

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

WITNESS STATEMENT OF GARY GRANT

1. I, Gary Grant, affirm:

Background

2. 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*.
3. Attached to this Statement is a Bundle of documents (**Bundle**). I refer to relevant documents by reference to the page number of that Bundle.
4. I am employed by BMD Constructions Pty Ltd (**BMD**) as a Regional Construction Manager responsible for the Southeast Queensland region. I have been a Regional Construction Manager for BMD since early 2023.
5. I commenced my career in the construction industry as a labourer with BMD 23 years ago. I have been employed by BMD in various capacities for the past 23 years, including as a site-based Superintendent and General Foreman on large infrastructure projects such as the Deception Bay Road Interchange Upgrade Project, Mount Crosby New Vehicle Bridge Project, and works at the Amberley Airbase.

Prior experience with CFMEU on BMD projects

6. Before I was the Regional Construction Manager, I was a Superintendent, which was a site-based role. I was the Superintendent on two sites prior to the Project where I saw increased activity from the CFMEU attending site: the Deception Bay Interchange Upgrade Project and the Mt Crosby Bridge Project. I was responsible for both projects so while they were simultaneously running, I would split my time across both projects.
7. The Deception Bay Interchange Upgrade Project was a project for DTMR to replace the old, two-lane Deception Bay Road overpass with two larger, wider bridges to accommodate six lanes of traffic over the Bruce Highway.
8. The Mt Crosby Bridge Project was commissioned by Seqwater to build a more flood-resilient route and deliver improved traffic flow over the Brisbane River in Mount Crosby.
9. There was some overlap between the conclusion of the Deception Bay Interchange Upgrade Project and commencement of the Mt Crosby Bridge Project.
10. At the beginning of the Deception Bay Interchange Upgrade Project, which was in about 2019, the dealings we would have with the CFMEU on-site were fairly pleasant in nature. In the last 12 months of the Deception Bay Interchange Upgrade Project, BMD had more regular visits on site where delegates would turn up and attempt to shut down the site for various work health and safety reasons. These most frequently occurred when crane lifts were occurring, or other critical works, or on night shift.
11. Dean Rielly (**Mr Rielly**) was the main CFMEU organiser attending the Deception Bay Interchange Upgrade Project at the start. Mr Rielly stopped attending Deception Bay Interchange Upgrade Project after a while and Dean Mattas (**Mr Mattas**) attend instead. Both Mr Rielly and Mr Mattas also later attended the Centenary Bridge Upgrade Project.
12. I was the point of contact for BMD which the CFMEU would send right of entry notices to in advance of attendances on the Deception Bay Interchange Upgrade Project.

13. Examples of these emails and attached right of entries dated 4 March 2022 and 9 March 2022 are **Annexure GG-1, pages 2 to 7 of the Bundle**.
14. Because of the increased union activity, BMD organised training for dealing with union officials on site and right of entry, which occurred on 26 July 2022. This was conducted by Greg Power from Draytons Workplace Consulting.
15. A copy of an email referred to the presentation given on 26 July 2022 and the attached presentation at **Annexure GG-2, pages 8 to 39 of the Bundle**.
16. In the first week of September 2022, the union shut down the Deception Bay Interchange Upgrade Project for a few nights in a row.
17. A copy of an email I sent referred to this occurred dated 5 September 2022, as well as right of entry notices from Mr Mattas, Dylan Howard (**Mr Howard**) and Matthew Vonhoff (**Mr Vonhoff**) are **Annexure GG-3, pages 40 to 44 of the Bundle**.
18. During the Deception Bay Interchange Upgrade Project, the CFMEU would take footage during site visits and later post it on social media. For example, on 29 September 2022, the CFMEU posted about BMD and the Deception Bay Interchange Upgrade Project on Instagram.
19. A copy of an email I received in relation to this social media post dated 30 September 2022, and a copy of the video itself, is **Annexure GG-4, pages 45 to 47 of the Bundle**.
20. For the Mt Crosby Bridge Project, BMD would also have regular site visits by CFMEU delegates and regular calls by CFMEU delegates to Work Health and Safety (**WSHQ**) to attend site and try to shut down the job.
21. I recall that Mr Howard and Mr Mattas also used to attend the Mount Crosby Bridge Project. Mr Howard, like Mr Mattas, also later attended the Centenary Bridge Upgrade Project.
22. One of the issues that arose during the Mount Crosby Bridge Project was whether union officials could enter site under section 81 of the *Work Health and Safety Act 2011* (Qld) (**WHS Act**) without a permit.
23. On one occasion on 11 October 2022, I was informed that Mr Rielly had tried to enter the site without a permit but relying on section 81 of the WHS Act. BMD's position was that they still required a permit to be onsite. WHSQ inspectors John Azcune and Frank Berthaux also arrived at site that day and supported Mr Rielly's position. By this stage, we were aware that the CFMEU would use these visits to take footage and posts would end up on social media.
24. A copy of an email summarising this attendance dated 11 October 2022 is **Annexure GG-5, pages 48 to 49 of the Bundle**.
25. On 1 March 2024, BMD received a site visit on the Mount Crosby Bridge Project from the CFMEU and ETU at about 2:30am prior to a pavement pour which caused the site to be shut down. The pour was cancelled.
26. A copy of an email I sent referring to this site visit dated 1 March 2024 is **Annexure GG-6, pages 50 to 53 of the Bundle**.
27. There were other occasions on the Mount Crosby Bridge Project, which I cannot recall the precise date, where Mr Mattas would cause disruption on site, including:
 - (a) on one occasion while BMD was doing concrete pour, Mr Mattas stood in front of the truck and would not let it drive down the driveway;
 - (b) on another occasion, I recall asking Mr Mattas "*What's the problem? Why is this all happening?*" and Mr Mattas responded that "*BMD are very slow to pick up the phone,*

so someone needs to ring and talk to us". While no one ever directly communicated it to me, I thought that the increased disruption from the CFMEU was to try and force BMD to enter an enterprise agreement with the CFMEU.

28. There was some overlap between the conclusion of the Mount Crosby Bridge Project and the commencement of works at the Centenary Bridge Upgrade Project (or **the Project**). When we started receiving visits in late 2023 at the Centenary Bridge Upgrade Project, I wanted to arrange refresher training for the workers on the Mount Crosby Bridge Project about dealing with union officials on site. This occurred on 21 November 2023.
29. A copy of my emails related to arranging this training are **Annexure GG-7, pages 54 to 59 of the Bundle**.
30. In late 2023, the CFMEU made more social media posts about BMD. For example, on about 30 November 2023, a video was posted by the CFMEU Construction & General Division Facebook page saying BMD was "Bad, Mad and Dangerous" , with a picture of BMD's founder and Chairman, Dr Mick Power AM.
31. A copy of an email showing this social media post dated 30 November 2023 is **Annexure GG-8, pages 60 to 61 of the Bundle**.
32. These are earlier examples of the tactics which were similarly deployed by the CFMEU on the Centenary Bridge Upgrade Project.

Involvement in the Centenary Bridge Upgrade Project

33. The Centenary Bridge Upgrade Project involved the construction of a new three-lane northbound bridge over the river crossing between Sinnamon Road, Jindalee and Kenmore Road, Kenmore in Brisbane.
34. For the Centenary Bridge Upgrade Project, GBJV finalised a Greenfields Agreement with the AWU in December 2022. BMD has never had an enterprise bargaining agreement (**EBA**) with the CFMEU.
35. BMD and Georgiou Group Pty Ltd (**Georgiou**) formed an unincorporated joint venture (**GBJV**), which was awarded the Centenary Bridge Upgrade Project by the Department of Transport and Main Roads (**DTMR**) in December 2022. I was not involved in the tender process for the Centenary Bridge Upgrade Project. I commenced my role as Regional Construction Manager about three or four months after works had commenced on site at the Centenary Bridge Upgrade Project.
36. In this role, I typically work out of BMD's Head Office located at the Port of Brisbane. I am not usually based at any one single project. Site-based Project Managers and Project Directors report directly to me. Mr Leigh Hahn (**Mr Hahn**) was the Project Director at the Centenary Bridge Upgrade Project when I commenced my role.
37. For the Centenary Bridge Upgrade Project, I was also part of the Contract Leadership Team (**CLT**), which met monthly.
38. The other members of the CLT were:
 - (a) Matthew Quay-Verlander, BMD's Operations Manager, QLD & NT, on behalf of GBJV;
 - (b) Sean Donald, Georgiou's General Manager, on behalf of GBJV;
 - (c) Jack Ryan on behalf of DTMR.
39. Mr Quay-Verlander and Mr Donald usually ran the CLT meetings.

40. In addition to the members of the CLT itself, a number of others were usually in attendance at the CLT meetings, including:
- (a) on behalf of GBJV:
 - (i) the Project Director (initially Leigh Hahn, then Gareth Davie and subsequently James Smith);
 - (b) on behalf of DTMR, Francesca Knight (Project Director);
 - (c) on behalf of the Contract Administrator (**CA**), SMEC Australia Pty Ltd:
 - (i) Peter Konecny and Chris Demartini,
 - (d) Ben Schnitzerling from Redfox as the Issues Resolution Advisor.

Union activity on Centenary Bridge Upgrade Project

41. It was not out of the ordinary to get a visit by a CFMEU delegate weekly at a project somewhere that BMD was undertaking. When I first commenced in my role as a Regional Construction Manager, I would attend the Centenary Bridge Upgrade Project weekly or fortnightly, which was usual for the role of Regional Construction Manager.
42. However, over the course of the Centenary Bridge Upgrade Project, the site started to receive multiple visits per day from CFMEU officials prior to an injunction being issued by the Federal Court of Australia, which I address later in my statement. In about mid-April 2024, I started attending the Project site daily, but prior to that my knowledge of what was occurring on site was reported by to me by others such as Mr Hahn.
43. There was a system in place whereby Mr Hahn and later Gareth Davie (Mr Davie) or Quinn Murray (**Mr Murray**), would circulate an update about a union attendance to GBJV management and the CA. I was copied to these updates.
44. A bundle of these email reports dated between 20 September 2023 and 25 March 2025 are **Annexure GG-9, pages 62 to 91 of the Bundle**.
45. In August 2023, the GBJV had clear signs from both the AWU and CFMEU that the continued engagement of Altus Traffic Pty Ltd would cause the project to be targeted.
46. A copy of an email from Mr Hahn dated 24 August 2023 referring to this is **Annexure GG-10, pages 92 to 93 of the Bundle**.
47. Mr Hahn and Gavin Kenny (**Mr Kenny**), the Project's Superintendent, thought that changing providers would diminish union activity, but it did not.
48. On 19 October 2023, I indicated to Mr Kenny that we needed to develop a one pager on the industrial relations strategy for the Project, in consultation with Mr Hahn because I anticipated that the union were going to be disruptive on the Centenary Bridge Upgrade Project, as they had been on the Deception Bay and Mt Crosby Projects.
49. A copy of my email to Mr Kenny dated 19 October 2023 is **Annexure GG-11, pages 94 to 96 of the Bundle**.
50. On 9 November 2023, I received an email from Mr Quay-Verlander that BMD had been advised unions, especially the CFMEU, would become more active on BMD sites and that key areas of interest for the CFMEU should be fully reviewed on all sites. Because of this, I said that I would likely organise a refresher for a few jobs around rights of entry, which I referred to earlier in this statement in relation to Deception Bay Interchange Upgrade Project.

51. A copy of Mr Quay-Verlander's email dated 9 November 2023, and my response dated 9 November 2023, is **Annexure GG-12, pages 97 to 98 of the Bundle**.
52. On 10 November 2023, Mr Hahn provided an update to me on the areas of concern identified by Mr Quay-Verlander.
53. A copy of Mr Hahn's email dated 10 November 2023 is **Annexure GG-13, pages 99 to 102 of the Bundle**.
54. At my request, on 16 November 2023, Mr Hahn provided me an overview as to the notable industrial relations issues at Centenary Bridge at that time.
55. A copy of Mr Hahn's email dated 16 November 2023 is **Annexure GG-14, pages 103 to 105 of the Bundle**.
56. On about 11 December 2023, I met with Mr Rielly from the CFMEU and the next day, Mr Rielly also spoke with Mr Hahn and Mr Kenny about key points of focus for the CFMEU, including:
 - (a) Universal Cranes and Caporn Piling;
 - (b) the CFMEU were curious as to the proximity of the Project Value to the BPIC+ threshold;
 - (c) that it was probable the Centenary Bridge Upgrade Project would receive visits from organisers other than Mr Rielly in early 2024.
57. A copy of Mr Hahn's email dated 12 December 2023 is **Annexure GG-15, pages 106 to 107 of the Bundle**.
58. On 14 December 2023, Mr Quay-Verlander sent a further email noting that there had been increased activity from unions and providing a list of the kinds of safety issues that were commonly relied on by union representatives so they could be review on each project site.
59. A copy of Mr Quay-Verlander's email dated 14 December 2023 is **Annexure GG-16, pages 108 to 112 of the Bundle**.

CFMEU representatives disrupt unofficial meeting with AWU representatives on-site – 23 February 2024

60. On 23 February 2024, I was copied into an email from Mr Hahn about a discussion that occurred on site with AWU organisers. On 24 February 2024, Mr Hahn copied me into a further email which elaborated on the discussions which occurred onsite on the previous day.
61. A copy of this email chain dated 23 and 24 February 2024 is **Annexure GG-17, pages 113 to 116 of the Bundle**.
62. From what I was told is that a meeting had been arranged on site between the GBJV and the AWU, which was interrupted by members of the CFMEU. I expressed concern that we were having meetings with union representatives on site at all because they need a reason under a right of entry requirement to access the site so inviting them in without that having occurred did not follow our own procedures about dealing with right of entry.
63. Shortly after receiving that email, I replied to Mr Hahn's email expressing concern about the fact that some sort of meeting occurred on site involving GBJV, the AWU and the CFMEU.
64. I reiterated to Mr Hahn that these meetings should not be happening, unless the union representatives follow that process.

65. On 26 February 2024, Mr Quay-Verlander replied agreeing that we should not be entertaining these meetings onsite, but other options should be discussed.
66. A copy of Mr Quay-Verlander's email dated 26 February 2024 is **Annexure GG-18, pages 117 to 121 of the Bundle**.

Disruption in relation to the delivery of steel to the Centenary Bridge Upgrade Project site

67. An early example of the CFMEU actively attempting to disrupt construction on site related to the delivery of steel in February and March 2024. To me, this rung alarm bells that we were going to have to deal with the union disrupting works or otherwise the Project was not going to get built on time and/or on budget.
68. On 29 February 2024, Mr Hahn circulated an update as to events on 28 February 2024 where many CFMEU personnel were gathering prior to pre-start in a car park adjacent to Gate 1. There were several discussions with CFMEU organisers, who identified the key issues as the engagement of the piling subcontractor Caporn; importation of steel; and manning of marine cranes.
69. A copy of Mr Hahn's email dated 29 February 2024 is **Annexure GG-19, pages 122 to 123 of the Bundle**.
70. On 13 March 2024, Mr Hahn organised a meeting between key personnel to discuss what approach should be taken by BMD to the ongoing blockade by the CFMEU.
71. A copy of a calendar invitation for this meeting dated 13 March 2024 is **Annexure GG-20, pages 124 to 125 of the Bundle**.
72. On 13 March 2024, the GBJV attempted again delivery of the fabricated steel, Mr Hahn sent an update that about 15 members of the CFMEU were blockading Gate 1 that morning which prevented delivery.
73. On 13 March 2024, I emailed Mr Hahn that from BMD's perspective, we were not to show or hand over any documents and told Mr Hahn to seek advice from BMD's internal legal counsel on next steps. This occurred the same day that the GBJV attempted to transport two loads of overhead gantry support steel to site.
74. A bundle of emails dated 13 March 2024 related to the attempted steel delivery to site are **Annexure GG-21, pages 126 to 138 of the Bundle**.
75. On 14 March 2024, Mr Hahn informed me that the CFMEU were planning on naming him, Mr Kenny and Mr Murray as obstructing under s 118 of the WHSQ Act.
76. A copy of Mr Hahn's email dated 14 March 2024 is **Annexure GG-22, pages 140 to 142 of the Bundle**.
77. On 20 March 2024, Mr Hahn sent circulated a meeting request setting out his recommendation for dealing with the CFMEU's demands about the steel fabrication.
78. A copy of this meeting request dated 20 March 2024 is **Annexure GG-23, pages 143 to 144 of the Bundle**.
79. Mr Hahn recommended reopening discussions with the CFMEU. It is difficult now to remember what I thought of each of these options. The situation was changing every day on site. Trying to put a plan or strategy in place when we were not sure what was motivating the CFMEU to continue to disrupt our projects was very hard to work with.
80. On 21 March 2024, an email was circulated by Mr Hahn in relation to the efforts to deliver the gantry steel. On 21 March 2024 at 7:30am, Mr Hahn arranged an impromptu CLT meeting to

discuss inbound fabricated steel, noting that the CFMEU blockage remained in place and it was anticipated to do so for some time.

81. A copy of Mr Hahn's emails dated 21 March 2024 is **Annexure GG-24, pages 145 to 151 of the Bundle**.
82. On 3 April 2024, the CFMEU requested boron testing results be provided for the steel gantry which they had been blockading. Mr Donald asked Mr Quay-Verlander and I for our position on releasing testing results to the CFMEU.
83. A copy of this email from Mr Donald dated 3 April 2024 is **Annexure GG-25, pages 152 to 154 of the Bundle**.
84. On 3 April 2024, I asked for a catch up with Mr Donald and Mr Davie about this issue.
85. A copy of my email request and calendar invitation dated 3 April 2024 are **Annexure GG-26, pages 155 to 157 of the Bundle**.
86. I do not specifically recall this meeting or the detail of what was discussed.
87. On a date between 21 and 27 March 2024, Mr Hahn came to us and said that the CFMEU had agreed to take people off the front gate and end the blockage. We later found out that Mr Hahn had agreed to send the CFMEU documentation on the steel and having discussion without going through the right protocol, so Mr Hahn left BMD.
88. On 24 April 2024, Mr Murray emailed me in relation to supplying documentation to the CFMEU about the temporary steel. Mr Murray informed me that Rob McDonald, an Operations Manager for WSHQ, had said he was under time pressure to adhere to his responsibilities under the WHS Act and that if the GBJV did not contact him about this, he would be forced to issued improvement notices/prohibition notices.
89. A copy of this email from Mr Murray dated 24 April 2024 is **Annexure GG-27, pages 158 to 159 of the Bundle**.
90. On 24 April 2024, a separate improvement notice was issued by WSHQ for not supplying documentation to CFMEU officials regarding the steel.

Commencing daily site attendances – April 2024

91. Critical path works are tasks that must be finished on time to complete the entire project on time as they are essential elements of the project. Between mid-April 2024 and mid-May 2024, critical path works were being undertaken for the Centenary Bridge Upgrade Project to pour the concrete pylons for the bridge duplication to sit on. For this period, GBJV had engaged various contractors to carry out different parts of this essential work.
92. Sometime in April 2024, I started attending the Centenary Bridge Upgrade Project site daily during the dayshift because of the union activity during this critical period. This was typically with Rob Pickard (**Mr Pickard**), BMD's General Manager and Steve Thomas (**Mr Thomas**), BMD's Industrial Relations/Human Resources (**HR**) Manager. Occasionally, other HR staff would attend site as well for additional support.
93. When I started attending site daily, one of the reasons was to try and assist Mr Ben Weston (**Mr Weston**) who was the primary person dealing with the right of entry issues daily. These daily occurrences put Mr Weston into an overwhelmingly stressful position.
94. Also in early April, BMD engaged two external consultants by the name of Mr Grant Benson (**Mr Benson**) and Mr Stephen Lovewell (**Mr Lovewell**) to assist with right of entry issues on site. Mr Pickard engaged these additional consultants after a long-standing employee of BMD, who had been dealing with the Union on site daily, broke down about the stress it was causing.

95. At about the same time, I know BMD engaged external security providers through the Host Group Australia and Concentric Concepts. I had no involvement in this process, This was organised and arranged by Mr Pickard.
96. On 16 April 2024, Mr Davie sent an update about an unexpected visit from the CFMEU, specifically Mr Rielly.
97. A copy of Mr Davie's email dated 16 April 2024 is **Annexure GG-28, pages 160 to 161 of the Bundle.**
98. On 17 April 2024, I was informed by Mr Murray, the site Project Manager, there were confrontations with CFMEU delegates on site, which resulted in contractors being unable to perform critical path piling works. I was not on site this day, but I received email updates about this.
99. A copy of Mr Murray's email dated 17 April 2024 is **Annexure GG-29, pages 162 to 163 of the Bundle.**
100. On 18 April 2024, I was informed that there had been another attendance during the nightshift by three CFMEU organisers, Mr Howard, Mr Budgeon and a third who did not have a valid entry permit. The site was closed as the night shift crew was not adequately resources to provide adequate supervision while simultaneously dealing with the CFMEU attendance. At 10:00pm, all workers at CFMEU members vacated the site.
101. Copies of Mr Weston's and Mr Murray's emails dated 18 April 2024 summarising this attendance are **Annexure GG-30, at pages 164 to 167 of the Bundle.**

Events of 23 April 2024

102. On 23 April 2024, I was onsite when CFMEU officials attended the site, Mr Hayden Turner-Davey (**Mr Turner-Davey**), Mr Dylan Howard (**Mr Howard**) and Mr Matthew Vonhoff (**Mr Vonhoff**), and attempted to enter the Centenary Bridge Upgrade Project. I recognised each of them because I had seen them attend other BMD projects from time to time.
103. At approximately 7am, Mr Turney-Davey entered the Centenary Bridge Upgrade Project site through the righthand side of the Gate 1 driveway, which is on the southern side of the project site. I saw Mr Benson approach Mr Turner-Davey and request he produce his Federal and State permits.
104. A short time later, Mr Howard and Mr Vonhoff walk down the same entryway as Mr Turner-Davey. I saw Mr Benson approach Mr Howard and Mr Vonhoff and request they also produce their Federal and State permits.
105. Mr Benson asked Mr Turney-Davey, Mr Howard and Mr Vonhoff to produce their permits multiple times, but on each occasion they refused. Each of them also refused to sign into the site visitor register to acknowledge that they had read and understood the site-specific safety requirements. Prior to the injunction being issued, which I address later in this statement, the CFMEU officials would often refuse to sign into site.
106. At about 8:30am, QPS attended the site. While in attendance, the QPS spoke to GBJV workers as well as Mr Turney-Davey, Mr Howard and Mr Vonhoff.
107. QPS advised they could not do anything to assist and left the site at about 10am. At about the same time, Dean Mattas (**Mr Mattas**) and Mr Eben Cox (**Mr Cox**) arrived the northern abutment. I was still on the southern abutment dealing with the issues there, but I was receiving phone calls from Mr Benson about what was occurring on the northern side of the Project. On the northern side, Mr Mattas and Mr Cox refused to leave the exclusion zone of the concrete pump.
108. Throughout the course of the events that day, four concrete trucks were waiting for the concrete pump to be set up. This could not occur because Mr Mattas and Mr Cox would not leave the

exclusion zone for the concrete pump to be set up, despite repeated requests by Mr Benson to do so.

109. At about 10:55am that morning, two inspectors arrived from WSHQ, Inspector Azcune and Inspector Jason Argent. There were lengthy discussions with the two inspectors about the legitimacy of the suspected safety contraventions.
110. At approximately 2:30pm, after leaving the southern side of the project site, Inspector Azcune and Inspector Argent attended the northern abutment where Mr Mattas and Mr Cox still refused to leave the exclusion zone. The WSHQ inspectors asserted that a geotechnical report was necessary to operate the concrete pump, so it could not be operated until that was produced. An Improvement Notice was issued to that effect.
111. A copy of Improvement Notice I2045321 is **Annexure GG-31, pages 168 to 170 of the Bundle**.
112. At approximately 3:00pm, because of the disruption to the concrete pour, Mr Davie, Mr Pickard and I made the joint decision that the concrete pour could not proceed. The scheduled trucks which had been waiting to commence were turned away.
113. At 4:00pm, after the concrete pour was cancelled, Mr Turney-Davey, Mr Howard, Mr Vonhoff, Mr Mattas and Mr Cox left the site as did Inspectors Azcune and Argent.
114. On 23 April 2024, the GBJV sent a summary document to the Contract Administrators (**CA**) about the events that occurred on site that day.
115. A copy of this email dated 23 April 2024 is **Annexure GG-32, at pages 171 to 172 of the Bundle**.
116. By the next day, the GBJV had discussed whether there would be costs or delay claims available on the basis of the disruptions by the Union and it was understood that recompense would be facilitated for Union-related disruption. Rex Clarke from BMD and Quinn Murray from Georgiou primarily worked on this.
117. On 26 April 2024, I was copied into an email from Mr Davie who informed me that Inspector Argent had withdrawn Improvement Notice I2045321 after BMD queried the information relied on by WSHQ to issue the Improvement Notice.
118. A copy of this email is **Annexure GG-33, at pages 173 to 177 of the Bundle**.
119. The cancellation of the concrete pour, which was a critical path work, meant significant delays for the whole Centenary Bridge Upgrade Project.
120. In the aftermath of this cancellation, the GBJV started considering the claim for costs arising from the union delay and the way this should be approached with the CA and DTMR.
121. A copy of an email chain between GBJV employees, including myself, from 24 April 2024 to 30 April 2024 is **Annexure GG-34, at pages 178 to 182 of the Bundle**.

Events on 29 April 2024

122. On 29 April 2024, I was onsite again. I was standing close to Mr Benson when seven CFMEU-affiliated individuals attended the site just after 6.30am. I know those CFMEU permit holders to be, because prior interactions or during the course of them providing Entry Notices, to be:
 - (a) Mr Howard;
 - (b) Mr Vonhoff;
 - (c) Mr Turner-Davey;

- (d) Mr Cox;
 - (e) Hoani Edwards (**Mr Edwards**);
 - (f) Trevor Sinclair (**Mr Sinclair**);
 - (g) Jamie Porter (**Mr Porter**).
123. When I first encountered the group of CFMEU officials, they were already within the Centenary Bridge Upgrade Project's site area, having gained access through a gate, which was off the public footpath.
 124. Mr Benson requested that the group complete the visitor sign in requirements for Centenary Bridge Upgrade Project. They refused to do so. Over a period of approximately twenty minutes, despite not signing in as requested, the group progressively made its way further onto site.
 125. QPS were called to provide assistance. I do not recall who phoned QPS, but it would have been Mr Weston or Mr Davie. WSHQ were also called to attend. I do not recall who phoned WSHQ, but it would have been Mr Weston or Mr Davie. We were advised that WSHQ could not attend unless the call was allocated through the main telephone line, which do not open until 8am.
 126. At 8:36am that morning, I received an email from an undergraduate engineer Mr Tayloe Hinton (**Mr Hinton**) working on the Centenary Bridge Upgrade Project sharing footage of Mr Howard, Mr Edwards and Mr Porter removing a bracket from a security fence to create a gap in the fence to access the site
 127. I replied asking Mr Hinton to do a run through that area to confirm if there was further unauthorised access.
 128. A copy of this email exchange with Mr Hinton dated 29 April 2024, and five videos, are **Annexure GG-35, at pages 183 to 185 of the Bundle**.
 129. Mr Turner-Davey, Mr Sinclair and Mr Cox scaling a retaining wall and went over a fence to circumvent security guards and gain access to an exclusion zone without being escorted.
 130. Two other individuals, wearing CFMEU clothing positioned themselves in front of a crane that was located on the southern abutment roughly level with the Centenary Highway. I recognised one of those individuals to be Beau Seiffert (**Mr Seiffert**).
 131. Mr Mattas, Cody Budgeon and Joshua Thompson were seen near the jetty at the lower section of the southern abutment adjacent to the Brisbane River.
 132. There were a variety of other individuals wearing CFMEU clothing who were also present though did not identify themselves as they largely remained on the public footpath which goes through the Project. One of those individuals I identified as Jade Ingham (**Mr Ingham**), who was the National President and Assistant State Secretary of the CFMEU at the time.
 133. At approximately 9am, GBJV decided to stop all works on the Centenary Bridge Upgrade Project given the number of unauthorised individuals who had gained access to the site.
 134. Mr Weston circulated an email about the events on 29 April 2024, to which I was copied.
 135. A copy of Mr Weston's email about the events on 29 April 2024 is **Annexure GG-36, at pages 186 to 187 of the Bundle**.
 136. As a result of a full day of work being lost, the estimated direct financial cost to be approximately \$237,000. This figure only takes into account the direct costs associated with hire costs, engagement of subcontractors who are unable to perform the works and daily running costs of

the Project. Subsequently, the GBJV has worked closely with DTMR and the CA to account for the greater direct and indirect costs of union disruption on site.

Events on 14 May 2024

137. On 14 May 2024, further critical path works had been scheduled, including a concrete pour on the southern side of the Centenary Bridge Upgrade Project on the lower aspect of the southern abutment, adjacent to the Brisbane River.
138. Meales Concrete Services Pty Ltd (**Meales**) had been engaged by GBJV to set up and operate the concrete pump on this occasion, which required accessing the site through Gate 1, off Sinnamon Road, Jindalee. Boral Resources (Qld) Pty Ltd and QCCrete Premix Pty Ltd (a Boral company) (together, **Boral**) were engaged by GBJV to supply concrete for the pour.
139. At the Gate 1 access point, concrete trucks were required to cross over the public footpath, and that activity was undertaken with traffic control.
140. I was onsite on that day. I was made aware that Mr Turner-Davey and Mr Porter arrived onsite, but I did not see them arrive myself. Eventually, Mr Turner-Davey presented me with his entry notice and shortly afterwards Mr Porter presented me with his entry notice.
141. Despite my repeated requests that they go through the visitor rules and sign in, they refused to do so.
142. Once on site, Mr Turner-Davey and Mr Porter remained on the public footpath, between the traffic controllers and the concrete truck, which was an exclusion zone. They were both asked repeatedly to move out of the exclusion zone, but refused to do so.
143. At around 1:30pm, approximately 30 to 40 individuals wearing CFMEU branded clothing walked out along Sinnamon Road across the border of the southern edge of the project, blockading the entrance to Gate 1, such that concrete trucks and other vehicles scheduled to undertake works on the site were unable to access the site.
144. There were approximately six concrete trucks as well as a number of body trucks working on earthwork activities that were not able to enter and got pushed away as a result of the blockade.
145. A copy of the CCTV footage showing this occurring from 1:28pm onwards on 14 May 2024 is **Annexure GG-37, at pages 188 of the Bundle**.
146. The number of CFMEU officials and other individuals wearing CFMEU branded clothing increased to up to approximately 50 CFMEU officials. CFMEU-affiliated individuals remained in position blocking the access point at Gate 1 until approximately 4.00pm. They were repeatedly asked to leave, including by the QPS, but they refused to do so.
147. Among those who I could identify as part of that group included:
 - (a) Dean Rielly (**Mr Rielly**);
 - (b) Mr Ingham;
 - (c) Mr Howard;
 - (d) Mr Porter;
 - (e) Mr Turner-Davey;
 - (f) Mr Vonhoff;
 - (g) Mr Cox;

(h) Mr Edwards;

(i) Mr Mattas.

148. I also recognised an individual named Liam Crow.

149. As a result of the concrete pour being incomplete, GBJV had to take remedial action at the site.

150. In conjunction with TMR, GBJV sought advice and approval to make a 'cold joint' in the pier. A 'cold joint' refers to join between the concrete that has hardened and more concrete being poured on top of it. The original design specification was for the pier to be one continuous pour. The introduction of a 'cold joint' is not ideal as it can reduce the strength and integrity of the structure and be more susceptible to water getting into the concrete. GBJV received approval to proceed with a 'cold joint' with additional waterproofing. The remedial actions themselves were not extensive, though the delay was, while we waited for advice to ensure the structural integrity of the bridge was maintained.

Federal Court of Australia proceedings

151. On 15 May 2024, because of the continued disruption to critical pathway works, BMD filed application in the Federal Court of Australia (**FCA**) against the CFMEU and a number of CMFEU officials who were present on site as part of the blockade on 14 May 2024.

152. In the course of that proceeding, I have filed two affidavits dated 15 May 2024 and 22 May 2024, which are **Annexure GG-38 at pages 189 to 288 of the Bundle**.

153. An urgent injunction was sought on the same day to prohibit further obstruction by the Named Respondents of the Centenary Bridge Upgrade Project. His Honour Justice Logan granted the urgent injunction on 15 May 2024.

154. A copy of the judgment dated 15 May 2024 is **Annexure GG-39, at pages 289 to 304 of the Bundle**.

155. A further hearing occurred on 23 May 2024 and the prohibition orders against the Named Respondents remained in place.

156. A copy of the judgment dated 23 May 2024 is **Annexure GG-40 at pages 305 to 328 of the Bundle**.

157. The litigation is ongoing.

Aftermath of the FCA proceeding

158. After obtaining the injunction, Grant Killeen from Concentric Concepts, who was engaged to assist with security on the Centenary Bridge Upgrade Project in early 2024, liaised with police about obtaining additional police support on certain days where there were anticipated critical works such as concrete pours, which attracted protest activity by the CFMEU. This was just prior to the injunction being obtained from the Federal Court.

159. On 22 May 2024, I also liaised with an officer from QPS, Benjamin Tresize. I enquired whether there would be any additional support for concrete pours happening the next day and evening (25 May 2024). Mr Tresize replied shortly after that QPS would remotely monitor the sites via live traffic cameras and advised that if the CFMEU attended, somebody at site must call QPS via Policelink or triple zero, where it could be triaged. He also advised that crews on both sides of the river were briefed to conduct patrols throughout the day/night where servicing permitted.

