

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

WITNESS STATEMENT OF GRAEME SILVESTER

I, **GRAEME SILVESTER**, Executive General Manager (Safety, Health, Environment, Quality) with CIMIC Group Limited (**CIMIC Group**), headquartered at HQ South Tower, 520 Wickham Street, Fortitude Valley, say on oath the following:

Background

1. I make this Statement in response to a notice issued by Stuart John Wood AM KC, the Commissioner appointed pursuant to the *Commissions of Inquiry Order (No. 2) 2025*.
2. Attached to this Statement is a Bundle of documents (**Bundle**). I refer to relevant documents by reference to the page number of that Bundle.
3. In February 2026, I was appointed Executive General Manager (Health, Safety, Environment and Quality) of the CIMIC Group.
4. The CIMIC Group Limited (**CIMIC Group**) is a construction and engineering company that provides construction, mining, mineral processing, engineering, concessions, and operation and maintenance services to the infrastructure, resources and property markets.
5. The CIMIC Group includes:
 - (a) construction businesses, CPB Contractors Pty Ltd (**CPB**) and Leighton Asia;
 - (b) mining and mineral processing companies, THIESS and Sedgman;
 - (c) services specialist, UGL; and
 - (d) engineering consultancy, EIC Activities.
6. CPB, a wholly owned subsidiary of the CIMIC Group, is a leading construction contractor with operations in Australia, New Zealand, Asia and Papua New Guinea. CPB delivers major projects across all sectors of the construction industry, including roads, rail, tunnelling, defence, building and resources infrastructure. Relevantly, this includes the Cross River Rail Project (**CRR Project**) in Brisbane, Queensland.
7. From June 2017 to January 2026, I was the General Manager (Safety, Health, Environment, Quality, Sustainability and Rail Safety (**SHEQ**)) for CPB. This role within CPB has not been replaced as I now oversee these divisions across the CIMIC Group (which includes CPB).
8. As the General Manager SHEQ of CPB, I oversaw the development, implementation of, and monitoring of compliance with the business' systems to manage its health and safety obligations and environmental responsibilities. In taking on the position of Executive General Manager SHEQ for the CIMIC Group, these responsibilities expanded to encompass overseeing compliance across the CIMIC Group.

Experience in health and safety

9. I have 30 years' experience as a senior safety, health, and environment professional in Australia and internationally. I have held senior functional leadership roles in industries including building, offshore oil and gas, rail, mining and resources and electricity distribution.
10. Before working for CPB and CIMIC Group, I held the following positions:
- (a) I commenced working for Leighton Contractors on the 26 of July 2013. At the time I was employed as a Group Manager HSE Risk. During 2015, I was transferred to Group Manager Safety and Health after Leighton Contractors and Thies Contractors were merged to form CPB. On the 20 of June 2017, I was promoted to General Manager SHEQ.
 - (b) General Manager – Safety, Abigroup Contractors Pty Limited (January 2010 to June 2013).
 - (c) Queensland Safety Manager – Construction, MacMahon Contractors Pty Ltd (September 2007 to January 2010).
 - (d) Chairman and Director, National Safety Council of Australia (August 2003 to November 2008).
 - (e) Group Manager Health, Safety, Environment and Security, Energex (August 2006 to September 2007).
 - (f) Eastern Region HSE & T Manager, Roche Mining (JR) Pty Ltd (August 2004 to August 2006).
 - (g) Manager Workplace Health and Safety, Queensland Rail (January 1996 to July 2004).
 - (h) HSEQ Manager, Brunei Shell Petroleum Sdn Bhd (March 1992 to January 1996).
 - (i) Principal Investigator, Workers Compensation Board of Queensland (January 1990 to February 1992).
 - (j) Police Officer, Queensland Police Service (October 1982 to December 1987).
11. I am a Fellow of the Australian Institute of Health and Safety and hold the following qualifications:
- (a) Master of Management (Health, Safety & Environment).
 - (b) Graduate Diploma in Project Management.
 - (c) Graduate Diploma in Occupational Health and Safety.

CRR Project

12. CPB is involved in two major packages of works that comprise the CRR Project: the Tunnel, Stations and Development package (**TSD Package**) and the Rail, Integration and Systems package (**RIS Package**).

13. The TSD Package and RIS Package is spread out across a number of separate and discrete construction worksites for the CRR Project, and included the following worksites located at the following addresses in Brisbane
- (a) the project site known as the Albert Street Precinct (Lot 1, Lot 2, Lot 3), bound by Mary, Edward, Elizabeth and George Street, Brisbane City.
 - (b) the project site known as the Roma Street Precinct, bound by Roma Street, Countess Street and Parkland Boulevard and the Queensland Rail Corridor, Brisbane City.
 - (c) the project site known as the Woolloongabba Precinct, bound by Stanley, Main, Leopard and Vulture Streets, Woolloongabba.
 - (d) the project site known as the Boggo Road Precinct, bound by Boggo Road, Peter Doherty Street and Boggo Road Busway/Queensland Rail Corridor in Dutton Park.
 - (e) the project site known as the Southern Area work area, bound by Cornwall Street, Kent Street and Queensland Rail Corridor.
 - (f) the project site known as the Northern Portal, bound by the Queensland Rail Corridor, Bowen Bridge Road, Gregory Terrace and Kalinga Avenue.
 - (g) Hamilton Yard at 222 MacArthur Avenue, Hamilton.
 - (h) BlueWater Yard at 2-6 Bishop Drive, Port of Brisbane.
 - (i) 271 Gilchrist Avenue, Herston.
 - (j) 33 Lanham Street, Bowen Hills.
 - (k) 48 O'Connell Terrace, Bowen Hills.
 - (l) 58 Chale Street, Yeerongpilly.
 - (m) Corner of Nobel Street and Annerley Road, Dutton Park.
 - (n) Corner of Brooke Street and Pegg Road, Rocklea.
 - (o) Corner of Wilkie Street and Green Street, Yeerongpilly.
 - (p) 19 Orient Avenue, Pinkenba.
14. My roles and responsibilities in relation to the CRR Project have included:
- (a) Conducting project reviews.
 - (b) Conducting audits, inspections and Leadership Site Visits.
 - (c) Attending Pre-Start Briefings.
 - (d) Leading, participating in or reviewing incident investigations.

Safety and compliance on the CRR Project

15. As a person conducting a business or undertaking in connection with CRR Project, CPB has duties and responsibilities to manage health and safety in accordance with the *Work Health and Safety Act 2011* (Qld) (**WHS Act**), as well as other related legislation, together with its own safety management systems.
16. In the CIMIC Group, including for CPB, the safety and wellbeing of our people underpins everything we do, and it is a priority we take extremely seriously.
17. In relation to the management of safety on the CRR Project, CPB generally has:
 - (a) an Area Safety, Health, Environment, and Quality Manager, for each precinct;
 - (b) safety advisors and safety administrators;
 - (c) quality advisors and quality site engineers; and
 - (d) environmental advisors and environmental coordinators.
18. Separately, CPB also has the following safety specific roles in its Work Health and Safety Team:
 - (a) Safety and Health Director;
 - (b) Safety & Health Assurance Manager;
 - (c) Project Wide Safety Administrator;
 - (d) Lifting Coordinator;
 - (e) Technical Safety Advisor;
 - (f) Project Wide Tunnel SH Manager; and
 - (g) Project Wide Construction SH Manager.
19. There have been many instances in the context of the CRR Project when the CFMEU, at least before it went into Administration, has accused CPB of not taking safety seriously, of "cutting corners", and of putting our workers at risk and operating a dangerous work environment.
20. From my perspective, this campaign was false and misleading. The claims also made no sense, for the following reasons:
 - (a) First, CPB has significant statutory obligations when it comes to safety. CPB must comply with these obligations by law. CPB willingly and enthusiastically seeks to comply with these important obligations and has implemented policies and procedures to ensure this is done. CPB never wants to see its workers' or other people's health and safety put at risk.
 - (b) Second, CPB also has extensive contractual obligations that it owes the State of Queensland in relation to safety. CPB must consistently demonstrate to the State that it is complying with these obligations. Again,

CPB willingly signed up to these obligations and has implemented policies and procedures to ensure this is done.

- (c) Third, a tier-1 construction company in the position of CPB has no chance of winning work unless it has an impeccable safety record. It would be commercially disastrous for CPB not to take safety extremely seriously.
- (d) Fourth, CPB would not be able to attract workers onto its sites if it had a reputation for operating in an unsafe manner.

Dealings with WHSQ

- 21. Workplace Health and Safety Queensland (**WHSQ**), which forms part of the Office of Industrial Relations (**OIR**), is the Queensland work health and safety regulator. WHSQ monitors compliance with the WHS Act (and related work health and safety laws) and to this end may issue notices to enforce compliance.
- 22. It was my observation that the CRR Project tended to receive notices from WHSQ Inspectors during the same periods that CFMEU officials were present on the worksite. In about August 2024, CPB prepared some graphs to plot the correlation between the two.
- 23. A copy of these graphs is **Annexure GS-1 at pages 2 to 4** of the Bundle.
- 24. It is undoubtedly the case that construction work can be high risk; from time-to-time workers must work at height, operate heavy mobile machinery, use high risk tools, and work near hazardous items and materials. Unions play an important role in helping to ensure a safe workplace, as does WHSQ. To that end, I believe CPB and all unions in the construction industry have a common objective of ensuring worksites are safe and that workers are not put at risk. This requires CPB and unions to work collaboratively towards that objective. It also requires WHSQ to have the confidence of all industry participants to uphold the law in the interests of ensuring workers are kept safe.
- 25. Over the course of the CRR Project, it has been reported to me by members of my team that, at least up until the CFMEU went into administration, that:
 - (a) The CFMEU's attempts to enter CRR Project sites have regularly become contentious, with representatives of the CFMEU frequently demonstrating hostile and aggressive behaviour when exercising rights of entry.
 - (b) There have been occasions where the CFMEU's attempted entry onto site did not appear to be related to genuine safety matters and the behaviour of the official seeking entry was neither cooperative nor helpful in terms of fully explaining the safety concern and attempting to resolve the issue in a cooperative manner.
 - (c) There have been occasions where CPB has denied the CFMEU access to site on the grounds of non-compliance with the applicable legislative regime, only for WHSQ Inspectors to then arrive on site (not at the request of CPB) and grant CFMEU officials access to site. There have than been occasions where the CFMEU and WHSQ Inspectors have undertaken site visits together, with the consequence that the CRR Project has been the subject of various forms of notices issued by the WHSQ Inspectors. The reports made to me have observed that the CFMEU attempted to use

these unfettered site walks not for the express purposes permitted by the scope of the notice, but to identify matters that could then be the subject of a notice from WHSQ.

26. It was well-publicised that the CFMEU led a campaign in which the number of notices issued by WHSQ in relation to the CRR Project was used to support the claim that the CRR Project was an unsafe project.
27. I agree with Graeme Newton, the CEO of the Cross River Rail Delivery Authority, that the safety record of the CRR Project is best measured by reference to the Total Recordable Injury Frequency Rate for the Project and also the Potential Class 1 Frequency Rate, both of which were far lower on the CRR Project than the industry average. Based on my experience, I do not consider that the number of notices issued by WHSQ is a reliable proxy for assessing the safety of a project. For example, in the middle of 2020, approximately two notices a day were issued in relation to the CRR Project over the course of a month. In my 30 years' experience, I cannot recall working on a project or hearing of a project that received that many notices within such a short period of time. There was nothing about the CRR Project during that period (or, indeed, any other period) that I believed justified it being an outlier in the industry in respect of health and safety.
28. CPB always takes all notices it receives from WHSQ seriously and is committed to complying with all its obligations under the WHS Act and related legislation. The impression I had was that WHSQ's activity on the CRR Project was not always concerned with serious risks that were present or emerging on site.
29. In June 2020, the CFMEU sought to enter CRR Project sites pursuant to section 81(3) of the WHS Act. I received several verbal reports that highlighted:
 - (a) On 15 June 2020, Michael Davis (**Mr Davis**) and Scott Vink (**Mr Vink**), CFMEU officials, attended and sought entry to the Roma Street site. Mr Davis and Mr Vink purported to enter the site pursuant to section 81(3) of the WHS Act, claiming they were there as "ordinary people and not union organisers" due to ongoing issues on the site. CPB denied Mr Davis and Mr Vink access. A short time later, Chris O'Donnell (**Mr O'Donnell**) and Lewis Cash (**Mr Cash**), WHSQ Inspectors, arrived (not at the request of CPB) and insisted that the CFMEU officials should have access to the site and that the Inspectors would escort them. CPB informed the Inspectors that the officials' entry to site was not authorised. Mr O'Donnell and Mr Cash then led Mr Davis and Mr Vink onto site and commenced a site inspection. Following this inspection, two notices were issued, one to Delta Group (I2004001) and one to CPB (I2004721).
 - (a) On 17 June 2020, Mr Vink and Mr Davis attended and sought entry to the Boggo Road site. Mr Vink and Mr Davis purported to enter the site pursuant to section 81(3) of the WHS Act. Once again, Mr O'Donnell and Mr Cash attended and led Mr Vink and Mr Davis onto site. WHSQ issued three notices, two to CPB (I2004722 and I2004002) and one to Kenny Constructions (I2004723).
 - (b) On 18 June 2020, Mr Vink and Mr Davis attended and sought entry to the Woolloongabba site. Mr Vink and Mr Davis purported to enter the site pursuant to section 81(3) of the WHS Act. Mr Cash and Paul Kitchener (**Mr Kitchener**), WHSQ Inspectors, then attended site and led Mr Vink and

Mr Davis onto site. WHSQ issued two notices to CPB (I2024102 and F2006165).

