourself to assess whether the conclusions in your report are reasonable and justified on the evidence known to you?

5

MR WATSON: Yes.

MS O'GORMAN: Okay. To the extent that this Commission, or another person having regard to your handwritten notes, cannot find all of the things which are quoted in your report amongst those handwritten notes, and to the extent to which all of the things in your report do not appear to be contained otherwise in your handwritten notes, do you accept that it will be very difficult for that person to assess in any way whether the things that you were told justify the conclusions that you reached?

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15

MR WATSON: I don't accept the premise of your question.

MS O'GORMAN: Well, when you say you don't accept the premise

MR WATSON: You're saying that the notes are inadequate to make the judgment. They are, and the report is adequate to make the judgment. Now, the Commissioner might read it and say, "That's rubbish." But everything is there which enables a third party to form their own opinion about what I wrote.

MS O'GORMAN: Well, perhaps I'll leave that topic for present purposes, because we'll come in due course to the various instances that you relay in your report, and

MR WATSON: Is this a question?

30

MS O'GORMAN: I'm suggesting to you that in time we'll come to compare what you were told, or at least what's in your handwritten notes and what's in the report, and we can progress it that way. I want to ask you now subject to an appropriate time to break for lunch, Commissioner?

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COMMISSIONER: If this is a convenient time for you, Ms

MS O'GORMAN: I was moving to a new topic, so

COMMISSIONER: Very well. We'll adjourn till 2 pm.

<THE HEARING ADJOURNED AT 12.54 PM

<THE HEARING RESUMED AT 2.00 PM

45

COMMISSIONER: Ms O'Gorman.

MR WATSON: Commissioner, I just wonder if I could inform you from the start, questions were asked of me suggesting that I'd provided insufficient information to identify those people I'd interviewed. During the break I checked. The unredacted version of the private report which I provided to the administrator which listed every single person and included and it identified where they'd come from.

COMMISSIONER: Thank you.

MS O'GORMAN: Mr Watson, I want to ask you now about other investigations that you did in the course of your investigation, beyond interviewing witnesses. You looked at and examined a number of Facebook posts; correct?

MR WATSON: Many.

MS O'GORMAN: All right. They're not, though, in the bundle of material that has been provided to the Commission; is that right?

MR WATSON: I don't know.

MS O'GORMAN: Okay. You looked at a number of videos on Facebook and also on YouTube; is that correct?

MR WATSON: I certainly did.

MS O'GORMAN: All right.

MR WATSON: Lots.

30

MS O'GORMAN: Did you provide those, either in hard copy by way of some sort of freeze photograph or otherwise, electronically to the Commission?

MR WATSON: Well, some of them are in the report, and I guess that comes from Facebook as well. Some are referred to in the report and footnoted, but other than that, no. You know what I've provided, and you know they're not there.

35

MS O'GORMAN: Well, I'm not sure that I do necessarily everything that you've provided, so I'm just wanting to be sure. With respect to media articles, I know you've given evidence that you used those as a source of your investigation. Is it the case that not all of them have been provided to the Commission?

40

MR WATSON: What do you mean? Not all of what?

45

MS O'GORMAN: The media articles that you had regard to in the course of your investigation.

5 **MR WATSON:** No. As I said this morning, in relation to the media articles, some of those I would get and read. If I printed them off, and I might destroy those. I can't say I did. But the point is that I'd normally read these things online, make a note of them and use them in that way. But if I don't have a hard copy of it, I did not provide it to the Commission. I, during the luncheon adjournment, looked at the notice to produce which I received, and I've
10 complied with it.

MS O'GORMAN: Thank you. With respect to reliance on media articles, would you accept that it is, as an investigator, dangerous to rely on media articles as your only source of information about any particular instance?
15

MR WATSON: Yes and no. You've got to remember that with media articles, they are, obviously, unexaminable, hearsay. So you've got to be wary of them. On the other hand, you've got to also bear this in mind: journalists are people who've gone through training. They have ethical standards. They report to,
20 generally speaking, a larger, very responsible company. I'm only using them from the big names. And they're subject to a code of conduct, fact checking and, often, lawyering. So as a sole source, yes, you've got to be wary. As a corroborative source, I think they're really very excellent. As a way of initiating an investigation, they're incredibly valuable.
25

MS O'GORMAN: All right. Thank you. Now, I understand that you read and had regard to a very large number of cases. I think you've already said, but I want to be sure, that you didn't provide all of those cases to the Commission, just some of them; is that right?
30

MR WATSON: No. What happened was I looked at hundreds of cases. Some of them I read online, and some of them I printed off. I may have destroyed some that I printed off if they were unimportant, but what I did supply to the Commission was what I was requested to supply, which are those which I had
35 retained and were in my possession. But then again, in the report, I only refer to specific decisions, and in relation to those, I give the citation. So anybody reading the report could go to AustLII and look up the same thing themselves.

MS O'GORMAN: All right. Now, on a previous occasion, I recall you saying
40 that you also conducted a number of Google searches for the purposes of your investigation. Can I ask you this: did any of those Google searches turn up information which you considered to be sufficiently important that you printed them off and subsequently gave them to the Commission?

45 **MR WATSON:** Google searches were mainly used to identify things like I'll give an example newspaper articles. That's where they that's where I would start. If you're talking about a Google search, I didn't, like, google Michael

5 **Ravbar then print off what came up. That's what I regard as a Google search. What would have come up were articles and things like that about him, or maybe some records of the CFMEU, et cetera. And those, if they were important, I might print off. And if I printed them off, the Commission would have them.**

10 **MS O'GORMAN: All right. Now, as I understood your evidence on an earlier occasion, it was that there wouldn't be any hard copy drafts of earlier versions of your report, because the report was an organic document that you would add to online only.**

MR WATSON: Yes.

15 **MS O'GORMAN: Did I understand that correctly?**

MR WATSON: Yes.

20 **MS O'GORMAN: All right. Having regard to the documents that you've provided to the Commission, it would appear to us that there is at least one hard copy draft that you were able to provide, and I want to take you to that now.**

MR WATSON: All right.

25 **MS O'GORMAN: So could I ask you, please, to take up volume 1 of your materials and turn, please, to page 136.**

MR WATSON: 136?

30 **MS O'GORMAN: Yes. Thank you.**

MR WATSON: Yes, I have that.

35 **MS O'GORMAN: All right. Do you recognise that as being at least one iteration of the various drafts that you prepared in respect of the final report that you ultimately provided to Mr Irving?**

MR WATSON: Yes, that's exactly what it is.

40 **MS O'GORMAN: All right. Thank you.**

45 **MR WATSON: And what would have happened is I would have printed it some for some reason or another, and you can see I've made handwritten notes on it. It would have been unimportant to keep it, except the handwritten notes on it had to be preserved.**

MS O'GORMAN: All right. Given that this draft must have been prepared once you commenced your investigation, is it correct that it contains statements

or fact of conclusions that you held at least at some point during your investigation?

5 **MR WATSON:** I don't know. I haven't read it. Do you wish me to read it? I mean, sorry, I would have typed it myself, so I would have read it in that sense, but I don't know when it was done. Is it dated?

10 **MS O'GORMAN:** No, it's not dated. Perhaps we can approach it this way: I presume that the draft is your own work and not somebody else's?

MR WATSON: I'll just look. That's I would have typed that.

MS O'GORMAN: You would have typed that up?

15 **MR WATSON:** Yes.

MS O'GORMAN: Could I ask you to turn to page 137.

20 **MR WATSON:** Yes, I have that page.

MS O'GORMAN: Thank you. And have a look at

25 **COMMISSIONER:** Just before you do that, Ms O'Gorman, at some point perhaps you could have a chat to Mr Wheelahan about the process by which you're going to tender, I hope up to you, obviously aspects of this bundle in a way that deals with the issues that you and Mr Wheelahan have been talking about in terms of protecting witnesses who feel intimidated or threatened or whatever the concern is so that I can have the documents when we come to analysing all the evidence together.

30 **MS O'GORMAN:** Thank you, Commissioner. Could I propose that we deal with it in this way. Obviously, you as the Commissioner have the full set of documents in front of you at least for today's purposes. At the conclusion of Mr Watson's evidence, perhaps that would be a useful time for counsel assisting and myself to liaise about which documents, if any, could be publicly tendered. Is that suitable?

40 **COMMISSIONER:** Very well. Thank you. Yes. Just so that it's not forgotten, that's all.

MS O'GORMAN: Thank you. Mr Watson, I asked you to turn to page 137.

MR WATSON: Yes, I have that page.

45 **MS O'GORMAN:** Thank you. I have misled you. If you wouldn't mind going back just one page to 136 so you can have regard to the writing at the bottom of that page. Can you see paragraph 9 commences:

"As for the sources of the violence..."

MR WATSON: Yes.

5

MS O'GORMAN: All right. And then now turning over to 137, can you see this in paragraph (b):

10 "Much of the violence was generated by thugs. Not all of the problem was generated by the union. Many of these thugs were brought onto sites by employers."