160. A copy of this email exchange dated 22 May 2024 is **Annexure GG-41, pages 329 to 333 of the Bundle**.

161. After obtaining the injunction from the Federal Court, the situation definitely improved. The CFMEU officials would show up less frequently. Generally, they would follow the rules, such as signing on when arriving at site, following induction rules and providing more detail about the right of entry being exercised. So, for example, instead of just saying it related to a fall from heights, they would specify a particular area of the project. The visits for more amicable and less frequent over time.
162. I used to receive updates as to the attendances on site from Mr Weston after the injunction was secured about occurrences on site as I stopped needing to attend daily from mid-2024. For example:
- (a) On 3 July 2024, Mr Weston sent me copies of notices of entry by CFMEU organisers Mr Cameron Paul and Mr Turner-Davey and informed me that the only items looked at were the access/egress to a crane and the access path to the pontoon
 - (b) On 10 July 2024, I received a notification that CFMEU organisers Mr Turner-Davey and Mr Budgeon attended site. They were refused entry on the basis they would not agree to follow the direction to disable their bodycams in accordance with "Site Rule 12";
 - (c) On 29 July 2024, I received a notification that CFMEU organiser Mr Turner-Davey attended site in relation to elevated work platforms and scaffold systems. Mr Turner-Davey complied with site requirements and a site inspection was conducted;
 - (d) On 8 August 2024, I received a notification about an attendance by Mr Davey, where entry was refused because of the lack of detail provided in the right of entry notice
 - (e) On 12 September 2024, I received a notification that Mr Mattas and Mr Taylor sought entry where there was a dispute about whether they could take photographs or film while on site;
 - (f) On 4 February 2025, I received an email from Mr Budgeon from the CFMEU providing a copy of a notice of entry for the next day.
 - (g) On 5 February 2025, I received a notification from that Mr Budgeon and Mr Wood from the CFMEU had attended site regarding potential safety violations, specifically issues related to working at heights on girders in the precast yard, as well as concerns regarding non-compliant handrails on the northern abutment.
 - (h) On 10 February 2025, I received an email from Mr Budgeon from the CFMEU providing a copy of a notice of entry for the next day following the attendance the previous week
 - (i) On 26 February 2025, I received notification from the CFMEU stating that organisers Corey Taylor and Mr Edwards arrived on site under s 484 of the Fair Work Act to hold discussions with subcontracting company Niepe personnel on site.
 - (j) On 17 March 2025, I received notification from the CFMEU as to an s 117 right of entry
 - (k) On 18 March 2025, I received a notification about an attendance by Cody Budgen and Joseph Prior which was permitted;
 - (l) On 18 May 2025, I received an update as to an attendance by CFMEU organisers Mr Budgeon and Joseph Pryor, who were permitted entry. WSHQ was contacted during this inspection to attend about an access/egress issue. No improvement notice was issued;
 - (m) On 19 May 2025, I received notification from the CFMEU by email with an entry notice pursuant to s 484 of the Fair Work Act – I forwarded this to Mr Weston on site and spoke with him by phone.

- (n) On 20 May 2025, I received an email from Mr Weston stating that organisers Corey Taylor and Mr Edwards arrived on site under s 484 of the Fair Work Act to hold discussions with subcontracting company Niepe personnel and the visit did not raise any safety concerns

A bundle of these notifications set out above is **Annexure GG-42, at pages 334 to 377 of the Bundle.**

Other impacts on GBJV's workers and business

163. In February 2025, DTMR requested we do an updated risk assessment on the psychosocial hazards present on site which were continuing to managed through a variety of security measures. I was involved in this process.
- 163.1. A copy of an email dated 21 February 2025 which I sent about the level of resourcing to manage the psychosocial risk is **Annexure GG-43, at pages 378 to 383 of the Bundle.**
164. In my experience, utilising contractors who have enterprise agreements with the CFMEU poses a significant risk of business interruption and delay. By that I mean, that those workers from those companies would often follow what the CFMEU officials told them to do, for instance stop working until the CFMEU got the resolution they were after. An example of this was the disruption that occurred on the Deception Bay Interchange Upgrade Project I referred to earlier in my statement, where CFMEU officials regularly disrupted crane lifts until Borger Cranes were engaged to perform the work.

I affirm the contents of this statement are true.


Signature of Deponent

Place via Teams Date 12/08/2026


Before me (signature of witness)

Damian John Hegarty
Full name of witness (please print)

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

Commission of Inquiry into the CFMEU

and Misconduct in the Construction Industry

Bundle to the Statement of
Gary Grant

From: QNT Industria [REDACTED]
Sent: Fri 04/03/2022 9:06:57 AM (UTC+10:00)
To: Gary Grant [REDACTED]
Subject: Entry Notice
Attachment: ROE 484 Single Entry_interactive mattasD.pdf

Please see attached correspondence.

Regards,

CFMEU Construction & General Division, QLD/NT
16 Campbell St, Bowen Hills, QLD 4006
[REDACTED]

Regional Offices:

Darwin - Ph: 08 8981 5280

Townsville - Ph: 07 4766 8715

Website: gnt.cfmeu.org



CFMEU QLD/NT acknowledge the traditional custodians of the land where our offices are located, and on the many sites where our members work. We look forward to walking alongside current and future leaders, our brothers and sisters, in creating a more just Australian society.

If you have received this message in error, please notify us by return email. The information in this email may be confidential and/or legally privileged. It is intended solely for the addressee. Access to this email by anyone else is unauthorised.
If you are not the intended recipient, any disclosure, copying, distribution or use of the communications is strictly prohibited.

Form 2 (regulations 3.27,3.28 and 3.29)

Fair Work Regulations 2009, regulation 3.27

ENTRY NOTICE

I, Dean Mattas of the Construction, Forestry, Maritime, Mining and Energy Union, and having been issued an entry permit under section 512 of the *Fair Work Act 2009*, give notice that I propose to enter:

Job Details: BMD Deception Bay Road Interchange, 1 Arthur Drewett Drive, Burpengary QLD 4505

On: Monday 7th March 2022

As the entry is authorised by section 484 of the *Fair Work Act 2009* (which deals with entry to hold discussions), I declare that the Construction, Forestry, Maritime, Mining and Energy Union, under Rule 2, of the Union's Rules, is entitled to represent the industrial interests of an employee who performs work on the premises mentioned above.

Obligations of permit holders, occupiers of premises and affected employers

A permit holder has various obligations under the *Fair Work Act 2009*. In general terms, these include (but are not limited to) the following:

- to produce the permit holder's entry permit for inspection on request and before requiring access to records and documents (see section 489);
- to comply with any reasonable request from the occupier of premises to comply with occupational health and safety requirements that apply to the premises (see section 491);
- not to intentionally hinder or obstruct any person, or act in an improper manner (see section 500);
- not to intentionally or recklessly misrepresent things the permit holder is authorised to do (see section 503).

An occupier of premises, an affected employer or other person has various obligations under the *Fair Work Act 2009*. In general terms, these include (but are not limited to) the following:

- not to refuse or unduly delay entry to a permit holder (see section 501);
- not to intentionally hinder or obstruct a permit holder (see section 502);
- not to intentionally or recklessly misrepresent things the occupier, employer or person is authorised to do (see section 503).

For further information about all the rights and obligations that apply in relation to entry rights, see Part 3-4 of the Fair Work Act 2009 or contact the Fair Work Ombudsman (tel: 13 13 94) or the Australian Building and Construction Commission (tel: 1800 003 338).

Failure by a person to comply with an obligation under Part 3-4 of the Fair Work Act 2009 may result in a court ordering the person to pay a pecuniary penalty (see section 546).

Should you wish to discuss this matter further, please contact me on my mobile number - [REDACTED]

Given at: via email

Date: 04.03.2022

Signature of Permit Holder:

Dean Mattas

From: Gary Grant [REDACTED]
Sent: Wed 09/03/2022 10:04:32 AM (UTC+10:00)
To: Steve Thomas [REDACTED]; Mathew Quay-Verlander [REDACTED]
Subject: Fwd: Correspondence
Attachment: ROE 484 Single Entry_Rielly 20220309.pdf
Attachment: ROE 484 Single Entry_Mattas 20220309.pdf

Fyi

From: QNT Industrial <[REDACTED]>
Sent: Wednesday, 9 March 2022, 9:42 am
To: Gary Grant
Cc: Dean Mattas; Dean Rielly
Subject: Correspondence

Please see attached correspondence.

Kind Regards,

CFMEU Construction & General Division, QLD/NT
16 Campbell St, Bowen Hills, QLD 4006
[REDACTED]

Regional Offices:

Darwin - Ph: 08 8981 5280
Townsville - Ph: 07 4766 8715

Website: gnt.cfmeu.org



CFMEU QLD/NT acknowledge the traditional custodians of the land where our offices are located, and on the many sites where our members work. We look forward to walking alongside current and future leaders, our brothers and sisters, in creating a more just Australian society.

If you have received this message in error, please notify us by return email. The information in this email may be confidential and/or legally privileged. It is intended solely for the addressee. Access to this email by anyone else is unauthorised. If you are not the intended recipient, any disclosure, copying, distribution or use of the communications is strictly prohibited.

Form 2 (regulations 3.27,3.28 and 3.29)

Fair Work Regulations 2009, regulation 3.27

ENTRY NOTICE

I, Dean Rielly of the Construction, Forestry, Maritime, Mining and Energy Union, and having been issued an entry permit under section 512 of the *Fair Work Act 2009*, give notice that I propose to enter:

Job Details: BMD Deception Bay Road Interchange, 1 Arthur Drewett Drive, Burpengary QLD 4505

On: Thursday 10th March 2022

As the entry is authorised by section 484 of the *Fair Work Act 2009* (which deals with entry to hold discussions), I declare that the Construction, Forestry, Maritime, Mining and Energy Union, under Rule 2, of the Union's Rules, is entitled to represent the industrial interests of an employee who performs work on the premises mentioned above.

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For further information about all the rights and obligations that apply in relation to entry rights, see Part 3-4 of the *Fair Work Act 2009* or contact the Fair Work Ombudsman (tel: 13 13 94) or the Australian Building and Construction Commission (tel: 1800 003 338).

Failure by a person to comply with an obligation under Part 3-4 of the *Fair Work Act 2009* may result in a court ordering the person to pay a pecuniary penalty (see section 546).

Should you wish to discuss this matter further, please contact me on my mobile number - [REDACTED]

Given at: via email

Date: 09.03.2022

Signature of Permit Holder:

Dean Rielly

Form 2 (regulations 3.27,3.28 and 3.29)

Fair Work Regulations 2009, regulation 3.27

ENTRY NOTICE

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Failure by a person to comply with an obligation under Part 3-4 of the Fair Work Act 2009 may result in a court ordering the person to pay a pecuniary penalty (see section 546).

Should you wish to discuss this matter further, please contact me on my mobile number - [REDACTED]

Given at: via email

Date: 09.03.2022

Signature of Permit Holder:

Dean Mattas

From: Shawn Davis [REDACTED]
Sent: Tue 26/07/2022 4:00:32 PM (UTC+10:00)
To: Gary Grant [REDACTED]; Matthew Richardson [REDACTED]; Ian Jones [REDACTED]; Greg Calder [REDACTED]; Matthew Clark [REDACTED]; Benjamin Weston [REDACTED]; Sead Jukic [REDACTED]
Cc: Katie ODonoghue [REDACTED]; Chris Stack [REDACTED]; Madeline Walkington [REDACTED]; Neil den Exter [REDACTED]; Elliott Stanton [REDACTED]; Anthony Atkinson [REDACTED]; Samuel Neck [REDACTED]; Ben Wilson [REDACTED]; Calvin Cavanagh [REDACTED]; Dean Searle [REDACTED]
Subject: FW: Presentation For Deception Bay.
Attachment: BMD ROE PowerPoint - QLD 20220725.pptx

Team,

For your information/reference, please find a copy of the presentation Greg presented today.

In addition to the various standards and management plans which can be found on the BMS, this gives a good summary of the various aspects of dealing with Union Officials, and more-so the approach or strategy preferred by BMD.

Cheers



Shawn Davis
 Project Manager
 BMD Constructions

[REDACTED] | www.bmd.com.au
 1 Sandpiper Ave Port of Brisbane Qld 4178
 PO Box 197 Wynnum Qld 4178



The BMD Group acknowledges the Traditional Owners of the lands in which we operate and pay respect to Elders past, present and emerging.

Learn more about our [Reconciliation Action Plan](#).

Please consider the environment before printing this e-mail.

From: Sabrina Burgess <[REDACTED]>

Sent: Tuesday, 26 July 2022 1:21 PM
To: Shawn Davis <[REDACTED]>
Subject: FW: Presentation For Deception Bay.

Hey Shawn

As discussed please see attached.

Let me know when you'd like me to come out again over the coming weeks - just can't do the week of 15-19 August

Cheers,



Sabrina Burgess
Human Resources Business Partner - QLD & NT
BMD Group
[REDACTED] www.bmd.com.au
1 Sandpiper Ave Port of Brisbane Qld 4178
PO Box 197 Wynnum Qld 4178

The BMD Group acknowledges the Traditional Owners of the lands in which we operate and pay respect to Elders past, present and emerging.

Learn more about our [Reconciliation Action Plan](#).

Please consider the environment before printing this e-mail.

From: Greg Power - Draytons Workplace Consulting <[REDACTED]>
Sent: Monday, 25 July 2022 4:31 PM
To: Sabrina Burgess <[REDACTED]>
Subject: Presentation For Deception Bay.

Sabrina,

Here is the presentation for tomorrow.

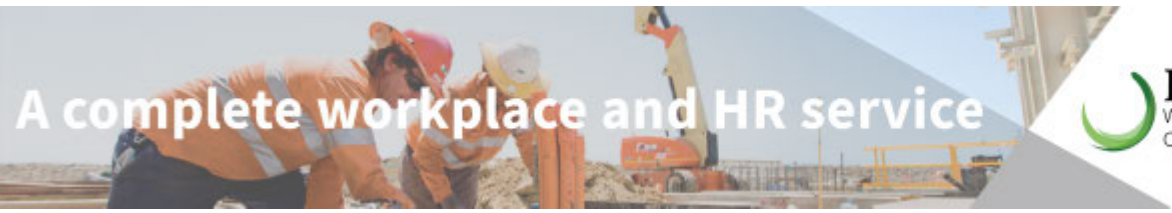
Regards,



Greg Power
Senior Consultant

T: [REDACTED]
M: [REDACTED]

Drayton's Workplace Consulting
www.draytons.com.au



A complete workplace and HR service





Bruce Highway Upgrade—Deception Bay Road Interchange

- * Right of entry (ROE)
- * Industrial relations update
 - * July 2022

Right of Entry Defined

Right of Entry (ROE) refers to the law covering the right of a union representative to enter a workplace.

ROE legislation overrides the common law trespass - provides a statutory right to enter private property.

Right of Entry

Four Types of ROE

Discussions with employees (*Fair Work Act 2009 Cth*)

Investigate breach of the *Fair Work Act 2009 (Cth)*

Investigate WHS breach (*WHS Act 2011 QLD*)

Represent employees in a safety dispute (*WHS Act 2011 QLD*)



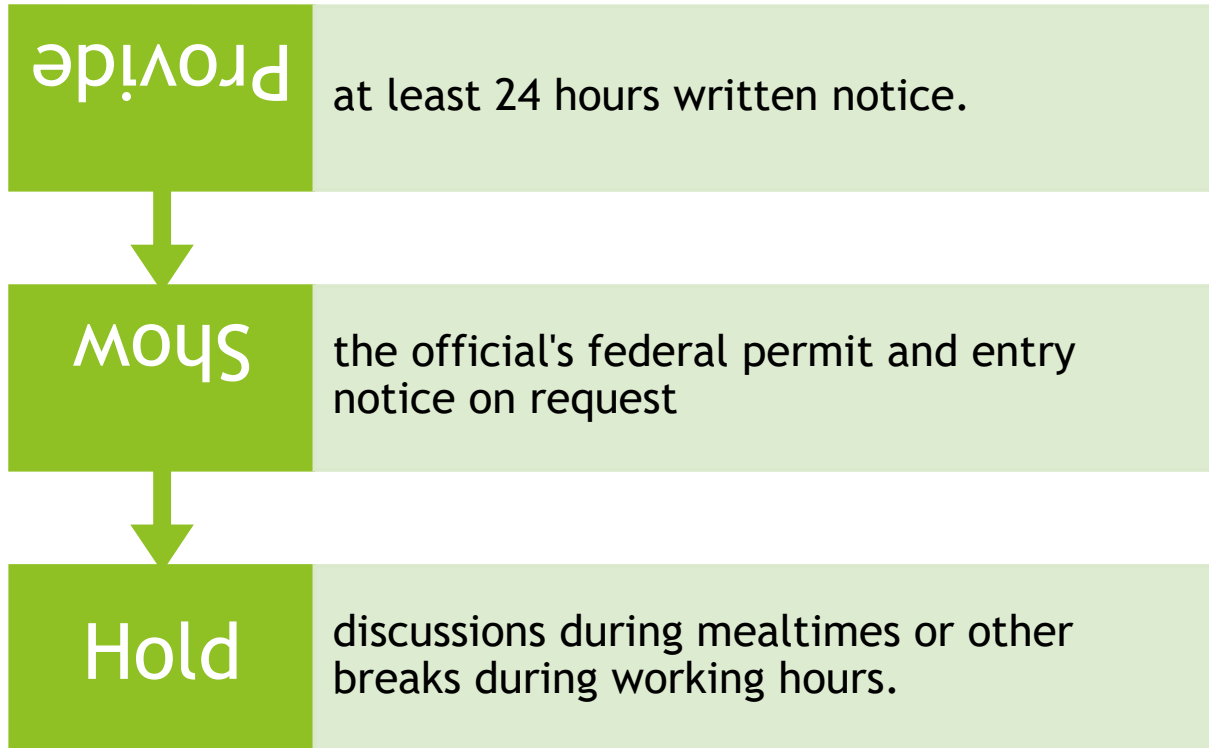
A Union Official may enter a site to hold discussions with employees subsequent to the following:

1. The employees perform work on the site; and
2. The official's union are entitled to represent the industrial interests of the employees.
3. In civil construction the union entitlements are:
 1. AWU - all employees
 2. CFMMEU - Plant, Carpenters and Piling.

Right of Entry Discussions

Right of Entry Discussions

Requirements for Entry



There is no right of entry to camps or other accommodation in non-work periods.

Right of Entry - Discussions

Rights On-site for Holding Discussions

Union officials must comply with reasonable requests about:

OHS requirements - PPE, Escort, Route

Not intentionally hinder or obstruct any person or act in an improper manner.

If there is no agreement on meeting rooms, the meeting with the workers will be in crib rooms.

Right of Entry

When the entry is to investigate a suspected contravention of the *Fair Work Act*, *Work Health and Safety Act* or an Award / Agreement, the entry notice must:

- * specify the particulars of the suspected contravention;
- * contain a declaration by the official that the union is entitled to represent the industrial interests of an employee who performs work on the site and is affected by the suspected contravention;
- * specify the provision of the union's rules that entitles the union to represent the member; and
- * the suspected contravention that relates to or affects an employee/s on the site.



Right of Entry - Safety

Entry for Suspected Safety Breach

- * A Union Official has a right of entry to a site in Queensland on the basis of a reasonable suspicion of a safety breach.

Requirements for Entry

- * The union official must provide evidence they're an authorised representative under the Workplace Health and Safety Act 2011 (QLD).
- * Particulars of the suspected breach must be provided to the Employer
- * Only visit during working hours.
- * Provide the Federal permit and the State WHS entry permit on request.

Right of Entry - Safety

After entering the workplace the authorised representative may:

- a) inspect any plant, substance or other thing at the place relevant to the suspected contravention or observe work carried on at the place; or
- b) observe work carried on at the place;
- c) speak to a person, with the person's consent, who is an eligible member of the employee organisation; or
- d) warn anyone they believe is exposed to a serious health or safety risk;
- e) speak to the occupier of the place about anything relevant to the suspected contravention mentioned in subsection; or
- f) Request to look at and make copies of records or documents kept at the workplace relevant to the suspected contravention.

Right of Entry- Notices

All entry notices must specify:

the site to be entered;

- the day of entry:
 - This date must be at least 24 hours after receiving the notice but within 14 days for discussions with employees and a suspected contravention of the Fair Work Act e.g. wage underpayments.
 - The entry can be immediate and on the day of issuing the notice for a suspected contravention of the Workplace Health and Safety legislation.
- the union the official belongs to; and
- the section of the Fair Work Act 2009 or Work Health and Safety Act 2011 that authorises the entry.

When the entry is to hold discussions with employees, the entry notice must:

- contain a declaration by the official that the
- union is entitled to represent the industrial interests of an employee/s who perform work on the site; and
- specify the provision of the union's rules that entitles
- the union to represent the employee.

ROE Flow Chart (Mud Map)

Union official wants to enter site

Has 24 hour written notice been provided?

Yes

No

Can official provide federal permit and ID?

Yes

No

Entry Denied

Entry Granted (subject to discussions in non work period/observe OHS requirements)

Has notice of WHS Breach been issued (section 117)? Or the particulars of the breach and/or the employees to be represented advised?

Yes

No

Entry Denied

Can official provide federal permit and WHS Entry Card and ID?

Yes

No

Entry Granted (to the area of the alleged breach)

Entry Denied

What has been happening?

Safety right of entry is abused. Any excuse has been used. The intent is not for minor issues.

The union strategy is to abuse the Work Health and Safety right of entry provisions as the entry is immediate and does not require notice or is limited to meal times.

This excessive use of right of entry is to create a disruption to pressure and influence the project management to develop a relationship with the union.

The union's objective is to achieve a relationship that can influence subcontractors to provide union outcomes.

The size of the workforces on these projects is attractive to a union.

What has been happening?



This union strategy is evident on current and recently completed projects in South-East Queensland including Cross River Rail and Coomera Connector



WHS Inspectors will only come to assist when the union is on site and will not assist the Employer.



The ABCC will not assist in regulating the union on sites, the ABCC can only regulate the Company.

Right of Entry Strategy

The industrial relations management of this issue is to minimise the impact on the Project.

There is limited legislative relief available for excessive use of right of entry.

The relief is through the right of entry practice and strategy developed for Supervisors on the Project that minimises impact.



Right of Entry Strategy

This involves:

- Don't contest the alleged safety breaches. This has not been successful and gives the union a contest.
- Do ensure notices and permits are right before entry.
- The unions on seeking entry, should be referred to two (2) Project Representatives: Supervisor and Safety Manager/ Representative.
- Do not waste resources of Project Managers, Superintendents or Engineers to minimise impact.
- The Officials are to be escorted by the Project Representatives to where the alleged breach is occurring.
- If the Officials request copies of documentation, then the request should be referred to the Project HR Management.

Unions lose interest in a Project if they cannot get the attention of the Project Managers and/or employees. This process exhausts the union strategy.



Right Entry - Entry Permit



Fair Work Regulations 2009, regulation 3.26

ENTRY PERMIT TO ENTER PREMISES

RE2017/389

This entry permit is issued to [REDACTED] of **The Australian Workers' Union** under section 512 of the *Fair Work Act 2009*.

The permit holder is entitled, while the permit is in force, to exercise the powers and functions given to the permit holder by Part 3-4 of the *Fair Work Act 2009*.

This permit expires at the end of 3 years beginning on the day it is issued, unless the period is extended under subsection 516 (2) of the *Fair Work Act 2009*, or the permit holder ceases to be an official of the organisation, or the permit is revoked.

Dated: 5 May 2017



MURRAY FURLONG
Delegate of the Fair Work Commission

Right of Entry Permit



New permits must have photo ID similar to a driving licence.



Existing permits can continue; however, the Official will need to show photo ID with the permit



Right Entry - Entry Permit

WHS Entry Permit
Work Health and Safety Act 2011

Organisation: The Australian Workers' Union, Queensland Branch

Permit Holder: [Redacted]

Issue Date: 01.11.2017

Expiry Date: 3 [Redacted]

Photo Identification [Redacted]

Signature [Redacted]

Deputy Industrial Registrar [Redacted]

Form 2 Entry notice (regulation 3.27) *Fair Work Regulations 2009*, regulation 3.27

ENTRY NOTICE

I, [REDACTED] of the *Australian Workers' Union*, and having been issued entry permits under section 512 of the *Fair Work Act 2009*, give notice that we propose to enter BMD Bruce Highway Managed Motorway project, cnr Deception Bay Rd and Bruce Highway, Nerangba, on Thursday 30th of October 2014.

As the entry is authorised by section 484 of the *Fair Work Act 2009* (which deals with entry to hold discussions). We declare that the Australian Workers' Union, under Rule 5, Section 1, Part A (4) (without limiting the generality of any other provisions of this Rule or being limited in any thereby), every bona fide worker employed in or in connection with the industries or callings of:

- ...
- (c) The construction, repair maintenance or demolition of:
 - (i) Civil and/or mechanical engineering projects
 - (ii) Power transmission, light, television, radio, communication, radar, navigation, observation towers or structures.
 - (iii) Power houses, chemical plants, hydrocarbons and/or oil treatment plants or refineries.
 - (v) Sports and/or entertainment complexes.
 - (vi) Car parks excepting car park buildings and car parks within the alignment of a building;

Under this Rule 5 of the registered rules of The Australian Workers' Union, the union is entitled to represent the industrial interests of an employee or TCF outworker who performs work on the premises mentioned above.

Given at 9:35am

Dated the 28th October 2014



Signature of permit holder

WHS Entry Permit Holder NOTICE OF ENTRY

Section 117 Work Health and Safety Act 2011 (WHS Act)

Full Name of Entry Permit Holder:

BLAKE PATRICK HYNES

Name of Union Represented:

Construction, Forestry, Mining and Energy Industrial Union of Employees, Queensland
 Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered:

CR2SM

Date of Entry or Proposed Entry:

24/07/18

PURPOSE OF ENTRY:

- ☒ Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
☐ Section 120 WHS Act - Entry to inspect records or information held by another person.

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates:

(What are the concerns, how do they contravene the WHS Act, what area of the workplace is affected etc.)

ACCESS & EGRESS TO ALL WORK AREAS

ALUMINIUM

LIGHTING

SAFE SYSTEMS OF WORK

Additional - for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

Declaration:

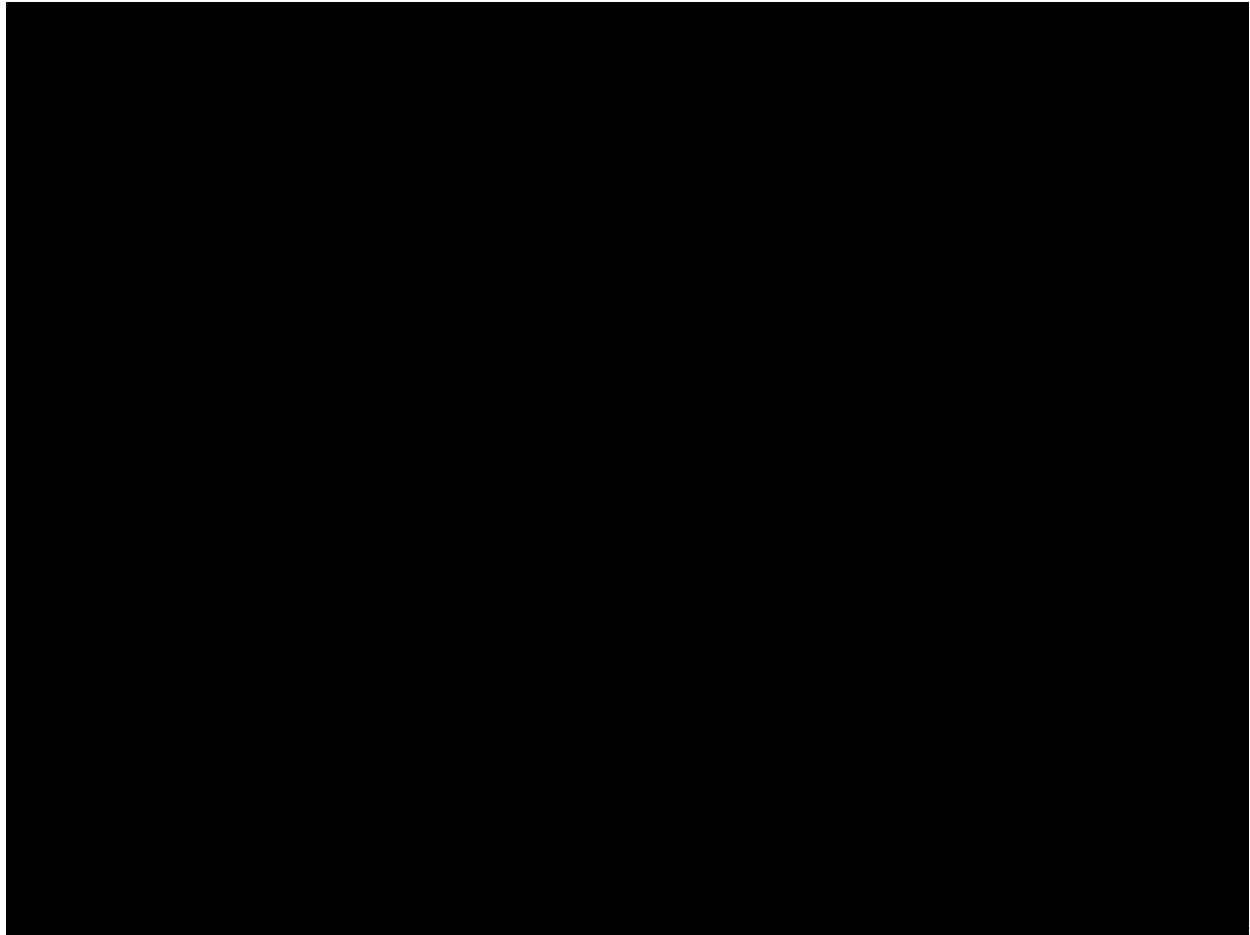
- ☒ The above Union is entitled to represent the industrial interests of workers at this workplace.
☒ The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 7.
☒ The records or documents proposed to be inspected relate to workers the Union is entitled to represent.
☒ The records and documents proposed to be inspected relate to that contravention.

WHS Entry Permit Holder's Signature

For use only by the authorised person.
 Do not write on this notice.

No. **G 04377**





What is happening on SEQ Civil Projects?

- * The CFMMEU have a dedicated organiser for the SEQ civil Projects.
- * The CFMMEU Officials appear to be visiting Projects for each day in a week at a time.
- * The suspected safety breaches are vague.
- * The Officials are requesting the following documents relating to the suspected breaches:
 - * Traffic Management Plans; and
 - * Safe Work Method Statement (SWMS)
- * The Officials are also requesting to talk to certain employees e.g. Crane Crews.

Case Study 1 - Entry by Notice

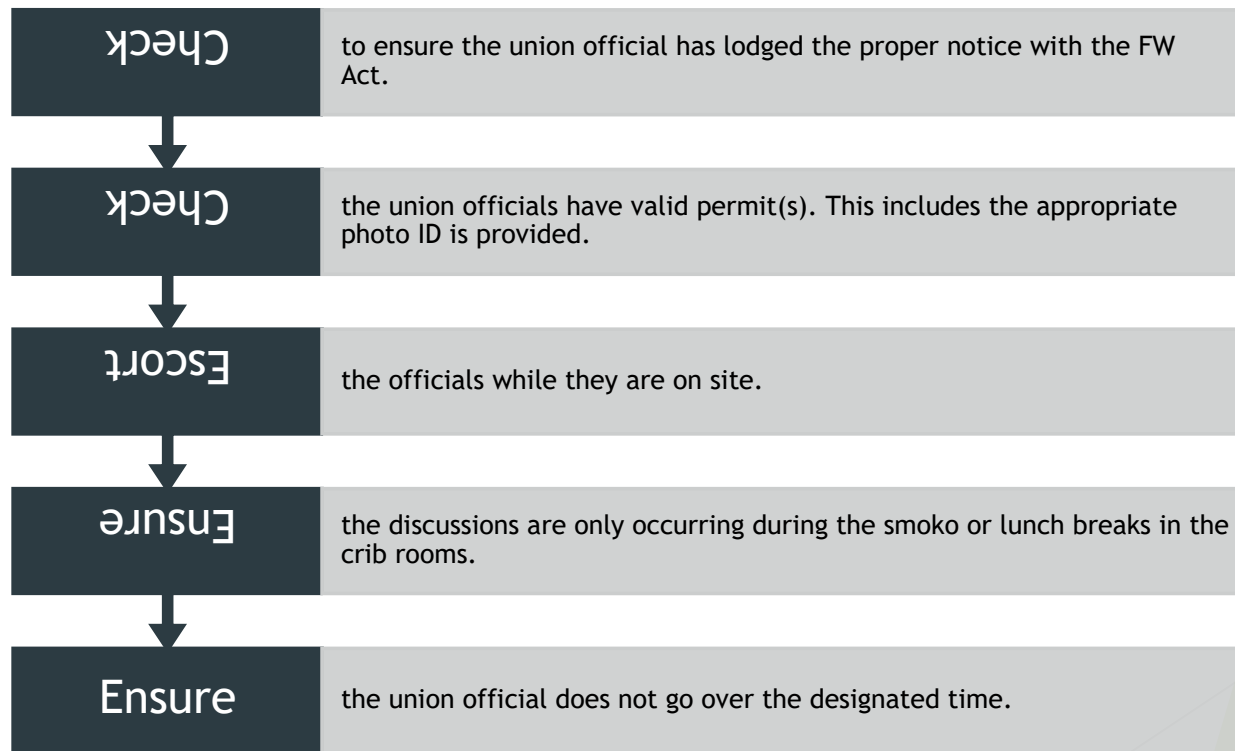
“...Gary the local AWU
Organiser has sent a right of
entry request the previous
Friday and arrives on site
Monday... he won't tell you
what he wants to talk to the
workforce about.



What do you do?



Case Study 1 - Your Responsibilities



Case Study 2



This is what is occurring on the Ipswich Motorway Upgrade and Caloundra Road, Sunshine Coast:



The CFMMEU officials arrive at the gate and provide a written notice for WHS of access and egress on the site.



The officials say that they have a right of entry under the WHS Act 2011.



The CFMMEU officials have body cameras on them.



Case Study 2

What should we do

The process to be followed to minimise the impact will be as follows:

- * The unions on seeking entry, should be referred to 2 Bielby Representatives:
 - * Supervisor; and
 - * Safety Manager / Inspector
- * These roles can be shared and rotated if the confrontation and stress becomes an issue for the BBJV Representatives.
- * The officials are requested to provide their Federal and State WHS permits.
- * The officials are requested to not activate their cameras on-site.
- * The Officials will be escorted by the BBJV Representatives to where the alleged breach is occurring.
- * If the officials request copies of documentation, then the request should be referred to HR Management.
- * If officials depart from the escort, then they should be requested to leave the site.

Industrial Relations Update - Queensland

- * In 2022, the Union/s accessing civil construction sites has increased.
- * This is due to the attempts by the State Government to introduce Best Practice Principles Industry Conditions (BPIC), to introduce minimum conditions on Projects in excess of \$100M.
- * The BPIC model conditions are a Project Agreement type arrangement that provides wage outcomes of approximately 10% increase on the pattern in civil construction (Albem, BMD, Acciona, Fulton Hogan, John Holland).
- * This is being driven by the CFMMEU to gain coverage in the civil construction industry.
- * There are a number of other restrictive conditions in BPIC relating to hours of work, heat policy and use of subcontractors.
- * The implementation of the BPIC on Queensland infrastructure projects is achieving traction. CPB Contractors have made a Greenfield Agreement with the AWU for the Cooroy to Curra Project, that reflects the BPIC.
- * There have been agreements lodged for Gold Coast Light Rail stage 3 and Coomera Connector

Industrial Relations Update - Queensland

BPIC - What has happened

- * The TMR position that the intent of BPIC is to make a project agreement with all of the BPIC unions and/or engage with all of the BPIC unions. The BPIC unions are the CFMMEU, ETU , AMWU and the AWU.
- * The AWU has consistently promoted that the civil industry falls within their rules and will not join with other unions in making a project agreement for civil infrastructure projects. Further, the AWU will continue to oppose project agreements made with other unions.