- (c) On 22 June 2020 at 8:20am, Justin Steele (**Mr Steele**) and Kurt Pauls (**Mr Pauls**), CFMEU officials, attended and sought entry to the Albert Street Station site. Mr Steele and Mr Pauls purported to enter the site pursuant to section 81(3) of the WHS Act. Mr Cash and John Azcune, WHSQ Inspectors, then attended site and led Mr Steele and Mr Pauls onto site. WHSQ issued one notice to CPB (F2000156).
 - (d) On 23 June 2020 at 8.40am, Mr Steele and Mr Pauls attended and sought entry to the Boggo Road site. Mr Steele and Mr Pauls purported to enter site pursuant to section 81(3) of the WHS Act. Mr Kitchener and Travis Dungey (**Mr Dungey**), WHSQ Inspectors, then attended site and led Mr Steele and Mr Pauls onto site. WHSQ issued two notices to CPB (I2024106 and I2013511).
30. On 20 July 2020, after this repeated pattern of purported entries sought under section 81(3) of the WHS Act I wrote to Marc Dennett (**Mr Dennett**), then Executive Director, WHS Compliance & Field Services, OIR (Letter to WHSQ) on behalf of CPB.
31. I sought to clarify the legal basis on which the CFMEU officials were entitled to enter the worksites and the Inspectors' role and powers in insisting that the CFMEU officials be allowed to enter and remain on the sites with them, while they undertook general site walks. CPB requested an internal review of the notices issued by the Inspectors on the occasions when the CFMEU officials were on the premises.
32. A copy of the Letter to WHSQ is **Annexure GS-2 at pages 5 to 11** of the Bundle.
33. On 28 July 2020, Mr Dennett replied to the Letter to WHSQ by email (**Response by WHSQ**), copying Helen Burgess (**Ms Burgess**), then Director, Construction Compliance and Field Services, Work Health and Safety Compliance and Field Services, for OIR.
34. A copy of the Response by WHSQ is **Annexure GS-3 at pages 12 to 16** of the Bundle.
35. The Response by WHSQ outlined the following:
- (a) Mr Davis, Mr Vink, Mr Steele and Mr Paul had changed their employment from the federally registered CFMEU to the state registered Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland (**CFMEUQ**).
 - (b) The CFMEUQ was not an organisation for the purposes of section 494 of the *Fair Work Act 2009* (Cth) (**FW Act**). As such, the CFMEUQ did not need to comply with Part 3.4 of the FW Act in order to enter workplaces as a representative pursuant to section 81(3) of the WHS Act.
36. The Response by WHSQ did not, in CPB's view, adequately address the matters raised by CPB in its Letter to WHSQ. On this basis, I replied on behalf of CPB on 19 October 2020 to the Response by WHSQ (**Reply Letter to WHSQ**). In CPB's view, there remained an unanswered question that a right of entry under section 81(3) of the WHS Act, is not a general right of entry. CPB sought to establish a common understanding of this important statutory provision with the WHSQ. CPB reiterated

its request for all notices issued by the Inspectors on the seven occasions to be subject to internal review.

37. A copy of the Reply Letter to WHSQ is **Annexure GS-4 at pages 17 to 20** of the Bundle.
38. I do not recall receiving a formal response to that correspondence.
39. From CPB's perspective, its concerns regarding the operation of section 81(3), the legality of the entries sought under this section and notices issued by WHSQ during these entries remained unresolved.
40. Around the time of July 2020 to October 2020, I received about half a dozen to a dozen phone calls direct from Ms Burgess. During these phone calls, I recall that Ms Burgess was audibly upset with me about CPB not allowing "permit holders" onto CRR Project worksites and Ms Burgess having to send out WHSQ inspectors. Ms Burgess told me to "*sort it out*".
41. Ms Burgess' phone calls to me would happen contemporaneously with CFMEU officials seeking to gain entry to the CRR Project. I did not initiate contact with Ms Burgess, nor was I aware that CPB was attempting to seek WHSQ's assistance. I inferred that it was the CFMEU who was notifying WHSQ, and by virtue of this, Ms Burgess, about their attendance to site.
42. As there continued to be unanswered questions about rights of entry by the CFMEU, and the powers of the Inspectors during such entries, I travelled to Maroochydore to visit Mr Dennett for the purpose of resolving them.
43. I was verbally advised by Mr Dennett at that meeting to take the matter to the Fair Work Commission.

Scaffolding Incident and the "Safety Reset"

44. On 25 July 2023, a worker fell from scaffolding at the Boggo Road site of the CRR Project.
45. Nation Kouka (**Mr Kouka**) fell from the top deck of the AT-PAC ringlock modular scaffold that was being constructed, adjacent to the formwork and steelwork for the construction of concrete wall 71 (**Scaffolding Incident**). Mr Kouka was an employee of a subcontractor on site, Kenny Constructions (Aust) Pty Ltd.
46. Mr Kouka was taken by ambulance to Princess Alexandra Hospital to be treated for severe injuries.
47. During Mr Kouka's recovery in hospital, I attended the hospital every night. I checked in regularly with Mr Kouka's family. I was focused on ensuring that Mr Kouka and his family were supported by CPB during his medical treatment and in his recovery.
48. This was a distressing time for Mr Kouka, his family and his fellow workers on site. It is very traumatic whenever serious injury occurs on a construction site.
49. As soon as I received notice of the Scaffolding Incident on 25 July 2023, I travelled to the Boggo Road site. My immediate objective at that point was to ensure CPB acted properly and lawfully in terms of assisting any investigations into the Scaffolding

Incident and to ensure CPB gave its full cooperation to WHSQ, Queensland Police (QPS) and any other authority that had a role in understanding what had happened.

50. WHSQ, QPS and the OIR Engineering Unit attended the Boggo Road site, following which WHSQ issued:
 - (a) a verbal prohibition issued by Mr Dungey, prohibiting access to the scaffold at wall 71, followed by a written prohibition notice; and
 - (b) a non-disturbance notice issued by Investigator Natalie Harrison, for a period of 24 hours.
51. Further to the above, CPB also implemented a safety pause on all sites, as well as a safety check in relation to all scaffolding on site.
52. Following the conclusion of the CPB investigation and its findings, CPB determined that no changes were required to its safety processes and systems.
53. However, between 26 and 31 July 2023, the CFMEU, in conjunction with a block of building unions known as the Building Trades Group, organised industrial action on the CRR Project sites.
54. This action included stopping work on all CRR Project sites and blocking access, either by placing chains across entry gates or stationing officials at entry blocks to prevent entry. Several unidentifiable workers stood at entrances seeking to threaten or intimidate workers from entering CRR Project worksites.
55. Throughout this period, I attended CRR Project worksites generally to support various managers and senior staff members. On many occasions, I attended the Boggo Road site to meet with Justin Griffin (**Mr Griffin**), one of our Project Managers. Mr Griffin and I undertook many site walks of the Boggo Road site (where the Scaffolding Incident had occurred).
56. During one of these site walks, when Mr Griffin and I arrived at the lunchroom, Dean Rielly (**Mr Rielly**), a CFMEU official, walked up unannounced and approached me. No one introduced us, so I assumed that Mr Rielly must have known, or worked out, who I was.
57. In an aggressive manner, Mr Rielly yelled at me about the emergency response plan post the Scaffolding Incident and stood within an inch from my face. I told Mr Rielly that CPB was going to do what was right as the principal contractor and that we will always put work health and safety first. At the time of this interaction, we were in the packed lunchroom filled with other workers. As Mr Rielly did not stop and kept berating me, I walked away from the situation. I felt that this aggressive, hostile and bullying behaviour was unnecessary and counter-productive and only done to grandstand in front of the workers.
58. There appeared to be no sign that the CFMEU would allow work to resume on the CRR Project sites unless their demands were met. On 28 July 2023, I attended a "safety reset" meeting for the CRR Project at the CPB head office in Fortitude Valley (**Safety Reset**).
59. I saw the purpose of the meeting as being to reach a resolution to return workers to work on the CRR Project, following the Scaffolding Incident.

60. I remember that the attendees for the Safety Reset included:
- (a) Jason Spears, Managing Director, Don Johnson, Chief Operating Officer and me on behalf of CPB.
 - (b) Michael Ravbar (**Mr Ravbar**) and Jade Ingham (**Mr Ingham**) on behalf of the CFMEU.
 - (c) Peter Ong on behalf of the ETU; and
 - (d) Stacey Schinnerl from the AWU.
61. There were others union officials/members present as well.
62. Not having been involved in such a large-scale union meeting before, I found the meeting quite hostile at times with people raising their voices to talk over Mr Spears and Mr Johnson, in an effort to make a point. I do not recall exactly what was said, but from CPB's perspective we needed to get the Project back up and running and Mr Ingham, Mr Ravbar and Mr Ong were not interested.
63. After the Safety Reset, the demands that CPB had agreed to were implemented. This included hiring the CFMEU's nominated health and safety representatives. I was not involved in the process of employing these nominated representatives. I understood that this was a demand from Mr Ingham and Mr Ravbar and without agreeing to having these CFMEU representatives on site, Mr Ingham and Mr Ravbar would not allow works to re-start. I personally did not think that the twelve representatives would make the sites any safer than they were.
64. Another thing that happened after the Scaffolding Incident is that the CFMEU pushed for CPB to review all Safe Work Method Statements (**SWMS**) and to have every worker on the TSD Package of the CRR Project sign every SWMS. This caused delay for the CRR Project, because the CFMEU pushed for workers not to return until every worker had signed every SWMS.
65. This was an unusual demand, because it meant that we had workers signing onto SWMS that had nothing to do with the work the worker performed. For example, we had cleaners signing onto the SWMS for how to operate a tower crane. This creates confusion for workers executing SWMS that do not relate to their scope of work.

Escalation of CFMEU hostility

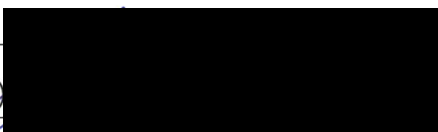
66. After the Safety Reset, the CRR Project experienced a notable escalation in the industrial campaign levelled against CPB by the CFMEU. This included disruption on site, pickets, and attacks on our workers. There was a notable sense from our workforce on site, as reported into management, that the industrial situation on site was becoming increasingly tense and had the potential to become dangerous because of the attitude and behaviour of the CFMEU.
67. I have had to cross picket lines set up on the CRR Project on multiple occasions, including at the Boggo Road worksite, Exhibition Station worksite and Albert Street worksite. The picket lines were manned by people wearing hoods, masks and dark glasses, to obscure who they are. The people manning the picket line behaved in a particularly aggressive and intimidatory manner.

68. In early May 2024, I attempted to cross the picket line at Boggo Road. During that interaction, a group of people blocked my access and asked me “*Where do you think you’re going*”. I replied, “*I am going down there*”, to which they repeatedly told me “*No you are not*”.
69. On another occasion, as I tried to enter the Boggo Road site. One of the men on the picket line called me gay because I was wearing a pink coloured shirt. I replied, “*Look you have been here for four hours. Surely, you’ve got something better than that.*”
70. As the conduct of the CFMEU continued to escalate, on 31 July 2024, I am aware that a worker on the CRR Project was attacked outside his home. A decision was made by CPB to provide formal notification to various institutions about the conduct. This letter was drafted and then sent out by CPB’s General Counsel at the time, Lindsey Broadley (**Mr Broadley**). As Ms Broadley has since departed CPB, I have included these letters as part of my Statement so that the Commission has a record of them.
71. A copy of these letters are **Annexure GS-5 at pages 21 to 47** of the Bundle.
72. Further, as various other behaviours by the CFMEU continued to present a concern to CPB, Ms Broadley sent a letter to the Administrator of the CFMEU on 24 October 2024. As Ms Broadley has since departed CPB, I have also included this letter as part of my Statement so that the Commission has a record of it.
73. A copy of Ms Broadley’s letter dated 24 October 2024 is **Annexure GS-6 at pages 48 to 54** of the Bundle.

I swear the contents of this statement are true.

Signature of Deponent 

Place Sydney Date 21/04/2026

Before me (signature of witness) 