Can you see that?

15 MR WATSON: Yes, I do.

MS O'GORMAN: That must have been, must it not, some information that was provided to you in the course of your investigation or at least an opinion which you held based on information which was provided to you? Do you accept that
20 much?

MR WATSON: Oh, for sure. That's exactly what it is.

MS O'GORMAN: All right. Do you agree, then, that that statement doesn't
25 appear anywhere in your final report?

MR WATSON: Yes, but that's because on further investigation, when I went into that, they were the stories which I'd heard which led to this very, very preliminary view, where people have been brought onto particular sites I'm
30 anxious about names here, but by a very prominent builder and came in through a labour hire company, and it was all AWU. It was not CFMEU. And when I dug into it, I realised it's not related to the CFMEU or my investigation, and I explained that to my evidence on the first occasion I came and gave evidence. Now, I can write on a piece of paper if necessary the name of the very
35 large builder, and I'm just struggling to remember the name of the labour hire company, but I can get that.

COMMISSIONER: I'll leave this to counsel, but I can't understand why there'd be a feed for secrecy in relation to the names of the labour hire company
40 or the builder, but maybe

MR WHEELAHAN: (Indistinct) on the grounds of relevance.

COMMISSIONER: Sorry?
45

MR WHEELAHAN: Grounds of relevance. His answer is it's got nothing to do with the CFMEU and this is a preliminary draft. So he's answered the question.

COMMISSIONER: He did. But Ms O'Gorman will want to challenge that, and it's going to

5 **MR WHEELAHAN:** I don't know yet. Might be satisfied with the answer.

COMMISSIONER: Well, sorry, I shouldn't say. It just it might assist.

10 **MS O'GORMAN:** Commissioner, might I advance things in this way. I just want to read again the statement that's in this report, because I can't put it on the screen.

MR WATSON: No, that's all right. Please do.

15 **MS O'GORMAN:** So the statement in your report is:

"Much of the violence was generated by thugs. Not all of the problem was generated by the union. Many of these thugs were brought onto sites by employers."

20

MR WATSON: Yes.

25 **MS O'GORMAN:** Do I understand your evidence just now correctly to be that the people that you're referring to in that statement are people employed by a particular builder and a particular labour hire company associated with the AWU?

MR WATSON: Yes.

30 **MS O'GORMAN:** All right.

MR WATSON: And what's more, the source of that information actually came through some of the KordaMentha materials.

35 **MS O'GORMAN:** I see.

40 **MR WATSON:** And so I got that, and then very quickly, after questioning people about it, I found out, oh, it's not to do with the CFMEU. Now, even then, I would say that as my investigation went on, to say that much of the violence was generated by these external thugs would be an overstatement by which I sorry, which I would correct.

45 **MS O'GORMAN:** Well, let me explore with you firstly the veracity of the information that you were provided. You said that it came to you by way of some of the KordaMentha interviews.

MR WATSON: Yes.

MS O'GORMAN: Do you accept, then, that what that means is the information was being provided by people who are not CFMEU members?

5 **MR WATSON:** KordaMentha? I guess they're not CFMEU members. They were investigators from KordaMentha.

MS O'GORMAN: No, the information wasn't being provided by KordaMentha; the information was being provided by people interviewed by KordaMentha. Do you see?
10

MR WATSON: No, because a lot of the KordaMentha stuff was summaries by KordaMentha. I can tell you right now, it's one of the reasons why I did not think it was worthwhile pursuing it. I wanted to do the work myself.
15

MS O'GORMAN: Well, Mr Watson, you've put that statement in a draft of your report; correct?

MR WATSON: It's yes.
20

MS O'GORMAN: You must have got the information from somewhere; correct? You didn't just make it up?

MR WATSON: KordaMentha. KordaMentha.
25

MS O'GORMAN: KordaMentha. Did you, in the brief of materials provided to you which contained all of the transcripts of the interviews with people that KordaMentha conducted, read in there from someone saying that not all of the problems of violence was generated by the CFMEU?
30

MR WATSON: Yes, but you're making a mistake of thinking that the only thing that I got from KordaMentha were transcripts of interviews. That's wrong. What I got from KordaMentha was, as I explained to you earlier, information through serial Zoom interviews. I remember I participated some of them I was in Melbourne, some of them I was in Sydney. I don't know that I met hardly any of the KordaMentha people face to face. That might be where this came from, or it may have come from their reporting rather than out of an interview.
35

MS O'GORMAN: All right. Do I take it from all of that that you, sitting here now, can't recall where, in the brief of materials that you were provided with, you found the information that not all of the problem of violence was generated by the CFMEU?
40

MR WATSON: I obviously not, but I could sit down and read this overnight if you like and see whether I can find it, whether I've still got it in there. But that's hardly the point. When I went to ask the real people who knew and this
45

is why I was conducting the interview afresh, to try and get the information of course I pursued this. And I pursued it, and I remember, for example, one very fruitful conversation with a journalist on the subject.

5 **MS O'GORMAN:** I see. I'm still just struggling to understand why a statement like this would have made its way into a draft of your report.

MR WATSON: Haven't you ever prepared a draft and corrected it?

10 **MS O'GORMAN:** Mr

MR WATSON: I'm sure you would understand if you have done that. I do that all the time. You know, I'm prone to things which require correction, and that's why, because it got in there because I was told it, and then later I found out it was about civil work where the AWU was involved.

15 **MS O'GORMAN:** All right. So do I understand it that you were told this information, perhaps secondhand, and at least at the time you put it into your draft report you were satisfied that it was accurate information?

20

MR WATSON: No.

MS O'GORMAN: Oh.

25 **MR WATSON:** This was a draft. This is all subject to verification. So I would prepare a draft, and then I'd go and interview people and think, "Well, that was wrong." And then I'd take it out, as I did.

30 **MS O'GORMAN:** Do you say that you took this statement out because you came to the conclusion that it was wrong, or do you say that you took this statement out because, as I understand it, you explained earlier, you considered it to be irrelevant?

35 **MR WATSON:** It's actually the latter. I was wrong when I said it was wrong.

MS O'GORMAN: Sure.

40 **MR WATSON:** There was a problem. There were people brought on as enforcers, mainly through a labour hire company, people who've got strong, bad, bikie connections, but it was all to do with the AWU. I'm not blaming I'm not blackening the AWU. But they were the victims of this.

45 **COMMISSIONER:** Sorry, I just don't understand the labour hire company and the employer that brought them on can't be named. What's the because the reason we've got these redactions is because individuals there's a concern that individuals are frightened or intimidated or scared about being named.

MR WHEELAHAN: They can be named if they're not on Mr Watson has a list of names that you have already redacted. If it's not on that list, he can name them.

5 **MR WATSON:** I can name the builder. BMD. All right. Now, I can then tell you I cannot remember off the top of my head, but it will come back to me if I look at the notes, because it's in my handwritten notes, the name of the labour hire company. But the fellow who was the head of it, his name was I think Gary Johns, and his nickname was Kamahl.

10 **MR WHEELAHAN:** There you go.

MS O'GORMAN: Thank you, Mr Watson. So do I understand it that you continue to consider that statement is true; you just consider that it's irrelevant for the purposes of your report?

MR WATSON: I think it's actually I'm pretty confident it is true, but of course, I didn't pursue it.

20 **MS O'GORMAN:** I see. Do you accept that in a report which is dealing with violence in the CFMEU in Queensland and concludes that the problem of violence on work sites in Queensland relates to the CFMEU, it would have been relevant, and indeed quite fair of you, to note in your final report that not all of the violence was said to emanate from the CFMEU?

25 **MR WATSON:** No.

MS O'GORMAN: Okay.

30 **MR WATSON:** I was writing it about the CFMEU. If I was finding violence in other places and from other sources, I just would be distracted. You can't chase every rabbit when you're preparing a report and trying to finish it in three months.

35 **MS O'GORMAN:** And it's not the case, then, on your evidence, that you omitted that statement, which is favourable to the CFMEU, from your final report because you had become biased against the CFMEU?

40 **MR WATSON:** Oh, you've got that entirely wrong. The complication here was BMD were very happy with the AWU. The CFMEU were trying to push their way onto the sites, and that's where the response came from. So it was not favourable that was your expression to the CFMEU. It was just an expression that there was violence getting out of hand on building sites across Queensland.

45 **MS O'GORMAN:** And can I just be sure

MR WATSON: Or Brisbane, I should say.

5 **MS O'GORMAN:** on that basis, you didn't consider it relevant to identify that there was violence on sites in and around Brisbane as a result of entities other than the CFMEU?

MR WATSON: Well, I didn't think it was relevant to the report that I was presenting.

10 **MS O'GORMAN:** All right.

15 **MR WATSON:** You'll see that in my report I'm quite explicit. I said that there were different sources of violence from different areas. I've limited it I think I limited it to five, but I know and they each had a heading, and I dealt with those headings. Otherwise, I could have conducted a three year investigation, but nobody would be happy with that, and you know what else? Nobody would read it.