The result has been as follows;

- * The *John Holland GCLR 3* project agreement was not approved on the basis that the CFMMEU, AMWU and ETU could not cover a majority of the workforce proposed for the project. A Greenfields agreement can be made prior to the commencement of a construction project, only with unions that can cover a majority of the employees to be covered by the proposed project agreement.
- * An agreement with the AWU only by Acciona/ Georgiou for Coomera Connector has been lodged, this was due to the AWU position and the failure of the CFMMEU, ETU , and AMWU. These latter unions seeking a carbon copy of the BPIC wages and conditions.
- * The FWC Decision in Gold Coast Light Rail provides that for greenfield agreements is that the TMR preferred arrangement is not sustainable on the current law and union positions.
- * The Driver for current union activity maybe to achieve a foot hold in the existing contractors workforce to be considered in any future project arrangements. In BMD's case that maybe Centenary Bridge and Rockhampton Ring Road.

From: Gary Grant [REDACTED]
Sent: Mon 05/09/2022 1:28:07 PM (UTC+10:00)
To: Mathew Quay-Verlander [REDACTED]
Subject: Re: Catch up

No dramas mate should be able to make that work . I'm at head office now dealing with union shutting us down last few nights. Will probably meet you on the way in or something as I'm on nights / splits dealing with them

From: Mathew Quay-Verlander <[REDACTED]>
Sent: Monday, September 5, 2022 1:25:10 PM
To: Gary Grant <[REDACTED]>
Subject: Catch up

Gary,

Are you around Wednesday afternoon, I wanted to catch up on the discussion I had with some of the team a couple of weeks back.

If Wednesdays no good let me know when this week that suits yourself.

Thanks

Mat



Mathew Quay-Verlander
Operations Manager, QLD & NT
BMD Constructions

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PO Box 197 Wynnum Qld 4178



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Please consider the environment before printing this e-mail.

WHS Entry Permit Holder NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: DEAN MATTAS

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Maritime, Mining and Energy Union

Name and Address of Workplace being entered: BMD BRUCE HWY UPGRADE
DECEPTION BAY ROAD INTERCHANGE

Date of Entry or Proposed Entry: 1.9.22

PURPOSE OF ENTRY:

- ☒ Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- ☐ Section 120 WHS Act - Entry to inspect records or information held by another person.
- ☐ Section 121 WHS Act - to consult and advise relevant workers on health and safety matters.

Additional – for entry under section 117

Details of the suspected contravention to which this notice relates:

WHS Act 19 (3) A / C / P

- ACCESS EGRESS LIGHTING & TASK LIGHTING
- INFORMATION, INSTRUCTION, TRAINING & SUPERVISION PROVIDED TO WORKERS REGARDING SAFE SYSTEMS OF WORK WHILE PERFORMING HIGH RISK WORK & OPERATING PLANT

Additional – for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

Declaration:

- ☒ The above Union is entitled to represent the industrial interests of workers at this workplace.
- ☒ The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- ☒ The suspected contravention/s relate to or affects workers the union is entitled to represent.


WHS Entry Permit Holder's Signature

Penalties
-S.118 Person who fails to comply with S.18(1) (d) that is to inspect, make copies of, any document directly relevant to the suspected contravention. (100 penalty units)
-S.144 Person must not refuse or delay entry of WHS entry permit holder. (100 penalty units)
-S.145 Persons must not hinder or obstruct WHS entry holder. (100 penalty units)

No. **H 09733**

WHS Entry Permit Holder NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: Dylan Howard

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Maritime, Mining and Energy Union

Name and Address of Workplace being entered: BMD Bruce Hwy Upgrade.
Deception Bay Road Interchange.

Date of Entry or Proposed Entry: 1.9.22

PURPOSE OF ENTRY:

- ☒ Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- ☐ Section 120 WHS Act - Entry to inspect records or information held by another person.
- ☐ Section 121 WHS Act - to consult and advise relevant workers on health and safety matters.

Additional – for entry under section 117

Details of the suspected contravention to which this notice relates:

WHS 19 (3) A/C/F
- Access egress lighting task lighting.
- Information, Instruction, Training and Supervision provided to workers regarding safe systems of work whilst performing High risk work and operating plant.
Ground conditions for mobile crane/ewf.

Additional – for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

Declaration:

- ☒ The above Union is entitled to represent the industrial interests of workers at this workplace.
- ☒ The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- ☒ The suspected contravention/s relate to or affects workers the union is entitled to represent.

WHS Entry Permit Holder's Signature

Penalties

- S.118 Person who fails to comply with S.18 (1) (d) that is to inspect, make copies of, any document directly relevant to the suspected contravention. (100 penalty units)
- S.144 Person must not refuse or delay entry of WHS entry permit holder. (100 penalty units)
- S.145 Persons must not hinder or obstruct WHS entry holder. (100 penalty units)

No. H 10084

WHS Entry Permit Holder NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: MATTHEW JOHN VONHOFF

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Maritime, Mining and Energy Union

Name and Address of Workplace being entered: BMD BRUCE HWY UPRADE
DECEPTION BAY RD INTERCHANGE

Date of Entry or Proposed Entry: 4/9/22

PURPOSE OF ENTRY:

- ☒ Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- ☐ Section 120 WHS Act - Entry to inspect records or information held by another person.
- ☐ Section 121 WHS Act - to consult and advise relevant workers on health and safety matters.

Additional – for entry under section 117

Details of the suspected contravention to which this notice relates:

WHS ACT 19 (3) A/C/F
ACCESS AND EGRESS LIGHTING AND TASK LIGHTING
ACCESS AND EGRESS DURING WORKING CONDITIONS
AND DURING EMERGENCY
INFORMATION TRAINING AND SUPERVISION
PROVIDED TO WORKERS FOR SAFE SYSTEMS OF WORK
WHILE PERFORMING HIGH RISK ACTIVITIES
AND OPERATING PLANTS

Additional – for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

Declaration:

- ☒ The above Union is entitled to represent the industrial interests of workers at this workplace.
- ☒ The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- ☒ The suspected contravention/s relate to or affects workers the union is entitled to represent.

[Redacted Signature]

WHS Entry Permit Holder's Signature

Penalties

- S.118 Person who fails to comply with S.18 (1) (d) that is to inspect, make copies of, any document directly relevant to the suspected contravention. (100 penalty units)
- S.144 Person must not refuse or delay entry of WHS entry permit holder. (100 penalty units)
- S.145 Persons must not hinder or obstruct WHS entry holder. (100 penalty units)

No. H 10117

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: DEAN MATTAS

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Maritime, Mining and Energy Union

Name and Address of Workplace being entered: BMD BRUCE HWY UPGRADE
DECEPTION BAY ROAD INTERCHANGE

Date of Entry or Proposed Entry: 4.9.22

PURPOSE OF ENTRY:

- ☒ Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- ☐ Section 120 WHS Act - Entry to inspect records or information held by another person.
- ☐ Section 121 WHS Act - to consult and advise relevant workers on health and safety matters.

Additional – for entry under section 117

Details of the suspected contravention to which this notice relates:

- WHS Act 19 (3) A / C / F
- ACCESS & EGRESS LIGHTING & TASK LIGHTING
- ACCESS & EGRESS DURING NORMAL WORKING CONDITIONS & DURING AN EMERGENCY
- INFORMATION, INSTRUCTION, TRAINING & SUPERVISION PROVIDED TO WORKERS REGARDING SAFE SYSTEMS OF WORK WHILST PERFORMING HIGH RISK ACTIVITIES & OPERATING PLANT

Additional – for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

Declaration:

- ☒ The above Union is entitled to represent the industrial interests of workers at this workplace.
- ☒ The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- ☒ The suspected contravention/s relate to or affects workers the union is entitled to represent.

WHS Entry Permit Holder's Signature

Penalties

- S.118 Person who fails to comply with S.18 (1) (d) that is to inspect, make copies of, any document directly relevant to the suspected contravention. (100 penalty units)
- S.144 Person must not refuse or delay entry of WHS entry permit holder. (100 penalty units)
- S.145 Persons must not hinder or obstruct WHS entry holder. (100 penalty units)

No. H 09734

From: Gary Grant [REDACTED]
Sent: Fri 30/09/2022 4:29:15 PM (UTC+10:00)
To: Rob Pickard [REDACTED]
Subject: Fwd: DBay

From: Matthew Richardson [REDACTED]
Sent: Friday, 30 September 2022, 4:10 pm
To: Scott Power [REDACTED]
Cc: Gerard Keynes [REDACTED]; Mathew Quy-Verlander [REDACTED]
[REDACTED]; Shawn Davis [REDACTED]; Gary Grant [REDACTED]
Subject: RE: DBay

Hi Scott,

We have seen this clip. It was noticed on Facebook first. The video was taken when the CFMEU and Workcover came to the site.

Everything in the clip has been addressed.

Regards



Matthew Richardson
Project Director
BMD Constructions

[REDACTED] | www.bmd.com.au
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PO Box 197 Wynnum Qld 4178



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Please consider the environment before printing this e-mail.

From: Scott Power <[REDACTED]>
Sent: Friday, 30 September 2022 4:04 PM
To: Gerard Keynes [REDACTED]; Mathew Quy-Verlander [REDACTED]

[REDACTED]; Matthew Richardson <[REDACTED]>; Shawn Davis
<[REDACTED]>
Subject: DBay

<https://www.instagram.com/reel/CjHiBC6hmEE/?igshid=YmMyMTA2M2Y=>

ANNEXURE GG-4

REFER TO NATIVE FILE

VIDEO FILE FOR SOCIAL MEDIA POST
DATED 30 SEPTEMBER 2022:

<https://www.instagram.com/reel/CjHiBC6hmEE/?igshid=YmMyMTA2M2Y%3D>

From: Matthew Richardson [REDACTED]
Sent: Tue 11/10/2022 2:05:09 PM (UTC+10:00)
To: Neil W Randall [REDACTED]; Reeves, Stuart [REDACTED]; Tom Penrose [REDACTED]; DBRIU Contract Administration Services [REDACTED]
Cc: Ben Weston [REDACTED]; Leo Zuna [REDACTED]; Ian Jones [REDACTED]; Gary Grant [REDACTED]; Shawn Davis [REDACTED] u]
Subject: RE: Refusal to allow entry of CFMEU organiser

Hi all,

Further to the email below WHS Queensland came to site after receiving a call from Dean. The inspectors were John Azcune, a lead inspector and Frank Berthaux, a senior inspector. We met them at the West Compound and we sat and discussed our mutual understandings of Section 81 under which Dean had tried to enter. Our position and that of John was very different. John understanding is that anybody can enter a workplace under this section and he supports Dean's position. According to John under this section there is no notification or paperwork requirements. They just have to attempt to resolve the issue first.

Upon return from the site visit we were met with CFMEU Organiser Dean Rielly who had contacted John during the visit. We sat and had a meeting where John proceeded to tell Dean that he had the right to enter the site under section 81. I objected and stated that Dean could not enter the site as he does not hold entry permit however was not supported by John or Frank. Dean then proceeded to leave and he drove to site. After a warning from myself Matthew Clark met him and Ben Western joined them. In speaking to Ben nothing new was discussed with Dean on the walk. Interestingly Dean removed his body camera before walking onto the site as though he did not want to be recorded. Body cam footage of both meetings and has been taken. There is a strong risk that another post will be made to social media.

Regards



Matthew Richardson

Project Director
BMD Constructions

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 1 Sandpiper Ave Port of Brisbane Qld 4178
 PO Box 197 Wynnum Qld 4178



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Please consider the environment before printing this e-mail.

From: Matthew Richardson

Sent: Tuesday, 11 October 2022 8:23 AM

To: Neil W Randall ; Reeves, Stuart ; Tom Penrose ; DBRIU Contract Administration Services

Cc: Benjamin Weston ; Leo Zuna ; Ian Jones ; Gary Grant ; Shawn Davis ; Mathew Quay-Verlander

Subject: Refusal to allow entry of CFMEU organiser

Hi all,

Dean Rielly, CFMEU Organiser, according to his card came to the office today.

Dean requested that he be escorted on site today as a representative of a worker who has made a complaint. Dean could not say where the worker worked or define the issue. It was something to do with edge protection, access and egress and LV parking somewhere on the project.

Dean wanted to be escorted around the project under a section 81 which he quoted verbally

Dean could not produce a right of entry permit.

After some discussion and threats from Dean that he will now take his concerns to WHS I concluded the meeting and refused entry.

I attach a link to a High Court confirmation that there is no entry without a right of entry permit and that a Section 81 is no exception.

[High Court confirms no right of entry without permit \(allens.com.au\)](https://www.allens.com.au/news/2022/10/11/high-court-confirms-no-right-of-entry-without-permit)

Regards



Matthew Richardson

Project Director

BMD Constructions

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PO Box 197 Wynnum Qld 4178



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From: Matt Williamson [REDACTED]
Sent: Tue 05/03/2024 7:14:19 AM (UTC+10:00)
To: Gary Grant [REDACTED]
Cc: Leo Zuna [REDACTED]; Nick Mitchell [REDACTED]
Subject: RE: Union visit Friday 1/3

Thanks Gary,

Let me know if they show up again with other issues mate and I will do the same. It's been good to get updates from you sharing what they identify with the similar disruptions affecting us.

Thanks again champ.



Matt Williamson
Area Manager
BMD Constructions

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PO Box 197 Wynnum Qld 4178

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[Please consider the environment before printing this e-mail.](#)

From: Gary Grant [REDACTED]
Sent: Monday, March 4, 2024 12:03 PM
To: Matt Williamson [REDACTED]
Cc: Leo Zuna [REDACTED]; Nick Mitchell [REDACTED]
Subject: RE: Union visit Friday 1/3

Thanks Matt

Please see attached what we summarised for last few weeks on our projects , it was Dylan Howard and Dean Mattus that visited us .



Gary Grant
Regional Construction Manager
BMD Constructions

[REDACTED] | www.bmd.com.au
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PO Box 197 Wynnum Qld 4178



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Please consider the environment before printing this e-mail.

From: Matt Williamson [REDACTED]

Sent: Monday, March 4, 2024 11:46 AM

To: Gary Grant [REDACTED]

Cc: Leo Zuna [REDACTED]; Nick Mitchell [REDACTED]

Subject: RE: Union visit Friday 1/3

Hey mate that's disappointing to hear they disrupted you again enough to shut down. Who was it that visited?

See below for very similar issues identified Friday night 23rd Feb. I just copied and pasted the list I sent out to SGA team. They haven't been back to SGA yet.

Gents, see below for the list from yesterday sorry I forgot to send through yesterday.

Let me know if anything needs updating and lets reply when items are closed out please.

Union identified items. 23/02/24 SGA 4889

In compound:

- No RCD Test Date sticker on building main switchboard. Resolved today Monday 26th no RCD's in this switchboard so no test required as all RCD's are inside the building's switchboards. Need to have all electrical devices checked for correct test and tag date.
- Insufficient eyewash facilities. Need to order from Jaybro Mick got pricing at \$415 each plus protection cover and chemical additives. Ordering one for this job now.
- Insufficient lighting at the compound, in toilet building, at the work areas. MW organise pricing to improved hard wired lighting around compound.
- Potable water supply tanks not cover properly, the old one had evidence of sediment in the bottom of tank. Resolved by Sarli 24.02.24 but let's check we are all happy here.
- First aid room, Signage saying Nicks Office is First aid room if needed?
- First aid register, contents list, inspection sticker not in first aid kit, Sharps container, Get St Johns out to check first aid kits in office vehicles AF to Action.
- First aid risk assessment as medium, should be high risk as we are clearly conducting high risk work. MM to updated first aid risk assessment,
- Light tower prestart check not completed on arrival. Pre-starts all completed on Light towers and all plant and to be confirmed this is actioned.

- In work areas.
- Trench access, Ladders secured, work at heights. Work areas to be reinspected by site team to agree on action and implement what we agree needs to be actioned.
 - Insufficient lighting at the work areas, couple of light towers not turned on. Lighting was pretty good but Might need a couple of extra light towers to improve lighting a bit and to be assessed at next nightshift.
 - Traffic management, wanted to see TGS's I advised they will be with the TC's but weren't so accused me of lying then told them I can take them to the office and show them. Nathan shared with me what TGS's are applicable. No short term's implemented as all are long-term and TC's were here for Pedestrian management only. Do we need TMI checklist completed at nightshift additional to the daily checklists?
 - Water filled barriers water level was a bit low in some barriers. Falco organised the water truck to fill barriers immediately.
 - Pedestrian access from PNR was blocked off with an temporary fence panel with no signage and fence panel secured with tie wire had come off. Fence panel was secured and sign installed within 10min of issue being raised, Site team to check this and confirm other areas that interface with pedestrians.
 - Temporary fence was not 2m from edge of excavation, not secured with brackets on every panel, some broken fence bases, some bases incorrect with wrong hole size so panels were loose. The team rectified this within 20min of issue being raised.



Matt Williamson
Area Manager
BMD Constructions

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Please consider the environment before printing this e-mail.

From: Gary Grant [Redacted]

Sent: Friday, March 1, 2024 9:24 AM

To: Matt Williamson [Redacted]

Cc: Leo Zuna [Redacted]

Subject: Union visit Friday 1/3

Hey mate we had a visit at our Mt Crosby site this morning at 2.30am prior to our pavement pour causing us to cancel and shut down for the day , Things picked up were

- Task lighting walking around with a Lux Metre to measure
- Falls from height
- Switchboard between our generator and the sheds wasn't labelled with correct labelling ie. HV and switching labels and tested in the rolling frequency
- Emergency lighting around the sheds when working at night and having backup if generated power was to fail
- Test and tag

They actually came today with the ETU so were content experts in all electrical

We unfortunately had to shut the site down

Are you able to summarise what you dealt with for your watermain cut over as we discussed on the phone the last day or 2 ?

Cheers



Gary Grant
Regional Construction Manager
BMD Constructions

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[Redacted] www.bmd.com.au
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PO Box 197 Wynnum Qld 4178



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Please consider the environment before printing this e-mail.

From: Gary Grant [REDACTED]
Sent: Tue 14/11/2023 2:03:57 PM (UTC+10:00)
To: Rob Pickard [REDACTED]; Steve Thomas [REDACTED]; Mathew Quay-Verlander [REDACTED]; Gary Grant [REDACTED]
Subject: Re: BMD safety disputes

Hey CFMEU is on site at CBU now. Not much more to report but just walking up thr footpath.

Steve I'm going to line something up with you for the end of the week for the guys at Mt Crosby ie. Refresher . I don't think we need to for CBU as they have been coming and going since we started but happy to grab them also if needed . Metro is Acciona site so do t think it's warranted.

As for Delo role o Sent MQV the email this morning but Paul 1 of the crane operators has put his hand up for that role and the lather 2 off them are happy to fill HSR roles . I'm there tomorrow and will confirm of they are locked away . To be honest though a AWU delo won't do much with CFMEU based on what I saw in ViC when we were there .

From: Rob Pickard [REDACTED]
Sent: Tuesday, November 14, 2023 12:16:41 PM
To: Steve Thomas [REDACTED]; Gary Grant [REDACTED]; Mathew Quay-Verlander [REDACTED]
Subject: RE: BMD safety disputes

How did we go with a new candidate to fill the “shoppie” role? Someone like that will serve to reduce the frequency of union disruption generally.

The site team will say “but we’re not getting disrupted”. That may be the case now, but they will get hammered soon. First real test will be Caporn Piling. They’re not friendly at all with the CFMEU.



Rob Pickard
General Manager - QLD & NT
BMD Constructions

[REDACTED] www.bmd.com.au
1 Sandpiper Ave Port of Brisbane Qld 4178
PO Box 197 Wynnum Qld 4178



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Please consider the environment before printing this e-mail.

From: Steve Thomas [REDACTED] >

Sent: Tuesday, 14 November 2023 11:24 AM

To: Rob Pickard <[REDACTED]>; Gary Grant <[REDACTED]>; Mathew Quay-Verlander <[REDACTED]>

Subject: BMD safety disputes

Gents - I understand your teams a pretty comfortable and well prepared around ROE process.

This big ticket item for mine is what happens once they are on site and want works to stop for whatever bullshit reasons they can come up with.

Below give a good position on our rights.

Would be good to have the HSR at Centenary tied up with the AWU as well



Steve Thomas

General Manager - Human Resources and Industrial Relations
BMD Group

[REDACTED]
[REDACTED] | www.bmd.com.au
1 Sandpiper Ave Port of Brisbane Qld 4178
PO Box 197 Wynnum Qld 4178

The BMD Group acknowledges the Traditional Owners of the lands in which we operate and pay respect to Elders past, present and emerging.

Learn more about our [Reconciliation Action Plan](#).

Please consider the environment before printing this e-mail.

From: Greg Power - Draytons Workplace Consulting [REDACTED]

Sent: Tuesday, 14 November 2023 10:33 AM

To: Steve Thomas [REDACTED]

Subject: : BMD safety disputes'

Steve,

These are notes in relation to the safety disputes today to assist the supervisors. These will be expanded in the short term, but are to assist in the current situation.

The CFMMEU have entered a number of BMD sites in relation to safety.

This is a concerted campaign by the CFMMEU on an interstate basis to disrupt BMD.

In respect of the WHS act (NSW) and OHS Act (Victoria).

The rights of the CFMMEU representatives on entering the site on suspicion of safety breach are as follows;

- **Inspect** any plant, substance or other thing at the place relevant to the suspected contravention or observe work carried on at the place;
- **Observe** work carried on at the place;
- **Speak to a person**, with the person's consent, who is an eligible member of the employee organisation;
- **Warn anyone who they believe is exposed to a serious health or safety risk;**
- **Speak to** the occupier of the place about anything relevant to the suspected contravention mentioned in subsection; and/or
- **Request** to look at and make copies of records or documents kept at the workplace relevant to the suspected contravention

There is **NO right** to direct workers to cease work over a safety issue.

The ability to direct employees to cease under either act lies with the employer and the elected Health and safety Representative (HSR).

The HSR can only direct a cessation of work after there is consultation with the employer. A worker may not perform works if the worker suspects that there is an immediate risk to themselves.

Any of the parties, employer, HSR or worker can request the assistance of the WHS Inspector.

The direction to cease work can only be in relation to an issue which concerns work that involves an immediate threat to the health or safety of any person; or

A worker may cease, or refuse to carry out, work if the worker has a reasonable concern that to carry out the work would expose the worker to a serious risk to the worker's health or safety, emanating from an immediate or imminent exposure to a hazard.

The definition of immediate or imminent exposure from Worksafe is as follows;

'Immediate or imminent exposure' meaning

- WorkSafe considers that 'imminent' means 'likely to occur at any moment'. WorkSafe considers that 'immediate' means 'happening or done without delay'.
- WorkSafe considers 'immediate exposure' to mean the person was exposed to a serious risk to their health or safety when they were exposed to the hazard, including where an illness may arise later.
- WorkSafe considers 'imminent exposure' to mean a person was or would have been exposed to a serious risk to their health or safety when the incident occurred. For example, a person would have been exposed to the risk even though they may not have been in the vicinity when the incident occurred because they were there prior to the incident, or ordinarily would have been in the vicinity or were nearby when the incident occurred.

This requires the identification of a hazard or an incident.

The issues raised by CFMMEU representatives go to facilities and first aid devices. These are usually regulated by Codes of practice. The c the BMD facilities should be reviewed against any applicable odes of practice on facilities

Therefore, the sites should not be stopped or work cease.

Regards,



Greg Power
Senior Consultant

T: [REDACTED]
M: [REDACTED]

Drayton's Workplace Consulting
www.draytons.com.au

Organizer: Sabrina Burgess : invalid:nomail
Subject: Union Right of Entry Presentation
Location: Microsoft Teams Meeting
Start Time: 2023-11-21T09:00:00+10:00
End Time: 2023-11-21T10:00:00+10:00
Attendees: Sabrina Burgess : invalid:nomail, Gary Grant : invalid:nomail, Jon Redman : invalid:nomail, Toby Davis : invalid:nomail, Alex Wood : invalid:nomail, Kyle Carlson, invalid:nomail, Matt O'Leary : invalid:nomail, Steven Smoothy : invalid:nomail, Steven Bennett : invalid:nomail, Peter Wrzosek : invalid:nomail, Mitchell Oldmeadow, invalid:nomail, Vanessa Bishop : invalid:nomail, Lionel Dale, invalid:nomail, Mick Pimpinella : invalid:nomail, Mark McLeod : invalid:nomail, Lucy Giles : invalid:nomail, Clayton Tomson : invalid:nomail, Keegan Neal, invalid:nomail, Michael Tuttielt : invalid:nomail, John Sabitsana : invalid:nomail, Camilo Lopez-Lezama : invalid:nomail, Darrin Worsley : invalid:nomail, Matthew Fletcher : invalid:nomail, Darren Parker : invalid:nomail, Travis Gilbert, invalid:nomail, Luke Fraser : invalid:nomail, Ben Evans : invalid:nomail, Jordan Hazlett : invalid:nomail, William Drewe : invalid:nomail, Nick Mitchell, invalid:nomail, Matt Williamson : invalid:nomail, Kevin Ryan : invalid:nomail, Peter Astorquia : invalid:nomail, Jamie Beer : invalid:nomail, Shane Smith, invalid:nomail, Phil Roome : invalid:nomail, Rodelio Castro : invalid:nomail, Guy Beresford : invalid:nomail, Kayt Scott : invalid:nomail, Bradley Canov, invalid:nomail, Jessica Allen : invalid:nomail, Christian Tuivaiti : invalid:nomail, Brad Littlewood : invalid:nomail, Terry Castle : invalid:nomail, Anthony Falco, invalid:nomail, Steve Thomas : invalid:nomail, Dean Fogarty : invalid:nomail, Trevor Roy : invalid:nomail, Lucas Faulkner : invalid:nomail, Tiffany Powell, invalid:nomail, Paul McStay : invalid:nomail, Nicholas Maher : invalid:nomail, Morgan Moy : invalid:nomail, Greg Power - Draytons Workplace Consulting, [REDACTED]

Hi all,

Given the current environment we are running a short right of entry refresher across our projects in QLD.

Any questions let me know!

Cheers,

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 454 982 577 637

Passcode: KCGjtA

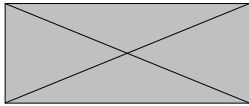
[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

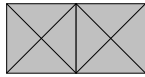
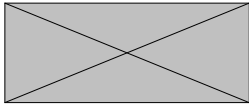
[+61 7 3062 8833,,779431738#](#) Australia, Brisbane

Phone Conference ID: 779 431 738#

[Find a local number](#) | [Reset PIN](#)

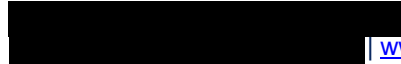


[Learn More](#) | [Meeting options](#)



Sabrina Burgess

Human Resources Business Partner - Northern Region
BMD Group



www.bmd.com.au

1 Sandpiper Ave Port of Brisbane Qld 4178
PO Box 197 Wynnum Qld 4178

The BMD Group acknowledges the Traditional Owners of the lands in which we operate and pay respect to Elders past, present and emerging.

Learn more about our [Reconciliation Action Plan](#).

Please consider the environment before printing this e-mail.

From: Gary Grant [REDACTED]
Sent: Thur 30/11/2023 7:35:54 PM (UTC+10:00)
To: Matthew Still [REDACTED]; Mathew Quay-Verlander [REDACTED]
[REDACTED]; Gary Grant [REDACTED]
Subject: Re: CFMEU video

Yeah all over it mate . Spoke to Steve this arvo

From: Matthew Still [REDACTED] >
Sent: Thursday, November 30, 2023 7:30:09 PM
To: Mathew Quay-Verlander <[REDACTED]>; Gary Grant
<[REDACTED]>
Subject: CFMEU video

Just forwarded to me

You may have already seen?

<https://fb.watch/oE3K5Qecvb/?mibextid=Nif5oz>



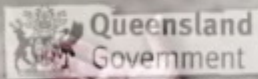
CFMEU Construction & Gen... • [Follow](#)

3h · 🌐



BMD = Bad Mad Dangerous

B_{ad} M_{ad} D_{angerous}



This cut-price construction company is known for low-balling workers and compromising on health and safety.

Regards,
Matthew Still

CN-13712 Centenary Bridge Upgrade - CFMEU Visit, September 20

From: Leigh Hahn <[REDACTED]>
To: Chris DEMARTINI [REDACTED]; Peter.Konecny <[REDACTED]>
Cc: cbupteam [REDACTED]; David.Oei <[REDACTED]>; Ben Weston [REDACTED]; Berry Freshney [REDACTED] Gary Grant <[REDACTED]>; Gavin Kenny <[REDACTED]>; Mathew Quay-Verlander [REDACTED]; Quinn Murray <[REDACTED]>; Rex Clarke [REDACTED]; Sean Donald [REDACTED]
Date: Wed, 20 Sep 2023 11:13:58 +1000

Hi Chris & Peter,

GBJV had another informal visit from the CFMEU during today's shift at around 10:00am - no Right of Entry documentation was submitted.

As per previous visits, the CFMEU representative was most concerned regarding our Traffic Control provider, Altus.

- It is our understanding that there have been conversations with Altus crew members, via phone and on the ATP during the crew members respite periods.
- No requests for documentation were made.
- No specific comments were made about our Project.

Thanks,



Leigh Hahn
Project Director
Georgiou BMD Joint Venture (GBJV)

[REDACTED]
[REDACTED]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

CN-13712 Centenary Bridge Upgrade - CFMEU Visit, September 22

From: Leigh Hahn [REDACTED]
To: Chris DEMARTINI [REDACTED]; Peter.Konecny [REDACTED]
Cc: cbupteam [REDACTED]; David.Oei <[REDACTED]>; Ben Weston [REDACTED]; Berry Freshney <[REDACTED]>; Gary Grant <[REDACTED]>; Gavin Kenny <[REDACTED]>; Mathew Quy-Verlander <[REDACTED]>; Quinn Murray [REDACTED]; Rex Clarke <[REDACTED]>; Sean Donald <[REDACTED]>
Date: Fri, 22 Sep 2023 13:29:32 +1000

Hi Chris & Peter,

GBJV had breakfast BBQ this morning at which a representative from the CFMEU attended and left prior to 7:00am - no Right of Entry documentation was submitted but a least one sausage was consumed.

Thanks,



Leigh Hahn
 Project Director
 Georgiou BMD Joint Venture (GBJV)

[REDACTED]
 [REDACTED]
 213 Sinnamon Road, Jindalee QLD 4074
 PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

RE: CN-13712 Centenary Bridge Upgrade - AWU & CFMEU Visits, October 10

From: Leigh Hahn [REDACTED]
To: Chris DEMARTINI [REDACTED]; Peter.Konecny [REDACTED]
Cc: cbupteam [REDACTED]; David.Oei <[REDACTED]>; Ben Weston <[REDACTED]>; Berry Freshney <[REDACTED]>; Gary Grant <[REDACTED]>; Gavin Kenny <[REDACTED]>; Mathew Quay-Verlander <[REDACTED]>; Quinn Murray <[REDACTED]>; Rex Clarke <[REDACTED]>; Sean Donald <[REDACTED]>
Date: Wed, 11 Oct 2023 07:18:08 +1000

Hi Chris & Peter, as per my text yesterday morning.

Representatives AWU & CFMEU were present yesterday morning. Neither entered the Site. Both were informal visits with the AWU here at around 7am and the CFMEU at around 10am - no Right of Entry documentation was submitted by either union.

As per previous visits, each union representative queried the situation our Traffic Control provider, Altus.

- General discussions were held on our progress and forthcoming activities.
- No formal consultations occurred.
- No requests for documentation were made.
- No specific comments were made about our Project.

Thanks,



Leigh Hahn
 Project Director
 Georgiou BMD Joint Venture (GBJV)

[REDACTED]
 213 Sinnamon Road, Jindalee QLD 4074
 PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

CN-13712 Centenary Bridge Upgrade - CFMEU Visit, October 16

From: Leigh Hahn <[REDACTED]>
To: Chris DEMARTINI [REDACTED] Peter.Konecny [REDACTED]
Cc: cbupteam [REDACTED] David.Oei [REDACTED] >; Ben Weston [REDACTED]; Berry Freshney [REDACTED] >; Gary Grant <[REDACTED]>; Gavin Kenny [REDACTED] >; Mathew Quy-Verlander [REDACTED] >; Quinn Murray <[REDACTED]>; Rex Clarke <[REDACTED]>; Sean Donald [REDACTED]
Date: Mon, 16 Oct 2023 13:34:29 +1000

Hi Chris & Peter,

GBJV had a visit from the CFMEU at around 11am this morning, which was a follow-up on consultations that they had with personnel from October 10. The CFMEU Organiser did not enter Site but traversed the Active Transport Path, apparently for conversations with Traffic Controllers.

Thanks,



Leigh Hahn
 Project Director
 Georgiou BMD Joint Venture (GBJV)

[REDACTED]
 [REDACTED]
 213 Sinnamon Road, Jindalee QLD 4074
 PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

FW: CN-13712 Centenary Bridge Upgrade - CFMEU attendance, November 8

From: Ben Weston <[REDACTED]u>
To: Olivia Ingram <[REDACTED]>
Date: Wed, 08 Nov 2023 10:29:33 +1000

Hi Olivia,
 Could you please add the following information to the Unofficial entry register.

Regards,



Ben Weston
 Safety Manager
 Georgiou BMD Joint Venture (GBJV)

[REDACTED]
 [REDACTED]
 213 Sinnamon Road, Jindalee QLD 4074
 PO Box 197 Wynnum Qld 4178

A banner for the Centenary Bridge Upgrade Project. It features the text "Centenary Bridge Upgrade Project" in a white, serif font, centered on a green background with a subtle pattern of circles and lines.

From: Leigh Hahn <[REDACTED]>
Sent: Wednesday, 8 November 2023 9:13 AM
To: Chris DEMARTINI <[REDACTED]>; Peter.Konecny <[REDACTED]>
Cc: CBUPTeam <[REDACTED]>; David OEI <[REDACTED]>; Ben Weston <[REDACTED]>
 <[REDACTED]>; Berry Freshney <[REDACTED]>; Gary Grant <[REDACTED]>
 <[REDACTED]>; Gavin Kenny <[REDACTED]>; Mathew Quay-Verlander <[REDACTED]>
 <[REDACTED]>; Quinn Murray <[REDACTED]>; Rex Clarke <[REDACTED]>
 <[REDACTED]>; Sean Donald <[REDACTED]>
Subject: CN-13712 Centenary Bridge Upgrade - CFMEU attendance, November 8

Hi Chris & Peter,

GBJV had a visit from the CFMEU at around 8am this morning.
 The CFMEU Organiser did not enter Site but traversed the Active Transport Path to discuss TGS concerns raised by a Traffic Controller.

The concerns related to the implementation of TGS as is in, why some are no longer being

implemented, the answer being that we're no longer performing that work.
Bulk haulage out of Vidgen Lane being the best example.