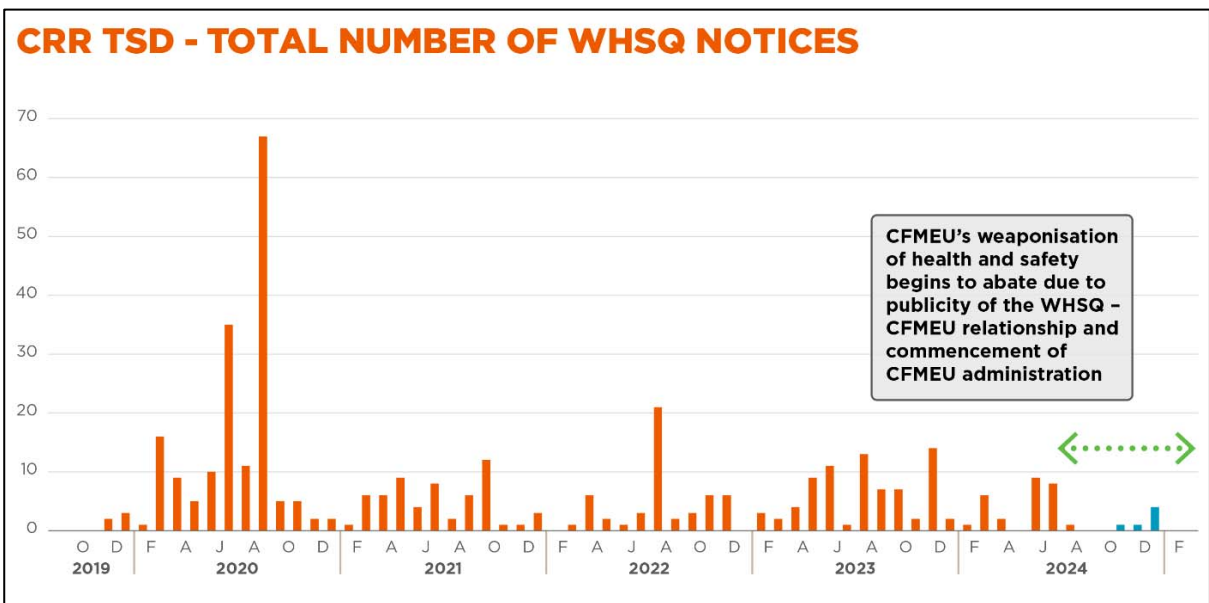
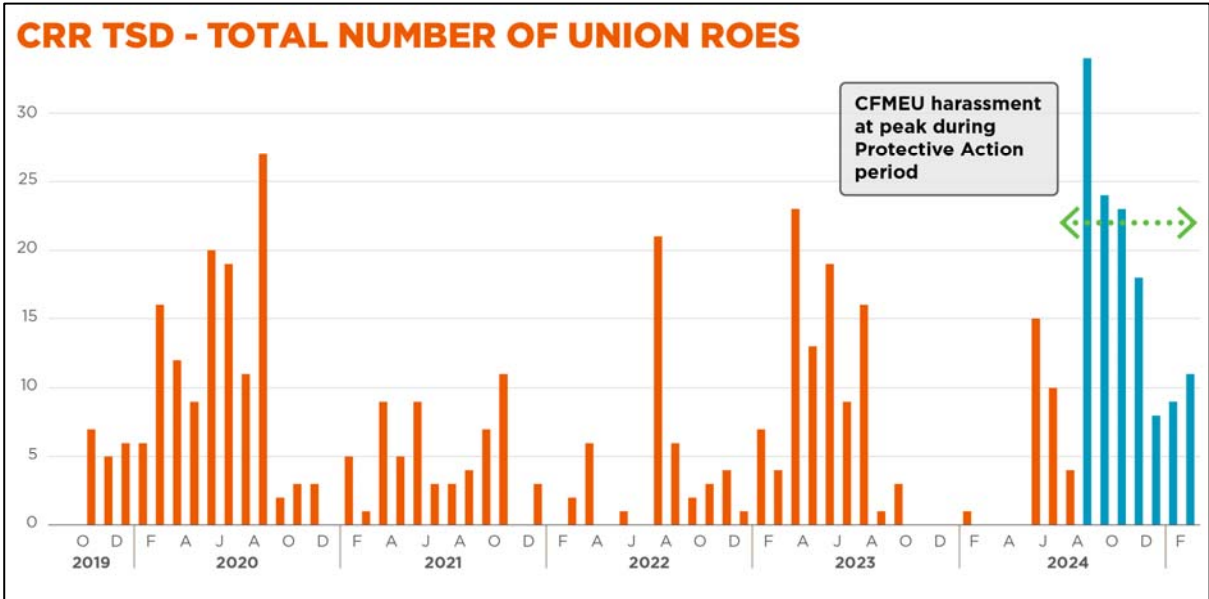
Laura Driscoll
Full name of witness (please print)

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

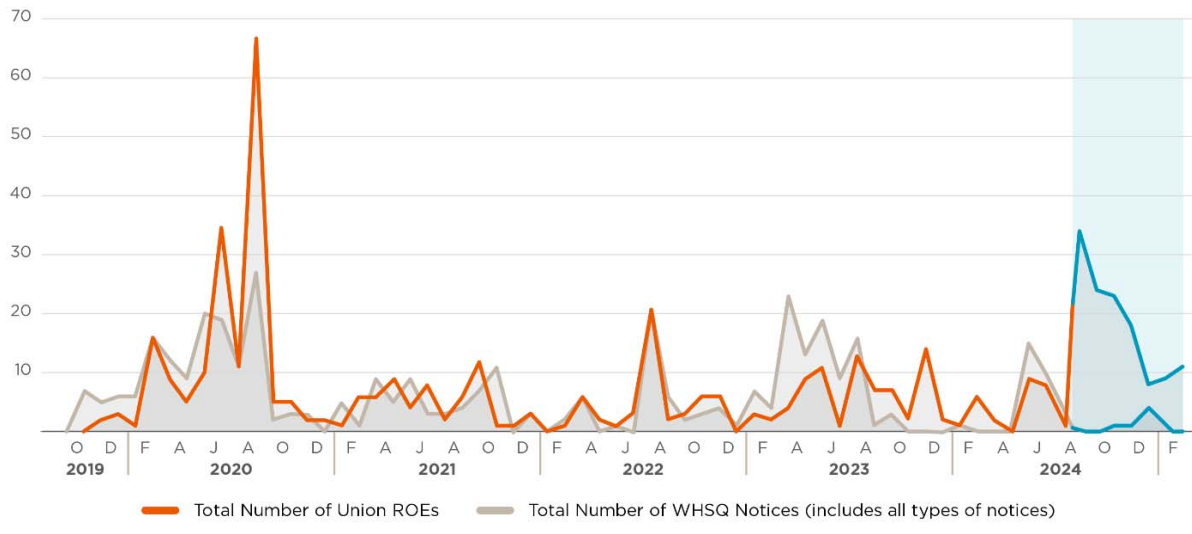
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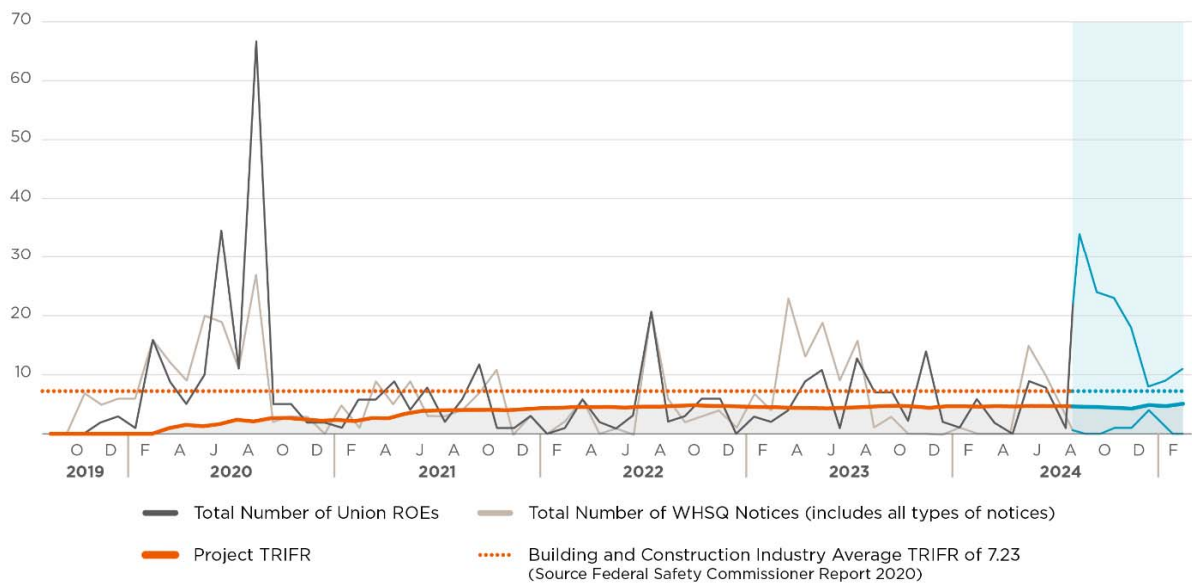
Bundle of Documents to
Statement of Graeme Silvester



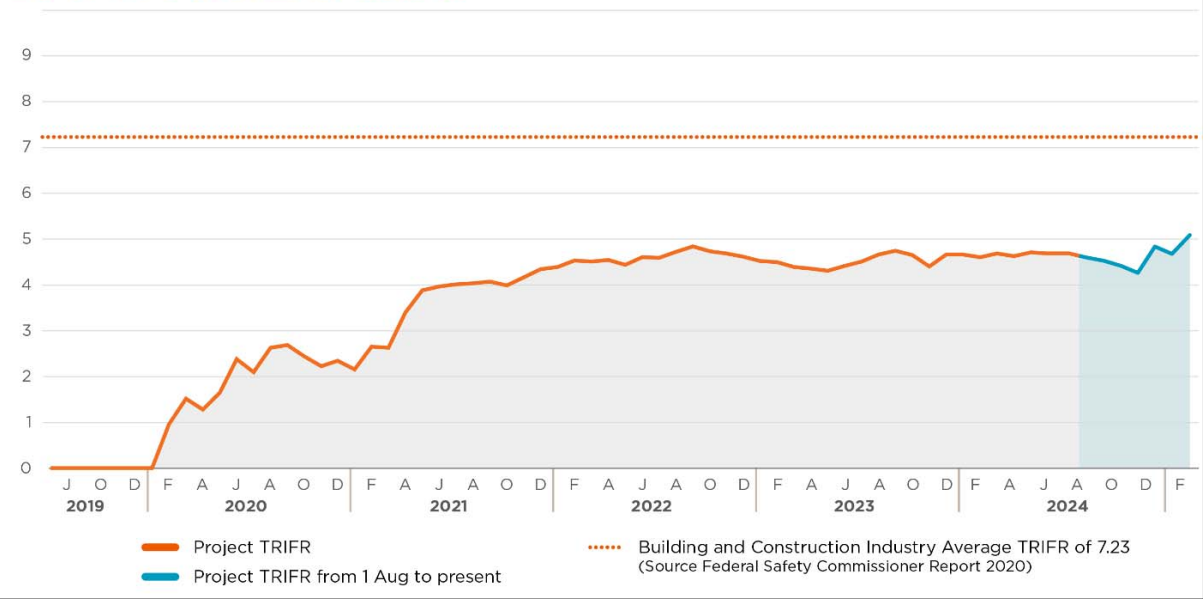
COMBINED - WHSQ NOTICES AND UNION ROES



WHSQ NOTICES AND UNION ROES & TRIFR



LIFE OF PROJECT TRIFR



20th July 2020

Marc Dennett
Executive Director
WHS Compliance & Field Services
Office of Industrial Relations, WHSQ



Dear Marc

Clarification Sought – Section 81(3) Rights of Entry

Background

As you know CPB Contractors Pty Ltd (CPB) is the Principal Contractor on the Cross River Rail (TSD Package). CPB remains at all times dedicated to ensuring safe workplaces for all of its employees and contractors.

CPB is also a “Building Industry Participant” and regularly undertakes work that involves significant Federal Government funding. In that capacity CPB is required to be (and remain) compliant with the *Code for the Tendering and Performance of Building Work 2016 (Code)*, the *Building and Construction Industry (Improving Productivity) Act 2016*, the *Fair Work Act 2009 (Cth) (FW Act)*, and other applicable Commonwealth and State legislation.

As you would appreciate, the commercial consequence for CPB (and in turn its employees and contractors) should it fail to adhere to the Code, includes the loss of the opportunity to undertake construction work that involves Commonwealth funding.

Section 14(1) of the Code provides that:

“A code covered entity must, in relation to premises where building work is performed, comply with all laws of the Commonwealth and each relevant State and Territory to which the entity is subject that give a right of entry permit holder a right to enter premises where work is performed.”

In addition, section 14(2) of the Code provides that a code covered entity must, so far as is reasonably practicable, ensure that:

“Entry by an officer of a building association to premises where building work is performed **must be for a purpose for which a right of entry could be exercised** under Part 3-4 of the FW Act or a relevant work health and safety law.”

“When an officer of a building association seeks to enter premises, the officer must strictly comply with all applicable legislative requirements in Part 3-4 of the FW Act or a work health and safety, including permit and notice requirements”.

20202007MD

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Section 81(3) of the *Work Health and Safety Act 2011* (QLD) (**Act**) however is not a State law “that gives a right of entry permit holder a right to enter” for the purposes of section 14(1) of the Code. This is because section 81(3) of the WHS Act gives the specific right of entry (albeit for the limited purpose of “...**attending discussions with a view to resolving the issue**”) to a representative of a party to a health and safety issue in certain limited circumstances.

Given this, the Code does not place any additional obligations on a code covered entity other than being required to limit the right of entry so that it is strictly in accordance with section 81(3).

In its capacity as the Principal Contractor CPB has exclusive possession of the various sites relating to that project.

As the party with exclusive possession of those sites, the only persons who can lawfully enter the sites are:

- A person with a license to enter (such as a subcontractor);
- A person who enters with CPB’s consent and/or authority (such as a CPB employee or an invited guest); or
- A person who has a lawful right or power to enter (such as an Inspector exercising a right of entry under section 165 of the Act).

Recent events:

Of recent times CPB has had officers of the CFMEU-Qld (**Officials**) attend its sites on the Cross River Rail Project (**CRR Project**) purporting to exercise rights pursuant to section 81(3) of the Act, not in their capacity as employees and officers of the CFMEU-Qld, but in their capacity as, they assert, “members of the public” representing workers on the site.

On each occasion that this has occurred, the following events have transpired:

1. Inspectors from the Regulator have attended site at the request of the Officials pursuant to section 82 of the Act;
2. CPB has informed the Inspectors of its view that the Officials are not entitled to enter the premises because the provision of section 81(3) of the Act do not have application to the Officials;
3. The Inspectors have permitted the Officials to enter the premises;
4. The Inspectors and the Officials have entered the premises and undertaken, what have been described by the Inspectors as general “Site Walks”. We note that this has occurred notwithstanding that section 81(3) grants a right of entry to a party for the limited purpose of “...attending discussions with a view to resolving the issue”;
5. These Site Walks have varied in duration, but on some sites these Site Walks have lasted for up to 6 hours and resulted in certain Notices being issued by Inspectors.