20 **MS O'GORMAN:** I want to ask you now about whether you engaged in any correspondence with Mr Irving in the course of your investigation or for the purpose of preparing your report. Do you understand what I'm getting at?

25 **MR WATSON:** Yes, but the word "correspondence" is odd. I know that I mean, I spoke to Mark all the time, face to face or by phone. If you're talking about correspondence, I'd send him a letter and tell him what I was doing? No. The only correspondence I would send him was a bill, which I'm glad to say was always promptly paid. I did, however, send him a draft of the report maybe you're talking about that before it was finally settled.

30 **MS O'GORMAN:** To be honest, Mr Watson, I'm not sure what I'm talking about because I'm not confident that I have all of the material that was gathered in the course of your investigation, and that's what I'm trying to ascertain. I can't see in the materials that you've provided to the Commission any correspondence by way of written exchanges between yourself and Mr Irving

35 **MR WATSON:** There weren't any.

40 **MS O'GORMAN:** All right. That was what I was wanting to ascertain, so thank you. Does that extend to no emails between the two of you about the course of your investigation or the preparation of your report?

MR WATSON: There'd be hardly any.

45 **MS O'GORMAN:** All right.

MR WATSON: There would be one where I sent him a draft, I remember, sending a draft, because it was a correction made to my report which was entirely appropriate.

5 **MS O'GORMAN:** And as I recall it, that correction was to the effect that you had mistakenly included in that report a case study and referenced it to the CFMEU, and Mr Irving pointed out to you that the incident didn't involve the CFMEU at all.

10 **MR WATSON:** No, that's incorrect. What happened was I'd included an incident in there, a really awful incident at Oaky Creek. It did involve the CFMEU, but it involved the Mining Division, and I was looking at the Construction and General Division. Now, the reason why I was confused about
15 it was that one of the people who was prominent in the terrible events up there was Jade Ingham and also one of the other organisers from the C&G Division. So, look, it was on the borderline whether it was involved with the issues relevant to me.

MS O'GORMAN: All right.

20

MR WATSON: But I agreed that it should be taken out.

MS O'GORMAN: You've referred a number of times today to a fellow by the name of Mr Keogh. Was he somebody who was assigned to assist you in your
25 investigation from time to time from the administration?

MR WATSON: I don't know. Peter and I travelled up here together. Peter works for the administration, and we would travel up here together. But
30 whether he was assisting me I mean, he was. He was great, but or I was assisting him would be a matter for debate, because I would always introduce him to the people at the interviews as, "This is my boss, Peter Keogh." So who was assisting who might be a matter for debate.

MS O'GORMAN: Well, as you understood it, he was being made available to
35 you as a resource to assist you in your investigation; correct?

MR WATSON: Yeah. I yeah.

MS O'GORMAN: All right. So to that extent, we don't need to continue in any
40 sort of debate. I want to ask you whether or not Mr Keogh assisted you in preparation of any of the drafts of your report.

MR WATSON: None.

45 **MS O'GORMAN:** All right. And whether there's any correspondence by way of written exchange of information between yourself and Mr Keogh in the course of your investigation or the preparation of your report.

MR WATSON: None.

MS O'GORMAN: All right.

5

MR WATSON: Look, I could have exchanged text messages and that sort of thing to I did send him some emails to say, "These are the days we're going to go to Queensland," or, "This is when I suggest," and he might have said "I can't go on Monday," that sort of thing. There could be that sort of triviality.

10

MS O'GORMAN: All right. I understood for the first time following some of your evidence this morning that actually the typewritten notes that are in the material that you produced weren't written by yourself but by Mr Keogh. How did they come to be given to you, then?

15

MR WATSON: I I think Peter would send them to me, and I printed them off, and I would use those as a kind of double check against notes which I'd taken.

20

MS O'GORMAN: All right. So at least to the extent that Mr Keogh sent you those notes, presumably following each of the interviews, there must have been correspondence between the two of you; correct?

MR WATSON: Well, it would've been an email with an attachment on it.

25

MS O'GORMAN: I see. All right. Without any

MR WATSON: There was no commentary or anything.

30

MS O'GORMAN: I see.

MR WATSON: I mean, we were up here together. We were probably in the same room at the time you press send on the email.

35

MS O'GORMAN: I want to turn now to your report itself, and perhaps it would be useful to bring up paragraph 7 of the report. If I could ask the operator, please oh, thank you. There's another part to that paragraph, and I might wait while it's brought up onto the screen so Mr Watson can see the entirety of it. It's on the screen.

40

MR WATSON: I can read it.

MS O'GORMAN: Thank you. If you'll

45

MR WATSON: That's not the end of that.

MS O'GORMAN: I understand. Commissioner, sorry, if I could just have an indulgence to find my copy so I can read it also. I've found it.

MR WATSON: Yes, that's the full paragraph there.

5 **MS O'GORMAN:** All right. And you were asked some questions about this paragraph by Mr Kimmins this morning, do you recall?

MR WATSON: Yes. Yes.

10 **MS O'GORMAN:** And I think you accepted that that's one of the key paragraphs with respect to the conclusions that you reach in your report; correct?

MR WATSON: Well, yes, it states one of the key conclusions.

15 **MS O'GORMAN:** Thank you. Underpinning the conclusion that the campaign of violence was very likely planned and directed by the CFMEU leadership is necessarily a conclusion that the CFMEU engaged in a campaign of violence; correct?

20 **MR WATSON:** Yes. Of course.

MS O'GORMAN: That's a conclusion that you reached?

25 **MR WATSON:** I think if you have a look, you'll see that in the paragraphs which go before it, that the conclusion that there was a campaign of violence is in the paragraphs, I think you'll find, from 2 through to 6.

30 **MS O'GORMAN:** All right. And ultimately culminates in paragraph 7, where you conclude essentially or at least implicitly, that the CFMEU did engage in a campaign of violence?

MR WATSON: Yes.

35 **MS O'GORMAN:** And do I take it that you concluded that the violent episodes that you were told about and concluded had occurred were the result of a campaign, an organised, concerted effort, towards violence, rather than ad hoc episodes of violence that had occurred?

40 **MR WATSON:** Well, yes.

MS O'GORMAN: All right. Thank you. And further to that, obviously we can see in paragraph 7

45 **MR WATSON:** You'll see that these paragraphs are qualified, and it says why there was a campaign it might be the paragraph immediately before describes what was behind the utilisation of violence as a tool in an organised plan to extend the political and industrial power of the CFMEU.

5 **MS O'GORMAN:** All right. All I'm trying to ascertain for present purposes, Mr Watson, is that your conclusion was that the violence that you heard about and have reported about in your report was a concerted, organised effort; it wasn't ad hoc episodes of violence.

MR WATSON: That's correct.

10 **MS O'GORMAN:** Thank you. Ultimately, then, the most damning conclusion about Mr Ravbar for present purposes is that that campaign of violence was very likely planned and directed by him. Is that right?

15 **MR WATSON:** Well, I that's one of the very serious things, but there was also occasions upon which he was inflicting the violence personally, and inflicting it upon women.

MS O'GORMAN: All right. And are those occasions set out in the body of your report?

20 **MR WATSON:** Of course they are.

MS O'GORMAN: In all cases?

25 **MR WATSON:** I'm just going to think for a moment, because there were some incidents involving women which I did deliberately leave out because I thought that they were too bad.

MS O'GORMAN: I think you gave evidence at an earlier hearing

30 **MR WATSON:** I don't think it involved Mr Ravbar.

MS O'GORMAN: that there were three of those kinds of instances.

35 **MR WATSON:** Yeah.

MS O'GORMAN: And with respect to those, thinking back on them now, you're satisfied that they weren't told to you to have involved Mr Ravbar.

40 **MR WATSON:** Yes.

MS O'GORMAN: So when we come in due course to the various instances in your report, it will become apparent, either on the face of the report or by your answering of questions about the instances, which ones are said to involve Mr Ravbar?

45 **MR WATSON:** Yes.

MS O'GORMAN: All right.

5 **MR WATSON: Look, there were some things which I kept out of this report, and I'm not going to say them here either unless I get some sort of green light from Mr Wheelahan, but I can talk to him after hours. There was a pretty serious matter which I became aware of which I did not include.**

10 **MS O'GORMAN: All right. I don't understand what you might be alluding to, and I'm sure Mr Wheelahan will tell me if I need to know anything later.**

MR WATSON: I will speak to him first.

15 **MS O'GORMAN: Thank you, Mr Watson. You also concluded that the CFMEU had utter contempt of the law and was lawless; correct?**

MR WATSON: Yes.

20 **MS O'GORMAN: And to put it at a very high level, those are the two significant bodies of conclusions that you reached: firstly that the CFMEU had utter contempt of the law and was lawless and secondly that it engaged in a campaign of violence. That's how your report's set out?**

MR WATSON: I suppose that's not a bad way of putting it.