Thanks,



Leigh Hahn
Project Director
Georgiou BMD Joint Venture (GBJV)

[REDACTED]
[REDACTED]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

CN-13712 Centenary Bridge Upgrade - CFMEU RoE submitted, November 21

From: Leigh Hahn <[REDACTED]>
To: Chris DEMARTINI <[REDACTED]>; Peter.Konecny <[REDACTED]>
Cc: cbupteam [REDACTED]; David OEI <[REDACTED]>; Ben Weston <[REDACTED]>; Berry Freshney <[REDACTED]>; Gary Grant <[REDACTED]>; Gavin Kenny <[REDACTED]>; Mathew Quay-Verlander <[REDACTED]>; Quinn Murray <[REDACTED]>; Rex Clarke <[REDACTED]>; Sean Donald <[REDACTED]>
Date: Tue, 21 Nov 2023 17:30:27 +1000
Attachments: 279C4E69.JPG (5.07 MB)

Hi Chris & Peter,

As per my text earlier this afternoon, GBJV received a hand delivered Right of Entry Notice under Section 117 of the WHS Act from the CFMEU at around 11:30am this morning.

The CFMEU Organiser, Dean Mattis was accompanied on-site by our Superintendent to review - access & egress in normal working conditions and emergencies; separation between personnel and mobile plant; information relating to training provide to workers performing High Risk activities. You'll observe that these are all very generalised concerns.

- No documented safety inspection took place.
- No requests for documentation were made.
- Specific concerns were raised regarding the familiarisation training afforded to Caporns' operators, all of whom have the appropriate crane tickets / licences, of Universals' cranes.

Also of note is that today was essentially rained off (42mm received to 9am this morning) and lightning was observed surrounding the Project curtailing crane operations.

Thanks,



Leigh Hahn
 Project Director
 Georgiou BMD Joint Venture (GBJV)

[REDACTED]
 [REDACTED]
 213 Sinnamon Road, Jindalee QLD 4074
 PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

From: Leigh Hahn
Sent: Tuesday, 14 November 2023 4:34 PM
To: 'Chris DEMARTINI' <[REDACTED]>; 'Peter KONECNY' [REDACTED]
Cc: 'CBUPTeam' [REDACTED] <CBUPTeam@[REDACTED]>; 'David OEI' [REDACTED]; Ben Weston <[REDACTED]>; 'berry.freshney' [REDACTED]; Gary Grant [REDACTED]; Gavin Kenny [REDACTED]; Mathew Quay-Verlander [REDACTED]; Quinn Murray [REDACTED]; Rex Clarke [REDACTED]; 'Sean Donald' [REDACTED]
Subject: CN-13/12 Centenary Bridge Upgrade - CFMEU attendance, November 14

Hi Chris & Peter,

As per my text earlier this afternoon, GBJV had a visit from the CFMEU at around 1:30pm this afternoon.

The CFMEU Organiser, Dean Riley conversed with our Superintendent as well as myself and mainly traversed the Active Transport Path engaging with various subcontract and GBJV wages personnel.

- No requests for documentation were made.
- No safety inspection took place.
- No specific concerns raised.

Thanks,



Leigh Hahn
 Project Director
 Georgiou BMD Joint Venture (GBJV)

[REDACTED]
 [REDACTED]
 213 Sinnamon Road, Jindalee QLD 4074
 PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

CN-13712 Centenary Bridge Upgrade - WHSQ visit, November 16

From: Leigh Hahn [REDACTED]
To: Chris DEMARTINI [REDACTED]; Peter.Konecny [REDACTED]
Cc: cbupteam [REDACTED]; David OEI [REDACTED]; Anthony Parlato [REDACTED]; Ben Weston [REDACTED]; Berry Freshney [REDACTED]; Gary Grant [REDACTED]; Gavin Kenny [REDACTED]; Mathew Quy-Verlander [REDACTED]; Quinn Murray [REDACTED]; Rex Clarke [REDACTED]; Sean Donald [REDACTED]; Steve James [REDACTED]
Date: Thu, 16 Nov 2023 15:16:49 +1000

Hi Chris & Peter, as per my text earlier this afternoon.

GBJV had a visit from John Azcune, WHSQ Inspection at around 1:45pm this afternoon. John was on-site for approximately one hour.

From our previously tendered program, John was aware that piling operations were imminent.

John initially conversed with Gavin and was then escorted along the ATP by Anthony and Steve. During the walk, John had the opportunity for observe the earthworks within the precast yard as well as that at the CMC pad; witness articulated crane and other lifting operations; converse with the traffic controllers on the ATP; see the progress of the assembly of the water treatment plant at Pier 1; and, from a distance, view the preparations on the piling barge near Pier 2.

- No documented safety inspection took place.
- No notices were issued.
- No requests for documentation were made.
- No specific concerns raised.

However, some suggestions were made including:

- Revisiting our marine rescue drill for an unconscious person in the water [John had seen at other projects a davit or forklift arraignment that 'scoops' a body out]
- More broad publication of our heat policy & procedures
- Advising either union when they next visit that WHSQ had been here.

Thanks,



Leigh Hahn
 Project Director
 Georgiou BMD Joint Venture (GBJV)

[REDACTED]
 [REDACTED]
 213 Sinnamon Road, Jindalee QLD 4074
 PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

CN-13712 Centenary Bridge Upgrade - CFMEU RoE submitted, November 22

From: Leigh Hahn [REDACTED]
To: Chris DEMARTINI [REDACTED]; Peter.Konecny [REDACTED]
Cc: cbupteam [REDACTED]; David OEI [REDACTED]; Ben Weston [REDACTED]; Berry Freshney [REDACTED]; Gary Grant [REDACTED]; Gavin Kenny [REDACTED]; Mathew Quay-Verlander [REDACTED]; Quinn Murray [REDACTED]; Rex Clarke [REDACTED]; Sean Donald [REDACTED]
Date: Thu, 23 Nov 2023 17:17:22 +1000

Hi Chris & Peter, don't panic, this is my email catching up on yesterday's visit.

As per yesterday's text, GBJV received a hand delivered Right of Entry Notice under Section 117 of the WHS Act from the CFMEU at around 9:30am on November 22.

The CFMEU Organiser, Dean Mattis was accompanied on-site by our Superintendent to review the same generalised concerns as those listed on November 21.

- No documented safety inspection took place.
- No requests for the provision of documentation were made.
- Specific concerns were raised regarding the authentication of the familiarisation training afforded to Caporns' crane operators across all of their cranes that are currently on-site.

Also of note is that November 22 continued to be affected with inclement weather and the effects of previous rainfall and storm warnings / lightning was observed surrounding the Project in the afternoon.

Thanks,



Leigh Hahn
 Project Director
 Georgiou BMD Joint Venture (GBJV)

[REDACTED]
 [REDACTED]
 213 Sinnamon Road, Jindalee QLD 4074
 PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

FW: CN-13712 Centenary Bridge Upgrade - CFMEU attendance, December 6

From: Ben Weston [REDACTED]
To: Olivia Ingram [REDACTED]
Date: Wed, 06 Dec 2023 16:22:42 +1000

Hi Olivia,
 Please add this to the unofficial register.

Regards,



Ben Weston
 Safety Manager
 Georgiou BMD Joint Venture (GBJV)

[REDACTED]
 [REDACTED]
 213 Sinnamon Road, Jindalee QLD 4074
 PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

From: Leigh Hahn <[REDACTED]>
Sent: Wednesday, 6 December 2023 4:18 PM
To: Chris DEMARTINI <[REDACTED]>; Peter.Konecny <[REDACTED]>
Cc: CBUPTeam <[REDACTED]>; David OEI <[REDACTED]>; Ben Weston <[REDACTED]>; Berry Freshney <[REDACTED]>; Gary Grant <[REDACTED]>; Gavin Kenny <[REDACTED]>; Mathew Quay-Verlander <[REDACTED]>; Quinn Murray <[REDACTED]>; Sean Donald <[REDACTED]>; Rex Clarke <[REDACTED]>
Subject: CN-13/12 Centenary Bridge Upgrade - CFMEU attendance, December 6

Hi Chris & Peter, apologies, this one slipped my mind.

A CFMEU Organiser, Dean Riley was on-site prior to Pre-Start this morning to attend to a recently appointed delegate within our traffic control providers, KPI.

- No consultation with other GBJV personnel &/or CBU subcontractors.
- No specific concerns were raised by KPI personnel prior to, nor subsequent to, this interaction.

Thanks,



Leigh Hahn
Project Director
Georgiou BMD Joint Venture (GBJV)

[REDACTED]
[REDACTED]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

CN-13712 Centenary Bridge Upgrade - CFMEU RoE, December 13

From: Leigh Hahn [REDACTED]
To: Chris DEMARTINI [REDACTED]@com>; Peter.Konecny [REDACTED]
Cc: Berry Freshney [REDACTED]; Gary Grant [REDACTED]; Gavin Kenny [REDACTED]; Mathew Quay-Verlander [REDACTED]; Rex Clarke [REDACTED]; Quinn Murray [REDACTED]; Sean Donald [REDACTED]
Date: Wed, 13 Dec 2023 13:00:36 +1000
Attachments: Notice Of Entry_Hooni Edwards_13-12-2023.pdf (162.5 kB)

Hi Chris & Peter,

A CFMEU Organiser, Hooni Edwards, submitted a Right of Entry Notice this morning to access the site under s117. Hooni was on-site for <90-minures.

- No requests for documentation were made.
 - No consultation with other GBJV personnel however, the organiser wished to observe & inspect our piling subcontractors' operations. This included accessing the barge which is located at Pier 2.
 - Specific safety concerns were raised on the barge regarding:
 - availability and capability of the eye wash station
 - cleanliness and accessibility of the rescue stretcher
 - positioning of a welding screen
- Our managers & supervisors from Caporn Piling were in attendance and are addressing / have addressed these concerns.

GBJV anticipate that our piling operations will be the subject of greater scrutiny w/c January 8.

Thanks,



Leigh Hahn
 Project Director
 Georgiou BMD Joint Venture (GBJV)

[REDACTED]
 [REDACTED]
 213 Sinnamon Road, Jindalee QLD 4074
 PO Box 197 Wynnum Qld 4178

FW: CN-13712 Centenary Bridge Upgrade - CFMEU attendance, January 9

From: Ben Weston [REDACTED]
To: Olivia Ingram [REDACTED]
Date: Tue, 09 Jan 2024 15:21:13 +1000



Ben Weston
 Safety Manager
 Georgiou BMD Joint Venture (GBJV)

[REDACTED]
 [REDACTED]
 213 Sinnamon Road, Jindalee QLD 4074
 PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

From: Leigh Hahn <[REDACTED]>
Sent: Tuesday, 9 January 2024 9:17 AM
To: Chris DEMARTINI <[REDACTED]>; Peter.Konecny <[REDACTED]>
Cc: CBUPTeam <[REDACTED]>; David OEI <[REDACTED]>; Ben Weston <[REDACTED]>; Berry Freshney <[REDACTED]>; Gary Grant <[REDACTED]>; Gavin Kenny <[REDACTED]>; Mathew Quay-Verlander <[REDACTED]>; Quinn Murray <[REDACTED]>; Rex Clarke <[REDACTED]>; Sean Donald <[REDACTED]>
Subject: CN-13712 Centenary Bridge Upgrade - CFMEU attendance, January 9

Hi Chris & Peter,

KPI's CFMEU Delegate held off-site discussions (mainly in Amazons Park) with their personnel and GBJV's Superintendent.

- No consultation with other GBJV personnel &/or CBU subcontractors.
- No specific safety concerns were raised about CBU works, personnel or subcontractors.
- The attendance was primarily a social one to re-engage for the New Year and check-in on any PPE or other requirements / concerns that the KPI personnel may have.

Thanks,

Leigh Hahn



Project Director
Georgiou BMD Joint Venture (GBJV)

[REDACTED]
[REDACTED]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

FW: CN-13712 Centenary Bridge Upgrade - CFMEU attendance, January 11

From: Ben Weston [REDACTED]
To: Olivia Ingram [REDACTED]
Date: Thu, 11 Jan 2024 15:44:05 +1000

Hi Olivia,
 Can you please add the below to the unauthorised entry register.

Regards,



Ben Weston
 Safety Manager
 Georgiou BMD Joint Venture (GBJV)

[REDACTED]
 [REDACTED]
 213 Sinnamon Road, Jindalee QLD 4074
 PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

From: Leigh Hahn [REDACTED]
Sent: Thursday, 11 January 2024 3:26 PM
To: Chris DEMARTINI [REDACTED]; Peter.Konecny [REDACTED]
Cc: CBUPTeam [REDACTED]; David OEI [REDACTED]; Ben Weston [REDACTED]; Berry Freshney [REDACTED]; Gary Grant [REDACTED]; Gavin Kenny [REDACTED]; Mathew Quay-Verlander [REDACTED]; Quinn Murray [REDACTED]; Rex Clarke [REDACTED]; Sean Donald [REDACTED]
Subject: CN-13712 Centenary Bridge Upgrade - CFMEU attendance, January 11

Hi Chris & Peter,

This morning, KPI's CFMEU Delegate held off-site discussions (mainly on the ATP near the Sinnamon Road intersection) with their personnel.

- No consultation with other GBJV personnel &/or CBU subcontractors.
- A safety concern^ was later relayed to us, regarding CBU personnel traversing the Sinnamon Road intersection on foot to/from Gate 3.

We actioned this this afternoon with some additional signage and will discuss at Pre-Start

tomorrow.

^ I am not sure that the concern originated from the CFMEU's attendance, but we've actioned regardless.

Thanks,



Leigh Hahn
Project Director
Georgiou BMD Joint Venture (GBJV)

[REDACTED]
[REDACTED]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

CN-13712 Centenary Bridge Upgrade - CFMEU RoE, February 22

From: Leigh Hahn [REDACTED]
To: Chris DEMARTINI [REDACTED]; Peter.Konecny [REDACTED]
Cc: Berry Freshney [REDACTED]; Gary Grant [REDACTED]; Gavin Kenny [REDACTED]; Mathew Quay-Verlander [REDACTED]; Rex Clarke [REDACTED]; Quinn Murray [REDACTED]; Sean Donald [REDACTED]
Date: Thu, 22 Feb 2024 16:29:02 +1000
Attachments: 20240222 - NOE - CFMEU.pdf (197.63 kB); 20240222 - NOE - CFMEU1.pdf (166.01 kB)

Hi Chris & Peter,

As advised via text messages earlier today, two CFMEU Organisers, Dylan Howard and James Porter, provided Right of Entry Notices (attached) to access the site we lease at The Yard, Hemmant. However, it was apparent that they had transgressed The Yard's security in order to enter this site. This was a significant issue for The Yard's management which they promptly and directly addressed with the Organisers.

Dylan & James were on-site for <2-hours.

- No requests for documentation were made.
- No consultation with GBJV wages personnel occurred.
- No safety inspection took place although issues were pointed out to our Structures Foreman, these included:
 - currency of tagging of fire extinguisher
 - control of electrical leads
 - proximity of amenities - our crew have recently had to walk past activities being undertaken by others in the Yard.

In responding to the CFMEU presence at The Yard our Safety Manager & Superintendent observed some other safety issues - harness certification, provision of 1st Aid and other equipment -which are also being addressed.

Thanks,



Leigh Hahn
 Project Director
 Georgiou BMD Joint Venture (GBJV)

[REDACTED]
 213 Sinnamon Road, Jindalee QLD 4074
 PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

CN-13712 Centenary Bridge Upgrade - CFMEU RoE and attendance at Gate 1, February 28

From: Leigh Hahn <[REDACTED]>
To: Chris DEMARTINI [REDACTED]; Peter.Konecny [REDACTED]
Cc: cbupteam [REDACTED]; Berry Freshney [REDACTED]; Ben Weston [REDACTED]; Gary Grant [REDACTED]; Gavin Kenny [REDACTED]; Mathew Quay-Verlander [REDACTED]; Rex Clarke [REDACTED]; Quinn Murray [REDACTED]; Sean Donald [REDACTED]
Date: Thu, 29 Feb 2024 07:56:17 +1000
Attachments: 227FF9C2.JPG (2.35 MB); 21F4FADB.JPG (5.35 MB)

Hi Chris & Peter, it's entirely probable that I'll miss some of the events of yesterday so, here's a summary only.

- Prior to Pre-Start, we observed many CFMEU personnel gathering in the Gym car park adjacent to Gate 1.
 We were also aware of a banner being unfurled on Kenmore Road overpass (image attached)
 Unlike most days, we locked our gates prior to Pre-Start to prevent them, and anyone that would normally park at site from entering.
 Pre-Start was held as normal; works began as normal.
- At around 7:15am, we were provided with Right of Entry documentation from two CFMEU organisers.
 We were also aware that several individuals had gathered at our Gate 1 - not in the site, not on the road, partially on the ATP - who were displaying signs that were unfavourable to the project. Several signs were also placed along Sinnamon Road.
- During the morning, several discussions were held with the CFMEU Organisers whose primary concerns were.
 - Engagement with our Piling subcontractor
 - Importation of steel
 - Manning of the marine cranes
 Each of these were dealt with successively in conversation.
- The protesters remained at Gate 1 for the majority of the day, at least until 3pm.
 To my knowledge:
 - No consultation with GBJV wages or any other subcontract personnel occurred.
 - No disruption to works occurred other than a piling cage truck was diverted then returned; and, an inbound container of overhead gantry steel plus one that was already on-site were diverted to another facility for unpacking.
 Request for documentation was verbally made for:
 - the certification of the overhead gantry steelwork.
 - production of the safe work documentation for the crew commissioning the recently arrived marine crane.
 I understand that a s118 notice will be issued today.

We expect that this will continue in coming weeks.

As I write another, team of protesters has arrived. This time with their own shade tent.

Thanks,



Leigh Hahn
Project Director
Georgiou BMD Joint Venture (GBJV)

[REDACTED]
[REDACTED]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

CN-13712 Centenary Bridge Upgrade - s484 Fair Work Act and RoE, March 5

From: Leigh Hahn <[REDACTED]>
To: Chris DEMARTINI <[REDACTED]>; Peter.Konecny <[REDACTED]>
Cc: cbupteam [REDACTED]; Berry Freshney [REDACTED]; Ben Weston [REDACTED]; Gary Grant [REDACTED]; Gavin Kenny [REDACTED]; Mathew Quay-Verlander [REDACTED]; Rex Clarke [REDACTED]; Quinn Murray [REDACTED]; Sean Donald [REDACTED]
Date: Tue, 05 Mar 2024 14:06:28 +1000
Attachments: ROE 484-Multiple Entries_interactive.pdf (1.17 MB); 20240305 RoE, Centenary Bridge, Hayden Turner-Davey.pdf (188.96 kB)

Chris & Peter, as advised yesterday, the CFMEU attended site at 1:00pm (Dean Matas and Dylan Howard as noted on the s484, as well as Hayden Turner-Davey who provided a Right of Entry notice) today for the purposes of consulting with workers.

As we had already been rained off that morning most personnel - GBJV wages and some subcontracts - had concluded their lunch break and were waiting for them from 12:30pm.

The session concluded at 1:30pm and the Organisers attending did not speak with either Gavin nor myself upon their departure.

Nothing else to report: no safety inspection nor any request for documents.

Thanks,



Leigh Hahn
 Project Director
 Georgiou BMD Joint Venture (GBJV)

[REDACTED]
 [REDACTED]
 213 Sinnamon Road, Jindalee QLD 4074
 PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

CN-13712 Centenary Bridge Upgrade - CFMEU at Gate 1

From: Leigh Hahn [REDACTED]
To: Chris DEMARTINI [REDACTED]; Peter.Konecny [REDACTED]
Cc: cbupteam [REDACTED] Berry Freshney [REDACTED]; Ben Weston [REDACTED]
 [REDACTED] Gary Grant [REDACTED]; Gavin Kenny [REDACTED]
 [REDACTED]; Mathew Quy-Verlander [REDACTED]
 [REDACTED] Rex Clarke [REDACTED]; Quinn Murray [REDACTED]
 [REDACTED]; Sean Donald [REDACTED]
Date: Wed, 06 Mar 2024 13:10:44 +1000

Chris & Peter, I got a query for how often the CFMEU sympathisers have been at our Gate 1. They are there again today and have been most weekdays since and including February 29 ie, five times.

I am perfectly comfortable if TMR wishes to correct this by their own count.



Leigh Hahn
 Project Director
 Georgiou BMD Joint Venture (GBJV)

[REDACTED]
 [REDACTED]
 213 Sinnamon Road, Jindalee QLD 4074
 PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

CN-13712 Centenary Bridge Upgrade - CFMEU Unauthorised entry, March 18

From: Leigh Hahn [REDACTED]
To: Chris DEMARTINI [REDACTED]; Peter KONECNY [REDACTED]
Cc: cbupteam [REDACTED]; Berry Freshney [REDACTED]; Ben Weston [REDACTED]; Gary Grant [REDACTED]; Gavin Kenny [REDACTED]; Mathew Quay-Verlander [REDACTED]; Rex Clarke [REDACTED]; Quinn Murray [REDACTED]; Sean Donald [REDACTED]
Date: Tue, 19 Mar 2024 07:11:31 +1000

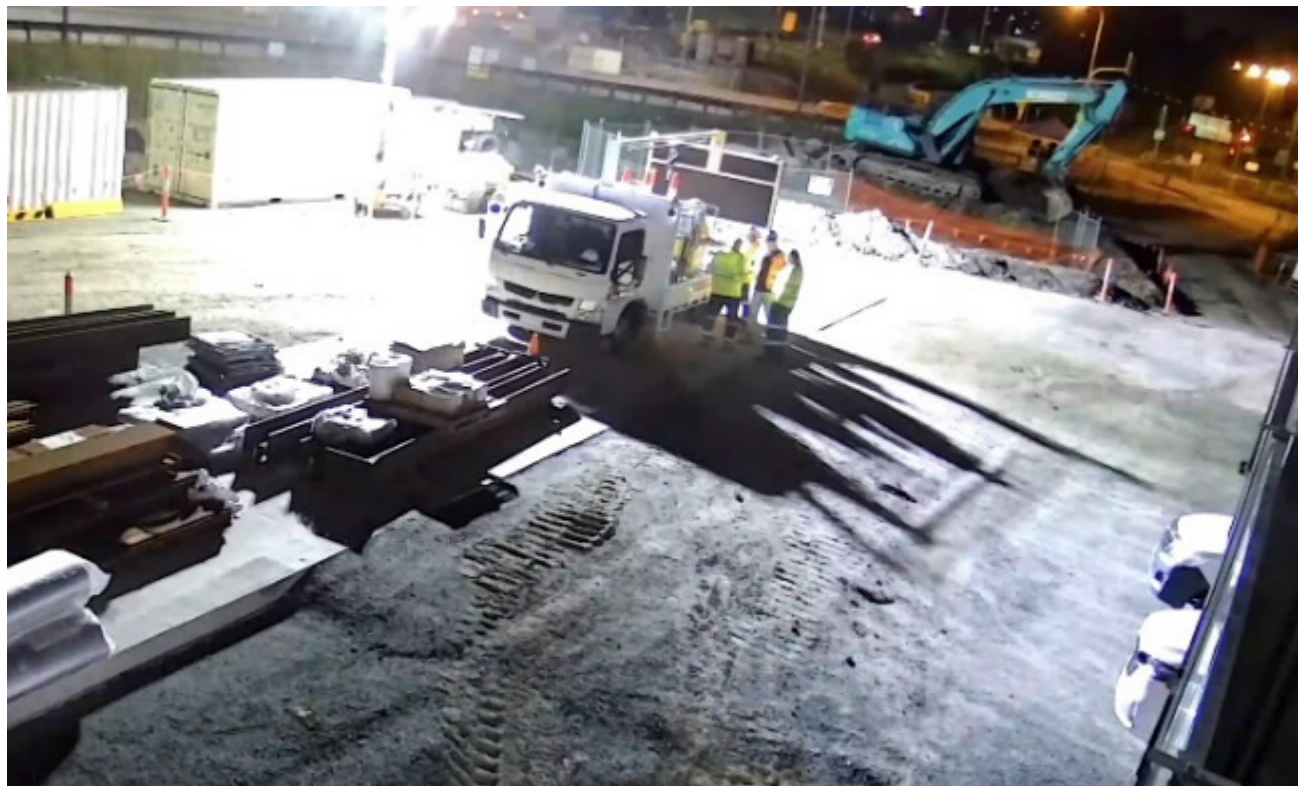
Hi Chris & Peter,

During last night's bridge inspection works, Sead reported that two CFMEU Organisers entered the Compound and then walked along the ATP to 'talk with Traffic Controllers'

- No reports of any safety inspection nor concerns.
- No reports of any requests for documentation.
- I understand that no disruption to works occurred.
- Consultation with the Traffic Controllers from KPI took place (image below).

This is the 2nd instance of an unauthorised entry in the past week following the transgression at Abutment B on March 12.

Security camera image from 10:32pm, 18-Mar-24.



Thanks,

Leigh Hahn



Project Director
Georgiou BMD Joint Venture (GBJV)

[REDACTED]

[REDACTED]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

CN-13712 Centenary Bridge Upgrade - CFMEU RoE, March 25

To: Chris.Demartini [REDACTED]; Peter.Konecny [REDACTED]

Cc: cbupteam [REDACTED] berry.freshney [REDACTED]; Ben Weston [REDACTED]; Gary Grant [REDACTED]; Gavin Kenny [REDACTED]; Mathew Quy-Verlander [REDACTED]; Rex Clarke [REDACTED]; Quinn Murray [REDACTED]; Sean Donald [REDACTED]

Date: Mon, 25 Mar 2024 14:37:40 +1000

Attachments: 20240325 RoE, Centenary Bridge, Cory Graham Budgeon.pdf (863.31 kB); 20240325 RoE, Centenary Bridge, Dylan Howard.pdf (940.01 kB)

Hi Chris & Peter,

This morning, we had two CFMEU organisers attend our Site Compound.

- No consultation with GBJV wages and minimal conversations with a few subcontract personnel occurred.
- Some disruption to works occurred however, many activities were already paused due to inclement weather or, shutdown by midday.
- Blockade of Gate 1 continues, day and night, weekend included.
- No formal safety inspection took place however observations were made about:
 - access / egress inside the partially hacked pile heads
 - cleanliness of the ATP surface
 - currency of fire extinguishers
 - JHA's covering the effects of wet weather
 - mud on access ways
 - on-site parking signage
 - security of the temporary fencing footings adjacent to the Pier 1 batter's hinge point
 - storage of industrial gases
- No requests for documentation were made.

Thanks,



Leigh Hahn

Project Director
Georgiou BMD Joint Venture (GBJV)

[REDACTED]

[REDACTED]

213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178



CN-13712 Centenary Bridge Upgrade - Continued engagement of Altus

Where: Microsoft Teams Meeting; 141-4253 Meeting Room
When: Thu. Aug. 24 16:00:00 2023 +10:00
Until: Thu. Aug. 24 16:50:00 2023 +10:00
Organisers Leigh Hahn </o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=d9349129404a4843aeacee5647f5b3ee-leihah1">
Required Attendees: Leigh Hahn [REDACTED]
 berry.freshney [REDACTED]
 Gary Grant [REDACTED]
 Gavin Kenny [REDACTED]
 Mathew Quy-Verlander [REDACTED]
 Quinn Murray [REDACTED]
 Rex Clarke <[REDACTED]>
 Sean Donald [REDACTED]
Optional Attendees: Z_Meeting Brisbane - Turrbal Boardroom (TV/Crestron/MS Teams)
 [REDACTED]

Gents:

Yesterday, we had the AWU warning us about Altus.
 Today we had very clear advice from the CFMEU that Altus will be targeted at our Project, as well as other parent-company projects.

Considerations:

- Recent market engagement suggests that a change to the next traffic controller provider will costs us \$200 - 250 thousand.
- Making a decision to replace Altus here may create another issue for another project of either business ie, the unions keep looking for further 'dominos' to fall.
- Retaining Altus here may create or encourage, both unions, to seek out issues for this project, and other projects of either business. ie, the goodwill that we currently enjoy is expended on Altus and not at time that GBJV may actually need it.
- The Altus Payroll Audit did not reveal any significant non-compliances; their TGS turnaround and quality have both improved; and, we've not experienced any adverse resources issues that we did back in April / May. Hence, we've not a clear trigger for termination.
- With 4 - 5 persons regularly on-site, traffic control is not a substantial part of our workforce, nor is it 'critical path' but it is crucial to our operations.

My two-cents worth.

I recommend that we switch providers and set a date say, September 30, to do so in as an orderly fashion as we can.

Microsoft Teams meeting

Join on your computer, mobile app or room device.

[Click here to join the meeting](#)

Meeting ID: 456 170 597 140
Passcode: jy9Fvj
[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

[+61 7 3062 8833,,197217866#](#) Australia, Brisbane

Phone Conference ID: 197 217 866#

[Find a local number](#) | [Reset PIN](#)



[Learn More](#) | [Meeting options](#)

Re: CN-13712 Centenary Bridge Upgrade - AWU visit, October 19

From: Gary Grant [REDACTED]
To: Gavin Kenny [REDACTED]
Date: Thu, 19 Oct 2023 12:20:39 +1000

Ok no dramas cheers and seems like a good idea .

I will need to sit with yourself and Leigh at some stage as we need to develop a 1 pager on IR strategy for the project .

From: Gavin Kenny [REDACTED]
Sent: Thursday, October 19, 2023 12:17:19 PM
To: Gary Grant [REDACTED]
Subject: RE: CN-13712 Centenary Bridge Upgrade - AWU visit, October 19

Yes Mate

Looks like Paul Arcadiou is more than happy to run with the position / Jason and Cody are more than happy to be HSE.

Thanks



Gavin Kenny
Superintendent
Georgiou BMD Joint Venture (GBJV)

[REDACTED]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

From: Gary Grant [REDACTED]
Sent: Thursday, 19 October 2023 11:44 AM
To: Gavin Kenny [REDACTED]; Leigh Hahn [REDACTED]
Cc: Sean Donald [REDACTED]
Subject: Re: CN-13712 Centenary Bridge Upgrade - AWU visit, October 19

Ok cheers . Was there a discussion around delegate or not mate ?

From: Gavin Kenny [REDACTED]
Sent: Thursday, October 19, 2023 11:10:17 AM
To: Gary Grant [REDACTED]; Leigh Hahn [REDACTED]
Cc: Sean Donald [REDACTED]
Subject: RE: CN-13/12 Centenary Bridge Upgrade - AWU visit, October 19

Hi Garry

It was a quick chat regarding the project agreement and also what happens when the cranes and the SPMT turn up to -site. Pat is well aware the cranes are dry hire not wet.

All good otherwise.

Thanks



Gavin Kenny
Superintendent
Georgiou BMD Joint Venture (GBJV)

[REDACTED]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

From: Gary Grant [REDACTED]
Sent: Thursday, 19 October 2023 10:40 AM
To: Leigh Hahn [REDACTED]; Gavin Kenny [REDACTED]
Subject: RE: CN-13/12 Centenary Bridge Upgrade - AWU visit, October 19

Hey Leigh / Gav was this chat with the workers or with staff ?

Any update from the discussion



Gary Grant
Regional Construction Manager
BMD Constructions

[REDACTED]



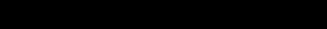
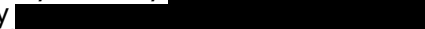
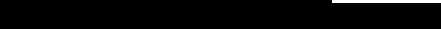
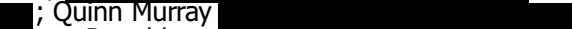
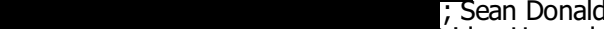
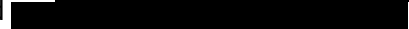
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 PO Box 197 Wynnum Qld 4178



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Learn more about our [Reconciliation Action Plan](#).

Please consider the environment before printing this e-mail.

From: Leigh Hahn 
Sent: Thursday, 19 October 2023 10:38 AM
To: Chris DEMARTINI ; Peter.Konecny 
Cc: CBUPTeam ; David.Oel ; Ben Weston 
; Berry Freshney ; Gary Grant 
; Gavin Kenny ; Mathew Quay-Verlander 
; Quinn Murray ; Rex Clarke 
; Sean Donald 

Subject: RE: CN-13/12 Centenary Bridge Upgrade - AWU visit, October 19

Hi Chris & Peter,

GBJV had a visit from the AWU, just after Pre-Start this morning.
 I understand that there was a short discussion (<10-minutes) regarding a proposal for on-site delegate(s).

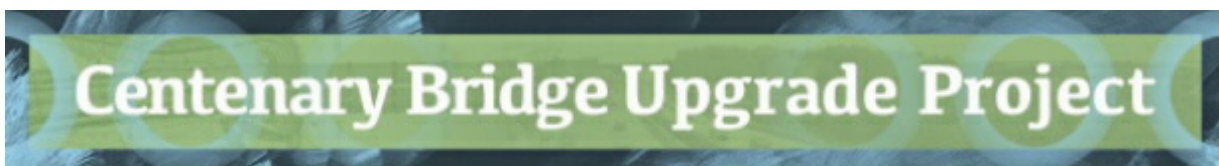
Thanks,



Leigh Hahn
 Project Director
 Georgiou BMD Joint Venture (GBJV)



 213 Sinnamon Road, Jindalee QLD 4074
 PO Box 197 Wynnum Qld 4178



GG-12

FW: Union Activity

From: Gary Grant [REDACTED]
To: Trevor Roy [REDACTED]; Paul McStay [REDACTED]; Rod McCluskey [REDACTED]; Alan Mua [REDACTED]; Kerenza McLeish [REDACTED]; Gavin Kenny [REDACTED]; Greg Calder [REDACTED]; Ben Weston [REDACTED]; Brett Ingram [REDACTED]
Cc: Shawn Davis [REDACTED]; Leigh Hahn [REDACTED]; Dean Fogarty [REDACTED]
Date: Thu, 09 Nov 2023 09:50:06 +1000

All please see email below from Mat , Can you advise last time we audited the below areas of concern and if not in the last week or so complete an audit and report back to me .

Ill likely organise a refresher for a few jobs (not all) with Greg Power around ROE etc .

Cheers



Gary Grant
 Regional Construction Manager
 BMD Constructions

[REDACTED]
 [REDACTED] | www.bmd.com.au
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 PO Box 197 Wynnum Qld 4178



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Please consider the environment before printing this e-mail.

From: Mathew Quay-Verlander [REDACTED]
Sent: Thursday, 9 November 2023 9:20 AM
To: Daniel Hussey [REDACTED]; Gary Grant [REDACTED]; Trevor Wilson [REDACTED]; Craig Blacker [REDACTED]
Cc: Rob Pickard [REDACTED]; Sabrina Burgess [REDACTED]; Ven Vecchio [REDACTED]
Subject: Union Activity

Team,

We have been advised that the Unions, esp CFMEU, may become more active on BMD sites.

Thought it prudent to remind this team on the issues/areas of focus we have had in the past couple of years;

- Pedestrian Site Access
- Scaffold access and emergency evacuation
- Structures temp works
- Lifting & Craneage
- Compound Facilities and Generators
- Chemical Storage

I understand our sites are being well managed, but it is worth making sure our Projects review the above areas before the end of this week to ensure 100% safe compliance.

Can you please confirm when this has been done.