There are many areas of concern that arise from the events described above:

1. **The Officials are not persons to whom section 81(3) of the Act applies:**
 - i. When the Officials attended CPB sites and purported to exercise rights pursuant to section 81(3) of the Act, they expressly asserted that they did not do so in their capacity as union representative but rather in their capacity as “members of the public” representing workers on the site;
 - ii. On one occasion the Officials said “...any person, including the butcher down the road, can raise a concern”;
 - iii. However, this is clearly not correct. The right to enter a workplace under section 81(3) is limited only to a “representative of a party”;

- iv. The only possible relevant part of the definition of “party” as defined by section 80(1) of the Act is “...the worker...or their representative”;
- v. Schedule 5 of the Act defines “representative” to mean:
 - (a) The health and safety representative for the worker; or
 - (b) A union representing the worker; or
 - (c) Any other person the worker authorizes to represent him or her
- vi. Because the Officials expressly informed CPB that they did not seek to enter in their capacity as a union representative, the only possible element of the definition of “representative” that could have any application is “...any other person the worker authorizes to represent him or her” [Emphasis added];
- vii. At no time did the Officials provide any evidence to CPB that they had been “authorised” by any worker, in their capacity as “members of the public” to represent them for the purposes of the entry that they sought to exercise;
- viii. In the absence of any evidence of any relevant “authority” having been given by a worker to the Officials in their capacity as “members of the public”, no right to enter could properly be presumed to arise under section 81(3) or any other relevant provision of the Act;
- ix. Even if the Officials were a party within the meaning of the section (which is denied), the Officials asserted that they wish to raise concerns regarding health and safety on the sites, but on each occasion, there was no evidence of those issues having arisen at the workplace, as required by section 81(1). In particular, there was no record of a dispute on the sites having been raised in the normal manner using the sites well developed health and safety processes, such as the HSR Committee, being raised at pre-start meetings or being raised by a worker;
- x. Furthermore, because the concerns could not be articulated with any precision, it was impossible for any discussion to be undertaken in accordance with any dispute settlement process that could “resolve” the alleged concerns;
- xi. When the Officials were asked who they were representing, they refused to identify any particular person. On one occasion the Officials responded by asserting that “...they could be representing anyone”;
- xii. When the Inspectors attended the sites, they enquired whether the alleged “issue” the subject of the Officials’ purported exercise of entry rights under section 81(3) had been resolved by application of the disputes procedure;
- xiii. For the reasons set out above, CPB contends that the Officials (in their asserted capacity as “members of the public”) had no legal standing pursuant to section 81 to raise any “issue” in relation to WH&S or otherwise at the workplace because they were not a “party” or a “representative” of a party within the meaning of the section. Accordingly, the dispute procedure was not applicable to them and was not required to be implemented;
- xiv. In addition, because there was no evidence of any safety dispute or concern having been raised on the sites, other than the general “concerns” that these self-described “members of the public” were raising, no relevant “issue” could said to have existed (within the meaning of section 81) that would have entitled any person to enter the sites under section 81(3), or otherwise;
- xv. To be clear, the provisions of section 81 applies only to a “party” as defined;

- xvi. If the view is held within the Regulator or amongst the Inspectors that this section creates a right of entry that applies generally to any “member of the public”, we would be grateful if you could clarify the basis on which this is so;
- xvii. If the view is held by the Regulator that this section creates a right of entry for the purpose of undertaking a general “Site Walk” rather than for the limited purpose referred to in section 81(3) of “...for the purpose of attending discussions with a view to resolving the issue”, we would again be grateful if you could clarify the basis on which this is so;
- xviii. If we are correct in our view, it also follows that any request that was made by the Officials to the Regulator to appoint an Inspector to attend the workplace was not a request to which section 82 had application, or could have had application, because that section only applies to the resolution of a WH&S “issue” that is raised by a “party”. That section does not apply to a WH&S issue raised by a “member of the public” who has not been duly “authorised” by a relevant worker at the workplace;
- xix. When the Inspectors attended the workplace and were informed by the Officials of the alleged “issue”, it is CPB’s understanding that the Inspectors did not first determine whether the Officials had the requisite legal standing under section 81(3). CPB is concerned that, had that issue been considered, the Inspectors would have been bound to determine that there was no relevant “party” or “issue” under section 81 that could have enlivened their dispute settlement powers under section 82 in respect of the Officials;
- xx. In the absence of any relevant “party” or “issue” the Inspectors’ attendances at the premises were not attendances to which section 82 could apply;
- xxi. In the circumstances, CPB is concerned that if the Inspectors entered the workplace for the purpose of exercising powers or functions under section 82, they may have done so in error;
- xxii. Furthermore, CPB is also concerned that if the Inspectors entered the sites under section 165 (rather than section 82), the Inspectors had no power or relevant authority to insist that the Officials enter and remain on the sites unless the Inspectors had exercised their powers under section 166 of the Act. In this regard we note that in a telephone discussion between Ms Helen Burgess and Mr Malcolm Davis of Mills Oakley that occurred on Friday 26 June 2020, Ms Burgess advised that the Inspectors did not exercise their powers under section 166 to bring the Officials onto the sites on any of the occasions referred in this correspondence;
- xxiii. In addition, the above we note that the Inspectors could not have purported to exercise any powers under what was section 141A of the Act because the Officials were not “permit holders” for the purposes of that section.

2. On what basis could it be said that the Officials were lawfully permitted to be on the premises in absence of CPB’s consent or authority and what are the consequences of this:

- i. In summary, for the reasons set out above CPB is concerned that:
 - i. The Officials were not a “party” for the purposes of section 81;
 - ii. The Officials were not “representatives” of a “party” because they did not assert and could not establish that in their capacity as “members of the public” they were duly authorised by a worker at the workplace to be their representative;
 - iii. Because the Officials were not a “party” and they were not “representatives”, they did not have legal standing to raise an “issue” under section 81 of the Act;

- iv. Because the Officials could not raise an “issue” under section 81 of the Act, no relevant “dispute” arose for the purposes of section 81 to which the dispute resolution process could or should have been applied;
 - v. Because the Officials were not a “party” or a “representative” of a party and no “issue” arose under section 81, the Officials did not have legal standing to make a request of the Regulator under section 82(2) of the Act and as a consequence the Regulator had no legal standing under section 81(2) to appoint an Inspector to attend the workplace to assist in resolution of the “issue”.
- ii. We note that the Inspectors attended the workplaces at the request of the Officials in relation to an issue under section 81 and thereafter purported to enter the workplaces and instructed CPB that the Officials were not to be prevented from entering the workplace with them;
 - iii. Importantly, the Inspectors informed CPB that they held the view that they were required by the provisions of the Act to permit the Officials to enter the site with the Inspectors;
 - iv. CPB did not consent or authorize the Officials to enter and remain on the sites;
 - v. In accordance with its statutory duties and obligations, CPB did not obstruct or hinder the Inspectors in their entry to the sites;
 - vi. After the Inspectors and the Officials entered the workplaces:
 - i. They did not explore the settlement of any “issue” that had been identified by the Officials, nor did they make any attempt to enter into any discussions with CPB to resolve the alleged issue, as contemplated by the limited right of entry under section 81(3);
 - ii. A general Site Walk of the workplace took place; one sight site walk lasted 6 hours.;
 - iii. No specific alleged WH&S issue or concern was being addressed by the Site Walks;
 - iv. So far as CPB could discern, the Officials were not providing any relevant assistance to the Inspectors.

CPB is not otherwise aware, given the circumstances outlined above, of any statutory power under the Act that would have entitled the Inspectors to permit the Officials to enter CPB’s premises and remain without CPB’s authority or consent.

Given all the above, we respectfully request the following:

- 1) Clarification of the legal basis on which, in circumstances such as those recorded above and in the attached schedule, the Officials are entitled to enter the workplace;
- 2) Clarification of the Inspectors’ role and powers in insisting that the Officials be allowed to enter and remain on the sites with them while they undertook general site walks;
- 3) Consideration as to whether, in light of the matters raised in this letter (and of course subject to your clarification of the matters requested) all of the Notices issued by the Inspectors on the occasions when the Officials were on the premises in the circumstances outlined above, be the subject of Internal Review and, if CPB’s understanding of the legal position as outlined in this letter is correct, be cancelled by the Regulator.

For your assistance we have attached a schedule identifying each occasion on which the rights of entry were purported exercised pursuant to section 81(3), the site affected, the date and time that the Officials and the Inspectors entered, the Officials involved, the Inspectors who attended and the Notices that were subsequently issued.

Given the nature of the issues that arise, I would welcome your early response and clarification of these issues. If it would be helpful to have a discussion before you respond, please let us know; we would appreciate any opportunity to build on our relationship with the Regulator.

Yours sincerely

CPB CONTRACTORS PTY LIMITED



Graeme Silvester

General Manager, SHEQ & Sustainability

Schedule

Site where the Officials entered without authority or consent	Date and time	Names of Officials	Names of Inspectors	Notices issued by Inspectors/Reference number
Roma St Station	15 June 2020 at 8.20am	Michael Davis and Scott Vink	Chris O'Donnell and Lewis Cash	<ul style="list-style-type: none"> I2004001 (issued to Delta Group) I2004721 (issued to CPB Contractors)
Roma St Tunnel	16 June 2020 at 8am	Michael Davis and Scott Vink	Chris O'Donnell and Lewis Cash	No Notice
Boggo Road	17 June 2020 at 8.40am	Michael Davis and Scott Vink	Chris O'Donnell and Lewis Cash	<ul style="list-style-type: none"> I2004722 (issued to CPB Contractors) I2004002 (issued to CPB Contractors) I2004723 (issued to Kenny Constructions)
Gabba Site	18 June 2020 at 8.33am	Michael Davis and Scott Vink	Paul Kitchener and Lewis Cash	<ul style="list-style-type: none"> I2024102 (issued to CPB Contractors) F2006165 (issued to CPB Contractors) F2000156 (issued to CPB Contractors)
Albert St Station	22 June 2020 at 8.20am	Justin Steele and Kurt Paul	John Azcune and Lewis Cash	No Notice
Albert St Tunnel	22 June 2020 at 12.40pm	Justin Steele and Kurt Paul	John Azcune and Lewis Cash	No Notice
Boggo Road	23 June 2020 at 8.40am	Justin Steele and Kurt Paul	Paul Kitchener and Travis Dungey	<ul style="list-style-type: none"> I2024106 (issued to CPB Contractors) I2013511 (issued to CPB Contractors)

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Toby Walthall

From: Silvester, Graeme [REDACTED]
Sent: Tuesday, 20 October 2020 8:26 AM
To: Marc Dennett
Subject: RE: Response to your correspondence dated 20 July 2020
Attachments: 20201019 Letter to Marc Dennet_Section 81(3) Rights of Entry [signed].pdf

Hi Marc

Thank you for the email response, below. I apologise for not responding earlier. Please find attached a letter requesting further clarification / consideration.

Regards, *Graeme*

Graeme Silvester

General Manager, SHEQ & Sustainability



cpbcon.com.au



From: Marc Dennett [REDACTED]
Sent: Tuesday, 28 July 2020 4:52 PM
To: Silvester, Graeme [REDACTED]
Cc: Helen Burgess [REDACTED]
Subject: Response to your correspondence dated 20 July 2020

CAUTION: This email originated from outside of the Organisation.

Dear Graeme

Thank you for your email with the correspondence dated 20 July 2020.

I acknowledge you have sought either clarification or consideration of the following:

1. The legal basis on which, in the circumstances referenced in your correspondence, the officials were entitled to enter the workplace.
2. The inspectors' role and powers on the relevant occasions.
3. Whether the enforcement notices issued on these occasions would be reviewed and or cancelled by OIR.

I can advise the following:

In late January 2020 and early February 2020, the Construction, Forestry, Mining and Energy Union advised the Office of Industrial Relations (OIR) that a number of their officials had changed their employment. These officials were previously employed by the federally registered Construction, Forestry, Maritime, Mining and Energy Union. Effective from that time, these officials were now solely employed by the state-registered Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland (the CFMEUQ).

The CFMEUQ is not an 'organisation' for the purpose of s.494 of the *Fair Work Act 2009 (Cth)* because it is not registered under the *Fair Work (Registered Organisations) Act 2009 (Cth)*. Accordingly, the CFMEUQ Officials do not need to comply with Part 3.4 of the *Fair Work Act 2009 (Cth)* in order to enter workplaces as a representative pursuant to s.81(3) of the *Work Health and Safety Act 2011 (the Act)*.

The four officials who attended the CPB sites, were at that time and remain, employees of the CFMEUQ.

As such, when an employee of the CFMEUQ purports to be attempting to enter a workplace under s. 81(3) of the Act and seeks assistance from OIR under s. 82 of the Act; WHSQ Inspectors will attend the workplace to make further enquires and, if the entry is found to be valid, look for resolution of the issues.

On the six occasions referred to in your correspondence the inspectors were entering the workplace and exercising powers under s. 165 of the Act.

I am advised that on 15 June 2020, WHSQ Inspectors attended CPB's Cross River Rail project at Roma Street Brisbane. The inspector's attendance was due to the two officials, you refer to in your correspondence, advising OIR they had attempted to enter the site under s. 81(3) and were denied entry by representatives of CPB. The officials advised they were worker representatives seeking entry to address unresolved issues relating to unsafe access and egress, and inadequate signage.

I am advised that on 16 June 2020, WHSQ Inspectors attended CPB's Cross River Rail project at Roma Street Brisbane. The inspector's attendance was due to the two officials, you refer to in your correspondence, advising OIR they had attempted to enter the site under s. 81(3) and were denied entry by representatives of CPB. The officials advised they were worker representatives seeking entry to address unresolved issues relating to inadequate emergency signage, unsafe access and egress, and inadequate traffic management.

I am advised that on 17 June 2020, WHSQ Inspectors attended CPB's Cross River Rail project at Boggo Road Dutton Park. The inspector's attendance was due to the two officials, you refer to in your correspondence, advising OIR they had attempted to enter the site under s. 81(3) and were denied entry by representatives of CPB. The officials advised they were worker representatives seeking entry to address unresolved issues relating to inadequate delineation between people and plant, inadequate signage for traffic management, and unsafe access and egress.

I am advised on 18 June 2020, WHSQ Inspectors attended CPB's Cross River Rail project at Woolloongabba Station. The inspector's attendance was due to the two officials, you refer to in your correspondence, advising OIR they had attempted to enter the site under s. 81(3) and were denied entry by representatives of CPB. The officials advised they were worker representatives seeking entry to address unresolved issues relating to unsafe access and egress, unhygienic amenities, and non-compliant hazardous chemical storage.

I am advised that on 22 June 2020, WHSQ Inspectors attended CPB's Cross River Rail project at Albert Street Brisbane. The inspector's attendance was due to the two officials, you refer to in your correspondence, advising OIR they had attempted to enter the site under s. 81(3) and were denied entry by representatives of CPB. The officials advised they were worker representatives seeking entry to address unresolved issues relating to unsafe access and egress, non-compliant scaffold, inadequate traffic management, non-compliant hazardous chemical storage, and risks of falling objects.