25 **MS O'GORMAN: Okay. Well, I'd like to move through your report in order, then. So let's start with the CFMEU's lawlessness. Might we turn to page 7 of the report. And when it becomes necessary, I can indicate any paragraphs that should be enlarged. Mr Watson, I have a note that on a previous occasion, when you gave evidence in this Commission, you said this:**

30 **"I think the mentality of the leadership of the CFMEU before the administration came in was coming to the point where they revelled in it."**

35 **Being lawlessness:**

"They wanted the reputation of being outlaws, taking themselves outside the law and willing to do what was necessary to acquire more power."

40 **Do you recall giving that evidence?**

MR WATSON: I don't recall giving that evidence, but I can say this much: if you asked me that question, I would answer it that same way today.

45 **MS O'GORMAN: Thank you. As I understand it from your report, your conclusion about the CFMEU's desire for being an outlaw, or your conclusion that it was utterly lawless, is based on two planks, the first of which can be seen at the top of page 7, that is, the CFMEU's attitude to industrial prosecutions,**

and secondly I'm sorry, that's page 8 at the top of page 9, the question of payment of personal payment orders. Do you agree that they were the significant planks for your conclusion that the CFMEU was lawless?

5 MR WATSON: They were amongst them, but the most plain one is complete and utter disobedience and disregard for the law. They disobeyed all of the industrial laws. They never complied with the directions which were necessary for to get an orderly introduction to a site so it could be examined. They'd be then prosecuted and fined for it, and they'd do it again the next day. Now,
10 that's just one example. So there was just it's wrong to say, for example, that it's lawlessness which is portrayed in in general. Have a look at the array of instances which I detail in the report where they were breaching law after law after law on day after day after day. They just didn't care.

15 MS O'GORMAN: Well, I'm not sure that I follow you, Mr Watson, because beyond this section, which deals specifically with the cycle of lawlessness, the report then turns to instances of violence, and the preponderance of your report deals with specific instances of violence. When you say that your report deals with time after time of non compliances, are you talking now about the
20 instances of violence that you uncovered?

MR WATSON: No, I'm talking about the huge number of decisions of the Federal Court and the Federal Circuit Court in which the CFMEU has been prosecuted and fined. What I do is deal in the report with the statistics cited by
25 Mr Donaghue, the Solicitor General, in the Raybar case in the High Court. And I give other statistics from here or there just showing the extraordinary level of prosecutions. Now, one thing my report doesn't do adequately is show that comparable construction unions are getting nothing like it. So I'm talking about that. If you have a look at these pages here, which deal with the cycle of
30 lawlessness, I'm sure you'll find references to it.

MS O'GORMAN: Certainly we do, and that was what I was asking you, whether one of the planks was its attitude to industrial prosecutions, which contains its own heading on page 8, dealing with this section.

35 MR WATSON: And I agreed with that.

MS O'GORMAN: All right.

40 MR WATSON: But I said that's only you nominated two things as being the significant planks. I said no, it's not that; it's the utter contempt for the law. That's the general problem. The attitude to industrial prosecutions is a symptom of the bigger problem, which is, "No, we don't care less about the law."
45

MS O'GORMAN: All right. I'm wondering whether you have a hard copy of your report in front you, Mr Watson.

MR WATSON: I do. I do.

MS O'GORMAN: It might be easiest if you take that up, if you would, and turn to page 7 of the report, please.

MR WATSON: Yes.

MS O'GORMAN: And satisfy yourself that this contains a section down the bottom, identified as section C, titled The Cycle of Lawlessness; correct?

MR WATSON: Yes.

MS O'GORMAN: And you'll see it deals with, at paragraph 47 of the opening paragraph, your conclusion that the CFMEU just had utter contempt for the law; correct?

MR WATSON: Yes.

MS O'GORMAN: And then you'll see, if you go over to page 8, a section which deals with the CFMEU's attitude to industrial prosecutions, and you've mentioned that you had regard to a number of cases that dealt with prosecutions in that sense?

MR WATSON: Yep.

MS O'GORMAN: All right. And then on page 9 you can see the heading Who Paid the Fines? And that deals with personal payment orders. See that?

MR WATSON: Yes.

MS O'GORMAN: All right. And then at the bottom of the page, can you see there's a new section, headed Section D, Instances of Violence? You see that?

MR WATSON: But are you having proper regard to paragraphs 47 and 48, which really, in the way that I state these things, contain what I wanted to say, which is, especially in 48 I think you've pointed out that I gave oral evidence about this it's deeper than a mere disregard for the law. They were stepping outside the law for the deliberate purpose of creating the atmosphere of intimidation and all that follows.

MS O'GORMAN: Mr Operator, if it would be possible to bring up, please, paragraphs 47 and 48 from pages 7 and 8, if that's possible. Mr Watson, I'm certainly not having or failing to have regard to those paragraphs. Those paragraphs contain your conclusions; correct?

MR WATSON: Yeah.

5 **MS O'GORMAN:** All right. What I'm trying to ascertain is what the facts for the evidence that you had regard to when you reached the conclusions that you express there? I understand it from reading your report that you're having regard to the one hand to the industrial prosecutions cases that you saw and on the other hand to the issue of personal payment plans, and I was inviting you to explain if I've overlooked some other body of fact or evidence.

10 **MR WATSON:** Well, I think if you just want to say, "Look, it's A and B," fine. But it's not. It's the cumulative effect.

MS O'GORMAN: I appreciate that, and I've asked to you tell me

15 **MR WATSON:** It's the cumulative effect of all of this which combines to tell me that that is correct. It's not just saying they had a pretty wishy washy attitude towards industrial prosecutions. No, it's the sheer number.

20 **MS O'GORMAN:** Okay. So help me understand, Mr Watson. Beyond the what you describe as sheer number of industrial prosecutions and beyond the issue with respect to personal payment plans, what is the body of fact or evidence that you're relying upon for the conclusions you express in paragraph 47 and 48?

25 **MR WATSON:** Well, I guess that takes them up.

MS O'GORMAN: I see.

30 **MR WATSON:** But provided you accept that what I'm talking about with industrial prosecutions is not limited just to those occasions of being dragged into court. It's the very mindset which would say to you that, "We are not going to obey the rules." They did not have any respect or regard for the rules. They deliberately breached them. Then they would be prosecuted. The prosecutions were the endpoint proof of the attitude.

35 **MS O'GORMAN:** I see. Turning to those prosecutions, you've set out in paragraphs 49 through to 53 the number of different court proceedings that have been brought against the CFMEU in the approximate 20 year period leading up to 2024, and you gave evidence about some of those on an earlier occasion; correct?

40 **MR WATSON:** Yes.

MS O'GORMAN: And really what you do there is cite 213 separate court proceedings brought over that 20, 21 year period?

45 **MR WATSON:** Yeah.

MS O'GORMAN: Now, they were national cases, weren't they? They didn't only include cases involving the Queensland branch?

MR WATSON: Can you have a look at paragraph 231

5

MS O'GORMAN: Thank you.

MR WATSON: through to paragraph 245, because I think that will help you.

10 **MS O'GORMAN:** Unfortunately, that doesn't. What I'm trying to get at is whether you agree with the proposition that the 213 court proceedings that you refer to in the part of the report that I'm talking about are cases that arise from across the country and not just Queensland. That's the question I have for you.

15 **MR WATSON:** That's true. That's true.

MS O'GORMAN: Thank you, Mr Watson. Can I also suggest that of those cases, a greater number come from Victoria than from Queensland; correct?

20 **MR WATSON:** I've always said Victoria is far and away worse than Queensland. Queensland runs second.

MS O'GORMAN: All right. Then can I ask you whether you agree with the proposition that many of those court proceedings relate to right of entry
25 disputes or industrial actions. That's fair to say, isn't it?

MR WATSON: I there's a lot of them which are that, but there's I don't when you say "many", yes.

30 **MS O'GORMAN:** Thank you.

MR WATSON: But as a proportion, I couldn't say.

MS O'GORMAN: All right. Presumably at some point you would have been
35 able to, having gone back and read the hundreds of cases that you've read; correct?

MR WATSON: As a proportion, I'd guess it would be something in the order of
40 a quarter.

MS O'GORMAN: I see. And

MR WATSON: But that's a pretty wild guess.

45 **MS O'GORMAN:** Okay. At least with respect to the issue of right of entry disputes, you would accept, wouldn't you, that there are legitimate reasons that a union might be willing to test the bounds of right of entry rules?

MR WATSON: Of course there is a reason why a union would test the legal boundaries. Of course. They might try it once. They might even try it twice. Go on.

5

MS O'GORMAN: Well, please finish.

MR WATSON: And then they would go to court. They'd go to the Federal Court and say, "Look, here is our defence." And then if the court said, "That is an offence," they would stop doing it.