Also, can you review whether our Project Teams need Right of Entry training. If needed Sabrina will arrange through Greg Power at Draytons.

Thanks

Mat



Mathew Quay-Verlander
Operations Manager, QLD & NT
BMD Constructions

[Redacted]
[Redacted] | www.bmd.com.au
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Please consider the environment before printing this e-mail.

RE: CN-13712 Centenary Bridge Upgrade - Union Activity

From: Gary Grant [REDACTED]
To: Leigh Hahn [REDACTED]
Cc: Ben Weston [REDACTED]; Brett Ingram [REDACTED];
 Gavin Kenny [REDACTED]; Greg Calder [REDACTED];
 Mathew Quay-Verlander <[REDACTED]>; Sead Jukic
 [REDACTED]
Date: Fri, 10 Nov 2023 12:27:24 +1000

Thanks Leigh all good .



Gary Grant
 Regional Construction Manager
 BMD Constructions

[REDACTED]
 [REDACTED] | www.bmd.com.au
 1 Sandpiper Ave Port of Brisbane Qld 4178
 PO Box 197 Wynnum Qld 4178



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Please consider the environment before printing this e-mail.

From: Leigh Hahn [REDACTED]
Sent: Friday, 10 November 2023 12:25 PM
To: Gary Grant [REDACTED]
Cc: Ben Weston [REDACTED]; Brett Ingram [REDACTED]; Gavin
 Kenny [REDACTED]; Greg Calder [REDACTED]; Mathew Quay-
 Verlander [REDACTED]; Sead Jukic [REDACTED]
Subject: CN-13712 Centenary Bridge Upgrade - Union Activity

Gary, summary responses to Mat's queries.

Safety Queries

All six points are subject to the safety KPI regime so have been reviewed within the last week: for full disclosure we only commenced them in August.

Several have also featured as observations in the monthly audits by the Client and Contract Administrator.

- Chemical Storage- [some corrections required in recent assessment about compatibility of materials in storage, which was promptly corrected.](#)

- Compound Facilities and Generators - the Site Office & Satellite Compounds were signed-off and generator subject to daily assessment; we have on GBJV wages personnel as a cleaner.
- Lifting & Craneage - the rudimentary Lift Plan process thus far **but**, almost everything that we do will be >50-tonne &/or >80% crane chart &/or multi-crane lift &/or not envisaged by the systems which is silent in respect of Overhead Ganties - Ben & I have discussed this with Leo.
- Pedestrian Site Access - our main area of concern is immediately adjacent to the Site Office; several recent iterations with visitor car parking and power pole connection but in condition now; other than that general access is via the ATP to various work sites which then have plant / personnel segregation as necessary to that activity.
- Scaffold access and emergency evacuation - no scaffolding as yet. Emergency evacuation points are on our Site VMP, the Gym Car Park (conveniently they have their own sign there) and 201 Kenmore Road (TMR's old Site Office)
- Structures temp works - a bit big one for one email but we are documenting fit-for-use signoffs for the applicable elements (eg. launching pits, piling hardstands) thus far.

IR Query

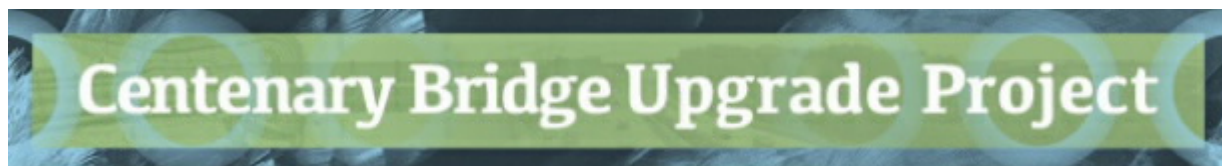
Our RoE process is adequate, in the knowledge that the ATP is a publicly accessible space. With the longer-term possibility that Form-Reinforce-Pour becomes self-perform and we have other Supervisor(s) to on-board, I'd suggest that Greg may be best to come out in February 2024.

Trust that helps.



Leigh Hahn
Project Director
Georgiou BMD Joint Venture (GBJV)

213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178



From: Gary Grant [REDACTED]
Sent: Thursday, 9 November 2023 9:50 AM
To: Trevor Roy [REDACTED]; Paul McStay [REDACTED]; Rod McCluskey [REDACTED]; Alan Mua [REDACTED]; Kerenza McLeish [REDACTED]; [REDACTED]; Gavin Kenny [REDACTED]; Greg Calder [REDACTED]; Ben Weston [REDACTED]; Brett Ingram [REDACTED]
Cc: Shawn Davis [REDACTED]; Leigh Hahn [REDACTED]; Dean Fogarty [REDACTED]
Subject: FW: Union Activity

All please see email below from Mat , Can you advise last time we audited the below areas of concern and if not in the last week or so complete an audit and report back to me .

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Cheers



Gary Grant
Regional Construction Manager
BMD Constructions

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Sent: Thursday, 9 November 2023 9:20 AM
To: Daniel Hussey [REDACTED]; Gary Grant [REDACTED]; Trevor Wilson [REDACTED]; Craig Blacker [REDACTED]
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Subject: Union Activity

Team,

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Thanks

Mat



Mathew Quay-Verlander
Operations Manager, QLD & NT
BMD Constructions

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CN-13712 Centenary Bridge Upgrade - IR at CBU

From: Leigh Hahn [REDACTED]
To: Gary Grant [REDACTED]
Cc: Mathew Quay-Verlander [REDACTED]
Date: Thu, 16 Nov 2023 06:57:28 +1000

Gary, as per your request this morning.

Items of note regarding Industrial relations at Centenary Bridge.

- Centenary Bridge Upgrade (CBU) is operating on a Greenfield Agreement which was approved in December 2022.
 There are currently three Georgiou and eight BMD wages personnel employed under that Agreement.
 My expectation is that we may peak at 35 persons covered by the Greenfield Agreement in H2 2024.
- CBU has two delegates nominated from the project and accepted by the AWU - this occurred in October 2023.
 We have not had anyone from the team request nomination to be a CFMEU delegate.
 A delegate was suggested by BMD HO in mid-2023 but upon interview that person was not suitable for that role. We have committed to giving them a trainee-type position in early 2024.
- CBU has had a Safety Committee operating since July 2023. Until recently, this had all our wages personnel involved within it.
 The most recent session that we had on November 2 included a GBJV wages person, as well as representatives from the major subbies that we had on-site then: sewer relocation & traffic control; next one will include piling as well.
- We have not arranged for the formal training of any Health and Safety Representatives (HSR) but have that is an item for newly onboarded Training Co-ordinator (part-time from Georgiou)
 The intention is that we have at least one each of a Georgiou and BMD engaged person as HSR's.
 Neither union has specifically requested nor inquired about HSR's
- As you are aware, we have regular visits from both the AWU and CFMEU.
 Since October 1, the score is AWU 5, CFMEU 6.
 In same period the AWU submitted a Right of Entry notice; the CFMEU, none.
- Most often Gavin is their first point of contact for ether union; and me second; occasionally Ben Weston.
 In general, we walk with them on the Active Transport Path, which is a publicly accessible area, and they'll converse with the odd person that they encounter.
 Other than that, Gavin & I initially spent quite a bit of time with each organisation conversing with them in the local coffee shops on the status of the project and our intentions for its conduct. And they the same.
- TMR require notification within two hours of a union representative presenting on site.
 Typically, I do this via a text message to TMR's Project Director & Manager, as well as the CA.
 Then follow-up with a short email.
 I can't recall any query of substance that TMR or the CA had regarding any visit.
- The most prominent IR concern that we had during 2023 was the renewal of the Agreement by our Traffic Control provider, Altus.

In short summary, Altus managed to annoy (most polite word that I can muster) both the AWU & CFMEU with the progress or lack thereof regarding their offer and negotiations. It rapidly became apparent that even though CBU had <7 traffic controllers on the project (<1% of Altus workforce) that due to our perceived prominence that this project would become their battleground.

We sought assurances from Altus management that they had a viable plan to conclude their renewal without adverse impact on our operations, to which Altus did not satisfy us.

KPI were then engaged to provide traffic control services and a good portion of the Altus team ie, almost all that I can think of, then joined KPI.

Altus have not been terminated; we simply haven't placed any orders with them since September.

- I understand that other BMD projects nationally, are subject to recent targeting. The CFMEU alerted Gavin & I to that. We understand that due to the good faith that we have built-up that CBU will not be part of that campaign.
- Other foreseeable concerns:
 - the AWU have not had specific concerns other than our personnel are paying into the funds required by the Greenfield Agreement; moreover, we should be encouraging (their word is more akin to requiring) our subbies to do the same.
 - the CFMEU would prefer that we had a piling entity that operates on one of their endorsed Agreements. We have satisfied that by noting that most of such entities were engaged with or formed part of the rival consortium that bid on this project.
 - the CFMEU would prefer to have their members operating our cranes and gantries. However, the three persons that Gavin engaged from Cross River Rail, have meant that concern has abated.
 - there's a misinterpretation that the Transport BPIC has a 35°C stop work mandate within it. It doesn't we consult and observe other processes so that Health & Safety isn't compromised. we don't have dramatic quantities of scaffolding on this project we intend to purchase that we do need and then use a CFMEU aligned subbie for installation / maintenance, etc Should 3rd parties then observe an excessive amount of safety issues with that scaffolding then we'd charge the subbie the rectification.

I think if it is deemed that we have been successful in managing issues with employee representative bodies this far its because we have been forthright, frank, open with each of them.

Wherever we have been able to reasonably assist that we have done so and been seen by them to be doing so.

Hope that helps.



Leigh Hahn
Project Director
Georgiou BMD Joint Venture (GBJV)

213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

CN-13712 Centenary Bridge Upgrade - CFMEU attendance, December 12

From: Leigh Hahn [REDACTED]
To: Berry Freshney [REDACTED]; Gary Grant [REDACTED]; Gavin Kenny [REDACTED]; Mathew Quay-Verlander [REDACTED]; Rex Clarke [REDACTED]; Quinn Murray [REDACTED]; Sean Donald [REDACTED]
Date: Tue, 12 Dec 2023 14:38:40 +1000

Gents: Dean let Gavin & myself know that he caught up with Gary yesterday afternoon - Gary anything you wish to add please go ahead.

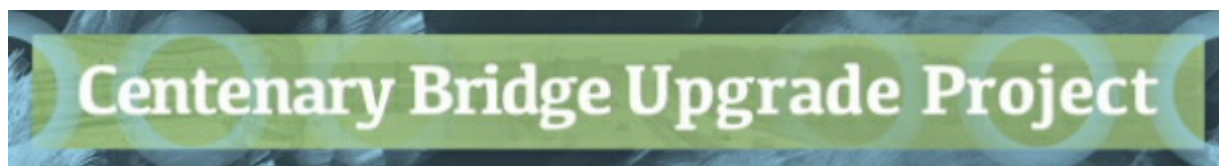
Key points:

- Universal Cranes & Capon Piling will remain a focus for the CFMEU in the 2024. CFMEU want to get Caporn on one of their Agreements and see their members in Universal Cranes.
- CFMEU are still curious as to the proximity of the Project Value to the BPIC+ threshold.
- Probable that CBU will receive visits from Organisers other than Dean in early-2024.



Leigh Hahn
 Project Director
 Georgiou BMD Joint Venture (GBJV)

[REDACTED]
 [REDACTED]
 213 Sinnamon Road, Jindalee QLD 4074
 PO Box 197 Wynnum Qld 4178



From: Leigh Hahn
Sent: Tuesday, 12 December 2023 2:32 PM
To: 'Chris DEMARTINI' [REDACTED]; 'Peter KONECNY' [REDACTED]
Cc: 'CBUPTeam' [REDACTED]; 'David OEI' [REDACTED]; Ben Weston [REDACTED]; 'berry.freshney' [REDACTED]; Gary Grant [REDACTED]; Gavin Kenny [REDACTED]; Mathew Quay-Verlander [REDACTED]; Quinn Murray [REDACTED]; Rex Clarke [REDACTED]; 'Sean Donald' [REDACTED]
Subject: CN-13712 Centenary Bridge Upgrade - CFMEU attendance, December 12

Hi Chris & Peter,

A CFMEU Organiser, Dean Riley held off-site discussions with GBJV's Superintendent and myself this morning.

- No consultation with other GBJV personnel &/or CBU subcontractors.
- No specific safety concerns were raised about CBU works, personnel or subcontractors.

Thanks,



Leigh Hahn
Project Director
Georgiou BMD Joint Venture (GBJV)

[REDACTED]
[REDACTED]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

RE: Union Activity

From: Shawn Davis [REDACTED]
To: Leo Zuna [REDACTED]; Chris Stack [REDACTED] >; Leigh Hahn [REDACTED]; Dean Fogarty [REDACTED] Robert O'Brien [REDACTED]
Cc: Mathew Quay-Verlander [REDACTED]
Date: Tue, 19 Dec 2023 09:53:20 +1000

Gents,

This was issued last week while I was away. Gary has passed on.

I know Rod circulated to the team but I am not 100% sure on what has been done.

Ill follow up today.

Cheers



Shawn Davis
 Project Support Manager
 BMD Constructions

[REDACTED]
 [REDACTED] | www.bmd.com.au
 1 Sandpiper Ave Port of Brisbane Qld 4178
 PO Box 197 Wynnum Qld 4178



The BMD Group acknowledges the Traditional Owners of the lands in which we operate and pay respect to Elders past, present and emerging.

Learn more about our [Reconciliation Action Plan](#).

[Please consider the environment before printing this e-mail.](#)

From: Leo Zuna [REDACTED]
Sent: Tuesday, 19 December 2023 9:46 AM
To: Chris Stack [REDACTED]; Shawn Davis <[REDACTED]>; Leigh Hahn [REDACTED]; Dean Fogarty [REDACTED]; Robert O'Brien [REDACTED]
Cc: Mathew Quay-Verlander <Mathew.Quay-Verlander@bmd.com.au>
Subject: FW: Union Activity
Importance: High

Gents,

Below request from MQV highlighted in yellow , not sure if Gary has discussed this, can you provide feedback.

Thanks



Leo Zuna
Safety Manager QLD & NT
BMD Constructions

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[REDACTED] www.bmd.com.au
1 Sandpiper Ave, Port of Brisbane, QLD 4178 4178
PO Box 197 Wynnum Qld 4178



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Please consider the environment before printing this e-mail.

From: Mathew Quay-Verlander [REDACTED]

Sent: Tuesday, 19 December 2023 7:09 AM

To: Daniel Hussey <[REDACTED]>; Gary Grant <[REDACTED]>; Trevor Wilson <[REDACTED]>; Craig Blacker <[REDACTED]>; Leo Zuna <[REDACTED]>

Subject: RE: Union Activity

Importance: High

Team,

Can you confirm the action below has been completed.

Leo,

Can you please check with Gary's projects as he is on leave.

Thanks

Mat



Mathew Quay-Verlander
Operations Manager, QLD & NT
BMD Constructions

[REDACTED]
[REDACTED] | www.bmd.com.au
1 Sandpiper Ave Port of Brisbane Qld 4178
PO Box 197 Wynnum Qld 4178



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Please consider the environment before printing this e-mail.

From: Mathew Quay-Verlander

Sent: Thursday, 14 December 2023 9:50 AM

To: Daniel Hussey >; Gary Grant >; Trevor Wilson

>; Craig Blacker >

Cc: Rob Pickard >; Sabrina Burgess >; Ven Vecchio >; Tiffany Powell >; Leo Zuna

Subject: RE: Union Activity

Team,

Further to my email below in November, we recently have seen increased activity from Unions and the safety issues that have been raised are listed, (highlighted being the most recent);

- Eye Wash stations - especially having adequate amounts, Leo can advise
- Washing facilities - having adequate clean Potable water and ensuring water tanks are covered
- Access and Egress in general
- Edge protection and potential for falls from height
- Vehicle Management Plans - in place, up to date, reviewed etc
- Pedestrian Site Access
- Scaffold access and emergency evacuation
- Structures temp works
- Lifting & Craneage - Crane Operators to have Familiarisation training for the Model of crane they are operating
- Compound Facilities and Generators
- Chemical Storage

Please ensure our Projects review the above areas before the end of this week to ensure 100% safe compliance.

Can you get them to confirm when this has been done.

Also, if our Project Teams require Right of Entry training let Sabrina or Tiff know and they will arrange through Greg Power at Draytons.

Thanks

Mat



Mathew Quay-Verlander
Operations Manager, QLD & NT
BMD Constructions



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1 Sandpiper Ave Port of Brisbane Qld 4178
PO Box 197 Wynnum Qld 4178

*Wishing you and your family a very
happy and safe festive season!*

BMD offices and sites will be closed from
1pm on Thursday 21 December and will
reopen Monday 8 January 2024.



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Learn more about our [Reconciliation Action Plan](#).

Please consider the environment before printing this e-mail.

From: Mathew Quay-Verlander

Sent: Thursday, 9 November 2023 9:20 AM

To: Daniel Hussey <[REDACTED]>; Gary Grant <[REDACTED]>; Trevor Wilson <[REDACTED]>; Craig Blacker <[REDACTED]>

Cc: Rob Pickard <[REDACTED]>; Sabrina Burgess <[REDACTED]>; Ven Vecchio <[REDACTED]>

Subject: Union Activity

Team,

We have been advised that the Unions, esp CFMEU, may become more active on BMD sites.

Thought it prudent to remind this team on the issues/areas of focus we have had in the past couple of years;

- Pedestrian Site Access
- Scaffold access and emergency evacuation
- Structures temp works
- Lifting & Craneage
- Compound Facilities and Generators
- Chemical Storage

I understand our sites are being well managed, but it is worth making sure our Projects review the above areas before the end of this week to ensure 100% safe compliance.

Can you please confirm when this has been done.

Also, can you review whether our Project Teams need Right of Entry training. If needed Sabrina will arrange through Greg Power at Draytons.

Thanks

Mat



Mathew Quay-Verlander
Operations Manager, QLD & NT
BMD Constructions

[REDACTED]
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Please consider the environment before printing this e-mail.

Re: CN-13712 Centenary Bridge Upgrade - AWU visit and CFMEU Right of Entry, February 23

From: Gary Grant <[REDACTED]>
To: Leigh Hahn [REDACTED]; Sean Donald [REDACTED]
Cc: Mathew Quay-Verlander [REDACTED]; Quinn Murray [REDACTED]; Rex Clarke [REDACTED]; Gary Grant [REDACTED]
Date: Sat, 24 Feb 2024 08:12:13 +1000

Hey Leigh I'm interested on "the subsequent meeting to be held at 8am between GBJV and both unions next Wednesday. "

We can't allow this to happen and shouldn't be involved in such meeting . Was it suggested or agreed it would happen ?

If both unions want to meet offsite that's fine but we won't be apart of it unless anyone else on the email has other ideas ?

From: Leigh Hahn [REDACTED]
Sent: Saturday, February 24, 2024 7:12:10 am
To: Sean Donald [REDACTED] >
Cc: Gary Grant <[REDACTED]>; Mathew Quay-Verlander <[REDACTED]>; Quinn Murray [REDACTED]; Rex Clarke [REDACTED]
Subject: CN-13712 Centenary Bridge Upgrade - AWU visit and CFMEU Right of Entry, February 23

Sean, further to request for details elaborating upon yesterdays' events.

- From 7 - 7:30am, we had various project personnel, including TMR, notice and report that individuals (the numbers varied from 3 to 5) in CFMEU attire and paraphernalia had congregated in the Gym car park, adjacent to our Gate 1.
This was unusual. Occasionally the KPI corporate delegate, Paul will come out and walk along the ATP and Sinnamon Road but typically this is just him.
- We, Gavin & I, had a pre-arranged meeting with the AWU at 8am. This is not unusual for either organisation to give us a ring and arrange a time to go thorough what's on their mind. The AWU had called earlier in the week to request this discussion: Pat & Kurt attended and wanted to present a 'strategy' to Gavin & I.
To be fair, the AWU would soon be interrupted but, from what was presented as a strategy it was thoroughly and resoundingly pathetic.
- Not long after the AWU meeting commenced, say 8:15am, there was a knock on the door, I responded and there were three CFMEU Organisers plus KPI's designated on-site delegate. The three CFMEU Organisers presented their Right of Entry documentation (s117) and entered the meeting room.
Initially, there was suggestion and agreement to go to the Induction Room but eventually 4 x GBJV staff, 3 x CFMEU Organiser, 2 x AWU officials and 1 x KPI Traffic Controller commenced a discussion in the Meeting Room immediately adjacent to my office.
- This rapidly turned confrontational. The exchanges were frequently heated, bitter, coarse, and personal. And, of course, loud.

Most of the inter-union discussion centred upon coverage however, there were allegations of corruption, nepotism, negligence, and ineptitude. And most of that took place in insulting language.

From GBJV's perspective, we stated - on the occasions that we were able to get a word in - that we respected both organisations have a role to play at this project in representing any members that they may have. That we respect that and that we will always have and shall continue to try to facilitate that. Neither of the unions disputed that but frankly, given the battle, they were more interested in each other.

- CFMEU's Organiser, Dean Mattas, attempted to make some notes or minutes.
The first note made was the CFMEU's request to terminate the GBJV Greenfield Agreement. Which all in the room tacitly acknowledged would not occur.
The second, how could the CFMEU become a party to the GBJV Greenfield Agreement. Again, tacitly acknowledged by all that this also would not occur either.
The third that a subsequent meeting be held on how the parties GBJV, AWU & CFMEU can work together on next Wednesday at 8am. Dean may have recorded this as 6am, as he wasn't that forthcoming nor accurate in his notes.
After about an hour the meeting concluded.
- The 4 x CFMEU persons left for Safety Walk with GBJV's Superintendent and Safety Manager. The 2 x AWU persons stayed for a short while with GBJV's Project Director and Manager - they may not wish to admit it, but I think that is fair to say that they had been adversely affected by a four-on-two, hour long argument.
- Meanwhile a crowd of CFMEU sympathisers had gathered near our Gate 1: some were apparently on the edge of Sinnamon Road, possibly straddling the bicycle route above the Jindalee Creek culvert.
- When the AWU left, their vehicles were confronted by this group. This may have been about 9:45am. It should be visible from our site security cameras which will review in due course. I estimate that it was between 15 and 25 persons who blocked the safe passage of the cars and then aggressively attacked them.
The vehicles were variously pushed, punched, kicked, shaken, defaced, branded and the persons in them had obscenities chanted at them.
This lasted for a few minutes. The crowd dispersed. The vehicles left.
They did not enter the site as such but were in the Gate 1 area: possibly 10 to 20 metres away from an active works area (stormwater drainage installation)
- I then joined, the CFMEU Organisers (who feigned no knowledge of the other persons at Gate 1) for the remainder of the safety walk with Ben & Gavin, which at that stage hadn't progressed too much further than the area beneath our office gantry.
This lasted ¼ of an hour or so we walked down to Span 1, spoke about the job and our intentions for it, as we typically do on any such walk with either Union.
The safety observations were in-general, of a minor nature. I can't recall comments during the walk related to access & egress in emergencies, 1st aid procedures, plant records, separation between plant and personnel, accessible amenities, nor instructions provided to workers regarding safe systems of work. Comments were made about heat (it was already 'feeling like' 35°C at 10am) and we replied that we are monitoring with an expectation that we would commence an orderly shutdown once that hazard of hot weather couldn't be managed for today's works. As it was we commenced project closure at about 12 noon.
- The CFMEU Organisers left at around 10:30am.
They left with some form of cryptic warning "winter is coming" which I believe means that war is imminent in the Game of Thrones television series.
- In the whole morning:
 - No consultation with any GBJV wages or any other subcontract personnel occurred.
 - No disruption to any of the planned works occurred.

- No requests for documentation were made.

It is notable that in the last week there has been a discernible change in the CFMEU's rate of attendance, personnel, attitude, and behaviour. We expect that this will continue.



Leigh Hahn
Project Director
Georgiou BMD Joint Venture (GBJV)

[REDACTED]
[REDACTED]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

From: Leigh Hahn
Sent: Friday, February 23, 2024 11:48 AM
To: 'Chris.Demartini' <[REDACTED]>; 'Peter.Konecny' <[REDACTED]>
Cc: CBUPTeam <[REDACTED]>; 'berry.freshney' <[REDACTED]>; Ben Weston <[REDACTED]>; Gary Grant <[REDACTED]>; Gavin Kenny <[REDACTED]>; Mathew Quy-Verlander <[REDACTED]>; Quinn Murray <[REDACTED]>; Rex Clarke <[REDACTED]>; 'Sean Donald' <[REDACTED]>
Subject: CN-13/12 Centenary Bridge Upgrade - AWU visit and CFMEU RoE, February 23

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A discussion ensued between the CFMEU & the AWU, this lasted almost an hour. The main action that resulted from this discussion was the CFMEU requesting that GBJV and the AWU consider terminating, then presumably re-negotiating, the Greenfield Agreement.

The CFMEU Organisers then left for a safety walk with Ben & Gavin. Quinn & I had a separate continuation with the AWU Organisers. Meanwhile a crowd of CFMEU sympathisers had gathered at our Gate 1. When the AWU left, their vehicles were confronted by this group of protesters, who dispersed after a few minutes. I then jointed, the CFMEU Organisers for the remainder of the safety walk with Ben & Gavin.

- No consultation with GBJV wages or any other subcontract personnel occurred.

- No disruption to works occurred.
- No requests for documentation were made.
- The safety inspection noted some minor issues including:
 - potable water for the eye wash facility
 - housekeeping

The project team are not requesting nor recommending any action nor support. It is, however, notable that in the last week there has been a discernible change in the CFMEU's personnel, attitude, and behaviour.

We expect that this will continue in coming weeks.

Thanks,



Leigh Hahn
Project Director
Georgiou BMD Joint Venture (GBJV)

[REDACTED]
[REDACTED]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

GG-18

RE: CN-13712 Centenary Bridge Upgrade - AWU visit and CFMEU Right of Entry, February 23

From: Mathew Quay-Verlander <[REDACTED]>
To: Gary Grant <[REDACTED]>; Leigh Hahn <[REDACTED]>; Sean Donald <[REDACTED]>
Cc: Quinn Murray <[REDACTED]>; Rex Clarke <[REDACTED]>
Date: Mon, 26 Feb 2024 09:47:27 +1000

Gary,

Can you arrange a catch up today on this, I agree that we should not be entertaining a meeting on Wednesday but I would like to understand others opinions.

Mat



Mathew Quay-Verlander
 Operations Manager, QLD & NT
 BMD Constructions

[REDACTED]
 [REDACTED] | www.bmd.com.au
 1 Sandpiper Ave Port of Brisbane Qld 4178
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From: Gary Grant <[REDACTED]>
Sent: Saturday, February 24, 2024 8:12 AM
To: Leigh Hahn <[REDACTED]>; Sean Donald <[REDACTED]>
Cc: Mathew Quay-Verlander <[REDACTED]>; Rex Clarke <[REDACTED]>; Quinn Murray <[REDACTED]>
Subject: Re: CN-13712 Centenary Bridge Upgrade - AWU visit and CFMEU Right of Entry, February 23

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Cc: Gary Grant [REDACTED]; Mathew Quy-Verlander [REDACTED]
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Leigh Hahn
Project Director
Georgiou BMD Joint Venture (GBJV)

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Centenary Bridge Upgrade Project

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Sent: Friday, February 23, 2024 11:48 AM
To: 'Chris.Demartini' [REDACTED] >; 'Peter.Konecny' [REDACTED]
Cc: CBUPTeam [REDACTED]; 'berry.freshney' [REDACTED] >; Ben Weston [REDACTED]
[REDACTED] >; Gary Grant [REDACTED] >; Gavin Kenny [REDACTED]
[REDACTED] >; Mathew Quy-Verlander <[REDACTED]>;
Rex Clarke <[REDACTED]>; Quinn Murray [REDACTED] >;
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Leigh Hahn
Project Director
Georgiou BMD Joint Venture (GBJV)

213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

CN-13712 Centenary Bridge Upgrade - CFMEU RoE and attendance at Gate 1, February 28

From: Leigh Hahn [REDACTED]
To: Chris DEMARTINI [REDACTED]; Peter KONECNY [REDACTED]
Cc: cbupteam [REDACTED]; Berry Freshney [REDACTED]; Ben Weston [REDACTED]; Gary Grant [REDACTED]; Gavin Kenny [REDACTED]; Mathew Quay-Verlander [REDACTED]; Rex Clarke [REDACTED]; Quinn Murray [REDACTED]; Sean Donald [REDACTED]
Date: Thu, 29 Feb 2024 07:56:17 +1000
Attachments: 227FF9C2.JPG (2.35 MB); 21F4FADB.JPG (5.35 MB)

Hi Chris & Peter, it's entirely probable that I'll miss some of the events of yesterday so, here's a summary only.

- Prior to Pre-Start, we observed many CFMEU personnel gathering in the Gym car park adjacent to Gate 1.
 We were also aware of a banner being unfurled on Kenmore Road overpass (image attached)
 Unlike most days, we locked our gates prior to Pre-Start to prevent them, and anyone that would normally park at site from entering.
 Pre-Start was held as normal; works began as normal.
- At around 7:15am, we were provided with Right of Entry documentation from two CFMEU organisers.
 We were also aware that several individuals had gathered at our Gate 1 - not in the site, not on the road, partially on the ATP - who were displaying signs that were unfavourable to the project. Several signs were also placed along Sinnamon Road.
- During the morning, several discussions were held with the CFMEU Organisers whose primary concerns were.
 - Engagement with our Piling subcontractor
 - Importation of steel
 - Manning of the marine cranes
 Each of these were dealt with successively in conversation.
- The protesters remained at Gate 1 for the majority of the day, at least until 3pm.
 To my knowledge:
 - No consultation with GBJV wages or any other subcontract personnel occurred.
 - No disruption to works occurred other than a piling cage truck was diverted then returned; and, an inbound container of overhead gantry steel plus one that was already on-site were diverted to another facility for unpacking.
 Request for documentation was verbally made for:
 - the certification of the overhead gantry steelwork.
 - production of the safe work documentation for the crew commissioning the recently arrived marine crane.
 I understand that a s118 notice will be issued today.

We expect that this will continue in coming weeks.

As I write another, team of protesters has arrived. This time with their own shade tent.

Thanks,



Leigh Hahn
Project Director
Georgiou BMD Joint Venture (GBJV)

[REDACTED]
[REDACTED]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

CN-13712 Centenary bridge Upgrade - Options

Where: Microsoft Teams Meeting; 141-4253 GBJV Meeting Room
When: Wed. Mar. 13 17:00:00 2024 +10:00
Until: Wed. Mar. 13 17:25:00 2024 +10:00
Organisers Leigh Hahn [REDACTED]
Required Attendees: Leigh Hahn [REDACTED]
 berry.freshney [REDACTED]
 Gary Grant [REDACTED]
 Gavin Kenny [REDACTED]
 Mathew Quy-Verlander [REDACTED]
 Quinn Murray [REDACTED]
 Rex Clarke [REDACTED]
 Sean Donald [REDACTED]
Optional Attendees: Jonty Bekkers [REDACTED]
 Jonty Bekkers [REDACTED]

Gents: Table below was prepared by Jonty and forwarded via Berry on the available avenues to address the blockade situation CBUP is facing.

I think our collaboration pathway has ended so, my thoughts are a combination of Low & Moderate.

Response Level	Options
BAU / on-site strategies	- Detailed and contemporaneous file notes and statements of unlawful behaviour and conversations with CFMEU officials as to why the action is occurring (particularly intimidating and abusive/aggressive comments). Good notes and evidence are vital if pursuing legal avenues. - Video footage, photos of the CFMEU folk wearing CFMEU branded clothing. This allows us to demonstrate the CFMEU's involvement in organising the action. - Quantifiable records of financial loss as a result of unlawful behaviour. - Proactively engaging police/police escorts before and during delivery. - Reconsidering how deliveries to the site are received (eg, utilising the river). - Improved site security (ATF gates, security guards, CCTV etc). - Hosing down the "protestors" to get them to move
Low	PRIORITY: Write a letter to the CFMEU putting them on notice and seeking an undertaking from them that the action will stop etc or we will take them to court. - Can be prepared in-house but suggest engaging a solicitor to ensure wording is effective. Relatively cheap if we engage a solicitor (~\$800-\$1,000 + GST) - Would need to be prepared to escalate through other avenues if the behaviour continues. - Can be used in future court proceedings to demonstrate we attempted to resolve the situation at a local level before seeking court intervention.
Moderate	Meet with the police off-site and explore avenues available to us through them/brief them on the situation so they have an understanding when they get called out. Arm them with the information and organise a meeting with the right

	person within QPS. 2. Contact the Fair Work Ombudsman and report the behaviour/seek their support. 3. Make a “stop action” application to the Fair Work Commission against the CFMEU as an employer organising the action: a. Usually dealt with within two days. Hearing can be held on the same day. b. Cheap and relatively easy.
Nuclear	c. Need to demonstrate that the “protestors” are affiliated with the CFMEU. 1. PREFERENCE! Engage a lawyer to explore our options of seeking urgent injunctive relief in the Qld Supreme Court (this would be the best jurisdiction to go down, in my opinion. If they are trespassing/abusing right of entry provisions, Federal Court may be more appropriate). 2. Engage a lawyer to explore our options of seeking urgent injunctive relief in the Federal Court.

Microsoft Teams [Need help?](#)

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Meeting ID: 433 618 335 312

Passcode: iV3bzL

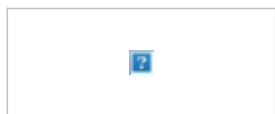
Dial-in by phone

[+61 7 3062 8833,,648742933#](#) Australia, Brisbane

[Find a local number](#)

Phone conference ID: 648 742 933#

For organizers: [Meeting options](#) | [Reset dial-in PIN](#)



RE: CN-13712 Centenary Bridge Upgrade - CFMEU blockade, 13-Mar-24

From: Peter KONECNY [REDACTED]
To: Leigh Hahn [REDACTED]
Cc: Chris DEMARTINI [REDACTED]
Date: Wed, 13 Mar 2024 11:42:30 +1000

Hi Leigh,
Thanks for the update. It does not auger well for the project. We all hope it is able to be resolved soon.
You mention below that this is the second time you have been stopped from delivering this steel to the site. I may have missed the first occasion. Can you please remind me of the details?
Thank you.
Regards

Peter Konecny
Contract Administrator
Centenary Bridge Upgrade

M + [REDACTED]
Level 6, 480 St Pauls Tce, Fortitude Valley, QLD, 4006, Australia

From: Leigh Hahn [REDACTED]
Sent: Wednesday, 13 March 2024 9:38 AM
To: Chris DEMARTINI [REDACTED] >; Peter KONECNY [REDACTED]
Cc: CBUPTeam [REDACTED]; Berry Freshney [REDACTED] >; Gary Grant [REDACTED] >; Mathew Quay-Verlander [REDACTED]
[REDACTED]; Sean Donald [REDACTED]
Subject: CN-13712 Centenary Bridge Upgrade - CFMEU blockade, 13-Mar-24
Importance: High

Morning Chris & Peter, as we're all aware we had the CFMEU blockade Gate 1 this morning.