I am advised that on 23 June 2020, WHSQ Inspectors attended CPB's Cross River Rail project at Boggo Road Dutton Park. The inspector's attendance was due to the two officials, you refer to in your correspondence, advising OIR they had attempted to enter the site under s. 81(3) and were denied entry by representatives of CPB. The officials advised they were worker representatives seeking entry to address unresolved issues relating to unsafe access and egress, non-compliant hazardous chemical storage, inadequate first aid, and risks of falling objects.

The things an Inspector needs to consider when forming a reasonable belief on this matter are as follows:

The WHS Act, as your correspondence also stated, defines a representative in relation to a worker as: a) the health and safety representative for the worker; or b) a union representing the worker; or c) any other person the worker authorises to represent them.

For the purposes of entry under s. 81 of the WHS Act on a CPB site, the employees of the CFMEUQ are not a health and safety representative for the worker. Nor are they a union representing the worker given they are no longer captured under the *Fair Work Act 2009*. However, they can be any other person the worker authorises to represent them. This makes them eligible to be a representative of a party to a WHS matter.

A party to an issue or a representative of a party can be involved in the issue resolution process. Any party to the issue may commence the formal issue resolution procedure by telling each other party that there is an issue to be resolved and the nature and scope of the issue. OIR's position is that as the representative of the worker they can raise the matter on the workers behalf, without disclosing the name/s of the worker/s.

As soon as parties are told of the issue, all parties must meet or communicate with each other to attempt to resolve the issue. A representative of a party to an issue may enter the workplace for the purpose of attending discussions with a view to resolving the issue. It is OIR's position that if the unresolved WHS issue relates to a thing on the construction site, without all parties viewing the WHS issue in dispute it is not possible to resolve the issue. This does not provide for entry to undertake an assessment of the entire site, but rather to walk through the site to allow the parties to view the unresolved issues as raised at the time of entry.

All things considered, on these six occasions, the inspectors formed a reasonable belief that the officials were making a valid entry under s. 81(3).

OIR does not agree with CPB's assertion that the officials were acting unlawfully. However, given CPB's assertion in this regard it should consider exercising its right to lodge an application to have the dispute heard by the Queensland Industrial Relations Commission under s 102B of the WHS Act, and or other available mechanisms.

As a result of their attendance on 15 June 2020, the inspectors did not identify any issues with inadequate signage.

The inspectors substantiated issues with the unsafe access and egress and issued one improvement notice.

The inspectors identified additional non-compliances relating to falling objects and lighting and issued further improvement notices, one for each issue.

As a result of their attendance on 16 June 2020, the inspectors did not identify any issues with inadequate emergency signage or traffic management.

The inspectors substantiated issues with the unsafe access and egress. Enforcement action could have been taken about these issues; however, they were rectified while the inspectors were onsite and subsequently the inspector chose not to issue notices.

As a result of their attendance on 17 June 2020, the inspectors did not identify any issues with inadequate signage for traffic management or unsafe access and egress.

The inspectors substantiated issues with the inadequate delineation between people and plant and issued one improvement notice.

The inspectors identified additional non-compliances relating to edge protection, amenities, and a hazardous chemical register. Enforcement action could have been taken about the edge protection; however, it was rectified while the inspectors were onsite and subsequently the inspector chose not to issue a notice. Two improvement notices were issued, one each for the amenities and the hazardous chemicals register.

As a result of their attendance on 18 June 2020, the inspectors substantiated all issues. One improvement notice was issued for delineation between people and plant and one infringement notice was issued for hazardous chemical storage. Enforcement action could have been taken about unsafe access and egress for two stairways to a station box, uncapped starter bars near an office, and unhygienic amenities, however they were rectified while the inspectors were onsite and subsequently the inspectors chose not to issue notices.

The inspectors identified additional non-compliances relating to plant safety. Enforcement action could have been taken; however, it was rectified while the inspectors were onsite and subsequently the inspector chose not to issue a notice.

As a result of their attendance on 22 June 2020, inspectors did not identify any issues with non-compliant scaffold or inadequate traffic management.

The inspectors substantiated issues with unsafe access and egress, non-compliant hazardous chemical storage, and risks of falling objects. Enforcement action could have been taken about these issues; however, they were rectified while the inspectors were onsite and subsequently the inspectors chose not to issue notices.

As a result of the assessment on 23 June 2020, inspectors did not identify any issues with inadequate first aid or risks of falling objects.

The inspectors substantiated issues with failing to provide eye wash facilities and issued an improvement notice. Enforcement action could have been taken about unsafe access and egress, and incompatible hazardous chemicals stored together, however they were rectified while the inspectors were onsite and subsequently the inspectors chose not to issue notices.

The inspectors identified additional non-compliances relating to amenities and issued an improvement notice.

Of the 23 unresolved issues raised by the officials 14 warranted enforcement action to be taken. This resulted in nine issues being immediately rectified, four improvement notices and one infringement notice being issued.

During these visits, seven additional non-compliances with the Act were identified by inspectors resulting in two immediate rectifications and five improvement notices being issued.

CPB can avail itself of the option to apply for a review of these improvement notices, as it has done in relation to a number of others. CPB can also choose to contest the infringement notice in a Magistrates Court. On this basis, OIR will not be cancelling these notices.

When representatives of CPB and OIR met recently it was discussed that, at that time, inspectors had substantiated 119 non-compliances on this project, 77 of them relating to work environment which is overrepresented with access and egress issues. This trending is continued throughout the six occasions you reference in your correspondence with six of the 14 non-compliances relating to access and egress. This indicates limited learnings being applied at a site level.

I would take this opportunity to remind you that falls from height, vehicle incidents and being hit by moving or falling objects remain the most represented causes of worker fatalities in the construction industry.

Five of the 21 non-compliances found on CPB's sites during these six occasions fall into known fatal mechanisms. As stated in your correspondence, I acknowledge that CPB is dedicated to ensuring safe workplaces for all of its employees and contractors. However, these are not insignificant non-compliances; they are issues that can cause fatalities.

I hope this clarifies OIR's position on the three questions you have raised, and should you have further queries please do not hesitate to contact me.

I look forward to continuing with the recent progress our organisations have made in moving things in the right direction from a health and safety perspective on site.

Regards

Marc Dennett

Executive Director

WHS Compliance and Field Services

Office of Industrial Relations



The most important reason for making your workplace safe, is not at work at all. Work Safe. Home Safe.

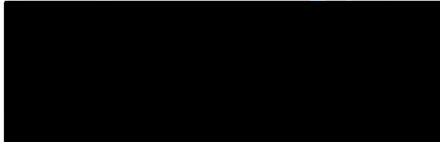
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19 October 2020

Mr Marc Dennett
Executive Director
WHS Compliance & Field Services



Dear Marc

Clarification Sought – Section 81(3) Rights of Entry

Thank you for your email dated 28 July 2020 responding to my correspondence of 20 July 2020 regarding the above issue.

Your email of 28 July 2020:-

At the commencement of your email you set out the history of what OIR was advised occurred in January 2020 and early February 2020 regarding the purported “change of employment” of certain union officials who were previously employed by the CFMMEU and who subsequently became employed by the CFMEUQ (the **CFMEUQ Employees**).

CPB does not have direct evidence of the purported change in the employment status of the above mentioned CFMEUQ Employees. If their employment did alter as OIR has been advised, CPB would agree that the CFMEUQ is not an organisation for the purpose of *Fair Work Act 2009 (Cth)* (**FW Act**) section 494, and the CFMEUQ Employees need not comply with Part 3.4 of the FW Act in order to enter a workplace as a representative under section 81(3) of the Work Health and Safety Act 2011 (Qld) (**WHS Act**).

However, CPB has a different view about the scope of rights CFMEUQ Employees might have when purporting to exercise a right of entry under WHS Act section 81(3) at any workplace occupied by CPB in the State of Queensland (**ROE**), and the role that the OIR’s Inspectors are permitted to take in relation to such ROEs. CPB would like to put its position to you for your consideration and feedback. CPB’s position is as follows:-

1. A ROE under section 81(3) of the WHS Act is not a general right of entry. In this we think you agree. Far from it, a ROE under section 81(3), if the person purporting to exercise that ROE fits within the very narrow category of person who is entitled to do so, can only enter *for the purpose* specified in subsection 3, namely “...for the purpose of attending discussions with a view to resolving the issue”.
2. “Representative”, as used in section 81(3), is a defined term of the WHS Act. It includes “(b) a union representing a worker” and “(c) any other person the worker authorises to represent him or her.”

20201019 MD

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3. Our understanding is that, on the relevant occasions, the CFMEUQ Employees specifically denied that they were acting in their capacity as union representatives, saying instead words to the effect they were "*members of the public*" and "*any person, including the butcher down the road, can raise a concern.*"
4. Before a CFMEUQ Employee (or anyone else) acting as a representative as defined in subsection (c) extracted at paragraph 2 above, could exercise a ROE under section 81(3):
 - a. A matter about health and safety at a workplace or from the conduct of a business or undertaking (**issue**) must have arisen;
 - b. The CFMEUQ Employee must have been *authorised* as a representative for the issue; and
 - c. They must be attending a discussion about the issue.
5. In your email you referred to six examples when OIR Inspectors attended workplaces occupied by CPB, at the request of CFMEUQ Employees, on the assumption that those CFMEUQ Employees were persons who had been "authorised" by a "worker affected by the issue" at the workplace.
6. With respect, CPB believes that the OIR Inspectors could not properly determine that the CFMEUQ Employees were so authorised, unless they had established:
 - a. The identity of worker/s who is/are alleged to have "authorised" them had been identified, and how they gave authorisation;
 - b. The safety issue had been identified and was in dispute; and
 - c. That the workers were relevantly "affected" by the alleged safety issue that was the subject of the dispute.
7. I note that you assert that it is OIR's position is that "*... as the representative of the worker they can raise the matter on the workers behalf, without disclosing the name/s of the worker/s.*" CPB do not agree and don't understand the legal basis for a view that there is no requirement to disclose the name/s of the worker/s.
8. CPB notes that in section 130 of the WHS Act this obligation of disclosure is removed. However, section 130 only applies to "permit holders" – and as such does not apply to the CFMEUQ Employees purporting to exercise a ROE under section 81(3), whether they are acting in a union representative capacity or not.
9. Indeed, there is very good reason why the legislature did not extend the application of section 130 to section 81(3), given that potentially any person might seek to enter under section 81(3) of the WHS Act. Given the potential for this ROE to be exploited by unknown persons who may not meet the "fit and proper" requirements that permit holders are required to meet, there is very good reason why CPB submits that the OIR's Inspectors should (in reaching their required "reasonable belief" state of mind) require the CFMEUQ Employees to provide at least the following basic details:-
 - a. The name/s of the worker/s;
 - b. The workplace at which the workers work;
 - c. How it is said that they are workers who are "affected" by the safety matter that is in dispute; and
 - d. Evidence that the workers provided authority to be represented by the CFMEUQ representative in relation to the safety matter that is in dispute.

10. In your email you assert that it is the "... OIR's position that if the unresolved WHS issue relates to a thing on the construction site, without all parties viewing the WHS issue in dispute it is not possible to resolve the issue. This does not provide for entry to undertake an assessment of the entire site, but rather to walk through the site to allow the parties to view the unresolved issues as raised at the time of entry." With respect, this ignores the very narrow ROE that is provided by section 81(3). For ease of reference the section is extracted below:-

"(3) A representative of a party to an issue may enter the workplace for the purpose of attending discussions with a view to resolving the issue."

11. CPB's position is that the ROE is very clearly limited and there is nothing in the section extracted above that envisages that a person entering under section 81(3) would be entitled to "...walk through the site to allow the parties to view the unresolved issues as raised at the time of entry".
12. If the "parties" to the disputed issue (and that necessarily includes CPB as the occupier of the Site) agreed as part of a discussion to view the location of an issue, that might permit moving through the site to see it. But it would not permit general viewing of the site, nor would it be permitted if the discussion was not being convened at that location.
13. As to the Inspector's powers, even if it were established that the CFMEUQ Employees had a section 81(3) ROE in the circumstances described in your email, the power of Inspectors does not extend to simply permitting the CFMEUQ Employees (with only limited ROE under section 81(3)) to accompany them about the site whether to assist the Inspector or otherwise.

CPB believes that it is important to share a common understanding of this important statutory provision with the Regulator. To this end, it would greatly assist CPB if you could consider the position CPB has put in this letter and advise which parts you agree with and which parts you don't agree with and, if so, why. Obviously CPB will give very careful consideration to your advice.

Finally, in light of the matters raised in this letter (and of course subject to your clarification and advice) CPB respectfully asks that in respect of all of the Notices issued by the Inspectors on the occasions when the Officials were on the premises in the circumstances outlined above, they be the subject of Internal Review and, if CPB's understanding of the legal position as outlined in this letter is correct, be cancelled by the Regulator.