10

MS O'GORMAN: All right. So it's not the fact of testing right of entry rules that troubles you with respect to the CFMEU's lawlessness; it's the amount of times that it did that in the course of its conduct. Is that correct?

15

MR WATSON: Sorry, after the second time they'd been successfully prosecuted, they are no longer testing the boundaries. They are deliberately breaking the law.

MS O'GORMAN: And your opinion, then, or conclusion that you've reached, having regard to the hundreds of cases that you reviewed is after the first two, all of the remainder of them involved a deliberate breach of the law?

20

MR WATSON: Look, no. You just asked me about right of entry. Don't switch it away to something else. You asked me about right of entry disputes, and I answered that. I'm not going to limit it to two. I'm saying that a union's entitled to test whether it is doing something the right way or the wrong way. But if they're prosecuted and fined, they stop doing it. And they didn't.

25

MS O'GORMAN: I see. Okay. And all I'm trying to ascertain, Mr Watson, is whether your evidence is it's the sheer volume of cases that in your mind makes the CFMEU lawless.

30

MR WATSON: Well, that's certainly it. But I I thought it was a mentality rather than the endpoint convictions. The endpoint convictions were important because they give you a measuring stick. What I got from it and this was by reading the facts found by judges in dozens of cases was the mentality, which was, "We are not bound by the rules. We're not going to play by the rules. We're going to deliberately break the rules."

35

40

MS O'GORMAN: All right. Having regard to the fact that, as I understand it, you haven't kept a record of the various times that a judge said that, it would be necessary, if one wanted to check your conclusion, to do your own reading, wouldn't it, of various cases to see where that's said and by whom? It's not apparent on the face of your report is what I'm suggesting to you.

45

MR WATSON: Well, it's pretty apparent to me if you look at pages 36 and 37 where I footnote and I say, "This isn't all of them," but I've given footnotes and case references in pages 36 and 37.

5 **MS O'GORMAN:** And you'd agree that that's a very limited number compared to the hundreds of cases that you say that you had regard to?

MR WATSON: Of course I agree, and that's my point. If I say, "Look, I'm going to give you a limited number," I can tell you there are lots more out there.

10 **MS O'GORMAN:** All right. So do I understand your evidence to be that the cases which contained important statements by judges about the CFMEU's mentality will be found in these footnotes because you included important details and the other ones are not of assistance?

15 **MR WATSON:** No, not at all.

MS O'GORMAN: Okay. So you say that ones that you have not included in the report have nonetheless informed your conclusion overall?

20 **MR WATSON:** Absolutely.

MS O'GORMAN: All right. But we don't know which ones those are, and we now can't know because you don't have a record of them; is that correct?

25 **MR WATSON:** I I'm not sure that I don't have a record of them. I thought I included amongst the papers lots and lots of cases, but I may not have included them all.

30 **MS O'GORMAN:** If you'll accept from me for present purposes

MR WATSON: Can I just say this to you. What are you trying to say? I'm writing a report. I've got to be satisfied of something. Have a look at those two pages, 36 and 37, and they're limited to Queensland prosecutions.

35 **MS O'GORMAN:** Mmm hmm.

MR WATSON: I was persuaded. Now, I'm not sure what you want. Is there more detail? I should have just gone on and rewritten all the judgments into this report? Because that's not what I was being paid to do.

40 **MS O'GORMAN:** Mr Watson, my question was as simple as this: do you accept that nowhere in the material that you've provided to the Commission have you written down hundreds of cases that you've had regard to, let alone explained which one of them contains important information that goes to the CFMEU's mentality?

MR WATSON: The answer to your first question is yes, and the answer to your second question is no.

5 **MS O'GORMAN:** Okay. Well, let's turn to the issue of the payment of personal payment orders, because as you've set it out in your report, that's one of the two significant planks upon which you base your conclusion.

MR WATSON: No I didn't say that. You said it.

10 **MS O'GORMAN:** Well

MR WATSON: Sorry, it's one of the instances where it's demonstrable attitude of lawlessness.

15 **MS O'GORMAN:** Okay. Mr Watson

MR WATSON: Let's drop this word "planks", please.

20 **MS O'GORMAN:** In your report, can I suggest to you that as we walked through pages 7 through to 9, it becomes apparent that there are two planks to your conclusion of utter lawlessness. There is on the one hand industrial prosecutions and there is on the other personal payment orders.

25 **MR WATSON:** Don't agree with that.

MS O'GORMAN: Okay. Before we move on, then, could you please explain to me the

30 **MR WATSON:** I already have. I can't say it again. I will if the Commissioner wishes me to.

35 **MS O'GORMAN:** I just want to understand the other body of fact or evidence that you rely upon in your conclusion that the CFMEU was lawless. I understand many federal prosecutions which to your mind reveal a mentality. I understand payment of personal payment orders. I'm seeking to have you explain to me what other things you relied upon.

40 **MR WATSON:** It's their willingness to break the law on a daily basis. And then when I look that's what it is, and when I look at that, it's proved by the facts of the cases which I read, by the fact that they were prosecuted successfully time after time after time. It's the fact that the rate at which they were successfully prosecuted exceeded the rate of a comparable union, the AWU, by something like a factor of 100. And it includes this: that they had
45 such little regard for the law that when the judges tried to bring those breaking the law under control by imposing personal fines, they even evaded that.

MS O'GORMAN: Well, what you've described so far are the matters that you've addressed under the two headings: industrial prosecutions and payment of fines.

5 **MR WATSON:** All right. Okay.

MS O'GORMAN: Is that the extent of it?

10 **MR WATSON:** Can I just say this. You're right. I'm wrong.

MS O'GORMAN: Thank you. All right. Thank you.

MR WATSON: Whatever you say. Go on.

15 **MS O'GORMAN:** Thank you. Let me ask you then

MR WATSON: No wonder it's going to take two days. Anyway, go on.

20 **MS O'GORMAN:** Let me ask you then about the payment of fines. So we're dealing now with that part of your report, which is contained on page 9. As I understand it, the upshot of that part of your report is that the CFMEU demonstrated lawlessness because the payment of personal payment orders was, on occasion, made by the CFMEU rather than individuals. Is that the effect of it?

25 **MR WATSON:** Well, the effect of it is this: a Federal Court judge made an order which was deliberately breached by the union evading the effect of that order of a federal judge as to the identity of the party making the payment. That's the point.

30 **MS O'GORMAN:** As I understand it, you gave evidence on an earlier occasion that at some point during the course of your investigation you became aware that there was an advice to the effect that it was lawful for the CFMEU to make the personal payment orders on behalf of individuals that it did.

35 **MR WATSON:** I think I became aware that there was a suggestion there was an advice. I'm not sure that I ever saw it or, for that matter, whether it ever existed.

40 **MS O'GORMAN:** Did

MR WATSON: Now, I remember hearing about it, and it may have just been folklore.

45 **MS O'GORMAN:** Okay. If there was an advice to the effect that it was lawful for the CFMEU to make personal payment orders, do you accept, then, that the

payment of personal payment orders by the CFMEU is not a matter which counts towards its lawlessness?

5 **MR WATSON:** No. Show me the advice. Have you got the advice?

MS O'GORMAN: Well

10 **MR WATSON:** I mean, I'd like to read it. I'd like to see whether it was justified. Look, I've been doing this for a very long time, and I've seen a lot of legal opinions offered, especially in an industrial setting, which were slanted or favoured toward the party that wanted to hear a particular result. That includes cases involving insurance companies, major litigants. I've seen it so many times. It's quite shocking.

15 **MS O'GORMAN:** You said, Mr Watson, that at some point you became aware that an advice may exist. Did you become aware of that fact during the course of your investigation?

MR WATSON: Do you mean before I wrote the report?

20

MS O'GORMAN: Correct.

MR WATSON: Yes.

25 **MS O'GORMAN:** All right. And having been told about the fact of that advice, did you make inquiries of anybody, including Mr Irving, whether the advice existed and whether you could be provided with it?

MR WATSON: Yes.

30

MS O'GORMAN: And what were you told?

MR WATSON: Nobody could ever put their hands on it. Now, I heard that it was given by a law firm Hall Payne.

35

MS O'GORMAN: When you say nobody could ever put their hands on it

MR WATSON: Nobody was ever able to produce it to me.

40 **MS O'GORMAN:** Sure. So who did you ask to produce it to you?

MR WATSON: About a dozen people.

MS O'GORMAN: Including Mr Irving?

45

MR WATSON: I don't know that I asked Mark. Mark is the administrator. He's running the whole union. I did talk to people about it. I don't know whether it exists. I asked them, and I my recollection is I didn't get to see it.

5 **MS O'GORMAN:** Can we deal with the issue in this way, Mr Watson

MR WATSON: By the way, I can tell you right now I mean, after all, I am a lawyer if there was an opinion to that effect, it's wrong.

10 **MS O'GORMAN:** All right. If for present purposes you would accept from me that there are in fact two advices

MR WATSON: Good.