Summary:

- 1st load of two loads steel arrived at 6:15am.
- ~15 CFMEU personnel blocked the load causing traffic to immediately queue along Sinnamon Road.
- Police were called by GBJV to assist entry of the load.
- Gate 1 remained blocked, and traffic queued for some time.
- We were aware of various radio stations broadcasting traffic alerts.
- I did not see the 2nd load near Gate 1, but the driver reported that he was 'bullied and harassed' so therefore drove off.
- A camera man was observed filming from the Golf Course side of Sinnamon Road, but I did not see this nor do I know which media organisation they are from.
- Police ultimately directed the 1st load to leave site to release traffic.
- Most of the CFMEU personnel dispersed but a few remain at Gate 1
- Later, the Notice attached was furnished to GBJV in relation to our Overhead Gantry Steel.

The CFMEU believe that the steel is inherently 'non-compliant' as it has been fabricated overseas.
They also believe that the project is exceeding \$300 million in value and is therefore eligible for

BPIC+.

If not, then the savings generated by from overseas fabrication has prevented the project from exceeding \$300 million.

GBJV has been thwarted twice now from delivering this steel.

Cutting of pile heads is due to commence March 18 and installation of this steel, thereafter.

Trust that this is sufficient for now.



Leigh Hahn
Project Director
Georgiou BMD Joint Venture (GBJV)

[REDACTED]
[REDACTED]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

CN-13712 Centenary Bridge Upgrade - CFMEU blockade, 13-Mar-24

From: Leigh Hahn [REDACTED]
To: Chris DEMARTINI [REDACTED] Peter.Konecny [REDACTED]
Cc: cbupteam [REDACTED]; Berry Freshney <[REDACTED]>; Gary Grant [REDACTED]; Mathew Quay-Verlander <[REDACTED]>; Sean Donald [REDACTED]
Date: Wed, 13 Mar 2024 09:38:22 +1000
Attachments: 20240313 RoE. Centenary Bridge, Hayden Turner-Davey.pdf (199.48 kB)

Morning Chris & Peter, as we're all aware we had the CFMEU blockade Gate 1 this morning.

Summary:

- 1st load of two loads steel arrived at 6:15am.
- ~15 CFMEU personnel blocked the load causing traffic to immediately queue along Sinnamon Road.
- Police were called by GBJV to assist entry of the load.
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Leigh Hahn
 Project Director
 Georgiou BMD Joint Venture (GBJV)

[REDACTED]
 [REDACTED]
 213 Sinnamon Road, Jindalee QLD 4074
 PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

RE: CN-13712 Centenary Bridge Upgrade - Notice supplied by CFMEU for documents in relation to our Overhead Gantry Steel.

From: Gary Grant [REDACTED]
To: Leigh Hahn [REDACTED]; Berry Freshney [REDACTED]; Mathew Quy-Verlander [REDACTED]; Sean Donald [REDACTED]; Leo Zuna [REDACTED]
Cc: Anthony Parlato [REDACTED]; Gavin Kenny [REDACTED]; Quinn Murray [REDACTED]; Rex Clarke [REDACTED]
Date: Wed, 13 Mar 2024 09:28:21 +1000

Leigh

As discussed from a BMD perspective do not show or hand over any documents , please discuss with Leo for legal discussion and next steps .

Cheers



Gary Grant
 Regional Construction Manager
 BMD Constructions

[REDACTED] | www.bmd.com.au
 1 Sandpiper Ave Port of Brisbane Qld 4178
 PO Box 197 Wynnum Qld 4178

HSEQ *excellence*
 is the BMD way

The BMD Group acknowledges the Traditional Owners of the lands in which we operate and pay respect to Elders past, present and emerging.

Learn more about our [Reconciliation Action Plan](#).

Please consider the environment before printing this e-mail.

From: Leigh Hahn [REDACTED]
Sent: Wednesday, March 13, 2024 8:54 AM
To: Berry Freshney [REDACTED]; Gary Grant [REDACTED]; Mathew Quy-Verlander [REDACTED]; Sean Donald [REDACTED]
Cc: Anthony Parlato [REDACTED]; Gavin Kenny [REDACTED]; Quinn Murray [REDACTED]; Rex Clarke [REDACTED]
Subject: CN-13712 Centenary Bridge Upgrade - Notice supplied by CFMEU for documents in relation to our Overhead Gantry Steel.

Importance: High

Team: Notice served by CFMEU a few moments ago seeking documents in relation to our Overhead Gantry Steel.

Anthony has been collating records for our own QA, etc so will prepare similar in response to this. As discussed with some of you they are most intent on the Boron content of the steel.

They've told us that they'll be back in around three hours.

If legal or the like need to be involved, let me know hastily please.



Leigh Hahn
Project Director
Georgiou BMD Joint Venture (GBJV)

213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

From: Leigh Hahn
Sent: Tuesday, March 5, 2024 7:04 AM
To: berry.freshney [REDACTED]; Gary Grant [REDACTED]; Mathew
Quy-Verlander [REDACTED]; Sean Donald [REDACTED]
Cc: Anthony Parlato [REDACTED]; Gavin Kenny
[REDACTED]; Quinn Murray [REDACTED]; Rex Clarke
Subject: CN-13712 Centenary Bridge Upgrade - s484 Notice supplied by CFMEU
Importance: High
Sensitivity: Confidential

Gents:

In addition to the Notice attached, for which, the GBJV employees have been arranged to attend at 12:30pm today: we believe that the session will take ~30-minutes, which will be facilitated by altering break times.

We announced at this morning's Pre-Start that this s484 Notice has been received.

Separately, we are anticipating a s118 WHS Act Notice **requesting documents relating to the Overhead Gantry support structure steel** that is being fabricated by Qingdao Yinglong. We have been compiling these QA records for our own purposes. However, the team are under strict instructions that **nothing is to be transmitted until it has gone through BMD & Georgiou Legal**; and, then me. To that end, can you please that you put the **legal departments of both JV organisations on standby** to review such a request (and our response) if / when it arrives.

By the way, CA & TMR teams have been informed of both of the above items.

Thanks,



Leigh Hahn
Project Director
Georgiou BMD Joint Venture (GBJV)

213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

From: Dylan Howard [REDACTED]
Sent: Monday, March 4, 2024 12:26 PM
To: Gavin Kenny [REDACTED]; Leigh Hahn [REDACTED]
Cc: Dean Mattas [REDACTED]; Paul Dunbar [REDACTED]
Subject: 484

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

Good afternoon,

See attached 484 ROE for Dean Mattas and Dylan Howard. We will be arriving to site 12:30pm 5/3/24 to hold discussions with the BMD/Georgiou JV direct employees. If you have any questions regarding the above ROE please contact

Dylan Howard [REDACTED]
Dean Mattas [REDACTED]

CFMEU

Dylan Howard
Organiser

**Construction & General Division
QLD/NT Divisional Branch**



16 Campbell Street

Bowen Hills QLD 4006

T



F



I acknowledge the traditional Aboriginal owners of country throughout Australia and pay my respect to them, their culture and their Elders past, present and future.

IMPORTANT:

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If you receive this email by mistake please notify us by return email, delete the email, destroy any printed copy and do not disclose or use its information in any way. We do not waive any confidentiality, privilege or copyright in this email. In order to minimise the risk of fraud, prior to proceeding with any electronic transfer of funds please confirm by telephone the details of any new account we nominate for that purpose.

From: Sean Donald [REDACTED]
Sent: Thur 14/03/2024 4:04:45 PM (UTC+10:00)
To: Jonty Bekkers [REDACTED]
Subject: RE: Union Notice Centenary

Copy
U dialling in at 430

From: Jonty Bekkers [REDACTED]
Sent: Thursday, March 14, 2024 3:31 PM
To: Sean Donald [REDACTED]
Subject: RE: Union Notice Centenary

! CAUTION - This email was sent from outside Georgiou Group

Interesting. Did they end up coming onto the site (beyond the site office) or did they just argue and eventually leave?

The repeated threats of hindering and obstructing are straight from the CFMEU organisers' PowerPoint training presentation – they throw it out at every opportunity and rarely seem to follow through.

The best thing the site team can do right now is ensure they've prepared statements and records of discussions so we can move effectively in engaging/briefing a solicitor, should we be named as a respondent to a matter.

They should also expect organisers on-site tomorrow doing retribution entries and running around causing a bit of chaos.

Jonty Bekkers
Senior HR/IR Advisor
Coomera Connector – Shipper Drive to Helensvale Road
Acciona Georgiou Joint Venture
35 Waterway Dr, Coomera, Queensland 4209



From: Sean Donald [REDACTED]
Sent: Thursday, March 14, 2024 1:41 PM

To: Jonty Bekkers [REDACTED]
Subject: FW: Union Notice Centenary



Sean Donald

General Manager - QLD

Level 16, 31 Duncan Street

Fortitude Valley QLD 4006

Mobile: [REDACTED]

Email: [REDACTED]



Our vision is to be 'the best people to work with'

Georgiou Group acknowledges the Traditional Custodians of the land on which we work, and pay our respects to elders past and present.

From: Leigh Hahn [REDACTED]
Sent: Thursday, March 14, 2024 1:19 PM
To: Gary Grant <[REDACTED]>; Mathew Quy-Verlander <[REDACTED]>; Sean Donald <[REDACTED]>
Subject: RE: Union Notice Centenary

CAUTION - This email was sent from outside Georgiou Group

Gary & Mat; Sean,

You will notice that we received two more RoE document requests / demands today.
We really need that legal letter describing the invalidity of the suspected contravention upon which our non-furnishing of the temporary gantry steel documents rely.

CFMEU are intending to name Gavin, Quinn & myself (Ben escaped) as obstructionists.

*s118 (3) A relevant person conducting a business or undertaking must not, without reasonable excuse, refuse or fail to comply with a requirement under subsection (1)(d). WHS civil penalty provision.
Maximum penalty—100 penalty units.*

Thanks,



Leigh Hahn
Project Director
Georgiou BMD Joint Venture (GBJV)

213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

From: Brodie Barker [REDACTED]
Sent: Thursday, March 14, 2024 10:19 AM
To: Leigh Hahn [REDACTED]
Cc: Leo Zuna [REDACTED]; Gary Grant [REDACTED]; Mathew Quay-Verlander [REDACTED]
Subject: RE: Union Notice Centenary

Hi Leigh

As discussed, just confirming your approach to challenge any further union request for records is acceptable based on your discussion/review by WHSQ.

Let me know if you need anything further.

Brodie



Brodie Barker
Legal Counsel
BMD Group

[REDACTED] | www.bmd.com.au
1 Sandpiper Ave Port of Brisbane Qld 4178
PO Box 197 Wynnum Qld 4178

The BMD Group acknowledges the Traditional Owners of the lands in which we operate and pay respect to Elders past, present and emerging.
Learn more about our [Reconciliation Action Plan](#).

Please consider the environment before printing this e-mail.

From: Leo Zuna [REDACTED]

Sent: Wednesday, March 13, 2024 10:07 AM

To: Christopher Tuttiett [REDACTED]

Brodie Barker

Subject: Union Notice Centenary

Hello,

Please refer to the union request for information regarding the notice, have discussed with Leigh that all info needs to be reviewed by legal.

Can we discuss.

Thanks



Leo Zuna
Safety Manager QLD & NT
BMD Constructions

[REDACTED] | www.bmd.com.au
1 Sandpiper Ave, Port of Brisbane, QLD 4178 4178
PO Box 197 Wynnum Qld 4178



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Please consider the environment before printing this e-mail.

CN-13712 Centenary Bridge Upgrade - Efforts to deliver Overhead Gantry Support Steelwork

From: Leigh Hahn [REDACTED]
To: Chris DEMARTINI [REDACTED]
Cc: cbupteam [REDACTED]; David OEI [REDACTED]; Peter KONECNY [REDACTED]; Berry Freshney [REDACTED]; Gary Grant [REDACTED]; Gavin Kenny [REDACTED]; kieren.walters [REDACTED]; [georgiou] [REDACTED]; Mathew Quy-Verlander [REDACTED]; [REDACTED]; Quinn Murray [REDACTED]; Rex Clarke [REDACTED]; Sean Donald [REDACTED]
Date: Thu, 21 Mar 2024 15:14:30 +1000

Chris, responding to request from Fran this morning regarding the efforts undertaken / options available to deliver the Overhead Gantry Support Steelwork.

Previous attempt:

- On March 13, GBJV attempted to transport two loads of Overhead Gantry Support Steelwork to site.
- CFMEU sympathisers had already established a presence at our Gate 1 which was dramatically reinforced (ie, numbers increased five-fold overnight) prior to the deliveries' arrival.
- The CFMEU sympathisers refused entry to these trucks and police were called.
- The Police's objective was to remove the hazard to public amenity ie, stop the truck from blocking early morning traffic, not assist GBJV deliver the steel.
- Accordingly, the trucks were moved and on returned to depot. The delivery failed.
- With the ongoing CFMEU presence and surveillance of incoming steel: there's nothing to support that any similar attempts will be more successful.

Storage:

- CFMEU are aware that the Overhead Gantry Support Steelwork has been and will continue to be forwarded to Blue Water Shipping, Port of Brisbane and have undertaken surveillance there.
- CFMEU personnel have, according to Blue Water Shipping, begun questioning their personnel and well as subcontract staff in respect of the storage and movement of our Overhead Gantry Support Steelwork.
- Understandably, Blue Water Shipping have expressed their concerns to GBJV about remaining involved in any capacity with this Project.

Land Transport:

- CFMEU are aware that the Overhead Gantry Support Steelwork has previously been transported by Arrow Transport who are neighbours of Blue Water Shipping, Port of Brisbane and have undertaken surveillance there.
- CFMEU personnel have, according to Arrow Transport, begun questioning their personnel about the movement of our Overhead Gantry Support Steelwork; and, intimating future difficulties for their business should they move of our Overhead Gantry Support Steelwork.
- Understandably, Arrow Transport have expressed their concerns to Blue Water Shipping about this conduct.
- Using Police escort to 'force' our way into Gate 1 is considered neither practical, safe nor viable for reasons below.

Marine Transport:

- Whilst some elements of the Overhead Gantry Support Steelwork can be delivered and then installed by river, we must commence construction from the Jindalee-end.
- And, even then, this only for the smaller elements and none of the heavier larger beams.
- Marine Transport is therefore not a practical option for the start of the Overhead Gantry Support Steelwork installation.

Alternative access:

- Constructing an entry point directly from the Motorway (same as Gate 6 on the north-side of the river) has been considered however, this would take months to construct; would further restrict the working space needed to actually construct the Overhead Gantry; would only work as an entry, the trucks will have to reverse out each night under traffic control; would be of a non-standard design due to available length and deceleration considerations; and, could also be readily blockaded.

Escort:

- GBJV has attempted to reach out to local Police but until this morning had not made any successful contact.
- Observations of Police behaviour (previous attempt above) and feedback from various heavy transport industry contacts is that the Police will deliver to the appointed address but not get involved in IR disputes.
- This is not of any assistance to GBJV as the truck(s) are likely to be turned away from Gate 1 (again) or even if they enter the Site, we still must cross the ATP near the UU Pump Station and could easily be (re-)blockaded there.

Security:

- GBJV is installing six additional CCTV towers around site.

Trust that this is sufficient for the query.



Leigh Hahn
Project Director
Georgiou BMD Joint Venture (GBJV)

213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

From: Sean Donald [REDACTED]
Sent: Thur 14/03/2024 1:41:29 PM (UTC+10:00)
To: Jonty Bekkers [REDACTED]
Subject: FW: Union Notice Centenary

From: Leigh Hahn [REDACTED] >
Sent: Thursday, March 14, 2024 1:19 PM
To: Gary Grant <[REDACTED]>; Mathew Quay-Verlander [REDACTED]
[REDACTED] Sean Donald [REDACTED]
Subject: RE: Union Notice Centenary

! CAUTION - This email was sent from outside Georgiou Group

Gary & Mat; Sean,

You will notice that we received two more RoE document requests / demands today.
We really need that legal letter describing the invalidity of the suspected contravention upon which our non-furnishing of the temporary gantry steel documents rely.

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Leigh Hahn
Project Director
Georgiou BMD Joint Venture (GBJV)

[REDACTED]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

From: Brodie Barker [REDACTED]
Sent: Thursday, March 14, 2024 10:19 AM
To: Leigh Hahn [REDACTED]
Cc: Leo Zuna [REDACTED]; Gary Grant [REDACTED]; Mathew Quay-Verlander [REDACTED]
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Brodie



Brodie Barker
Legal Counsel
BMD Group

[REDACTED] www.bmd.com.au
1 Sandpiper Ave Port of Brisbane Qld 4178
PO Box 197 Wynnum Qld 4178

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Learn more about our [Reconciliation Action Plan](#).

[Please consider the environment before printing this e-mail.](#)

From: Leo Zuna [REDACTED]
Sent: Wednesday, March 13, 2024 10:07 AM
To: Christopher Tuttiatt [REDACTED]; Brodie Barker
[REDACTED]
Subject: Union Notice Centenary

Hello,

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Can we discuss.

Thanks



Leo Zuna
Safety Manager QLD & NT
BMD Constructions

[Redacted] | www.bmd.com.au
1 Sandpiper Ave, Port of Brisbane, QLD 4178 4178
PO Box 197 Wynnum Qld 4178



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Please consider the environment before printing this e-mail.

CN-13712 Centenary Bridge Upgrade - Inbound fabricated steel

Where: Microsoft Teams Meeting; 141-4253 GBJV Meeting Room
When: Wed. Mar. 20 16:00:00 2024 +10:00
Until: Wed. Mar. 20 16:25:00 2024 +10:00
Required Attendees: Leigh Hahn <[REDACTED]>
berry.freshney <[REDACTED]>
Gary Grant [REDACTED]
Gavin Kenny [REDACTED]
Mathew Quy-Verlander [REDACTED]
Rex Clarke [REDACTED]
Quinn Murray [REDACTED]
Sean Donald [REDACTED]

Run through our array of options to agree on the least bad method.

My recommendation:

- Re-open discussion with CFMEU regarding QA documents for Overhead Gantry Steel this week.
- Deliver Precast Mould containers next week.
- Commence Overhead Gantry Steel deliveries the week after Easter.
- Prepare for a spray of s117 Notices as Overhead Gantry Steel is installed.
- Commence Blade Wall from deliveries in late-April.

Basis:

- All reports are that the Police don't / won't help. Even if we get it in the Gate, we haven't got it the unload point.
- Avoids Motorway widening works. We can't build an access until the ATP is switched so that means that route isn't available to us for two months. And, even then, it can be blocked.

Risks:

- CFMEU demand things that they haven't previously - frankly, big deal! They'll soon know that they can do that anyway.

Opportunity:

- We may be able to mitigate the mounting delay costs and soon to be Critical Path impacts.
- They may continue to focus on overseas fabricated steel only and leave the rest of our works alone.
-

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[Join the meeting now](#)

Meeting ID: 414 189 834 349

Passcode: LyJhW9

Dial-in by phone

[+61 7 3062 8833,,362681906#](#) Australia, Brisbane

[Find a local number](#)

Phone conference ID: 362 681 906#

For organizers: [Meeting options](#) | [Reset dial-in PIN](#)



CN-13712 Centenary Bridge Upgrade - Efforts to deliver Overhead Gantry Support Steelwork

To: Chris.Demartini [REDACTED]
Cc: cbupteam [REDACTED]; David.Oei [REDACTED] Peter.Konecny
 [REDACTED] berry.freshney [REDACTED]; Gary Grant
 [REDACTED]; Gavin Kenny [REDACTED]; Kieren Walters
 [REDACTED]; Mathew Quy-Verlander [REDACTED]
 [REDACTED]; Quinn Murray [REDACTED]; Rex Clarke
 [REDACTED]; Sean Donald [REDACTED]
Date: Thu, 21 Mar 2024 12:14:51 +1000

Chris, responding to request from Fran this morning regarding the efforts undertaken / options available to deliver the Overhead Gantry Support Steelwork.

Previous attempt:

- On March 13, GBJV attempted to transport two loads of Overhead Gantry Support Steelwork to site.
- CFMEU sympathisers had already established a presence at our Gate 1 which was dramatically reinforced (ie, numbers increased five-fold overnight) prior to the deliveries' arrival.
- The CFMEU sympathisers refused entry to these trucks and police were called.
- The Police's objective was to remove the hazard to public amenity ie, stop the truck from blocking early morning traffic, not assist GBJV deliver the steel.
- Accordingly, the trucks were moved and on returned to depot. The delivery failed.
- With the ongoing CFMEU presence and surveillance of incoming steel: there's nothing to support that any similar attempts will be more successful

Storage:

- CFMEU are aware that the Overhead Gantry Support Steelwork has been and will continue to be forwarded to Blue Water Shipping, Port of Brisbane and have undertaken surveillance there.
- CFMEU personnel have, according to Blue Water Shipping, begun questioning their personnel and well as subcontract staff in respect of the storage and movement of our Overhead Gantry Support Steelwork.
- Understandably, Blue Water Shipping have expressed their concerns to GBJV about remaining involved in any capacity with this Project.

Land Transport:

- CFMEU are aware that the Overhead Gantry Support Steelwork has previously been transported by Arrow Transport who are neighbours of Blue Water Shipping, Port of Brisbane and have undertaken surveillance there.
- CFMEU personnel have, according to Arrow Transport, begun questioning their personnel about the movement of our Overhead Gantry Support Steelwork; and, intimating future difficulties for their business should they move of our Overhead Gantry Support Steelwork.
- Understandably, Arrow Transport have expressed their concerns to Blue Water Shipping about this conduct.
- Using Police escort to 'force' our way into Gate 1 is considered neither practical, safe nor viable for reasons below.

Marine Transport:

- Whilst some elements of the Overhead Gantry Support Steelwork can be delivered and then installed by river, we must commence construction from the Jindalee-end.
- And, even then, this only for the smaller elements and none of the heavier larger beams.
- Marine Transport is therefore not a practical option for the start of the Overhead Gantry

Support Steelwork installation.

Alternative access:

- Constructing an entry point directly from the Motorway (same as Gate 6 on the north-side of the river) has been considered however, this would take months to construct; would further restrict the working space needed to actually construct the Overhead Gantry; would only work as an entry only, as trucks will have to reverse out each night under night shift; would be of a non-standard design due to available length and deceleration considerations; and, could also be readily blockaded.

Escort:

- GBJV has attempted to reach out to local Police but until this morning had not made any successful contact.
- Observations of Police behaviour (previous attempt above) and feedback from various heavy transport industry contacts is that the Police will deliver to the appointed address but not get involved in IR disputes. This is not of any assistance to GBJV as the truck(s) are likely to be turned away from Gate 1 (again) or even if they enter the Site, we still must cross the ATP near the UU Pump Station and could easily be (re-)blockaded there.

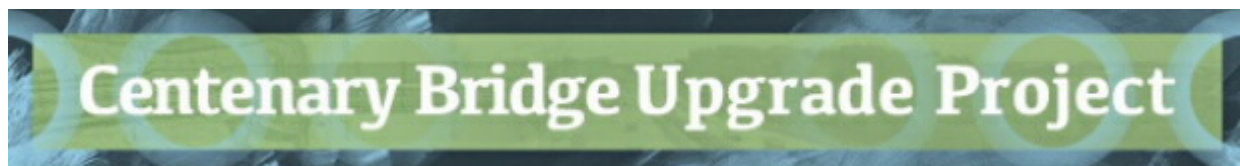
Security:

- GBJV is installing six additional CCTV towers around site.



Leigh Hahn
Project Director
Georgiou BMD Joint Venture (GBJV)

213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178



CN-13712 Centenary Bridge Upgrade - Impromptu CLT for Inbound fabricated steel

Where: Microsoft Teams Meeting; 141-4253 GBJV Induction Room

When: Thu. Mar. 21 07:30:00 2024 +10:00

Until: Thu. Mar. 21 08:20:00 2024 +10:00

Organisers

Required Attendees:

Leigh Hahn [REDACTED]

Leigh Hahn [REDACTED]

Francisca P Knight [REDACTED]

Damitha A Peiris [REDACTED]

Chris.Demartini [REDACTED]

Peter.Konecny [REDACTED]

berry.freshney [REDACTED]

Gary Grant [REDACTED]

Gavin Kenny [REDACTED]

Kieren Walters [REDACTED]

Mathew Quy-Verlander [REDACTED]

Rex Clarke [REDACTED]

Quinn Murray [REDACTED]

Sean Donald [REDACTED]

CFMEU blockade remains in place and by all reports and investigations will do so for some time. Discussion on best option to permit the project to continue.

For clarity this is a discussion not a decision.

Microsoft Teams [Need help?](#)

[Join the meeting now](#)

Meeting ID: 466 525 681 386

Passcode: UXoATd

Dial-in by phone

[+61 7 3062 8833,,352488656#](#) Australia, Brisbane

[Find a local number](#)

Phone conference ID: 352 488 656#

For organizers: [Meeting options](#) | [Reset dial-in PIN](#)



RE: CN-13712 Centenary Bridge Upgrade - CLT

From: Mathew Quay-Verlander [REDACTED]
To: Leigh Hahn [REDACTED]; Berry Freshney [REDACTED]; Gary Grant [REDACTED]; Sean Donald [REDACTED]
Cc: Rex Clarke [REDACTED]; Quinn Murray [REDACTED]
Date: Wed, 20 Mar 2024 12:32:03 +1000

Leigh,

I'm free at 12pm tomorrow(on Teams) or Friday afternoon(can be at site)...



Mathew Quay-Verlander
 Operations Manager, QLD & NT
 BMD Constructions

[REDACTED]
 [REDACTED] | www.bmd.com.au
 1 Sandpiper Ave Port of Brisbane Qld 4178
 PO Box 197 Wynnum Qld 4178



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Learn more about our [Reconciliation Action Plan](#).

Please consider the environment before printing this e-mail.

From: Leigh Hahn [REDACTED]
Sent: Wednesday, March 20, 2024 12:28 PM
To: Berry Freshney [REDACTED]; Gary Grant [REDACTED]; Mathew Quay-Verlander [REDACTED]; Sean Donald [REDACTED]
Cc: Rex Clarke [REDACTED]; Quinn Murray [REDACTED]
Subject: CN-13712 Centenary Bridge Upgrade - CLT
Importance: High
Sensitivity: Confidential

Gents:

I spoke with Fran, Chris & Damitha this morning about an impromptu single-issue CLT.
 I don't want one individual or entity not being on-boarding with what is likely to be 10-weeks of tumult.
Jack is available tomorrow or Friday.

Options:

- Ø Confrontation - Yards as well as Site are under surveillance by CFMEU; Police attendance and assistance uncertain; Delivery to point of installation not likely.
- Ø Legal - expensive, uncertain, and timely
- Ø Negotiation - unforeseen outcomes

Status:

- Overhead Gantry Support Structural Steel
 - o 2 containers overdue
 - o 6 trucks x beams due for arrival over the next few weeks.
 - o Balance of materials couple of loads per fortnight until mid-May
- Girder Moulds
 - o 5 open-top and 2 containers
 - o Available for delivery from March 27.
- Blade Walls
 - o Beams & bars, w/c April 22; Forms, w/c May 20

Unless we achieve the regular and orderly delivery of all this fabricated steelwork we will be incurring losses >\$250 thousand per week.



Leigh Hahn
 Project Director
 Georgiou BMD Joint Venture (GBJV)

213 Sinnamon Road, Jindalee QLD 4074
 PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

From: Sean Donald [REDACTED]
Sent: Wed 03/04/2024 2:21:19 PM (UTC+10:00)
To: Gareth Davie [REDACTED]
Cc: Gary Grant [REDACTED]; Mathew Quy-Verlander [REDACTED];
[REDACTED]; Kieren Walters [REDACTED];
Berry Freshnev [REDACTED]; Quinn
Murray [REDACTED]
Subject: Re: CFMEU Request - Boron testing

Gary and Matt,
I will need your guidance here on how to navigate BMD for this in consideration of recent events.

My personal feeling is that if the results are all good and show nothing of concern, we supply them (even if unofficially).

Let me know how you want to proceed at your earliest.'

Thanks,

Sent from my iPad

Sean Donald

General Manager

- QLD

T: + [REDACTED]

[REDACTED] 4



Our vision is to be 'the best people to work with'

Georgiou Group acknowledges the Traditional Custodians of the land on which we work, and pay our respects to elders past and present.

On 3 Apr 2024, at 1:57 pm, Gareth Davie <[REDACTED]> wrote:

You don't often get email from [REDACTED]. [Learn why this is important](#)

CAUTION - This email was sent from outside Georgiou Group

Gents,

We require clarity on the direction in regards to CFMEU's request to provide boron testing results on the Chinese supplied steel for the gantry.

The CFMEU were onsite this morning following up on the discussions with the site team from last week in respect to being provided local NATA certified boron results. Gavin, Ben and I had a discussion with CFMEU members Hayden Tomer-Harvey and Dylan Howard, who gave us the undertaking that if they received a copy of the boron test results directly, they would let the gantry steel onsite, otherwise they would carry on like they have been and have their delegates not let the trucks with steel onto site.

There has been agreement that CFMEU would choose two NATA certified testing laboratory and the testing would be conducted in parallel at the Port of Brisbane. This has been organised for Thursday 4th April with the expected turnaround of results 24 hours from testing.

The risk we have is if the steel doesn't get delivered, the project will be on hold at a cost of approx. \$75-\$100k per day + LD's. This issue is already impacting the critical path.

I understand one of the JV partners concerns in regards to supplying information for the CFMEU, however supplying the test results (assuming they are conforming) are very minor in risk compared to the risk of significant time and cost delays to the project.

From my short time onsite and meeting with the CFMEU members this morning, it appears the site team are managing the CFMEU very well and there is a common understanding that this issue will at least go away and the steel delivered to site unimpeded should the results be given (and I endorse this).

Can we please coordinate an agreed response how to proceed from here ASAP. I can organise a TEAMS meeting to discuss further later today or tomorrow.

Thanks and regards
Gareth

[<image001.png>](#)

[<image002.jpg>](#)

[<image003.jpg>](#)

Gareth Davie
Project Director
BMD Constructions

 www.bmd.com.au
1 Sandpiper Ave Port of Brisbane QLD 4178
PO Box 197 Wynnum Qld 4178

[<image004.jpg>](#)

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Please consider the environment before printing this e-mail.

RE: CFMEU Request - Boron testing

From: Gary Grant [REDACTED]
To: Sean Donald [REDACTED]; Gareth Davie [REDACTED]
Cc: Mathew Quay-Verlander [REDACTED]; kieren.walters [georgiou] [REDACTED]; Berry Freshney [REDACTED]; Quinn Murray [REDACTED]
Date: Wed, 03 Apr 2024 15:17:12 +1000

Guys can we organise a catch up first thing tomorrow morning on site say 6/6.15am for half hr ? If not we can arrange teams .



Gary Grant
Regional Construction Manager
BMD Constructions

[REDACTED] | www.bmd.com.au
1 Sandpiper Ave Port of Brisbane Qld 4178
PO Box 197 Wynnum Qld 4178



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Learn more about our [Reconciliation Action Plan](#).
Please consider the environment before printing this e-mail.

From: Sean Donald [REDACTED]
Sent: Wednesday, April 3, 2024 2:21 PM
To: Gareth Davie [REDACTED]
Cc: Gary Grant [REDACTED]; Mathew Quay-Verlander [REDACTED]; kieren.walters [georgiou] [REDACTED]; Berry Freshney [REDACTED]; Quinn Murray [REDACTED]
Subject: Re: CFMEU Request - Boron testing

Gary and Matt,

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Thanks,

Sent from my iPad



Sean Donald

General Manager - QLD

Level 16, 31 Duncan Street

Fortitude Valley

QLD

4006

Mobile:
Email:

[REDACTED]
[REDACTED]



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You don't often get email from [REDACTED] [Learn why this is important](#)

CAUTION - This email was sent from outside Georgiou Group

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Thanks and regards
Gareth

<image001.png>

<image002.jpg>

<image003.jpg>

Gareth Davie
Project Director
BMD Constructions

[REDACTED] | www.bmd.com.au
1 Sandpiper Ave Port of Brisbane QLD 4178
PO Box 197 Wynnum Qld 4178

<image004.jpg>

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Please consider the environment before printing this e-mail.

Boron testing/CFMEU Discussion

When: Thu. Apr. 04 06:15:00 2024 +10:00

Until: Thu. Apr. 04 06:45:00 2024 +10:00

Required Attendees: Gareth Davie [REDACTED]
sean.donald [REDACTED]
Mathew Quy-Verlander [REDACTED]
Gary Grant [REDACTED]
Quinn Murray [REDACTED]
Gavin Kenny [REDACTED]
berry.freshney [REDACTED]

WHSQ - Legal Consultation to prevent PIN/Prohibition Notice

From: Quinn Murray [REDACTED]
To: Gary Grant [REDACTED]; Mathew Quy-Verlander [REDACTED]
Cc: Gareth Davie [REDACTED] >; Berry Freshney [REDACTED]; Sean Donald [REDACTED]; Leo Zuna [REDACTED]; Roger Oliver [REDACTED]
Date: Wed, 24 Apr 2024 10:49:09 +1000

Gary,

As discussed yesterday afternoon, Rob McDonald (Operations Manager for WHSQ) is requesting the legal counsel advising against supplying the CFMEU with documentation pertaining to the steel reaches out to him so that alignment between the parties can be achieved.

He has called me this morning advising that this needs to happen as soon as possible (he intimated today) as he is under time pressures to adhere to his responsibilities under the WHS Act. Most notably if we do not contact him, he will be forced to issue PINS/Prohibition Notices to the JV for breach of the WHS Act (As it relates to s117 and s118)

Can you please arrange for one of your legal team to contact him to assist in moving this forward?



Rob McDonald
Operations Manager
South West Gold Coast Region
Workplace Health and Safety Queensland
Office of Industrial Relations

M: [REDACTED]

Email: [REDACTED]

Cheers,



Quinn Murray
Project Manager
Georgiou BMD Joint Venture (GBJV)

[REDACTED]
[REDACTED]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

CN-13712 CFMEU Site Visit 16/04/24

To: Chris DEMARTINI [REDACTED]; Peter KONECNY [REDACTED] >
Cc: Quinn Murray [REDACTED]; Rex Clarke [REDACTED];
Francisca P Knight [REDACTED];
Damitha A Peiris [REDACTED]; cbupteam [REDACTED]; Gary Grant [REDACTED];
Berry Freshney [REDACTED]; Ben Weston [REDACTED]
[REDACTED]
Date: Wed, 17 Apr 2024 19:22:15 +1000

Hello Chris and Peter,

Please see following the GBJV notes in relation to the unexpected CFMEU site visit on Tuesday 16 April 2024:

- Mr Dean Reilly (CFMEU) was noticed walking on the ATP under Abutment A at 9:50am
- Gavin Kenny (GBJV Superintendent) and Ben Weston (GBJV Safety Manager) walked to the Abutment A area to meet with Mr Reilly
- Mr Reilly asked to look at the pre-start booklet for the Universal owned, Caporn hired crane in use at abutment A along with service records and operator VOC's. Specifically the 1,000hr service records.
- Mr Reilly sat under the crane to stop it's use until the documentation was provided
- Mr Reilly entered the site illegally site under S81.3 which only gives him the entitlement to enter the office and compound area but not the site. Mr Reilly has had his federal
- Mr Reilly viewed the documentation and left site around 12pm

Whilst the CFMEU were onsite, the steel fixers at Abutment A were told by GBJV to take an early smoko at 10am and did not return back to work until 12pm. Caporn were also unable to work during this duration due to Mr Reilly sitting under the crane.