Yours sincerely

CPB CONTRACTORS PTY LIMITED

Graeme Silvester

General Manager, SHEQ & Sustainability

Schedule

Site where the Officials entered without authority or consent	Date and time	Names of Officials	Names of Inspectors	Notices issued by Inspectors/Reference number
Roma St Station	15 June 2020 at 8.20am	Michael Davis and Scott Vink	Chris O'Donnell and Lewis Cash	<ul style="list-style-type: none"> • I2004001 (issued to Delta Group) • I2004721 (issued to CPB Contractors)
Roma St Tunnel	16 June 2020 at 8am	Michael Davis and Scott Vink	Chris O'Donnell and Lewis Cash	No Notice
Boggo Road	17 June 2020 at 8.40am	Michael Davis and Scott Vink	Chris O'Donnell and Lewis Cash	<ul style="list-style-type: none"> • I2004722 (issued to CPB Contractors) • I2004002 (issued to CPB Contractors) • I2004723 (issued to Kenny Constructions)
Gabba Site	18 June 2020 at 8.33am	Michael Davis and Scott Vink	Paul Kitchener and Lewis Cash	<ul style="list-style-type: none"> • I2024102 (issued to CPB Contractors) • F2006165 (issued to CPB Contractors) • F2000156 (issued to CPB Contractors)
Albert St Station	22 June 2020 at 8.20am	Justin Steele and Kurt Paul	John Azcune and Lewis Cash	<ul style="list-style-type: none"> • F2000156 (issued to CPB Contractors)
Albert St Tunnel	22 June 2020 at 12.40pm	Justin Steele and Kurt Paul	John Azcune and Lewis Cash	No Notice
Boggo Road	23 June 2020 at 8.40am	Justin Steele and Kurt Paul	Paul Kitchener and Travis Dungey	<ul style="list-style-type: none"> • I2024106 (issued to CPB Contractors) • I2013511 (issued to CPB Contractors)

20201019 MD

CPB Contractors Pty Ltd ABN 98 000 893 667

Brisbane

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Toby Walthall

From: Broadley, Lindsay
Sent: Wednesday, 31 July 2024 11:14 PM
To: [REDACTED]
Subject: Suspected unlawful/criminal conduct by the CFMEU, its officers, members and officials in Queensland
Attachments: Letter to Australian Government Solicitor - 31 July 2024.pdf; Letter to General Manager Fair Work Commission - 31 July 2024.pdf; Letter to Commissioner of the Queensland Police Service - 31 July 2024.pdf

Dear Ms Hobson

Please find attached a letter (together with attachments) regarding suspected unlawful/criminal conduct by the CFMEU, its officers, members and officials in Queensland.

We are fully prepared to assist in any way necessary so please let us know if we can provide any further information.

Regards

Lindsay Broadley

General Counsel

[REDACTED]

W cpbcon.com.au



31 July 2024

Australian Government Solicitor

Attention: Anna Hobson, Senior Lawyer

Dear Ms Hobson


Suspected Unlawful/Criminal conduct by the CFMEU, its officers, members and officials in Queensland

We understand that the Australian Government Solicitor has been engaged by the General Manager of the Fair Work Commission (**FWC**) in relation to concerns regarding the conduct of the CFMEU and consideration of an Application to the Federal Court for the appointment of an Administrator to that Union.

Earlier today we wrote to the General Manager of the FWC regarding a very serious matter. Attached for your information is a copy of that letter, the terms of which are self-explanatory.

Please do not hesitate to contact us if you believe that we can be of any assistance.

Yours sincerely


Lindsay Broadley

General Counsel

CPB CONTRACTORS PTY LIMITED

31 July 2024

General Manager of the Fair Work Commission

Attention: Mr Murray Furlong

Dear Mr Furlong

Suspected Unlawful/Criminal conduct by the CFMEU, its officers, members and officials in Queensland

We refer to the recent request from your office for information that might be relevant to consideration of an application to the Federal Court seeking the appointment of an Administrator to oversee the affairs of the General and Construction division of the CFMEU.

As you may be aware, CPB Contractors Pty Ltd (**CPB**) is Australia's largest construction company with a large volume of construction projects currently under development across Australia.

In joint venture with UGL, BAM and Ghella, CPB is the principal contractor on the Cross River Rail Project (**CRR Project**), Queensland's largest infrastructure project.

As you would be aware from widespread media coverage, over the past few months the CRR Project has been subjected to an aggressive and unlawful campaign lead by the CFMEU and its officials, which at times has included acts of physical violence and destruction of property, some of which was captured on CCTV footage that was later broadcast on TV in late April and early May 2024.

We have written to the Commissioner of the Queensland Police Service, Steve Gollschewski APM earlier today in relation to very disturbing events that occurred earlier today. A copy of that correspondence is attached for your information.

Given the seriousness of these matters, and the fundamental questions that they raise in relation to law and order in the State of Queensland, we thought it appropriate to bring this issue to your attention.

We will also write separately to the Australian Government Solicitor, who we understand is assisting the FWC with this matter.

Please do not hesitate to contact us if you believe that we can be of any assistance.

Yours sincerely



Lindsay Broadley

General Counsel

CPB CONTRACTORS PTY LIMITED

31 July 2024

Commissioner of the Queensland Police Service (QPS)

Attention: Steve Gollschewski APM

Dear Commissioner

Suspected Unlawful/Criminal conduct by the CFMEU, its officers, members and officials in Queensland

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CPB and the JV take these matters extremely seriously. We have responded promptly to this type of conduct by seeking (and obtaining) urgent injunctive relief from the Federal Court of Australia whenever possible. At present, there are two injunctions that continue to apply to the CRR Project.

CPB and the JV seek to take legal action, whenever possible, to ensure the safety of our employees and the broader CRR workforce, but there are limitations to what is possible in the civil courts. Indeed, our ability to prosecute those civil matters has been hampered by potential witnesses being fearful of threats and intimidation should their identity be revealed. In one of those proceedings, we sought to rely upon redacted affidavits to protect the identity of the witnesses, but this evidence was later rejected by the Federal Court on the basis that it was bound by the rules of evidence and could not admit the evidence in the proceedings. CPB's request that the Court consider a suppression order to permit the identity of the witnesses to be withheld was also rejected. CPB decided not to reveal the identity of our employees because we believed it would create a serious risk of harm to them, even though this ultimately resulted in CPB not being successful in the initial court proceeding. A similar situation arose in proceedings before the Fair Work Commission. In short, CPB and the JV, have taken all possible legal steps available to protect its workforce from the unlawful conduct that they have been (and continue to be) subjected to.

Regrettably, it has come to our attention today, that at 5.10am this morning, one of our workers on the CRR Project was the subject of a violent physical attack at his home. As we understand the situation, the worker was attacked from behind, by two unknown males wearing balaclavas, one of whom later used a metal rod or similar to assault the worker. This violent attack occurred outside the worker's home, while his partner and their four children were inside the house. We are also aware that other workers have received threats, including death threats. These incidents are particularly disturbing because I am instructed that the workers involved in the above incidents (the assault earlier today and the death threats) were the subject of an earlier physical attack involving a known CFMEU organiser, Mr Dennis Mitchell, on 1 May 2024 when the workers were attempting to enter the CRR Project to attend for work. Some of the attack on 1 May 2024 was captured on video. That video was subsequently relied upon by CPB (together with affidavit evidence that identified Mr Mitchell's involvement in that incident) in support of its successful application to the Federal Court for the grant of an injunction to restrain the CFMEU, its officers, employees and representative from interfering with access to and egress from the CRR sites and from threatening and intimidating CPB's employees. In addition, on the day that the CFMEU commenced its unlawful conduct at the

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A MEMBER OF THE CIMIC GROUP
 CIMIC

CRR Project, balaclava wearing individuals were captured on CCTV footage, under the cover of darkness, attaching chains to the access and egress gates on the project.

In the period immediately before 18 July 2024, I am instructed that CFMEU members and agents were seen taking video of workers entering the CRR Project sites. It was apparent to us this was intended to create a record of workers who crossed the CFMEU's picket line and also designed to intimidate those workers seeking to return to work. CPB approached the Federal Court for further orders to stop this conduct. On 18 July 2024, CPB was successful in obtaining a further injunction that included an order that the CFMEU, its officers, delegates, employees or other representatives be restrained from photographing, recording by any means, or creating or maintaining a record of the identity of, any person or vehicle entering or leaving a Cross River Rail construction site.

Given the recent media revelations about possible criminal connections between the CFMEU and known criminal elements, such as bikie gangs, we are deeply concerned that criminal elements are at play, and that they may now be actively engaged in organising and carrying out acts of physical violence targeting our workers on the CRR Project.

I am instructed to ask that you treat this correspondence as a formal report and complaint of suspected serious criminal activities in connection with the CFMEU in relation to the CRR Project.

CPB has, at considerable cost, arranged for added security to be put in place at its sites at the CRR Project, and to provide additional safety and security of workers (and their families) that have been the focus of direct threats and assault, such as the workers referred to earlier in this letter.


CPB is ready, willing and able to provide assistance to the QPS in its investigation of these very serious matters.

To that end, we are happy to meet with you and/or any officers that you might assign to this matter, to provide any additional information that might assist with your inquiries.

Please do not hesitate to contact us if you believe that we can be of any assistance.

As a courtesy, we wish to advise that a copy of this correspondence has also been provided to the Minister for Police and Community Safety, Mark Ryan MP and Minister Mellish, in his capacity as the Minister responsible for the CRR Project.

Yours sincerely


Lindsay Broadley
General Counsel
CPB CONTRACTORS PTY LIMITED

Toby Walthall

From: Broadley, Lindsay
Sent: Wednesday, 31 July 2024 11:08 PM
To: [REDACTED]
Subject: Suspected unlawful/criminal conduct by the CFMEU, its officers, members and officials in Queensland
Attachments: Letter to Commissioner Australian Federal Police - 31 July 2024.pdf; Letter to Commissioner of the Queensland Police Service - 31 July 2024.pdf

Dear Commissioner of the Australian Federal Police, Mr Reece Kershaw

Please find attached a letter (together with attachment) regarding suspected unlawful/criminal conduct by the CFMEU, its officers, members and officials in Queensland.

We are fully prepared to assist in any way necessary so please let us know if we can provide any further information.

Regards

Lindsay Broadley

General Counsel



31 July 2024

Commissioner Australian Federal Police
Attention: Mr Reece Kershaw

Dear Commissioner

Suspected Unlawful/Criminal conduct by the CFMEU, its officers, members and officials in Queensland

CPB Contractors Pty Ltd (CPB) is Australia's largest construction company with a large volume of construction projects currently under development across Australia.

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As you would be aware from widespread media coverage, over the past few months the CRR Project has been subjected to an aggressive and unlawful campaign lead by the CFMEU and its officials, which at times has included acts of physical violence and destruction of property, some of which was captured on CCTV footage that was later broadcast on TV in late April and early May 2024.

We have written to the Commissioner of the Queensland Police Service (**QPS**), Steve Gollschewski APM earlier today in relation to very disturbing events that occurred earlier today. A copy of that correspondence is attached for your information.


Given the seriousness of these matters, and the fundamental questions that they raise in relation to law and order in the State of Queensland, and the possibility that Federal Jurisdiction might also be enlivened, particularly in relation to the use of telephone and other electronic networks for the transmission of threats and the like, we thought it appropriate to also bring this issue to your attention.

CPB is ready, willing and able to provide assistance to the Australian Federal Police and the QPS in relation to these very serious matters.

To that end, we are happy to meet with you and/or any of your staff that you might assign to this matter, to provide any additional information that might assist.

Please do not hesitate to contact us if you believe that we can be of any assistance.

Yours sincerely



Lindsay Broadley
General Counsel
CPB CONTRACTORS PTY LIMITED

31 July 2024

Commissioner of the Queensland Police Service (QPS)

Attention: Steve Gollschewski APM

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CPB and the JV take these matters extremely seriously. We have responded promptly to this type of conduct by seeking (and obtaining) urgent injunctive relief from the Federal Court of Australia whenever possible. At present, there are two injunctions that continue to apply to the CRR Project.

CPB and the JV seek to take legal action, whenever possible, to ensure the safety of our employees and the broader CRR workforce, but there are limitations to what is possible in the civil courts. Indeed, our ability to prosecute those civil matters has been hampered by potential witnesses being fearful of threats and intimidation should their identity be revealed. In one of those proceedings, we sought to rely upon redacted affidavits to protect the identity of the witnesses, but this evidence was later rejected by the Federal Court on the basis that it was bound by the rules of evidence and could not admit the evidence in the proceedings. CPB's request that the Court consider a suppression order to permit the identity of the witnesses to be withheld was also rejected. CPB decided not to reveal the identity of our employees because we believed it would create a serious risk of harm to them, even though this ultimately resulted in CPB not being successful in the initial court proceeding. A similar situation arose in proceedings before the Fair Work Commission. In short, CPB and the JV, have taken all possible legal steps available to protect its workforce from the unlawful conduct that they have been (and continue to be) subjected to.

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CPB is ready, willing and able to provide assistance to the QPS in its investigation of these very serious matters.

To that end, we are happy to meet with you and/or any officers that you might assign to this matter, to provide any additional information that might assist with your inquiries.

Please do not hesitate to contact us if you believe that we can be of any assistance.

As a courtesy, we wish to advise that a copy of this correspondence has also been provided to the Minister for Police and Community Safety, Mark Ryan MP and Minister Mellish, in his capacity as the Minister responsible for the CRR Project.

Yours sincerely


Lindsay Broadley

General Counsel

CPB CONTRACTORS PTY LIMITED

Toby Walthall

From: Broadley, Lindsay
Sent: Wednesday, 31 July 2024 11:04 PM
To: [REDACTED]
Subject: Suspected unlawful/criminal conduct by the CFMEU, its officers, members and officials in Queensland
Attachments: Letter to Minister for Police and Community Safety - 31 July 2024.pdf; Letter to Commissioner of the Queensland Police Service - 31 July 2024.pdf

Dear Minister for Police and Safety, Mark Ryan MP

Please find attached a letter (together with attachment) regarding suspected unlawful/criminal conduct by the CFMEU, its officers, members and officials in Queensland.

We are fully prepared to assist in any way necessary so please let us know if we can provide any further information.

Regards

Lindsay Broadley

General Counsel



31 July 2024

Minister for Police and Community Safety, Mark Ryan MP

Dear Minister

Suspected Unlawful/Criminal conduct by the CFMEU, its officers, members and officials in Queensland

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We have written to the Commissioner of the Queensland Police Service (**QPS**), Steve Gollschewski APM earlier today in relation to very disturbing events that occurred earlier today. A copy of that correspondence is attached for your information.

Given the seriousness of these matters, and the fundamental questions that they raise in relation to law and order in the State of Queensland, we thought it appropriate to bring this issue to your attention. A copy of that correspondence has also been sent to the Minister Mellish in his capacity as the Minister responsible for the CRR Project.