15 **MS O'GORMAN:** both of which are written by very experienced and highly regarded silks

MR WATSON: Great.

20 **MS O'GORMAN:** that the personal payment orders being made by the CFMEU on behalf of individual members was lawful, do you accept, then, that those

25 **COMMISSIONER:** I think you've you asked that question before. He said he wants to he wants to see the advice before he answers.

MR WATSON: Please show them to me. And this is one of the reasons why I wanted to speak to people, Commissioner.

30 **MS O'GORMAN:** Commissioner, the point that I wish to establish and then I can move on, is not whether or not the advice itself is correct in Mr Watson's opinion. The point is, if advices were sought and obtained, does that not mean if the advices are followed that the conduct was then not lawless? That's all I was seeking to ask.

35

MR WATSON: All right.

MS O'GORMAN: Do you understand the question I'm asking you, Mr Watson?

40

MR WATSON: I understand what you're asking, and I don't agree with it at all. I want to see the advices. You tell me that they're there.

45 **COMMISSIONER:** I interrupted and I shouldn't have. Why don't you ask the question again?

MS O'GORMAN: Thank you, Commissioner.

MR WATSON: Yes. Sorry. Thank you.

5 **MS O'GORMAN:** You and I have some difficulty, Mr Watson, because you don't have the two advices. But if I can start in this way: accept for present purposes that two advices were sought by the CFMEU about the issue of whether or not the CFMEU could make personal payment orders on behalf of individuals. Can you accept that for the moment?

10 **MR WATSON:** Yes.

15 **MS O'GORMAN:** All right. And if you could also accept for the moment that two separate, very experienced, highly regarded silks provided advice that those personal payment orders were lawful. Can you accept that for present purposes?

MR WATSON: I if you're asking me to make an assumption, I'm willing to make it.

20 **MS O'GORMAN:** Thank you very much. Then what I'm seeking to ask you is whether you accept that the CFMEU, having receipt of two such advices from well regarded silks, were entitled to rely upon those advices and conduct themselves accordingly?

25 **MR WATSON:** No, not until I see the brief that was given to the person and the advice which they provided. And I might say, if one looks at paragraph 57 of my report, it seems odd to me and these people were legally represented that when I asked individual witnesses who I believed had these payments made on their behalf, they claimed a privilege against self incrimination and declined to answer the questions. So they probably agree with me, not you, and these silks, unnamed silks.

MS O'GORMAN: Mr Watson, I'm desirous of moving on.

35 **MR WATSON:** So am I.

MS O'GORMAN: I do wish to ask this question to be sure that I understand

40 **COMMISSIONER:** Take whatever time you need, Ms O'Gorman.

MS O'GORMAN: Thank you, Commissioner to ascertain that I understand your answer and your evidence. Is your evidence that a person who seeks and obtains advice about what is lawful and what is not from a silk, a senior counsel, is not entitled to rely upon that advice unless, for example, you consider the advice is correct?

MR WATSON: No, I didn't say that.

MS O'GORMAN: Well, I'm trying to understand what your evidence is.

5 **MR WATSON:** You're asking me about you're going from the general to the particular. If you're going to tell me that there is an advice or advices sitting around somewhere which say that you're entitled to defy a federal judge, then I want to see them. I also want to see the questions which were asked, because I said to you before and it's a sad reflection, I guess, on the law, but I've seen this before, where questions are tailored in a way designed to get an advice that the client wishes to hear.
10

MS O'GORMAN: All right. We may have taken this as far as

15 **MR WATSON:** I've also seen that, I might say, in my work which I was doing just before the Queensland inquiry in relation to the Greenfields legal fees, which is in this same volume.

MS O'GORMAN: All right. Can I ask you this: as I understand it, you say you became aware of an advice to this effect. No one could put their hands on it. Did you ask the union in administration to have its solicitors to provide any advice or advices that answered that description?
20

MR WATSON: Yes, I did.

25 **MS O'GORMAN:** And were you told that they did not have those advices?

MR WATSON: No. People were conducting searches, and they would all just always come up a blank. Nobody it seemed as though nobody had it.

30 **MS O'GORMAN:** I see what you're saying.

MR WATSON: I'm very happy to read these things overnight, by the way.

35 **MS O'GORMAN:** Mr Watson, I think you mentioned that you had understood the advice or advices had come from a firm of solicitors called Hall Payne. Did you make any inquiries with them?

MR WATSON: No.

40 **MS O'GORMAN:** All right.

MR WATSON: I mean, they would have told me, quite correctly, "This is subject to legal professional privilege, and we're not going to answer your questions."
45

MS O'GORMAN: I want to turn now to the balance of your report, which deals with the question of violence on the part of the CFMEU. Do you understand where we're going to now, Mr Watson?

5 **MR WATSON:** Yes.

MS O'GORMAN: All right. Firstly, I want to ask you some questions about the way you approached the question of violence in your report. If you were to turn to page 2 of your report and look at paragraph 4 perhaps paragraphs 2 to
10 4 they set out, don't they, the definition of violence that you used in your report

MR WATSON: Yes, paragraph 2 is the definition of violence which I used. I mean, everybody you could formulate it differently, but I thought it was fair to use the one which had been formulated by the CFMEU itself.
15

MS O'GORMAN: Well, that version of the definition of violence that you've inserted into paragraph 2 of your report comes from an enterprise bargaining agreement with respect to domestic violence leave, doesn't it?

20 **MR WATSON:** Oh, look, I've I footnoted it. I know the particular EBA, but I can tell you, it was in all of the EBAs. My recollection is that there was a clause relating to domestic violence leave in all of the EBAs. It wasn't an EBA about domestic violence leave, in other words. Sorry.

25 **MS O'GORMAN:** When you say you footnoted it, do you say it's contained there in one of those footnotes on page 2, do you? I can't see it.

MR WATSON: I think it's isn't it I'm looking at the screen here, not looking at the report, but isn't it in footnote 2?
30

MS O'GORMAN: So that's the reference to one of the clauses of an agreement; is that right?

MR WATSON: Yes.
35

MS O'GORMAN: Okay. So the footnote with respect to paragraph 3.

MR WATSON: This is just one example, because I saw it in several.

40 **MS O'GORMAN:** I see. My point is what you have done is take the definition of violence from the question of domestic violence leave as opposed to violence in an industrial relations setting.

MR WATSON: No, I don't agree with that at all. This was in an EBA, and this
45 was the definition which the CFMEU gave to violence.

MS O'GORMAN: I see.

MR WATSON: Now, if you read it, are you critical of any part of it? Do you think it should be changed? Because please tell me. I might agree with you.

5 **MS O'GORMAN:** Mr Watson, I'm having regard to what's in footnote, I believe it's 2, of your report, and in particular, clause 42.3, and it deals with the definition of family and/or domestic violence.

10 **MR WATSON:** Sorry, can you show that to me? I haven't got it open in front of me.

MS O'GORMAN: I

15 **MR WATSON:** But

MS O'GORMAN: I can, or I could provide it to Mr Watson overnight.

20 **MR WATSON:** No, let's have a look at it now, get this over and done with. Because I can tell you right now, if anybody disputes that that's not a good definition of violence, they've got rocks in their heads. It's a pretty good one.

MS O'GORMAN: Mr Watson

25 **COMMISSIONER:** Why don't you decide how you want to do it, Ms O'Gorman? If you want to do it now, do it now. If you want to do it overnight, do it overnight.

30 **MS O'GORMAN:** Mr Watson, it will be much easier for the two of us if you just answer the questions that I'm actually asking you, rather than worrying about what I might be

MR WATSON: I don't accept that I'm not.

35 **MS O'GORMAN:** All right. Well, let me ask the question again, but I'll provide the document to you so that you can see it for yourself now, with my learned friend's leave.

COMMISSIONER: The witness has just been passed a laptop.

40 **MS O'GORMAN:** It has clause 42.3, which is the clause referred to in footnote 2.

MR WATSON: Yes, that's in the context of family and/or domestic violence.

45 **MS O'GORMAN:** All right. Thank you.

MR WATSON: Right.

MS O'GORMAN: So what I was trying to ascertain from you was whether or not you agree that the definition of violence that you used for the purpose of this report is the definition of violence that relates to family and domestic violence.
5 That's all.

MR WATSON: No, I'm just using a word, "violence", and there's a definition of violence there which is that definition which I used here. It was one formulated by the CFMEU. I could have got one from a dictionary. I could
10 have got one from other sources. But it seemed to in to be entirely appropriate. And not only that, it does seem to me to be a good one. A very good one.

MS O'GORMAN: Mr Watson, I hadn't got to the point of asking you whether you thought it was a good definition, and I don't even propose to. All I'm
15 asking you to ascertain, having seen that document, is that the heading of it is Definition of Family and Domestic Violence. Do you agree that that is the heading?

MR WATSON: I already have. You just showed it to me. It's got that under
20 that heading that it defines violence.