Regards
Gareth



Gareth Davie
Project Director
BMD Constructions

[REDACTED]
1 Sandpiper Ave Port of Brisbane QLD 4178
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

CFMEU Attendance - 17 April 2024

From: Quinn Murray [REDACTED]
To: Gareth Davie [REDACTED]; Ben Weston [REDACTED]; Gary Grant [REDACTED]; Berry Freshney [REDACTED]
Cc: Sean Donald [REDACTED]; Mathew Quay-Verlander [REDACTED]; Jonty Bekkers [REDACTED]; Ward Burdekin [REDACTED]; Gavin Kenny [REDACTED]
Date: Wed, 17 Apr 2024 16:10:45 +1000

All,

At 9.10am this morning the CFMEU (Luke Gibson and Dean Riley) entered site via the ATP facilitated by a KPI Traffic Controller.

Nick Willets (Supervisor) challenged their entry and was advised that they were here to sort out safety issues.

Nick contacted Ben and Gavin who in turn advised me of their attendance.

The CFMEU Organisers were insistent upon purported issues with crane documentation and VOC's, and traffic management of our concrete pour on the northern abutment.

After repeated requests to the organisers advising them that we consider their entry unlawful we called the QPS.

At 10am Luke Gibson left the Southern Abutment and crossed the river and entered the Northern Abutment Working area where he challenged the team on safety provisions associated with traffic management and access/egress etc

At 10.25am the QPS attended site where I debriefed with them. Acting Sergeant Michael Downie reviewed the information and determined they would attempt to convince the CFMEU to leave site.

Following extensive discussions, the CFMEU advised they had entered site under S81.3 of the WHS Act, that being a person had called regarding a safety issue. Upon questioning this issue changed and morphed several times leading to the Police confirming that they were content to facilitate their removal, however they required confirmation in writing from WHSQ as to the unlawful nature of the organisers entry (Michael advised that the QPS are currently in court with the CFMEU and their personnel have been directed that no action is to be taken without WHSQ direction.

At 10.43am I contacted WHSQ requesting Inspector attendance to facilitate the direction to QPS

At 11.34am I made contact with Rob McDonald, Operations Manager for WHSQ, requesting expeditious assistance on the above. We spoke at length about the provisions of S81. I then facilitated a conversation between Rob and Acting Sergeant Michael XXXXX.

At 12.50pm Dean Riley agreed to leave the site work front and attend the office to attempt to resolve the issue.

At 1.10pm WHSQ (Lauren Arthurs and XXXXX XXXXX) attended site and convened in the induction room with Ben Weston, Gavin Kenny, Dean Riley and Luke Gibson.

The issues raised by the CFMEU were deemed resolved by 1.55pm, and the organisers departed site.

From 1.55pm to 2.25pm, Ben, Gavin and I conversed with the inspectors to better understand our obligations and rights under S81.3 (summarised as follows):

- They have no powers to enter site - only to attend discussions at the office
- We are not required to provide them with any documentation or address their concerns
- WHSQ are the mediator in the event resolution cannot be achieved between the parties

Concrete Pour was completed successfully and other workfronts progressed without hassle but southern abutment landside piling lost the bulk of the day.

Regards,



Quinn Murray
Project Manager
Georgiou BMD Joint Venture (GBJV)

[REDACTED]
[REDACTED]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

CN-13712 Centenary Bridge Upgrade - CFMEU, April 17 Nightshift

From: Quinn Murray [REDACTED]
To: Chris DEMARTINI [REDACTED]; Peter KONECNY [REDACTED]
Cc: cbupteam [REDACTED]; Francisca P Knight [REDACTED]; Damitha A Peiris [REDACTED]; Gareth Davie [REDACTED]; Gary Grant [REDACTED]; Berry Freshney [REDACTED]; Rex Clarke [REDACTED]; Ben Weston [REDACTED]
Date: Thu, 18 Apr 2024 13:06:46 +1000

Chris & Peter,

On nightshift last night we had Three CFMEU Organisers attend site, two persons held valid entry permits and presented S117 notices, the 3rd did not.

Summary of events are as follows:

- 8:10pm: 3 x CFMEU members arrived onsite, initial contact made at Gate 1 with Xristi Gibson (Minstaff), who then notified myself and Matt Kennedy of their presence.
 - Dylan Howard & Cody Budgeon both presented Entry notices
 - Aiden (?) didn't appear to have a valid permit, did not present valid Entry Notice
- 8:15pm: Issues raised to GBJV team included:
 - Access and Egress (incl lighting)
 - Plant & Maintenance Records
 - Information Instruction and training provided to workers around safe systems of work
- 8:30pm: GBJV Management instructed the Nightshift team to close the site as the shift crew is not resourced to provide adequate supervision whilst simultaneously managing IR matters.
- 10:00pm All workers and CFMEU members vacated the site

Disruption to Sinnamon Road Intersection Works were experienced as a result of the CFMEU

Note that in light of this attention on Nigh-shift, GBJV will be deploying additional management resource to assist in maintaining work continuity should the CFMEU return.

Regards,



Quinn Murray
Project Manager
Georgiou BMD Joint Venture (GBJV)

[REDACTED]
[REDACTED]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

815-J019_CFMEU Night Shift Activities (17-04-2024)

From: Ben Weston <[REDACTED]>
To: regulatory [REDACTED]
Cc: Leo Zuna [REDACTED]; Gary Grant [REDACTED]
Date: Thu, 18 Apr 2024 13:33:55 +1000
Attachments: Notice of Entry_Cody Budgeon_17-04-2024.pdf (191.51 kB); Notice of Entry_Dylan Howard_17-04-2024.pdf (194.87 kB)

Good afternoon,
 Please find the attached Notice of Entry issued by CMFEU organisers on night shift last night.

Details of the occurrence as follows;

- 8:10pm: 3 x CFMEU members arrived onsite, initial contact made at Gate 1 with Xristi Gibson (Minstaff), who then notified GBJV personnel.
 - Dylan Howard & Cody Budgeon both presented Entry notices
 - Aiden (?) didn't appear to have a valid permit, did not present valid Entry Notice
- 8:15pm: Josh and Matt (GBJV personnel) discussed permits and reasons for visit, with the below items of concern raised:
 - Insufficient access and work area lighting - per CFMEU Lux meter
 - Matt and Josh were both willing to accommodate any concerns regarding lighting, stating we could implement additional lighting towers if and where required. CFMEU requested Mielelectric stop works until the lighting was rectified.
- Plant and maintenance records
 - When asked what this was in relation to, they initially stated they wanted to look at the records for the lighting towers. They then queried the bucket truck that was in use by Mielelectric for overhead works in the intersection - this involved queries over Geotech signoff for the outriggers, stating that because it was over a drainage system/culvert there was a risk of failure due to the point loading. They also requested to see SWMS in relation to this activity, along with plant packs for the EWP.
- Information, instruction and training not provided to workers around safe systems of work
 - Unsure what this was in relation to, assuming it ties in with the above.
- 8:30pm: All works onsite stopped after consultation with GBJV management team. CFMEU notified that works were to be ceased for the remainder of the evening, at which point they waited at Gate 1 for all workers to be offsite.
- 9:15pm: Mielelectric offsite, CFMEU moved over to the gym carpark.
- 9:20pm: KPI instructed to pack-up intersection closure.
- 10:00pm: KPI back onsite for signoff, at which point CFMEU also left the gym carpark.
- 11:00pm: Josh and Tommy (GBJV) offsite after some additional housekeeping in the main compound.

A couple of things to note:

- CFMEU were fairly active in recording and taking photos of the site. At one point they queried if we had concreters working on shift, as there were drums of curing oil, a jerry can and a vibe needle where works were conducted on dayshift. Assuming the agenda was around incorrect storage of chemicals/housekeeping. These items have since been stored in the haz chem.
- Aiden was seen wondering around the gantry at around 9:30pm and taking videos from the balcony.

Regards,



Ben Weston
Safety Manager
Georgiou BMD Joint Venture (GBJV)

[REDACTED]
[REDACTED]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

Form 13

RECIPIENT'S COPY

Improvement notice**Notice No. I2045321**

V1.3.18

Work Health and Safety Act 2011, Electrical Safety Act 2002, Safety in Recreational Water Activities Act 2011

This notice is issued under the *Work Health and Safety Act 2011* section 191, *Safety in Recreational Water Activities Act 2011* applied section 191 *Work Health and Safety Act 2011* or *Electrical Safety Act 2002* section 146. This notice requires the person (which includes a body corporate, government department or public authority) to whom it is issued to remedy a contravention of the Act or Regulations. **The legislation requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.**

Notice issued to:

Legal name of person/business or undertaking: B.M.D. CONSTRUCTIONS PTY. LIMITED & GEORGIU GROUP PTY LTD	
ABN: 20185567437	ACN:
Trading as:	
Address: CENTENARY BDGE, BRISBANE 4000 QLD	

Details of contravention:

Site location
CENTENARY BRIDGE UPGRADE, BRISBANE 4000 QLD Crane Pad Located Abutment B
I, Jason Argent reasonably believe on 23-APR-2024 at 15:30 that you are contravening a provision of the: <i>Work Health and Safety Act 2011</i> - section(s) 19(3)(A)

Brief description of how the provision is being or has been contravened:

PC has failed to ensure the work environment is without risk. I observed and photographed a concrete pump set up on the crane pad located abutment B. Enquires established the last geotechnical inspection and reported occurred in January 2024 for the area. The document highlighted that re inspection must occur if more than 30mm of rain falls within a 24-hour period. Reports provided show there had been periods of rain greater than 30mm in 24 hours during the previous months. There pad has been built up and contains mixed material. Failure to ensure the area is inspected by a competent person as per the report can expose workers to a risk to their health and safety.
--

Directions (if any) as to the measures to be taken to remedy or prevent the contravention or likely contravention:It is mandatory to comply with these directions

Follow: <i>Work Health and Safety Act 2011</i> - section 19(3)(A) Without limiting subsections 19 (1) and 19 (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable the provision and maintenance of a work environment without risks to health and safety.
--

Recommendations (if any): It is not an offence to fail to comply with recommendations in a notice.

--

Issuing inspector:

	2260	
Signature of inspector	Inspector's ID	Inspector's contact number
23-APR-2024	PO BOX 6508, UPPER MOUNT GRAVATT 4122 QLD	
Date issued	Inspector's location	

An inspector may make minor technical changes to this notice in certain circumstances. This does not change the validity of the notice. You must comply with this notice within the period stated. Failure to comply with this notice may incur a maximum penalty of \$50,000 for an individual and \$250,000 for a body corporate, government department or public authority.

PRIVACY COLLECTION STATEMENT

The Office of Industrial Relations (OIR) collects, uses, discloses and stores information in accordance with legislation it administers and all applicable privacy laws. This includes information collected by inspectors of OIR. Note that privacy laws do not apply if other laws conflict or allow or require the collection of information, and do not apply to the collection of information by OIR to the extent that it is exercising its law enforcement functions and non-compliance with privacy legislation is deemed necessary to fulfil those functions.



Improvement notice**Notice No. I2045321**

V1.3.18

Work Health and Safety Act 2011, Electrical Safety Act 2002, Safety in Recreational Water Activities Act 2011

This contravention must be remedied before: Service method:

25-APR-2024	Delivered directly to the person named by electronic transmission
BEN WESTON	Management Representative For Person With Management Or Control Of A Workplace
Notice given to	Relationship to person to whom notice is issued

This portion may be signed and returned where contravention has been remedied before the stated date.**I certify that the requirements of this notice have been complied with:**Name *in block letters*: _____ Position: _____

Signature: _____ Date complied: / /

ABN 94 496 188 983

Notice No. I2045321

An inspector may make minor technical changes to this notice in certain circumstances. This does not change the validity of the notice. You must comply with this notice within the period stated. Failure to comply with this notice may incur a maximum penalty of \$50,000 for an individual and \$250,000 for a body corporate, government department or public authority.

PRIVACY COLLECTION STATEMENT

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Internal review of decision

An eligible person whose interests are affected by an original decision may apply for the decision to be reviewed. Refer to the Internal review of decision ? guide for applicants, at www.worksafe.qld.gov.au

An eligible person is:

1. The person to whom the notice was issued.
2. A person conducting a business or undertaking whose interests are affected by the decision.
3. A worker whose interests are affected by the decision.
4. A health and safety representative who represents a worker whose interests are affected by the decision.

How does a person apply for a review of a decision?

The application for internal review must:

- a) be made in the approved form to the reviewer
- b) supported by enough information to enable the reviewer to decide the application

An application for internal review relating to an improvement notice issued under the *Work Health and Safety Act 2011* and the *Safety in Recreational Water Activities Act 2011* must be lodged before the date stated in the notice for compliance or within 14 calendar days of the decision coming to the notice of the eligible person, whichever is the lesser.

For an improvement notice issued under the *Electrical Safety Act 2002*, the application for internal review must be made within 14 days after the day the applicant receives the notice.

Lodgement of the form can be made via email whsrod@oir.qld.gov.au. Information about how to apply for an internal review of decision, including the application form, is available at www.worksafe.qld.gov.au or by calling 1300 362 128. There is no application fee.

The operation of the improvement notice is stayed (suspended) once the application for review of decision is lodged. The stay remains in effect until a decision is made by the internal reviewer and whichever of the following is earlier ? an external review is applied for or, 28 days have elapsed since the person became aware of the decision.

What happens next?

The internal reviewer must make a decision within 14 calendar days of receiving the application for internal review. The internal reviewer can confirm or vary the reviewable decision, or set aside the reviewable decision and substitute the original decision for another decision. Once the internal reviewer makes the decision, they must notify the applicant of the decision and the reasons for the decision in writing.

External review

An eligible person may apply to an external review body for a review of the internal decision of the internal decision reviewer, or the original decision of the regulator. From the day the applicant received or became aware of the decision, an application for external review must be made within:

- 30 calendar days to the Queensland Industrial Relations Commission (QIRC) relating to the *Work Health and Safety Act 2011*;
- 28 calendar days to the Queensland Civil Administration Tribunal (QCAT) relating to the *Electrical Safety Act 2002* or the *Safety in Recreational Waters Act 2011*.

QCAT and QIRC may confirm or vary the original decision, set aside the original decision and substitute another decision or set aside the original decision and return the matter to the decision maker with appropriate directions.

Please refer to www.worksafe.qld.gov.au or phone 1300 362 128 for more information on how to apply for an external review.

Privacy collection statement

The Office of Industrial Relations (OIR) collects, uses, discloses and stores information in accordance with legislation it administers and all applicable privacy laws. This includes information collected by inspectors of OIR. Note that privacy laws do not apply if other laws conflict or allow or require the collection of information, and do not apply to the collection of information by the OIR to the extent that it is exercising its law enforcement functions and non-compliance with privacy legislation is deemed necessary to fulfil those functions.

The OIR's privacy information is on our website at www.worksafe.qld.gov.au.

An inspector may make minor technical changes to this notice in certain circumstances. This does not change the validity of the notice.

You must comply with this notice within the period stated. Failure to comply with this notice may incur a maximum penalty of \$50,000 for an individual and \$250,000 for a body corporate, government department or public authority.

CN-13712 CFMEU Site Visit 23/04/24

To: Chris DEMARTINI [REDACTED]; Peter KONECNY [REDACTED] >
Cc: Imran Z Qaiser [REDACTED] >; Damitha A Peiris [REDACTED];
 [REDACTED]; Francisca P Knight [REDACTED];
 Quinn Murray [REDACTED]; Rex Clarke [REDACTED];
 [REDACTED]; cbupteam [REDACTED]; Gary Grant [REDACTED];
 [REDACTED]; Ben Weston [REDACTED]
Date: Fri, 26 Apr 2024 11:37:28 +1000

Hello Chris and Peter,

Please see following the GBJV notes in relation to the unexpected CFMEU site visit on Tuesday 23 April 2024:

- At approximately 7:30am, Mr Hayden Turner-Davey (CFMEU) arrived onsite through Gate 1
- Mr Turner-Davey was met by GBJV engaged IR consultants (Steve Lovewell and Grant Benson) requesting to sign the GBJV visitor register. Mr Turner-Davey would not.
- Mr Turner-Davey gave a S117 form to Mr Lovewell and proceeded to start walking through the precast yard. The GBJV logistic coordinators tried to stop Mr Turner-Davey from entering the site without signing the visitor register.
- Around 7:45am, Mr Dylan Howard (CFMEU) and Mr Matthew Vonhoff (CFMEU) arrived onsite through Gate 1 and also proceeded to walk through the precast yard. Again the GBJV logistic coordinators were stopping their progression without signing the GBJV visitor register. This created a bit of a melee.
- Mr Howard and Mr Vonhoff gave their S117 forms to Mr Br Benson and continued to voice their opinion that they should be allowed onsite.
- A number of discussions and negotiations were held between GBJV staff (note Mr Lovewell and Mr Benson shall be nominated as GBJV staff) and CFMEU members to sign the visitor register with the CFMEU members not willing to sign.
- It was agreed by both parties that GBJV staff could fill in the visitor register with the names of the CFMEU members, however upon the initialling of the particular rules as set out in the visitors register, the CFMEU would not sign/initial their name agreeing to the rules. This continued for approx. 45mins.
- At 8:11am, two x semi trucks arrived onsite with the gantry steel
- At around 8:25am, QPS were called and 3x QPS members arrived onsite at 8:35am and commenced discussions between both parties. This continued for approximately 1.5hrs.
- At 9:07am, Mr Gareth Davie (GBJV) called Workplace Health & Safety Queensland (WHSQ) and lodged a complaint.
- At 9:50am GBJV tried to commence unloading of the steel and at 10:10am the crane company (Borgers) would not commence unloading without viewing the lift plan and the steel material composition results
- Around 10:20am, QPS left site, citing that no infringement had taken place and they were told by their seniors to no longer attend
- At 10:25am Borgers crane operator and dogman were shown the documentation by My Anthony Parlatto (GBJV) and Mr Davie. The steel was unloaded at 11:40am.
- At 10:50am, Mr Jason Argent (WHSQ) and Mr John Azcue (WHSQ) both Senior Inspectors, arrived onsite
- Discussions were held between WHSQ, GBJV and CFMEU members regarding signing the visitors register, various discussions continued for approx. 2.5 hours
- At 1:30pm after discussions stalled, the CFMEU members started to leave site. Mr Howard and Mr Vonhoff left site
- At 1:40pm Mr Turner-Davey started walking across the precast yard towards the ATC and entered the Pier 1 work area. Mr Davie and Mr Quinn Murray (GBJV) followed.
- Mr Turner-Davey left site at 2pm.

- WHSQ Senior Inspectors Mr Argent and Mr Azcue left to attend to Vidgen Lane/Gate 6

Vidgen Lane - Gate 6

- At 10am, Mr Dean Mattas (CFMEU) and Mr Ben Cox (CFMEU) arrived through Gate 6 onto the work area at Vidgen Lane.
- The CFMEU members were met by Mr Nick Willets (GBJV) at around 10:05am at the crib sheds and were asked to attend the GBJV site office on Sinnamon Road to sign the visitors register. Mr Mattas and Mr Cox gave Mr Willets their S117 forms who refused to accept it
- The CFMEU continued to walk towards Abutment B and stopped GBJV's positrack from working on the crane pad and gave Mr Willets the two S117 forms whom accepted the forms at this stage
- Members of the GBJV logistic coordinators were relocated from the precast yard to Vidgen Lane at 10:20am
- GBJV logistic coordinators tried in vain to stop the CFMEU members from accessing the Pier 5 work area (pier 5/1 was programmed to be poured)
- Discussions were held between both parties to try and understand the issues raised on the S117 forms. This went on for 1.5hours and were very heated.
- At around 1:05pm Mr Mattas and Mr Cox sat down between the concrete pump and the concrete agi restricting the unloading of the concrete. GBJV logistic coordinators tried to physically remove the CFMEU members.
- At 2:30pm WHSQ Senior Inspectors Mr Argent and Mr Azcue arrived to site
-
- At around 3pm, the concrete pour to pier 5/1 was abandoned
-



Gareth Davie
Project Director
BMD Constructions

1 Sandpiper Ave Port of Brisbane QLD 4178
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

Damian Hegarty

From: Gareth Davie [REDACTED]
Sent: Friday, 26 April 2024 3:06 PM
To: Ben Weston
Cc: Quinn Murray; Gary Grant; Leo Zuna; Sean Donald; Roger Oliver; Ward Burdekin
Subject: FW: Site Inspection Centenary Bridge Upgrade
Attachments: image001.png

Ben,

As discussed, can you please let BMD legal know that WHSQ have withdrawn the Improvement Notice associated with the Abutment B crane pad.

Cheers
Gareth



Gareth Davie
Project Director
BMD Constructions

[REDACTED]
1 Sandpiper Ave Port of Brisbane QLD 4178
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

From: Jason Argent <[REDACTED]>
Sent: Friday, April 26, 2024 2:40 PM
To: Gareth Davie <[REDACTED]>
Subject: RE: Site Inspection Centenary Bridge Upgrade

Good Afternoon Gareth

Based on the supplied information the Improvement Notice I2045321 has now been cancelled.

Thank you for bringing the correct information to our attention.

Kind Regards



Jason Argent
Principal Inspector – Construction
Workplace Health & Safety Queensland
Office of Industrial Relations
Phone: [REDACTED]
Email: [REDACTED]

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



From: Gareth Davie [REDACTED]
Sent: Friday, April 26, 2024 2:23 PM
To: Jason Argent [REDACTED]
Subject: RE: Site Inspection Centenary Bridge Upgrade

CAUTION: This email originated from outside of OIR. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hello Jason,

Thanks for your time on the phone before.

We have just completed an internal review of the Improvement Notice I2045321 - Crane Pad Located at Abutment B and have found a few anomalies.

1. The information you were provided on the day were in fact 3 x individual Site Inspection Reports/Designs
 - a. Bonacci Infrastructure Structural Design Certificate dated 8 November 2023
 - i. Abutment B piling and crane platform
 - b. Geoinventions Site Inspection Report dated 11 December 2023
 - i. Pre-bore a temporary pile using a BG28
 - c. Geoinventions Site Inspection Report dated 8 January 2024
 - i. Lifting a BG28 onto the lower platform
2. The plant that was being used on the day was a 30T concrete pump , not a BG28 piling rig (weight 100T, extraction force 330kN), CKE 2500-2 crane (weight 220T, 110kN), M12000-1 crane (weight 100T, 100kN) which is not relevant to the 3 x Site Inspection reports
3. Geoinventions Site Inspection Reports were both completed prior to the Abutment B getting piled and poured and the reports are now deemed irrelevant (internal NCR noted to close this temporary works design)
 - a. The 30mm/24hr from Geoinventions Site Inspection Report dated 8 January 2024 is now noted as not required to apply as the global stability risk is now deemed non-existent with the installation of the abutment and subsequent 6 x piles stabilising the batter face
4. The JV team has complied with BMD's Temporary Works Permit (Page 2) and have conducted a proof roll prior to the mobilisation of the concrete pump (morning of 23/04/24)

Earthworks - Construction Inspection and Sign Off

The crane pad on the above stated Project site has been constructed in accordance with the attached geotechnical design. Proof roll test is to be conducted with a fully loaded water truck and witnessed by an experienced engineer.

Test	Location	Result
Compaction Testing as attached	Abutment B	Pass
Proof Roll Test	Abutment B	Pass - 2/11/23
Proof Roll Test	Abutment B	Pass - 10/01/24

Thanks for your review of the Improvement Notice. As mentioned we have picked up on a couple of minor improvements with our internal QA process and have rectified these in our system.

Thanks and regards
Gareth



Gareth Davie
Project Director
BMD Constructions

[REDACTED]
1 Sandpiper Ave Port of Brisbane QLD 4178
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

From: Jason Argent [REDACTED]
Sent: Friday, April 26, 2024 7:20 AM
To: Gareth Davie [REDACTED]
Cc: John Azcune [REDACTED]
Subject: FW: Site Inspection Centenary Bridge Upgrade

You don't often get email from [REDACTED] [Learn why this is important](#)

Good Morning Gareth

This where two improvement notices served for the Northern Side of the Bridge, Ben requested I email them to him, Late yesterday I have received undeliverable report. Could you please forward to him. I am assuming compliance has been meet.

Many thanks



Jason Argent
Principal Inspector – Construction
Workplace Health & Safety Queensland
Office of Industrial Relations
Phone: [REDACTED]
Email: [REDACTED]

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



From: Jason Argent
Sent: Tuesday, April 23, 2024 5:53 PM
To: [REDACTED]
Cc: John Azcune [REDACTED]
Subject: Site Inspection Centenary Bridge Upgrade

Good Evening Ben,

Thank you for your time on site today and the inspection conducted at the Centenary Bridge Upgrade in particular Abutment B Crane Pad, Please find below formal directions as discussed.

- **Improvement Notice – Geo Tech Report**
- **Improvement Notice – Edge Protection**

Please check the notices to confirm compliance due dates. If you are unable to meet the compliance date and time, you will need to contact me prior to the due date and discuss options.

Information detailing appeal rights or privacy is on the back of the notices. **It is also a requirement to display the notices in a prominent place at or near the workplace.** Penalties apply for non-compliance with the notice and failure to display a notice.

Return signing of the notice is no longer accepted as compliance of the notice - please provide sufficient information to demonstrate compliance has been achieved (return photos/certificate/statement e.g.).

Additionally, find below link to information that might be useful:

Compliance monitoring and enforcement policy- CMEP WHS link:

- <https://www.worksafe.qld.gov.au/about/publication-scheme/our-policies/office-of-industrial-relations-policies/compliance-monitoring-and-enforcement-policy>

Hope this information is helpful – don't hesitate in contacting me should you need further assistance or concerns complying.

Regards



Jason Argent
Principal Inspector – Construction
Workplace Health & Safety Queensland
Office of Industrial Relations
Phone: [REDACTED]
Email: [REDACTED]

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Work Safe. Home Safe.



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From: Berry Freshney [REDACTED]
Sent: Tue 30/04/2024 8:57:43 PM (UTC+10:00)
To: Rex Clarke [REDACTED]
Cc: Gareth Davie [REDACTED]; Quinn Murray
JV [REDACTED]
Subject: RE: Centenary - T-151 Union Disruption - Draft Initial Correspondence

Hi Rex

A little late and may be irrelevant anyway.

On the night shift I thought that the union officials were either standing or sitting under the Boom Lift?

Considering the scatter gun approach to the entitlement – consider the changes in WHSD legislation as a right as well

Some have been passed recently, some are awaiting proclamation

Content

Prohibition on certain insurance, indemnity and other arrangements – in force now

Health and safety representatives and unions – not yet in force as awaiting proclamation

Discriminatory conduct – not yet in force as awaiting proclamation

New obligations for regulator – not yet in force as awaiting proclamation

WHS entry permit holders – not yet in force as awaiting proclamation

What's next?

bf

Berry Freshney
Construction Manage
r
M: [REDACTED]



Our vision is to be *'the best people to work with'*

Georgiou Group acknowledges the Traditional Custodians of the land on which we work, and pay our respects to elders past and present.

From: Rex Clarke <[REDACTED]>
Sent: Friday, 26 April 2024 1:18 PM
To: Matthew Still <[REDACTED]>; Quinn Murray <[REDACTED]>; Berry Freshney <[REDACTED]>; Gary Grant <[REDACTED]>; Rob Young <[REDACTED]>; Ben McIlroy <[REDACTED]>
Cc: Gareth Davie <[REDACTED]>; Sean Donald <[REDACTED]>; Mathew Quay-Verlander <[REDACTED]>
Subject: Centenary - T-151 Union Disruption - Draft Initial Correspondence

! CAUTION - This email was sent from outside Georgiou Group

All,

As discussed this morning, see linked/attached draft initial correspondence in relation to union disruption to work into. It's a bit of a word dump at the moment; I will tidy up before we send.

I've inserted four bases of claim we may pursue - please include any others in the letter/by return email.

 [815-J019-02XX - T-151 - Union Disruption.docx](#)

I'm off until Thursday next week - I can start to collate ideas and round out what we wish to send the CA/TMR then.



Rex Clarke
Commercial Engineer
Georgiou BMD Joint Venture (GBJV)

[REDACTED]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178



From: Matthew Still <[REDACTED]>

Sent: Wednesday, April 24, 2024 11:35 AM

To: Quinn Murray [REDACTED]; Berry Freshney
[REDACTED]; Gary Grant [REDACTED]; Rob Young

Cc: Gareth Davie <[REDACTED]>; Rex Clarke
[REDACTED]; Sean Donald [REDACTED] Mathew Quay-
Verlander <[REDACTED]>

Subject: RE: Disruption Strategy

Quinn, Rex & Team,

Great start and keen to discuss in more detail when we meet Friday morning.

I'm sure Rob will have more to say here too - but I'm hesitant to back a "global disruption claim" mentality. These rarely succeed, and at this stage we have no need to get that desperate. Claims need to focus on cause and effect. Obviously to us as construction engineers its perfectly sensible to say "ABC happened, here is a logical story as to how the works were effected, therefore our claim is this loss". However that is almost never accepted without a close and granular linkage between cause and effect.

I'm keen to discuss with you the implementation of the consistent "Daily Works Plan / Daily Record" per attached example (with reasons codes). It is very little extra work, I'm certain your teams do daily planning well for normal production/safety reasons, however this simple (and consistent across teams) recording tool used on a daily basis is invaluable in justifying claims. As you can see in the attached, this allows recording our daily plan (for tomorrow) on a cost code basis, then returning to critique that. When we note disruptive events (with a comment, easily identified by reasons code), we can then show contemporaneous cause and effect (loss in that cost code per day) if/when required. This is the gold standard when done well.

Fully support a small investment ASAP (eg. meet with Mersa, have them undertake a couple of reviews) to set us up right.

Talk Friday morning.

Regards,



Matthew Still
Commercial Manager - QLD & NT
BMD Constructions

[REDACTED] www.bmd.com.au
1 Sandpiper Ave Port of Brisbane Qld 4178
PO Box 197 Wynnum Qld 4178



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Learn more about our [Reconciliation Action Plan](#).

Please consider the environment before printing this e-mail.

From: Quinn Murray <[REDACTED]>

Sent: Wednesday, April 24, 2024 10:52 AM

To: Berry Freshney <[REDACTED]>; Gary Grant <[REDACTED]>; Rob Young <[REDACTED]>; Matthew Still <[REDACTED]>

Cc: Gareth Davie <[REDACTED]>; Rex Clarke <[REDACTED]>; Sean Donald <[REDACTED]>; Mathew Quay-Verlander <[REDACTED]>

Subject: Disruption Strategy

All,

Under the current guidance from the respective corporate offices, it is understood that recompense will be facilitated for Union related disruption. Rex and I have been discussing a global disruption claim as a result of a combination of Latent Conditions, Utility Authority delays and Design Discrepancies.

In order to move both of these claims forward, we need to close out the strategy through which we will be managing the collation of data pertinent to each claim. The below outlines the intended approach for review by each respective Head Office:

1. Issue notices under contract on the global disruption claim and the union specific disruption claim
2. Engage disruption claim expert (eg. Mersa) to provide framework for data management and conduct fortnightly reviews until GBJV are confident in application of system
3. Specific Cost Codes established to enable consistent cost control application throughout extent of delay (Gatekept by GD/QM/RC)
4. Site Team to hold daily reviews of 'Disruption Diary' to validate cost impacts
5. Site Team to hold weekly program reviews and as-built program against baseline to articulate magnitude of disruption (Potentially use Aphix software)
6. Site Team to issue weekly summary to GBJV Corporate
7. Site Team to issue Monthly Summary to TMR ahead of each CLT meeting
8. Monthly submission of Contract Program to reflect state of As-built Changes due to disruption to TMR

Unless any other information / direction is forthcoming, this plan will be executed on Monday 29th

April.



Quinn Murray
Project Manager
Georgiou BMD Joint Venture (GBJV)



213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178



From: Hinton Tayloe [REDACTED]
Sent: Mon 29/04/2024 10:12:53 AM (UTC+10:00)
To: Gary Grant [REDACTED]; Quinn Murray [REDACTED]; Gareth Davie [REDACTED]; Greg Calder [REDACTED]
Cc: Nicole Macfarlane [REDACTED]; Jack Markwell [REDACTED]
Subject: RE: CFMEU Break In 29/4/24
Attachment: BMD 10_29-04-2024_8-47-10 am.mp4
Attachment: BMD 7_29-04-2024_8-56-54 am.mp4
Attachment: BMD 10_29-04-2024_8-46-47 am.mp4

At 8:56 union member jumped the fence to enter abut A. Also have footage of entry to exclusion zone at park, cameras do not get removal of panels however just before and just after.



Hinton Tayloe
 Undergraduate Engineer
 BMD Constructions

[REDACTED] | www.bmd.com.au
 1 Sandpiper Ave Port of Brisbane QLD 4178
 PO Box 197 Wynnum Qld 4178



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Learn more about our [Reconciliation Action Plan](#).

Please consider the environment before printing this e-mail.

From: Gary Grant [REDACTED]
Sent: Monday, April 29, 2024 9:13 AM
To: Hinton Tayloe <[REDACTED]>; Quinn Murray <[REDACTED]>; Greg Calder <[REDACTED]>; Gareth Davie <[REDACTED]>; Gary Grant <[REDACTED]>
Cc: Nicole Macfarlane <[REDACTED]>; Jack Markwell <[REDACTED]>
Subject: Re: CFMEU Break In 29/4/24

Thank you mate , if you can do a bit of a run through the others around the abut a Entry points and

the park that will assist .

From: Hinton Tayloe <[REDACTED]>
Sent: Monday, April 29, 2024 8:36:30 AM
To: Gary Grant <[REDACTED]>; Quinn Murray <[REDACTED]>;
Gary Grant <[REDACTED]>; Greg Calder <[REDACTED]>; Gareth Davie
<[REDACTED]>
Cc: Nicole Macfarlane <[REDACTED]>; Jack Markwell
<[REDACTED]>
Subject: CFMEU Break In 29/4/24

Good Morning,

Attached is the footage from our CCTV cameras capturing the CFMEU break in this morning at 7:20 am 29/4/24. Three members can be seen walking to the fence, lifting a fence panel and walking through a gap they have made. This can be seen **16 seconds** into the 2nd video.