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Lindsay Broadley

General Counsel

CPB CONTRACTORS PTY LIMITED

31 July 2024

Commissioner of the Queensland Police Service (QPS)

Attention: Steve Gollschewski APM

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Yours sincerely


Lindsay Broadley

General Counsel

CPB CONTRACTORS PTY LIMITED

Toby Walthall

From: Broadley, Lindsay
Sent: Wednesday, 31 July 2024 11:11 PM
To: [REDACTED]
Subject: Suspected unlawful/criminal conduct by the CFMEU, its officers, members and officials in Queensland
Attachments: Letter to Minister Mellish - 31 July 2024.pdf; Letter to Commissioner of the Queensland Police Service - 31 July 2024.pdf

Dear Minister Mellish (Minister responsible for the Cross River Rail Project)

Please find attached a letter (together with attachment) regarding suspected unlawful/criminal conduct by the CFMEU, its officers, members and officials in Queensland.

We are fully prepared to assist in any way necessary so please let us know if we can provide any further information.

Regards

Lindsay Broadley

General Counsel



31 July 2024

Minister responsible for the CRR Project

Attention: Minister Mellish

Dear Minister

Suspected Unlawful/Criminal conduct by the CFMEU, its officers, members and officials in Queensland

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We have written to the Commission of the Queensland Police Service (**QPS**), Steve Gollschewski APM earlier today in relation to very disturbing events that occurred today. A copy of that correspondence is attached for your information. A copy of that correspondence has also been sent to the Minister for Police and Community Safety, Mark Ryan MP.

Given the seriousness of these matters, and the fundamental questions that they raise in relation to law and order in the State of Queensland, we thought it appropriate to bring this issue to your attention, in your capacity as the Minister responsible for the CRR Project.

CPB is ready, willing and able to provide assistance to the Government and the QPS in relation to these very serious matters.

To that end, we are happy to meet with you and/or any of your staff that you might assign to this matter, to provide any additional information that might assist.

Yours sincerely


Lindsay Broadley

General Counsel

CPB CONTRACTORS PTY LIMITED

31 July 2024

Commissioner of the Queensland Police Service (QPS)

Attention: Steve Gollschewski APM

Dear Commissioner

Suspected Unlawful/Criminal conduct by the CFMEU, its officers, members and officials in Queensland

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CPB and the JV take these matters extremely seriously. We have responded promptly to this type of conduct by seeking (and obtaining) urgent injunctive relief from the Federal Court of Australia whenever possible. At present, there are two injunctions that continue to apply to the CRR Project.

CPB and the JV seek to take legal action, whenever possible, to ensure the safety of our employees and the broader CRR workforce, but there are limitations to what is possible in the civil courts. Indeed, our ability to prosecute those civil matters has been hampered by potential witnesses being fearful of threats and intimidation should their identity be revealed. In one of those proceedings, we sought to rely upon redacted affidavits to protect the identity of the witnesses, but this evidence was later rejected by the Federal Court on the basis that it was bound by the rules of evidence and could not admit the evidence in the proceedings. CPB's request that the Court consider a suppression order to permit the identity of the witnesses to be withheld was also rejected. CPB decided not to reveal the identity of our employees because we believed it would create a serious risk of harm to them, even though this ultimately resulted in CPB not being successful in the initial court proceeding. A similar situation arose in proceedings before the Fair Work Commission. In short, CPB and the JV, have taken all possible legal steps available to protect its workforce from the unlawful conduct that they have been (and continue to be) subjected to.

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Given the recent media revelations about possible criminal connections between the CFMEU and known criminal elements, such as bikie gangs, we are deeply concerned that criminal elements are at play, and that they may now be actively engaged in organising and carrying out acts of physical violence targeting our workers on the CRR Project.

I am instructed to ask that you treat this correspondence as a formal report and complaint of suspected serious criminal activities in connection with the CFMEU in relation to the CRR Project.

CPB has, at considerable cost, arranged for added security to be put in place at its sites at the CRR Project, and to provide additional safety and security of workers (and their families) that have been the focus of direct threats and assault, such as the workers referred to earlier in this letter.

CPB is ready, willing and able to provide assistance to the QPS in its investigation of these very serious matters.

To that end, we are happy to meet with you and/or any officers that you might assign to this matter, to provide any additional information that might assist with your inquiries.

Please do not hesitate to contact us if you believe that we can be of any assistance.

As a courtesy, we wish to advise that a copy of this correspondence has also been provided to the Minister for Police and Community Safety, Mark Ryan MP and Minister Mellish, in his capacity as the Minister responsible for the CRR Project.

Yours sincerely



Lindsay Broadley

General Counsel

CPB CONTRACTORS PTY LIMITED

Toby Walthall

From: Broadley, Lindsay
Sent: Wednesday, 31 July 2024 11:06 PM
To: [REDACTED]
Subject: Suspected unlawful/criminal conduct by the CFMEU, its officers, members and officials in Queensland
Attachments: Letter to General Manager Fair Work Commission - 31 July 2024.pdf; Letter to Commissioner of the Queensland Police Service - 31 July 2024.pdf

Dear General Manager of the Fair Work Commission, Mr Murray Furlong

Please find attached a letter (together with attachment) regarding suspected unlawful/criminal conduct by the CFMEU, its officers, members and officials in Queensland.

We are fully prepared to assist in any way necessary so please let us know if we can provide any further information.

Regards

Lindsay Broadley

General Counsel



31 July 2024

General Manager of the Fair Work Commission

Attention: Mr Murray Furlong

Dear Mr Furlong

Suspected Unlawful/Criminal conduct by the CFMEU, its officers, members and officials in Queensland

We refer to the recent request from your office for information that might be relevant to consideration of an application to the Federal Court seeking the appointment of an Administrator to oversee the affairs of the General and Construction division of the CFMEU.

As you may be aware, CPB Contractors Pty Ltd (**CPB**) is Australia's largest construction company with a large volume of construction projects currently under development across Australia.

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We have written to the Commissioner of the Queensland Police Service, Steve Gollschewski APM earlier today in relation to very disturbing events that occurred earlier today. A copy of that correspondence is attached for your information.

Given the seriousness of these matters, and the fundamental questions that they raise in relation to law and order in the State of Queensland, we thought it appropriate to bring this issue to your attention.

We will also write separately to the Australian Government Solicitor, who we understand is assisting the FWC with this matter.

Please do not hesitate to contact us if you believe that we can be of any assistance.

Yours sincerely



Lindsay Broadley
General Counsel
CPB CONTRACTORS PTY LIMITED

31 July 2024

Commissioner of the Queensland Police Service (QPS)

Attention: Steve Gollschewski APM

Dear Commissioner

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As a courtesy, we wish to advise that a copy of this correspondence has also been provided to the Minister for Police and Community Safety, Mark Ryan MP and Minister Mellish, in his capacity as the Minister responsible for the CRR Project.

Yours sincerely


Lindsay Broadley
General Counsel
CPB CONTRACTORS PTY LIMITED

Toby Walthall

From: Broadley, Lindsay
Sent: Wednesday, 31 July 2024 10:59 PM
To: [REDACTED]
Subject: Suspected unlawful/criminal conduct by the CFMEU, its officers, members and officials in Queensland
Attachments: Letter to Commissioner of the Queensland Police Service - 31 July 2024.pdf

Dear Commissioner of the Queensland Police Service

Attached is a letter detailing suspected unlawful conduct against employees of CPB Contractors Pty Ltd and our subcontractors at sites in Queensland. While we continue to take steps to address this matter, we believe your involvement and support would greatly enhance our efforts.

We are fully prepared to assist in any way necessary so please let us know if we can provide any further information.

Regards

Lindsay Broadley

General Counsel



31 July 2024

Commissioner of the Queensland Police Service (QPS)

Attention: Steve Gollschewski APM

Dear Commissioner

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Yours sincerely



Lindsay Broadley
General Counsel
CPB CONTRACTORS PTY LIMITED

Toby Walthall

From: Broadley, Lindsay
Sent: Wednesday, 31 July 2024 11:21 PM
To: [REDACTED]
Subject: Suspected unlawful/criminal conduct by the CFMEU, its officers, members and officials in Queensland
Attachments: Letter to Commissioner of the Queensland Police Service - 31 July 2024.pdf

Dear Mr Smith

We write to inform you that we have today written to the Commissioner of the Queensland Police Service, Steve Gollschewski APM, in relation to very disturbing events that occurred earlier today. A copy of that correspondence is attached for your information.

Given the seriousness of these matters, and the fundamental questions that they raise in relation to your Union, we thought it appropriate to bring this issue to your attention.

Yours sincerely

Lindsay Broadley

General Counsel



31 July 2024

Commissioner of the Queensland Police Service (QPS)

Attention: Steve Gollschewski APM

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Yours sincerely


Lindsay Broadley
General Counsel
CPB CONTRACTORS PTY LIMITED

24 October 2024

Mr Mark Irving KC
CFMEU Administrator

[REDACTED]
[REDACTED]

By email: [REDACTED]

Dear Administrator

Conduct of the CFMEU

We write to draw a number of very concerning matters to your attention regarding the conduct of the Construction and General Division of the Construction, Forestry and Maritime Employees Union, its officers, employees and members (**CFMEU**). Given the seriousness of these matters and our obligations and duties as a PCBU, we cannot simply raise them with you, instead we also seek to obtain your response on several of these matters as outlined within the correspondence below.

1. BACKGROUND

CPB Contractors Pty Limited (**CPB**) is Australia's largest construction company.

CPB is the Principal Contractor for Queensland's largest publicly funded infrastructure project, the Cross River Rail Project (**Project**). Given the complexities of the Project, it has a significant number of separate and distinct construction sites, with as many as 16 separate access and egress points spread across the CBD of Brisbane. The Project has experienced significant industrial action (the vast majority of which has been unlawful and unprotected), coincidental with the expiration of the Nominal Terms of its original Greenfield Enterprise Agreements in October 2023. In addition, the Project has also experienced protracted periods during which the CFMEU systemically abused the Right of Entry (**ROE**) and has otherwise sought to disrupt the orderly construction of the Project.

While some of this conduct pre-dates your appointment as Administrator, some has occurred in the period since you were appointed.

What is set out below is intended to provide examples of some of the unlawful and unprotected action and other misconduct that has occurred in the period since your appointment, so that you have an opportunity to take the necessary steps to ensure that this conduct ceases.

2. SYSTEMIC ABUSE OF ROE FOR IMPROPER PURPOSES

There has been a long history of the systemic abuse of the ROE provisions of the *Fair Work Act 2009* (Cth) (**FW Act**) and the *Work Health & Safety Act 2010* (Qld) (**WH&S Act**) at the Project by the CFMEU to achieve improper purposes. Over the course of the construction of the Project this abuse has taken various forms.

The most recent example of this abuse occurred late September 2024, at a time that was intended to coincide with the conduct of a vote of CPB employees to determine whether to make a new enterprise agreement to be known as the CPB Contractors Pty Ltd Cross River Rail – TSD (Station Buildings Works Stage) Enterprise Agreement 2024 – 2028 (**TSD EBA**). The vote for the making of the TSD EBA was scheduled to occur in the period from 10am on 28 September 2024 to 6pm on 30 September 2024 (**Vote**).

On 26 September 2024, a purported ROE (under s.484 of the FW Act) was provided by **Mr Dean Mattas** from the CFMEU that he would enter the Gabba site of the Project at 12:00pm on 27 September 2024. **Mr Ritchie Atutolu**, who is a CFMEU delegate at the Gabba site communicated with all of the workers on the site (approximately 200 in total, of which only 35 were CPB employees), stating that there was to be a meeting at 12:30pm with all workers on site. Mr Atutolu, told the workers on the Gabba site that there were two CFMEU officials coming to site to “address everyone on the vote at 12:00pm or 12:30pm”.

There were no scheduled mealtimes or other breaks around this time for the CPB direct employees, or for CPB’s subcontractor employees. The CPB employees at the Gabba site have their breaks scheduled at 9:30am and 1:00pm. Sub-contractors have different breaks.

CCTV footage taken from the Gabba Site on that day evidences that workers gathered and stopped work inside the Gabba Site, near the entrance to the site, to meet up with two CFMEU organisers who had been denied entry to the site when seeking to exercise the purported ROE referred to above. The stop work did not coincide with any scheduled lunch or smoko break as required by the relevant provisions of the FW Act. The behaviour of some of the CFMEU members incited by the CFMEU officials, was described by some employees as one of the more aggressive and concerning situations they have found themselves in.

On 27 September 2024, in response to the above unlawful action, CPB made an application to the Fair Work Commission (**Commission**) seeking to stop industrial action by the CFMEU under s.418 of the FW Act. That application became matter [2024] FWC 2715.

On 27 September 2024 Deputy President Lake of the Commission determined that he was satisfied that the actions undertaken by the CFMEU (described above) were not protected industrial action, and that the action was happening, and being organised, and that in those circumstances it was appropriate to make an Order to stop the industrial action under s.418 of the FW Act.

A written decision in matter [2024] FWC 2715 was published on 30 September 2024.

It is important to note that CPB employees eligible to participate in the Vote, constitute only a small proportion of the workers performing work at the site that the CFMEU sought to enter pursuant to the purported ROE. The unlawful stoppage of work that occurred at the Gabba Site on 27 September 2024 is particularly concerning because it is clear that the meeting organised by the CFMEU at that Site was intended to include persons who were not eligible to participate in the Vote. The purpose of the meeting was to seek to improperly intimidate CPB employees who would be participating in the Vote to exercise their workplace rights to Vote No. This outcome was sought as the majority of participants in the unlawful stoppage were ineligible to participate in the Vote (largely they were employees of subcontractors working on the Project) and would be denied the opportunity of receiving the benefit of the Jump-Up clause that was being promoted by the CFMEU, in the event that CPB employees Voted Yes.

You will appreciate that for the CFMEU to be instrumental in the conduct described above is extremely serious. To intentionally aid, abet, counsel and/or procure the intimidation of CPB employees to exercise or not exercise their workplace rights in a particular way is unlawful and totally unacceptable. Such conduct goes to the very core of the misconduct that triggered the need for the appointment of an Administrator to the CFMEU.