MS O'GORMAN: All right. Thank you. Now what I want to ask you is why that was an appropriate use of or an appropriate definition to have regard to
25 for the purposes of considering violence in an industrial relations setting rather than a private domestic setting.

MR WATSON: Because it was included there in an enterprise bargain agreement drawn up by the CFMEU, which is an industrial document, and it
30 seemed to me to be an apt way of describing violence. I can't see what's wrong with it.

MS O'GORMAN: All right. In any event, having regard to all of those limbs of the definition, did you reach the conclusion that the CFMEU, and then by
35 extension the leadership, including Mr Ravbar, engaged in a campaign of violence both physically, sexually, emotionally, psychologically and economically?

MR WATSON: Yes.

MS O'GORMAN: All right. Mr Operator, could we please have paragraph 69
40 on page 10 of the report brought up, please. Mr Watson, we're turning now to the first of those five topics or categories of violence that you made a little reference to earlier.

MR WATSON: Yes.
45

MS O'GORMAN: In the course of the report, you move through violence demonstrated by hostility towards government; correct?

MR WATSON: Yes.

5

MS O'GORMAN: That's the first category that you deal with?

MR WATSON: Yes.

10 **MS O'GORMAN: And then violence which relates to hostility towards the work health and safety inspectorate.**

MR WATSON: Yes. You'll see that I introduce this by saying I'm limiting it to five, and I've explained before.

15

MS O'GORMAN: Sure. Yes, and I'm just wanting to ascertain the five.

MR WATSON: Yes.

20 **MS O'GORMAN: The next is hostility towards the AWU.**

MR WATSON: Yes.

MS O'GORMAN: The next is hostility towards employers and contractors.

25

MR WATSON: Yes.

MS O'GORMAN: And lastly, hostility towards women; correct?

30 **MR WATSON: Yes.**

MS O'GORMAN: And what I'm doing now is turning to ask you some questions about hostility towards government.

35 **MR WATSON: Great.**

MS O'GORMAN: So in paragraph 69, can you see there that you reach this conclusion:

40 **"Australian politics, especially at a State level, is notoriously robust."**

MR WATSON: I can read. Yes, I said what I said.

MS O'GORMAN:

45

"Strong criticism is common. But even by those standards the CFMEU went too far."

Do you see that?

MR WATSON: Yes.

5

MS O'GORMAN: All right. Now, you would accept, would you not, that it's the role of a trade union to be politically engaged and to challenge governments to do more for workers' safety; correct?

10 **MR WATSON: Yes.**

MS O'GORMAN: All right. Would you accept that Australian politics and, in particular, if we limit ourselves to Queensland politics, regularly involves strong language, including language which personally denigrates others?

15

MR WATSON: Yes.

MS O'GORMAN: Okay.

20 **MR WATSON: I don't condone it by saying that.**

MS O'GORMAN: No, but you do say that the CFMEU went too far?

MR WATSON: Yes.

25

MS O'GORMAN: Do I understand that to mean that you say the CFMEU used language which went beyond that which is used by our politicians?

30 **MR WATSON: It's not just language. I mean, they were using language, but it was much more than that. It was for example, there was one weird instance where they set up a picket line outside a local member's office.**

MS O'GORMAN: You've jumped very far beyond what I'm wanting to ask you about. I'm limiting myself

35

MR WATSON: You can't do it like that. You can't pretend that I'm limited to answering in your terms. You said things about language as though that's what I was saying was wrong. And I said it went much further than that.

40 **MS O'GORMAN: Mr Watson, I'm limiting myself for present purposes to what you say in paragraph 69 to the effect that Australian politics is notoriously robust and involves strong criticism, but even by those standards the CFMEU went too far. And I'm asking you about the language that state politicians use in their criticism of others to see whether or not ultimately you will agree that**
45 **the CFMEU's use of language goes no further.**

MR WATSON: Where did I use the word "language" in paragraph 69?

MS O'GORMAN: In paragraph 70.

MR WATSON: Right.

5

MS O'GORMAN: Well

MR WATSON: So okay. Well, if we're dealing with 69, that's the general paragraph, because there were things they did that awful thing with tampons on a toilet door. That sort of thing. That's not language. It's conduct. Okay, I'll look at 70. Do you want me to look at that now?

10

MS O'GORMAN: If you wish. I'm just simply wanting to ask you about language used by politicians, for present purposes.

15

MR WATSON: All right. But let's agree I did not limit it to that in 69. Let's go on. Yes?

20

MS O'GORMAN: Okay. Having regard to the sorts of language that you then specifically set out at paragraph 71 and 72, do you accept that none of that language which you attribute to leadership of the CFMEU was used only by the CFMEU, and do you accept that that is the sort of language which is used by our politicians when talking about other people?

25

MR WATSON: Like Mr Ravbar on a video I've watched using his fist in the air and calling out that the Prime Minister of Australia was doing a shit job? I don't know I haven't seen other people doing that who hold a responsible position, such as the secretary of one of the largest unions in the country.

30

MS O'GORMAN: Mmm hmm.

MR WATSON: I no. It went further than things which I've seen. Sure, you might see somebody doing that sort of thing in the car park of a pub, but not in what should be regarded as a fairly serious political setting.

35

MS O'GORMAN: Okay. So do I understand your evidence to be that having regard to the language set out in paragraph 71 and 72, you don't accept that that is the sort of language that's used by state politicians from time to time?

40

MR WATSON: Some of those words might be used. Some of those words might be used.

45

MS O'GORMAN: I see. All right. Then in paragraph 72, you refer to and criticise Mr Ravbar calling for premiers, deputy premiers and ministers to be sacked or resigned. Can you see that?

MR WATSON: Yes.

MS O'GORMAN: Do you accept that it is not uncommon for politicians in Australia, including in Queensland, to call for opposition members to be sacked or resigned?

5

MR WATSON: Yes, I agree. That happens every day of the week.

MS O'GORMAN: Okay. So at least to that extent, Mr Ravbar's calling for the sacking or resignation or somebody doesn't go too far in the sense that

10

MR WATSON: No. If that's all he said, I wouldn't have been worried.

MS O'GORMAN: I see.

15 **MR WATSON:** But then again, mind you, it was in the context that he was always saying that people should have confidence in their employment position, but anybody who got in his way, he said they should they should be sacked or they should resign.

20 **MS O'GORMAN:** Okay.

MR WATSON: So I guess there's that element of hypocrisy you've got to build in.

25 **MS O'GORMAN:** Okay. Can we go to paragraph 75 and 76. Can you see that you're referring at paragraph 75 to information provided to you in the course of your investigation by a minister who is not identified there and who we will not now either identify.

30 **MR WATSON:** Yes. I know who it was.

MS O'GORMAN: All right. Well, please don't identify that person in the course of this discussion.

35 **MR WATSON:** No.

MS O'GORMAN: What I want you to do is have a look at the last sentence of paragraph 75:

40 "That Minister was constantly abused by Ravbar; his abuse was described as 'relentless'."

Do you see that?

45 **MR WATSON:** Yes.

MS O'GORMAN:

"The abuse was so bad that the Queensland police insisted that one Minister..."

But it's that minister:

5

"...be given a security upgrade."

MR WATSON: Yes.

10 **MS O'GORMAN: Can I take you to your notes with respect to this interview. And in that regard, I'd ask you to take up the second volume of your materials and turn, please, to page 1053.**

MR WATSON: These aren't my notes.

15

MS O'GORMAN: I'm sorry, I described them as your notes.

MR WATSON: Yes.

20 **MS O'GORMAN: But as I now understand, they're not your notes; they're Mr Keogh's notes. Is that right?**

MR WATSON: These are Mr Keogh's notes.

25 **MS O'GORMAN: All right. But nonetheless, they're the notes upon which you relied to**

MR WATSON: No, they're not. I didn't say that. I relied upon my own notes.

30 **MS O'GORMAN: All right.**

MR WATSON: My handwritten notes. I used these as a kind of double check.

35 **MS O'GORMAN: Well, if you can do it now, let's go to your handwritten notes to see where this information exists. I'll see if I can find where they are**

MR WATSON: Well, did you want to show me something on 1053 while we're there?

40 **MS O'GORMAN: Well, not if you say that you had no regard to it for the purposes of the information in your report.**

MR WATSON: Well, does it refer to this issue? Because if it does

45 **MS O'GORMAN: It does, but you've just said that you didn't have any regard to it. So let's go to**

MR WATSON: Well, I'm going to read the page, if it's all right, Mr Commissioner, because I want to know what was about to be put against me.

5 **COMMISSIONER:** Well, I think you should allow the cross examiner to direct you as she you can be re examined afterwards.

MR WATSON: Thank you. Okay. Sorry, did you wish to go to my handwritten notes?

10 **MS O'GORMAN:** I'm just trying to see if we can find your handwritten notes with respect to this. Mr Watson, we haven't been provided with names on your notes, so we're doing our best to find them. I might just need a moment, Commissioner, to do this. Mr Watson, we haven't been able to identify any handwritten notes with respect to your interview with this witness.

15

MR WATSON: All right.

MS O'GORMAN: We'll look again overnight, because I don't want to be in any way unfair to you. If we can find them, we'll come back to this question in the morning.

20

MR WATSON: Fine.

MS O'GORMAN: But if there aren't any handwritten notes, do I take it that the information in paragraph 76 must have come from your reliance on Mr Keogh's notes?

25

MR WATSON: No.

30 **MS O'GORMAN:** Then where does the information in paragraph 76 come from?

MR WATSON: There was nothing in Mr Keogh's notes which I relied upon as a primary source. I relied upon my own work.

35

MS O'GORMAN: So if there are no handwritten notes of your interview with this minister, do you say

40 **MR WATSON:** I think that's too big an "if" for me to agree with whatever follows it.

MS O'GORMAN: If I might just have a moment, Commissioner. I'm just trying to work out if we can short circuit this.

45 **MR WATSON:** Sorry.

MS O'GORMAN: That's all right. What we might do is see if you can find overnight the handwritten notes upon which

5 **MR WATSON:** I'm not going to go looking for them, because I'm not even confident that all my notes are there. I don't know where they are in the book. You've got an index; I don't. But if you wish to put a proposition to me that I've made something up, go ahead. Do it tomorrow, after you've had a chance to read the notes. I just don't see how I can go through this

10 **MR WHEELAHAN:** If I could object. The line of questioning the witness has already answered, "It's not just about the notes. There are other sources." Well, if that's the answer, this line of inquiry is pointless.

15 **COMMISSIONER:** I think Ms O'Gorman is allowed to test the veracity of the report against the notes, and the witness will give whatever answer the witness gives, and at the moment, Ms O'Gorman's got a difficulty because she can't recognise herself whether or not, within these 1100 pages, where the handwritten notes are if they are, in fact, there of this event. And she's trying to deal with that issue that at the moment she can't identify the handwritten
20 notes.

MR WHEELAHAN: I'm trying to say, the witness, to be fair to him, rather than him have to go through the 1100 pages you identified, as I understand it, he's answered the question and says, "Well, they're either there or they're not,"
25 but even if they're not there, he's given another explanation. And that, in fairness, answers the question.

COMMISSIONER: I think, Ms O'Gorman, if the notes are there, the handwritten sorry, I shouldn't you tell me what you want to do, Ms
30 O'Gorman.

MS O'GORMAN: Commissioner, if I can deal with it in this way: paragraph 75, the final sentence it, and the entirety of paragraph 76 makes a very serious accusation about Mr Ravbar's relentless abuse of this minister being so bad that
35 she had to get a security upgrade.

MR WATSON: I didn't say that. You're reading that into it. If you know some more about it than I do, but I've separated them deliberately.

40 **MS O'GORMAN:** Are you not talking about the same minister there, Mr Watson? Is there more than one minister?

MR WATSON: I don't know. There were two ministers to whom I spoke, and I'm just not sure which one it was. But you see that I've got two separate
45 paragraphs? You're attaching that sentence, which I deliberately detached, back to the previous paragraph, and I don't know why you're doing that.

MS O'GORMAN: Well, help me to understand

MR WATSON: Sorry, I should say this to you: I am trying to find this thing on the hop.

5

MS O'GORMAN: Thank you. Mr Watson, perhaps we're at cross purposes. I hadn't appreciated that you had interviewed two ministers, but you're telling me now that you did?

10 **MR WATSON:** I never said I didn't. I interviewed two witnesses. I know both their names. I won't mention them.

MS O'GORMAN: No, and please don't, but is your evidence that you interviewed two ministers?

15

MR WATSON: At least two.

20 **MS O'GORMAN:** Okay. Was it only one of them who said that the abuse directed towards them by Mr Ravbar was so bad that the Queensland Police insisted that they be given a security upgrade?

25

MR WATSON: It doesn't mention Mr Ravbar in paragraph 76. That's the second time you've inserted words which are not. I'm pretty careful about my drafting.

MS O'GORMAN: Mmm hmm. Was there only one minister, then, who told you that the abuse was so bad that the Queensland Police insisted that they be given a security upgrade?

30 **MR WATSON:** Yes.

MS O'GORMAN: Okay.

35 **MR WATSON:** Or otherwise I would've said something else.

MS O'GORMAN: And that's a reference to when you say "the abuse", being abuse by Mr Ravbar being so bad.

40 **MR WATSON:** I didn't say that, and it doesn't even imply that. You're reading that into it.

MS O'GORMAN: Well, it's just a question. I'm just trying to understand, based on your paragraphs, whether you say in paragraph

45 **MR WATSON:** No, it wasn't. It was a whole lot of things. With the minister who I believe told me this, I wish you could know the whole story of everything

that had happened to them. And so it's not just from one person, Ravbar. It was from the CFMEU.

5 **MS O'GORMAN:** Commissioner, I'm trying to think of a useful way forward, because this is an important point for me to explore.

COMMISSIONER: I understand.

10 **MS O'GORMAN:** But I apprehend that perhaps Mr Watson and I are at cross purposes. I'm mindful that it may be that by at least some interceded discussion, we might be able to ascertain the name of the minister, at least between ourselves.

15 **COMMISSIONER:** Yes.

MS O'GORMAN: I'm wondering whether it's useful to do that now or not. It might be that perhaps my learned friend can simply ask and the name can be relayed to me. I could write it down. And if we're talking about the same person, then I will be able to take Mr Watson to the notes.

20 **MR WATSON:** You know who it is, because I can see the pages in Peter Keogh's notes you've marked.

25 **COMMISSIONER:** Do you want a short break to do that?

MR WATSON: Well, I'm not going to say their names.

MS O'GORMAN: If the Commissioner would indulge me.

30 **COMMISSIONER:** Yes. Very well. How long do you need?

MS O'GORMAN: 30 seconds or so, I think. Perhaps say three minutes.

35 **COMMISSIONER:** Do you want me to leave the bench?

MS O'GORMAN: That might be useful, just so that I can talk freely with my learned friend.

40 **COMMISSIONER:** We'll adjourn till 25 past 3.

<THE HEARING ADJOURNED AT 3.22 PM

<THE HEARING RESUMED AT 3.25 PM

45 **MS O'GORMAN:** Commissioner, we haven't been able to get to the bottom of it. It is an important matter that I would like to address.

COMMISSIONER: I understand.

5 **MS O'GORMAN: It does raise some questions about how we might more efficiently move tomorrow. I'm wondering whether it would be appropriate in the circumstances to break for the day now so that those matters can be resolved, in the interests of being faster tomorrow.**

COMMISSIONER: You will finish by 3.30 tomorrow?

10 **MS O'GORMAN: I would like very much to. The difficulty is, there's only so much I can control about the speed at which we're moving.**

COMMISSIONER: Yes. I understand. I appreciate the all right. Well, you'll try your best.

15 **MS O'GORMAN: I'm doing my best.**

MR WATSON: Commissioner, I would like to make an application to retrieve my handwritten notes. I was only given this bundle of documents today, when I arrived, and I've been busy, as you may have noticed. I don't think they're all there.

25 **COMMISSIONER: Well, Mr Wheelahan, is it possible that Mr Watson's original handwritten notes, which he's given to the Commission pursuant to the notices that have been issued, could be provided, either as originals to him or copies thereof, this afternoon for Mr Watson to have a look at it?**

30 **MR WHEELAHAN: If they're in the possession of the Commission I don't know, but Commission staff will with the leave of the solicitors, they can get them.**

COMMISSIONER: Well, I hope they're in the possession of the Commission.

35 **MR WHEELAHAN: Well, they should be. So to answer your question: yes, we could get his diaries, give them back to him.**

MR WATSON: If I could go to the office, I could look through

40 **MR WHEELAHAN: You can do that. I'm sure that's no problem.**

MR WATSON: I might be able to help you.

MR WHEELAHAN: There's no objection I see from anyone at the bar table.

45 **COMMISSIONER: And when you do that, there was another matter that you were going to raise about Mr Wheelahan about some things Mr Ravbar said about women. I think you said there were some things. I think, depending on**

the attitude that Mr Wheelahan takes to whatever you tell him, Mr Watson, I think the fairest thing to do would be to deal with that first thing tomorrow, Ms O'Gorman, so you've got a chance to cross examine and you're not dealing with it in it's not dealt with in re examination. Is that convenient?

5

MS O'GORMAN: Thank you, Commissioner. Alternatively, perhaps it's most efficient if a brief statement be taken from Mr Watson to that effect and provided to me.

10 **COMMISSIONER:** Why don't I leave it to you and Mr Wheelahan to work out how to do it in the fairest, most efficient manner?

MS O'GORMAN: Thank you.

15 **COMMISSIONER:** Is there anything else for this afternoon? No? We'll adjourn till 10 am tomorrow.

<THE HEARING ADJOURNED AT 3.29 PM

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30