It is evident from the above that the CFMEU is directly engaged in unlawful adverse action against its own members employed by CPB on the Project to achieve benefits and advantages for itself and other members of the CFMEU who are not employed by CPB and ineligible to exercise their workplace rights by casting a ballot in the Vote.

In relation to this matter we seek your response on the following:

Because of the seriousness of the matters outlined above along with a documented history of ROE non-compliance by CFMEU organisers since 2020 on the Project, we urgently seek your assurance that such conduct will immediately cease and that there will be no repeat of similar conduct on the Project or at any other CPB project.

3. CFMEU HSR's AND DELEGATES ENGAGING IN WORKPLACE BULLYING AND HARASSMENT AND THREATS OF PHYSICAL VIOLENCE

Regrettably, CPB has had to initiate investigations into inappropriate conduct being engaged in by Health and Safety Representatives (HSRs) and CFMEU delegates employed by CPB on the Project. Examples are set out below.

Mr Dean Rielly:

Dean Rielly is a CFMEU official. He attended a Project worksite at Herston on 21 June 2024 as a support person for a HSR for a conversation with a Senior Safety Advisor for the Project. During this meeting Mr Rielly engaged in the following conduct:

- a. Said that the Senior Safety Advisor was a misogynist and a 'piece of shit' (in a raised and aggressive voice);
- b. prevented the Senior Safety Advisor from leaving the meeting when he stood up to do so by also standing up to confront him, while continuing to verbally abuse him in an angry and threatening manner;
- c. Continued to call the Senior Safety Advisor a liar, a misogynist pig and a 'piece of shit'; and
- d. Threatened to take the Senior Safety Advisor outside and 'beat some understanding' into him – leading the Senior Safety Advisor to be concerned that Mr Rielly intended to reach over the table and physically strike him in the meeting.

We understand that Dean Reilly has recently been reinstated into a role with the CFMEU in Brisbane and he has since commenced contacting various staff members on the Project. We can only assume that the CFMEU has decided that the Project will fall under Mr Reilly's remit.

Please be advised that due to misconduct while on the Project, including but not limited to his threats of violence and the creation of psychosocial hazards within our workplaces on the Project, we have implemented WH&S risk controls that include that Mr Reilly will not be permitted access to any of the Project sites. We note that Deputy President Tony Saunders of the Fair Work Commission in 2022 refused to renew Mr Reilly's Fair Work entry permit on the basis that he did not satisfy 'the fit and proper person' test required of a permit holder.

In relation to this matter we seek your response on the following:

In the circumstances, we seek clarification from you in relation to whether the CFMEU intends for Mr Reilly to access and perform the duties of a CFMEU official on the Project.

Mr Ritchie Atutolu:

Mr Atutolu is a CFMEU delegate. Mr Atutolu was employed by CPB to work at the Gabba Site in September 2023. It is reported in the media that a person with the same name of Richard Scott Atutolu has a criminal history of engaging in violent physical assaults. Whether this is the same person employed by CPB, we have no way of confirming.

On 4 October 2024, Mr Atutolu was suspended from his employment with CPB so that an investigation could be undertaken in relation to certain alleged conduct, including the following:

1. During a Safety Committee Meeting on 2 October 2024 – 10am he was observed to engage in the following conduct towards the Safety Manager:
 - a. Repeatedly berating him and calling him offensive and demeaning names such as; "idiot, dumb, stupid"; and
 - b. Swearing at and calling the Safety Manager "a dickhead" and repeatedly using the word "fuck" in front of the Safety Committee Team; and
 - c. being very aggressive, including pointing fingers directly at the Safety Manager while yelling at him in the manner described above.

2. On 3 October 2024, at approximately 6.00am, during the morning's pre-start and thereafter on that day he:
 - a. became hostile and aggressive towards another employee (**The Employee**)
 - b. swore at The Employee in an aggressive manner;
 - c. engaged in conduct in his interactions with The Employee that was intended to intimidate and threaten or might reasonably be foreseen as likely to intimidate or threaten The Employee;
 - d. engaged in conduct that was intended to invite The Employee to engage in a physical altercation to settle his perceived workplace differences;
 - e. engaged in conduct in relation to The Employee that gave rise to workplace psychosocial hazard;
 - f. engaged in conduct that contravened his obligations under his contract of employment with CPB, including applicable company policies and procedures;
 - g. waited for The Employee outside the entrance to the Gabba Site to pursue his perceived workplace differences with The Employee, and in doing so, further engaged in some of the conduct and behaviours referred to above.

A copy of the letter given to Mr Atutolu at the time of his suspension is attached for your information.

In relation to this matter we seek your response on the following:

Because of the seriousness of the matters outlined above regarding Mr Atutolu, together with the documented history of threats of physical violence and intimidation by the CFMEU on the Project, we urgently seek your advice as to what steps the CFMEU has taken (and proposes to take) to ensure that person purporting to exercise functions for an on behalf of the CFMEU, are not engaging in conduct that, amongst other things, creates psychosocial hazards and other WH&S risks at CPB's workplaces.

Mr Sean Korostovetz:

Mr Korostovetz is a CFMEU delegate. Mr Korostovetz was employed by CPB to work at the Albert Street site on the Project in September 2023.

On 9 October 2024 Mr Korostovetz was suspended from his employment with CPB so that an investigation could be undertaken in relation to certain alleged conduct, including the following:

1. On Friday, 4th October 2024 at approximately 10:10am a Workplace Health and Safety Inspector arrived on the Albert Street site to investigate allegations by CFMEU organisers Mr Dean Mattas, Mr Corey Taylor and Mr Korostovetz.
2. There was some strong debate between the CFMEU organisers, Mr Korostovetz and a Work Health and Safety Inspector who had attended the site.
3. During those discussions the issue of dust masks was discussed, including reference to dust suppression mask signage.
4. At 11.25am Mr Korostovetz attempted to get the Work Health and Safety Inspector to visit an area known as B7, but the Inspector declined as she wanted to close out the then current issue.
5. At approximately 11.45am Mr Korostovetz was observed going down to level B7 and tampering with three (3) safety signs that had been placed on a barrier so that the (3) safety signs could not be seen by workers in the area. In addition to being directly observed engaging in this conduct, shortly thereafter several workers reported that Mr Korostovetz had been seen by them interfering with safety signs in the area. The three signs that Mr Korostovetz was seen to interfere with were:
 - a. Warning dust hazard wear appropriate dusk mask in this area

- b. Plant operating zone
 - c. A list of tasks that were being carried out beyond the barrier along with contact details for supervisors in that area
6. The conduct referred to in paragraph 5 (above) is extremely serious. Interference with safety signs on a construction site or taking steps that would interfere with safety equipment or other safety measures, is a clear breach of Mr Korostovetz's duties and responsibilities as a CPB employee, including but not limited to, Mr Korostovetz's statutory duties as a "worker" under section 28 of the Work Health & Safety Act 2011 (Qld).
7. When Mr Korostovetz was confronted by a supervisor and asked whether he had engaged in the above conduct, he denied it and then walked off.
8. If Mr Korostovetz did engage in the conduct referred to above:
- a. it fundamentally calls into question the trust and confidence that sits at the foundation of the employment relationship with CPB; and/or
 - b. Mr Korostovetz has likely fundamentally breached his contract of employment; and/or
 - c. Mr Korostovetz has likely engaged in serious and wilful misconduct; and/or
 - d. Mr Korostovetz has likely repudiated his contract of employment with CPB; and/or
 - e. Mr Korostovetz has likely engaged in conduct that contravened section 28 of the Work Health & Safety Act 2011 (Qld) and in so doing he also acted in reckless disregard for the safety of his fellow workers on the Project.

In relation to this matter we seek your response on the following:

Because of the seriousness of the matters outlined above regarding Mr Korostovetz, together with the documented history of threats of physical violence and intimidation by the CFMEU on the Project, we urgently seek your advice as to what steps the CFMEU has taken (and proposes to take) to ensure that person purporting to exercise functions for an on behalf of the CFMEU, are not engaging in conduct that, amongst other things, creates psychosocial hazards and other WH&S risks at CPB's workplaces.

Unidentified CFMEU Associates:

You will also be aware from media reports that Queensland Police are currently investigating the involvement of CFMEU associates in the assault of Fou Ah-Lam, in retaliation for attempting to cross a CFMEU picket line.

Mr Ah-Lam was at that time engaged as a worker on the Project, and the CFMEU picket line was at the Project. As the media reports show, Mr Ah-Lam was filmed trying to cross a CFMEU picket line on the Project in May 2024, an incident that resulted in a violent brawl. Media reports in August confirm that as he was walking to his car in the early hours of the morning, he was set upon from behind by two masked attackers armed with a metal pole. He was punched in the back of the head and struck with the metal pole.

You may be aware from affidavits filed in the Federal Court of Australia in proceedings QUD189/2024, that Court has accepted on an interlocutory basis that a relevant connection exists between a number of masked individuals who applied black paint to Project CCTV cameras and chained gates and turnstiles on entries to the Project sites on 30 April 2024, conduct which immediately preceded the formation of a CFMEU picket at those same entry points.

Regrettably, it is apparent that the CFMEU in Queensland supports a culture where the conduct described above can occur.

This culture is also perpetuated by social media posting on the CFMEU Construction & General QLD/NT Facebook page, which regularly makes misguided and inflammatory attacks on CPB and the Project, as well as spreading lies and misinformation. By way of example only, on 8 July 2020 that page posted an article which made obscene claims (of defamatory and sexually inappropriate nature) regarding a Project worker, and which resulted in that worker taking defamation proceedings against Mr Jade Ingham and the CFMEU in the Queensland District Court. You should be aware that this post remains on the Facebook page, accessible to the public. Those events were also part of a prosecution by the Australian Building and Construction Commissioner in *ABCC v CFMMEU (Boggo Road Cross River Rail Case)* [2022] FedCFamC2G 574.

In relation to this matter, we seek your response on the following:

1. We seek your assurance that tangible and appropriate steps are urgently being taken to ensure that this unacceptable culture is being addressed and remedied, including but limited to your confirmation that the defamatory and offensive post have been removed from the CFMEU's Construction & General QLD/NT Facebook page.
2. In particular, we seek a response from the CFMEU in its capacity as a PCBU with obligations to confer with CPB in accordance with section 46 of the WH&S Act in relation to the conduct referred to above.
3. We note that in July 2024, at a time when the Project was the subject of extensive media attention as a result of violence that had occurred at picket lines, the media also reported that Mr Zac Smith had asserted that, "...national executive of the union [CFMEU] has agreed to implement a national code of conduct for all delegates and workplace representatives". Can you please advise whether this occurred, and if so, indicate whether the examples of conduct referred to above are consistent with the Code that has been put in place.
4. **BLACKLISTING OF CPB EMPLOYEES AND OTHERS WHO CROSSED CFMEU PICKETLINES AT THE PROJECT**

In the course of industrial action on the Project in mid July 2024 it came to CPB's attention that the CFMEU was actively taking steps to identify any person, including employees of CPB who were crossing CFMEU picket lines. Those steps included the taking of videos and photographs of persons who were crossing the picket lines. This conduct was clearly intended to intimidate CPB employees and other members of the workforce from entering Project sites to perform work. This conduct occurred against the background of instances of physical violence occurring on CFMEU picket lines, as evidenced by TV footage which was broadcast nationally at the end of April and the beginning of May 2024.

On the 18th of July 2024, in response to the above conduct, CPB was successful in obtaining an urgent injunction against the CFMEU in Federal Court proceedings matter No QUD189/2024. Those orders include an order 2 as set out below:

2. *Until further order, the First Respondent (whether by its officers, delegates, employees, or other representatives) be restrained from:*
 - a. *photographing, recording by any means, or **creating or maintaining a record of the identity of, any person or vehicle entering or leaving a CRR Construction Site;***
 - b. *coming within 15 meters of a Point of Entry, or going or remaining within 15 meters of a Point of Entry, excluding:*
 - i. *transit to and from a school; or*
 - ii. *to catch public transport; or*
 - iii. *travel in a moving vehicle on a public roadway; or*

- iv. *persons seeking to enter the site for the purpose of performing work in accordance with their contract of employment, or a person with a valid right of entry exercising that right of entry in accordance with applicable legislation or as otherwise permitted by law; or*
- v. *legal and other professional third-party representatives.*

[Emphasis added]

The application for Injunctive relief referred to above was supported by video and other evidence that established that the CFMEU was taking photographs and videos of persons crossing the picket line.

It has come to CPB's attention that, notwithstanding the above order (that remains in place today) that the CFMEU has compiled and continues to maintain a list of the names, addresses and identities of persons who have crossed the CFMEU picket lines on the Project.

It has been reported to CPB that it is the CFMEU's intention that the above information has been compiled with the intention of ensuring that those people who were identified as picket breakers will be unable to secure alternative employment in the construction industry.

Such conduct would, amongst other things, be in direct contravention of the Order set out above.

We are concerned that the conduct described above is further evidence of the continuation of the culture of unlawfulness and non-compliance with the rule of law that has plagued the CFMEU.

In relation to this matter we seek your response on the following:

In the circumstances, we seek your urgent assurance that steps have been taken to ensure strict compliance with the Orders made by the Federal Court on 18 July 2024.

5. CPB's Correspondence to the Australian Federal Police

Given the history of the very serious conduct that has occurred on the Project you should be aware that CPB has referred a number of those matters to various authorities and agencies, including the Australian Federal Police. Enclosed for your reference and information is a copy of CPB's letter to the Australian Federal Police dated 31 July 2024.

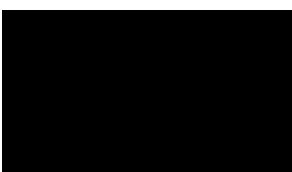
We invite you to confirm that the CFMEU has and will provide to the Australian Federal Police, all information in its possession, relation to the matters referred to in the attached correspondence.

6. RESPONSE TO OUR URGENT CONCERNS

We seek your urgent response as outlined throughout this correspondence and thank you in advance for providing us information on each of the matters raised within this correspondence.

We await your responses.

Yours faithfully



Lindsay Broadley

General Counsel

CPB CONTRACTORS PTY LIMITED