Regards,



Hinton Tayloe
Undergraduate Engineer
BMD Constructions

[REDACTED] | www.bmd.com.au
1 Sandpiper Ave Port of Brisbane QLD 4178
PO Box 197 Wynnum Qld 4178



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Learn more about our [Reconciliation Action Plan](#).

Please consider the environment before printing this e-mail.

ANNEXURE GG-35

REFER TO NATIVE FILE

CCTV FILES DATED 29 APRIL 2024:

- COM.0001.0013.1226
- COM.0001.0013.1227
- COM.0001.0046.6299
- COM.0001.0046.6300
- COM.0001.0046.6301

815-J019 Union Activity_29-04-2024

From: Ben Weston [REDACTED]
To: regulatory [REDACTED]
Cc: Leo Zuna [REDACTED] >; Gary Grant [REDACTED]
Date: Tue, 30 Apr 2024 11:09:24 +1000
Attachments: 20240429 - Notice of Entry_Cody Graham Budgeon.pdf (182.08 kB); 20240429 - Notice of Entry_Eben Cox.pdf (178.99 kB); 20240429 - Notice of Entry_Jamie Porter.pdf (192.61 kB); 20240429 - Notice of Entry_Trevor Sinclair.pdf (171.93 kB); 20240429 - Notice of Entry_Dean Mattas.pdf (194.91 kB); 20240429 - Notice of Entry_Hayden Devey.pdf (195.26 kB); 20240429 - Notice of Entry_JoshuaThompson.pdf (164.59 kB); 20240429 - Notice of Entry_Dylan Howard.pdf (186.64 kB); 20240429 - Notice of Entry_Hoani Edwards.pdf (179.2 kB); 20240429 - Notice of Entry_Matthew John Vonhoff.pdf (196.03 kB)

Hi All,

Please see below Union Site Entry Report from the GBJV Centenary Bridge Upgrade Project:

Date of Entry - 29/04/2024
Arrival Time - 6:40hrs
Departure Time - 10:00hrs
Project - Centenary Bridge Upgrade
Work areas reviewed during inspection - Various areas on the southside of project and also abutment B on the northside.
Video / photo evidence taken - Video footage was taken via body cams which were worn by the two GBJV industrial relation representatives.
Industrial Association - CFMEU
Union Official(s) - Dean Mattas / Hayden Turner Davey / Matthew Vonhoff / Eben Cox / Dylan Howard, Cody Budgeon, Joshua Thompson, Hoani Edwards, Jamie Porter, Trevor Sinclair, Dean Reily and 8 more organisers which did not supply permits and were on site.
GBJV Personnel - Ben Weston, Gareth Davie, Greg Calder, Leo Zuna.
Subcontractor Personnel - Caporn
Authorising Act - Work Health and Safety Act 2011 ("WHS Act")
Act Provisions - s117 - Entry to inquire into suspected safety contraventions
Entry Authorisation - Denied.
If entry refused, reason for refusal - Union organisers refused to sign-on to the daily pre-start following a briefing of the days works.
WHSQ Inspector Attendance - No
WHSQ Enforcement Notice(s) Nil
Law Enforcement - 7 Police officers from Mt Ommaney station were in attendance.

Briefing of events - 7 Union Organisers (UO) attended the site office (213 Sinnamon Rd) at 06:40hrs and were met by GBJV Logistic Coordinators (LC) and Industrial Relations Representative (IRR). The UOs presented their permits and provided s117 entry notice to the IRR although refused to sign in as a visitor. The IRR told UOs they needed to sign in before the issues raised on the notice of entry (NOE) would be addressed. To stop the unlawful entry of the UOs, the LCs formed human shields to block the UOs from entering work areas as the UOs continued to refuse to sign-in.
 07:30hrs - Additional UOs arrived at site and commenced accessing additional areas i.e. the CMC pad, Abutment A and Vidgen Lane. These areas were entered without firstly notify GBJV and without

signing onto the daily pre-start. 07:40hrs - Police officers arrived after being called by GBJV personnel. Police officers had conversations with both parties although would not remove the UOs from site unless written documentation was supplied from WHSQ stating that the UOs were onsite unlawfully. Due to the amount of UO's (19 in total) unlawfully entering multiple work areas across the project, the job was shut down for the day. This action was taken to ensure the safety of workers and the UOs as the UOs were un-escorted, un-inducted, not sign-on or briefed on the daily works. No documentation was presented to the UOs. All UOs were offsite by 10:00hrs.

Regards,



Ben Weston
Safety Manager
Georgiou BMD Joint Venture (GBJV)

[REDACTED]
[REDACTED]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

ANNEXURE GG-37

REFER TO NATIVE FILE

CCTV FILE DATED 14 MAY 2024:

- COM.0001.0005.7118

NOTICE OF FILING

Details of Filing

Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	15/05/2024 12:55:08 PM AEST
Date Accepted for Filing:	15/05/2024 1:41:40 PM AEST
File Number:	QUD245/2024
File Title:	B.M.D CONSTRUCTIONS PTY LTD v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS
Registry:	QUEENSLAND REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



Form 59
Rule 29.02(1)

Affidavit

No. of 20

Federal Court of Australia
District Registry: Queensland
Division: General

B.M.D Constructions Pty Ltd

Applicant

Construction, Forestry and Maritime Employees Union and others
Respondents

Affidavit of: **Gary Grant**
Address: c/- 1 Sandpiper Avenue, Port of Brisbane
Occupation: Construction Manager
Date: 15 May 2024

Contents

Document number	Details	Paragraph	Page
1	Affidavit of Gary Grant in support of application affirmed on 15 May 2024		1
2	Annexure "GG1", being copy of Vehicle Management Plan for the Centenary Bridge Upgrade Project, with the gates clearly marked.	5	14
3	Annexure "GG2", being copy of CCTV footage from 13.28pm to 13.33pm on 14 May 2024	30	16

I Gary Grant, c/- 1 Sandpiper Avenue, Port of Brisbane in the State of Queensland affirm:

1. I am a Construction Manager employed by B.M.D Constructions Pty Ltd (BMD) and am responsible for the South East Queensland Region.

Filed on behalf of (name & role of party) B.M.D Constructions Pty Ltd, the Applicant
Prepared by (name of person/lawyer) Damian Hegarty
Law firm (if applicable) HBA Legal
Tel [REDACTED] Fax [REDACTED]
Email [REDACTED]
Address for service Level 23, 10 Eagle Street, Brisbane QLD 4000
(include state and postcode)

[Version 3 form approved 02/05/2019]

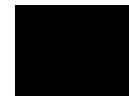


2. I am not usually based at any one single project, rather provide support to a number of projects in the South East Queensland Region.
3. For approximately the last six (6) weeks, I have however been permanently based at the Centenary Bridge Upgrade Project (**the Project**).
4. BMD is in an unincorporated joint venture with Georgiou Group Pty Ltd, and that joint venture (**GBJV**) was awarded the Project by the Department of Transport and Main Roads, Queensland.
5. The main site office compound for the Project is located off Sinnamon Road, near the inbound on-ramp to the Centenary Highway and the work area runs parallel to the Centenary Highway, where there will be a duplication of the bridge extending over the Brisbane River towards Kenmore. Given the nature of the Project, the work areas are relatively narrow, though spans approximately 2 kilometres in length. The bank of the Brisbane River on the Jindalee side is referred to as the southern abutment and work area on the Kenmore side of the Brisbane River is referred to as the northern abutment. There are six access gates to the site, within which the site is confined. Gate 1 is located off Sinnamon Road, Jindalee, and the site compound office address is 213 Sinnamon Road, Jindalee. Gate 2 is accessed via the Sinnamon Road offramp, southbound. Gate 3 is accessed via 17 Mile Rock Road, outbound. Gate 4 is located on the northern side of the project at Vidgen Lane. Gate 5 is accessed via Spinkbrae Street. Gate 6 is accessed via the Centenary Highway. The work area is within the confines of those gate access areas. Annexed hereto and marked **GG1** is a copy of the Vehicle Management Plan for the Centenary Bridge Upgrade Project, with the gates clearly marked.
6. Between 17 April 2024 and 14 May 2024 critical path works were being undertaken to pour the concrete pylons for the bridge duplication to sit upon. By critical path work, I mean that these are tasks that must be finished on time to complete the entire Project on time as they are essential elements. Plainly, by way of example, if there are no pylons the bridge cannot be completed.
7. In order to complete those critical path works, in addition to workers from GBJV, there are number of contractors engaged by GBJV to carry out components of the work. Those contractors engaged and performing work between 17 April 2024 and 14 May 2024 included:-
 - (a) Caporn Piling;
 - (b) Georetain;
 - (c) Spot on Reo;
 - (d) AHA Boring;

- (e) LJ Crete Civil Pty Ltd;
- (f) MG Bobcat & Tipper Hire;
- (g) DB Farrelis Pty Ltd;
- (h) Altus Traffic;
- (i) Aaron Prosser Contracting Pty Ltd;
- (j) Safe Dig Services;
- (k) Construction Sciences Pty Ltd;
- (l) Hawthorne Civil;
- (m) Mulherin Rigging & Cranes;
- (n) Lindores Mobile Cranes;
- (o) KPI Civil Construction Pty Ltd;
- (p) MI Electric Pty Ltd;
- (q) Platinum Plant & Haulage;
- (r) HK Water;
- (s) Minstaff Survey Pty Ltd;
- (t) Waterfall Construction Group;
- (u) Meales Concrete Services

8. Those contractors collectively use a variety of plant and equipment to complete their relevant activities, including cranes, excavators, piling rigs, compactors, telehandlers, barges, tug boats and water trucks. They also necessarily receive deliveries such as formwork, reinforcing steel and concrete to construct the pylons, meaning that within a narrow yet long Project work area, it is very important that people in the work area understand what other trades are doing and how their work activities will interface with one another, as well as specific measures that may be implemented to facilitate a particular deliver or movement of plant on any particular day. The nature of construction is that the site is developing and changing constantly. This means that potential hazards are also changing over time.
9. The reason I have been permanently based at the Project for approximately the last six (6) weeks, has been to provide the site team with additional support as a result of delays being caused to critical works, following attendance by officials of the CFMEU at the Project.

10. On 17 April 2024, I received information from the Project Manager, Quinn Murray and verily believe based on that report that, on that day:
- (a) At 9.10am this morning the Construction, Forestry, Mining & Energy Industrial Union of Employees (CFMEIUE) organisers Luke Gibson and Dean Rielly entered site.
 - (b) Nick Willets (Supervisor) challenged their entry and was advised by them that they were at the Project to sort out safety issues.
 - (c) Nick contacted Ben Weston (Safety Manager) and Gavin Kenny (Superintendent) who in turn advised the Project Manager Quinn Murray of the attendance of GIBSON and RIELLY.
 - (d) GIBSON and RIELLY were insistent in their oral statements about purported issues with crane documentation and verifications of competency, and traffic management associated with the concrete pour on the northern abutment (the Kenmore side of the Centenary Bridge).
 - (e) After repeated requests were made for GIBSON and RIELLY to state the basis for their attendance at the Project and comply with visitor sign-in requirements, they were informed that the Queensland Police Service (QPS) would be called, as they were on site at the Project, unlawfully.
 - (f) At approximately 10am GIBSON left the southern abutment and crossed the river, entering into the northern abutment working area. GIBSON was challenged by the GBJV workers as to what safety provisions associated with traffic management and access/egress were in issue.
 - (g) At 10.25am the QPS attended site where the Project Manager briefed them on what had transpired earlier in the morning. Acting Sergeant Michael Downie reviewed the information and stated they would attempt to convince the GIBSON and RIELLY to leave the Project.
 - (h) Following extensive discussions, GIBSON and RIELLY advised they had entered site under section 81(3) of the *Work Health and Safety Act 2011* (Qld), in circumstances where a person had called them regarding a safety issue. Upon questioning, this issue changed and morphed several times, leading to the QPS determining that they were content to facilitate their removal, however they required confirmation in writing from Workplace Health and Safety Queensland as to the unlawful nature of the entry by GIBSON and RIELLY. Acting Sergeant Downie advised that the QPS are currently in court with the CFMEU and their personnel have been directed that no action is to be taken without a direction from Workplace Health and Safety Queensland.



- (i) At 10.43am the Project Manager contacted Workplace Health and Safety Queensland requesting an Inspector attend the Project to facilitate the direction to QPS.
 - (j) At 11.34am the Project Manager made contact with Rob McDonald, Operations Manager from Workplace Health and Safety Queensland, requesting expeditious assistance on the above request. The Project Manager and Mr McDonald spoke at length about the provisions of section 81 of the *Work Health and Safety Act 2011* (Qld) and then facilitated a conversation between Mr McDonald and Acting Sergeant Downie.
 - (k) At 12.50pm RIELLY stated that he agreed to leave the site work front and attend the site office to attempt to resolve the issue.
 - (l) At 1.10pm two Inspectors from Workplace Health and Safety Queensland attended the Project and a meeting was convened in the Induction Room located at the Site Office Compound on the southern abutment between the Inspectors, Ben Weston, Gavin Kenny, GIBSON and RIELLY.
 - (m) The issues raised by GIBSON and RIELLY were deemed resolved by 1.55pm, and both GIBSON and RIELLY departed the Project.
 - (n) From 1.55pm to 2.25pm, Ben Weston, Gavin Kenny and Quinn Murray continued to meet with the Inspectors to verify our obligations and rights pursuant to section 81(3) of the *Work Health and Safety Act 2011* (Qld).
11. As a result of the attendance by GIBSON and RIELLY on 17 April 2024, the Piling Contractors on the southern abutment lost the bulk of the day, not being able to complete their work, due to GIBSON and RIELLY's presence in their work area. This work was a critical path activity.
12. On 18 April 2024, I received information from Ben Weston, Safety Manager, regarding events that occurred during the night shift on 17 April 2024 and verily believe based on that report that, during that evening:
- (a) Dylan HOWARD and Cody BUDGEON, CFMEU officials, attended Project at approximately 8.10pm via Gate 1 and presented Entry Notices.
 - (b) A third person attended with HOWARD and BUDGEON, though did not appear to have valid permits nor did they present an Entry Notice.
 - (c) At 8.15pm HOWARD and BUDGEON then discussed their permits and reasons for visit with GBJV personnel Matt Kennedy and Josh Koredeche. Those matters included:



- i. Alleged insufficient access and work area lighting per the Lux meter used by HOWARD and BUDGEON.
 - ii. Plant and maintenance records for the lighting towers, bucket truck used by the contractor Mielelectric, geotechnical information for outriggers on the bucket truck, and safe work method statements.
- 13. At 8.30pm on 17 April all works onsite stopped. Given the conduct earlier in the day and that Mr Kennedy and Mr Koredeche had not had specific prior experience dealing with right of entry issues, it was considered in the best interests of those individuals that work simply cease so they were not exposed to similar risks and behaviours.
- 14. On 23 April 2024, I was present onsite and observed:-
 - (a) At approximately 7am, Hayden Turner-Davey, a CFMEU official, walked into the Project, utilising the flagged pedestrian walkway down the righthand side (closest to the Centenary Highway) of the Gate 1 driveway. TURNER-DAVEY was approached by Industrial Relations Representative, Grant Benson, and was requested to produce his state and federal permits. I am aware that Grant Benson was wearing a body-worn camera and I have subsequently reviewed that footage.
 - (b) Dylan HOWARD and Matthew VONHOFF, CFMEU officials, attended the Project using the same path as TURNER-DAVEY a short time later. Grant Benson also asked HOWARD and VONHOFF to produce their permits.
 - (c) Grant Benson requested on number of occasions that HOWARD, VONHOFF and TURNER-DAVEY comply with the Project visitor requirement of signing the visitor register to acknowledge that they had read and understood the site specific safety requirements. HOWARD, VONHOFF and TURNER-DAVEY repeatedly refused to comply with that request.
 - (d) At approximately 8.30am QPS attended the Project. QPS officers spoke with both GBJV workers and HOWARD, VONHOFF and TURNER-DAVEY. QPS advised they could not take any action to remove HOWARD, VONHOFF and TURNER-DAVEY, unless they received written confirmation from Workplace Health and Safety Queensland that they were there unlawfully.
 - (e) QPS departed the Project at approximately 10am.
 - (f) At approximately 10.55am Inspectors Azcune and Argent from Workplace Health and Safety Queensland attended the Project. After lengthy discussions about the legitimacy of the suspected safety contraventions and refusal by HOWARD, VONHOFF and TURNER-DAVEY, Inspectors from Workplace Health and Safety Queensland remained with HOWARD, VONHOFF and TURNER-DAVEY within the

laydown / precast area in front of the site office and did not facilitate any further entry beyond that point.

- (g) At approximately 10am, at the northern abutment, CFMEU officials Dean MATTAS and Eben COX entered the work area.
 - (h) They were requested by Nick Willetts, Foreman, and then again by Mr Benson, to attend the main site office to sign into the visitor register. Both MATTAS and COX refused to comply with that requirement and stood at the back of the concrete pump that was being set up. MATTAS and COX were asked repeatedly by Mr Benson to move out of the exclusion zone of the concrete pump to enable it to be set up and refused to move.
 - (i) There were approximately four concrete trucks waiting for the concrete pump to be set up.
 - (j) The two Inspectors from Workplace Health and Safety Queensland, who were already at the Project on the southern side, were requested to attend the northern abutment, given the continued refusal by MATTAS and COX to move from the exclusion zone of the concrete pump. The Inspectors attended the northern abutment at approximately 2.30pm.
 - (k) At approximately 3pm, a joint decision was made by Gareth Davie, Project Director, Rob Pickard, General Manager, and me that the concrete pour could not proceed and the concrete trucks that had been scheduled were turned away and cancelled.
 - (l) Inspectors from Workplace Health and Safety asserted that the concrete pump could not operate until a geotechnical report was provided and issued an Improvement Notice. I am informed by Mr Davie and verily believe that after a further discussion with the Inspectors, the Inspectors subsequently acknowledged they were incorrect and withdrew the Improvement Notice regarding the geotechnical report.
 - (m) Inspectors from Workplace Health and Safety issued an Improvement Notice, regarding the use of fencing which was adjacent to an edge, which they did not consider met the requirements of edge protection.
 - (n) At approximately 4pm, after the concrete pour was cancelled MATTAS, COX, HOWARD, VONHOFF and TURNER-DAVEY departed the Project, as did the Inspectors from Workplace Health and Safety.
15. As a result of the cancelled concrete pour, some of the direct costs incurred include:
- (a) Approximately \$2,000 per concrete truck, with there being approximately 5-6 trucks turned away.

- (b) Cost of Piling contractors being approximately \$50,000 for the day of lost work.
16. The concrete pour for the pilings was critical path work, meaning that it significantly delays the whole project.
 17. Grant Benson was wearing a body-worn camera on 23 April 2024 and that was recorded at various points throughout the day. I know this because I observed Mr Benson wearing the body-worn camera, he told me that he had recorded various points and I have reviewed some of that footage afterwards.
 18. Steve Lovewell was another Industrial Relations Representative who BMD had engaged to provide assistance on the Project. He has informed me that he was also wearing a body-worn camera on 23 April 2024 and I am aware that it captured a lot of the Interactions.
 19. On 29 April 2024, I was onsite and was in close proximity to Grant Benson when seven CFMEU officials and permit holders attended the Project just after 6.30am. I know those CFMEU permit holders to be, either as a result of prior interactions or during the course of them providing Entry Notices, to be:-
 - (a) Dylan HOWARD;
 - (b) Matthew VONHOFF
 - (c) Hayden TURNER-DAVEY
 - (d) Eben COX
 - (e) Hoani EDWARDS
 - (f) Trevor SINCLAIR
 - (g) Jamie PORTER
 20. When I first encountered HOWARD, VONHOFF, TURNER-DAVEY, COX, EDWARDS, SINCLAIR and PORTER, they were within the Project, having gained access through a gate, off the public footpath, opposite the gate to access the site office.
 21. I was close to Grant Benson when he requested, collectively, that HOWARD, VONHOFF, TURNER-DAVEY, COX, EDWARDS, SINCLAIR and PORTER complete the visitor sign in requirements for the Project, which they refused to do. There was an extended period of back and forth where the request was made, though HOWARD, VONHOFF, TURNER-DAVEY, COX, EDWARDS, SINCLAIR and PORTER continued to refuse to comply and pushed past BMD security and site representatives to access site.
 22. Over a period of approximately 20 minutes, despite being instructed that they could not enter without completing the site sign on process the group progressively made its way

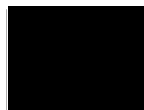


further onto the Project, walking through the 'laydown' area. Ultimately, TURNER-DAVEY, SINCLAIR and COX scaled a retaining wall and went over a fence to circumvent security guards and gain access to an exclusion zone, without being escorted and without having acknowledged the site rules. A

23. The CFMEU permit holders splintered into different groups and accessed various different work areas around the Project:-
 - (a) HOWARD, EDWARDS, PORTER breached a security fence by removing a bracket that had been secured at the top, to access the lower section of the southern abutment, adjacent to the Brisbane River.
 - (b) Two other individuals, wearing CFMEU clothing positioned themselves in front of a crane that was located on the southern abutment roughly level with the Centenary Highway. I recognised one of those individuals to be Beau SEIFFERT.
 - (c) Dean MATTAS, Cody BUDGEON and Joshua THOMPSON were noted to be near the jetty at the lower section of the southern abutment adjacent to the Brisbane River.
 - (d) There were a variety of other individuals wearing CFMEU clothing who were also present though did not identify themselves as they largely remained on the public footpath which goes through the Project. One of those individuals I identified as Jade Ingham, National President and Assistant State Secretary of the CFMEU.
24. QPS had been called to provide assistance. Workplace Health and Safety Queensland were called to attend, though advised they could not attend unless the call was allocated through the main line – which did not open until 8am.
25. At approximately 9am, a decision was made by GBJV to stop all works across the Project, given the number of unauthorised, unescorted individuals who had gained access to the Project and were refusing to leave or comply with the safety requirements on the Project.
26. As a result of a full day of work being lost, I understand the direct financial cost to be approximately \$237,000 at this point. This figure only takes into account the direct costs associated with hire costs, engagement of subcontractors who are unable to perform the works and daily running costs of the Project. The total cost associated with unplanned stoppage of work on the Project will not become evident for some time yet, given the impact on critical path works.
27. On 14 May 2024, I was present on the Project and am aware that Hayden TURNER-DAVEY and Jamle PORTER attended at approximately 10.18am. They largely remained on the public footpath. By the time I had been made aware that TURNER-DAVEY and PORTER were on site, they had walked away from the site office down the public footpath down towards the Brisbane River. Eventually TURNER-DAVEY arrived and presented

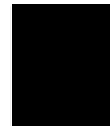
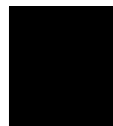
his Entry Notice to me, and shortly afterwards, PORTER arrived and presented me with his Entry Notice. Despite my repeated requests that they run through the visitor rules and sign in, they refused to do so.

28. The works which had been scheduled included a concrete pour, being the Southern side of river pile cap pour. This necessarily required a concrete pump operated by Meales engaged by GBJV to be set up on the lower aspect of the southern abutment, adjacent to the Brisbane River, with concrete trucks operated by Boral Resources (Qld) Pty Ltd (ABN 46 009 671 809) (and QCrete Premix Pty Ltd (ABN 63 160 844 173), who is a branch of Boral Concrete) engaged by GBJV accessing the Project through Gate 1 off Sinnamon Road.
29. Once on the Project, the concrete truck was required to cross over the public footpath, and that activity was undertaken with traffic control. TURNER-DAVEY and PORTER remained on the public footpath, between the traffic controllers and the concrete truck, thereby being in an exclusion zone. They were both asked repeatedly to move out of the exclusion zone, though refused to do so. Therefore, the contract was unable to be delivered to the hopper of the Meales concrete pump to be used in pouring the pile cap by the GBJV. This had the effect that a non-conformance will need to be submitted to the client, and technical advice will be sought as to what remedial action is required, which may include jackhammering out the concrete already poured, reordering the materials and restarting the works.
30. From approximately 1.29pm on 14 May 2024, approximately 30 to 40 individuals wearing CFMEU branded clothing walked out along Sinnamon Road across the border of the southern edge of the project, blockading the entrance to the Project through Gate 1, such that concrete trucks and other vehicles scheduled to undertake works on the site were unable to access the site. There were approximately six concrete trucks as well as a number of body trucks working on earthwork activities that were not able to enter and got pushed away as a result of the blockade. Annexed hereto and marked **GG2** is a copy of CCTV footage from 13.28pm to 13.33pm on 14 May 2024.
31. In that CCTV camera footage of CCTV camera 1, I observed at approximately 13.31pm on 14 May 2024, TURNER-DAVEY and PORTER walking back up the pedestrian footpath towards Sinnamon road and join the individuals blocking access through Gate 1. At approximately 13.32pm, I also observed Eben COX to be in the vicinity wearing shorts, a hardhat and some red fabric attached to the back of his hardhat.
32. Over time, the number of CFMEU officials and other individuals wearing CFMEU branded clothing blockading the site increased to up to approximately 50 CFMEU officials. A varying number of CFMEU officials remained in that position across the access point to



the site until approximately 4.00pm. They were repeatedly asked to leave, including by the QPS, however refused.

33. Among those who I could identify as part of that group included:
 - (a) Dean RIELLY;
 - (b) Jade INGHAM;
 - (c) Dylan HOWARD;
 - (d) Jamie PORTER;
 - (e) Hayden TURNER-DAVEY;
 - (f) Matt VONHOFF;
 - (g) Eben COX;
 - (h) Hoani EDWARDS;
 - (i) Dean MATTAS.
34. Each of these persons is an official of the CFMEU, save for RIELLY who is an official of the CFMEIEU.
35. I also recognised an individual named Liam Crow, who I know to be a CFMEU delegate on the Cross River Rail Project.
36. At approximately 2.50pm Dylan HOWARD stated to Gareth Davie that if BMD facilitated the entry of TURNER-DAVEY and PORTER onto the Project, without requiring them to complete the visitor sign-in requirements, the CFMEU would allow the remaining concrete trucks to enter site to complete the concrete pour. I know this because Mr Davie subsequently told me about this conversation.
37. As a result of the concrete pour being incomplete, at this stage, it remains unknown as to what remedial action will be required, but there is a high likelihood that GBJV will be required to jackhammer out the partial structure that has been poured and set, so that a complete new pour can be undertaken. I estimate the cost associated this will be at least \$300,000, incorporating the labour to remove the concrete, repouring the concrete, reordering the materials, redoing the reo, stripping the formwork, removing it and starting again. I estimate that the process of reordering the materials and reCompleting the works could take two weeks. Depending on the remediation required, there is the potential that this activity will become a critical path item, though this is still unknown at this stage.
38. At approximately 10.10am this morning, 15 May 2024, I observed Hayden TURNER-DAVEY and Jamie PORTER walking up the pedestrian footpath and preventing workers



from continuing work activities through repeated questioning, despite not having presented an Entry Notice or permit, purporting to be exercising any right of entry.

Sworn / Affirmed by the deponent
at Brisbane
in Queensland
on 15 May 2024
Before me:

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)
)
)

Signature of deponent

Signature of witness

Damian Hegarty, Solicitor

Exhibit "GG1"
To the Affidavit of Gary Grant
Sworn 15 May 2024

Federal Court of Australia
District Registry: Queensland
Division: General

No. of 20

B.M.D Constructions Pty Ltd

Applicant

Construction, Forestry and Maritime Employees Union and others

Respondents

This is the exhibit marked "**Exhibit GG1**" produced and shown to Gary Grant at the time of swearing his affidavit on 15 May 2024.

Affirmed by the deponent
at Brisbane
in Queensland
on 15 May 2024
Before me:

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)
)
)
)
Signature of deponent



Signature of witness

Damian Hegarty, Solicitor

VMP - Centenary Bridge Upgrade Project Southside



KEY SITE CONTACTS
Sead Jukic - General Foreman Structures
Greg Calder - General Foreman Civil
Gavin Kenny - Superintendent
Leigh Hahn - Project Director

Legend
Site Entry
Site Exit

UHF Channels: North side of river - 26, South side of river - 28
- Left in / Left out of all designated Gates
- All Cars to be reverse parked and fundamentally stable

Notes:		Georgiou BMD Centenary Bridge Upgrade Project	
Location: Centenary Bridge Upgrade Project Site		Prepared by:	
Description: VMP		Rev: 1.1	
Date: 11/03/2024		Reference Drawings:	

VMP - Centenary Bridge Upgrade Project Northside



Legend

- Site Entry
- Site Exit

KEY SITE CONTACTS

- Sead Jukic - General Foreman Structure
- Greg Calder - General Foreman Civil
- Gavin Kenny - Superintendent
- Leigh Hahn - Project Director

UHF Channels: North side of river - 26, South side of river - 28

- Left in / Left out of all designated Gates
- All Cars to be reverse parked and fundamentally stable

Notes:		Georgiou BMD Centenary Bridge Upgrade Project	
Location: Centenary Bridge Upgrade Project Site		Prepared by:	
Description: VMP Southern Side of the River			
Date: 11/03/2024		Reference Drawings:	
		Rev: 1.1	

Exhibit "GG2"
To the Affidavit of Gary Grant
Sworn 15 May 2024

Federal Court of Australia
District Registry: Queensland
Division: General

No. of 20

B.M.D Constructions Pty Ltd

Applicant

Construction, Forestry and Maritime Employees Union and others

Respondents

This is the exhibit marked "**Exhibit GG2**" produced and shown to Gary Grant at the time of swearing his affidavit on 15 May 2024.

Affirmed by the deponent
at Brisbane
in Queensland
on 15 May 2024
Before me:

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Signature of deponent

Signature of witness

Damian Hegarty, Solicitor

NOTICE OF FILING

Details of Filing

Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	22/05/2024 11:59:48 AM AEST
Date Accepted for Filing:	22/05/2024 11:59:54 AM AEST
File Number:	QUD245/2024
File Title:	B.M.D CONSTRUCTIONS PTY LTD v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS
Registry:	QUEENSLAND REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads "Sia Lagos".

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



Form 59
Rule 29.02(1)

Affidavit

No. QUD 245 of 24

Federal Court of Australia
District Registry: Queensland
Division: General

B.M.D Constructions Pty Ltd

Applicant

Construction, Forestry and Maritime Employees Union and others

Respondents

Affidavit of: **Gary Grant**
Address: c/- 1 Sandpiper Avenue, Port of Brisbane
Occupation: Construction Manager
Date: 22 May 2024

Contents

Document number	Details	Paragraph	Page
1	Visitor Daily Attendance Record	8	6
2	Email received from Principal Inspector Argent on 26 April 2024 confirming the Improvement Notice has been cancelled	16.	8
3	BMD Annual Review 2022-2023	23	14

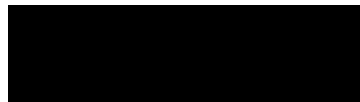
I Gary Grant, c/- 1 Sandpiper Avenue, Port of Brisbane in the State of Queensland affirm:

- I am a Construction Manager employed by B.M.D Constructions Pty Ltd (BMD) and am responsible for the South East Queensland Region.

Filed on behalf of (name & role of party) B.M.D Constructions Pty Ltd, the Applicant
Prepared by (name of person/lawyer) [REDACTED]
Law firm (if applicable) HBA Legal
Tel [REDACTED] Fax [REDACTED]
Email [REDACTED]
Address for service Level 23, 10 Eagle Street, Brisbane QLD 4000
(include state and postcode)

[Version 3 form approved 02/05/2019]

2. I have previously provided an affidavit in relation to this matter sworn on 15 May 2024. This affidavit should be read in conjunction with that affidavit.
3. I am aware that Dylan Howard has stated that between January 2024 and April 2024 it was his experience that that Mr Hahn and Mr Kenny would not require him to go through any visitor induction process. While that may have been Mr Howard's experience over that period of time, the Safety Management Plan for the Project has always included a requirement for all visitors to report to the site office and be provided a visitor induction and a requirement for all personnel (including visitors) to sign on and off the register daily.
4. Leigh Hahn was the Project Director during that period of time between January 2024 and April 2024 and concerns were raised with the fact he was not following the Safety Management Plan of BMD by making an exception for the CFMEU organisers who attended the Project.
5. Concerns with this exception were raised due particularly to the progression of the Project and the multiple different active work areas across an expansive area, with numerous access gates. As Principal Contractor on the Project BMD has workplace health and safety obligations to ensure the health and safety of workers and others, so far as is reasonably practicable. One of the ways in which this obligation is satisfied is by ensuring that BMD knows who is present on the Project so they can all be accounted for in the case of an emergency. The electronic sign-in system through Rapid Access is important as it means that there is a central location where there is a record of who is at the Project at any given time and a number of senior site personnel can access and check off that record should an emergency situation arise. The challenge with the exception that was being made for the CFMEU organisers was, if only one or two individuals were aware they were on-site at the Project, and they were involved in an emergency situation themselves, there is the potential that BMD would not know that it needed to account for the CFMEU organisers who had not signed-in. That is an even greater challenge, particularly when there are active work areas directly adjacent to and on the Brisbane River.
6. The induction also ensures that the key safety requirements for visitors are conveyed, and recorded as conveyed and understood, on each entry, as a step to seek to ensure the provision and maintenance of a work environment without risks to health or safety.
7. Ultimately, the visitor induction and site sign in requirements applied to everyone who worked on or visited the Project. I do not know why Mr Hahn made an exception for the CFMEU organisers, as it was not the normal process, and was inconsistent with the Safety Management Plan of BMD.
8. As stated in my prior affidavit, I was at the Project on 23 April 2024 when Hayden Turner-Davy, Dylan Howard and Matthew Vorhoff entered site and refused to sign the visitor



register, acknowledging that they had completed the visitor induction and to ensure that there was a central record of who was on site that day. I recall during the course of the ongoing discussions over many hours, seeing the visitor sign-in register they were being asked to sign by Grant Benson, BMD's Industrial Relations Representative. On that visitor sign-in register were the names of Gary Georgiou and Sean Donald. This stuck out to me, because they are the Chief Executive Officer and General Manager QLD of BMD's joint venture partner, Georgiou. They completed the visitor sign-in register regardless of their seniority and experience in civil construction. Annexed hereto and marked **GG1** is a true and correct copy of the physical "Visitor Daily Attendance Record" for the project on 23 April 2024.

9. Mr Hahn ceased holding the position of Project Director towards the end of March 2024, I do not recall the exact date, though believe it was in the last week of March. Mr Gareth Davie subsequently took over that role. Again, while I do not recall the exact date Mr Davie took on the role of Project Director, I believe it was on or around 3 April 2024 based on when I first started receiving messages from Mr Davie.
10. One of the matters which had been listed on the notices of entry issued by CFMEU organisers, which they were allegedly seeking to inquire into was, "information, instruction, training and supervision", the very things the visitor induction and sign-in requirements were, in part, implemented to address.
11. Consistent with BMD's safety obligations, there has been an emphasis on the consistent implementation of the Safety Management Plan requirements.
12. During March and April 2024 there was an increase in reports of external activity around the Project, regarding the steel which was to be used for temporary structures. By external activity around the Project I mean that:
 - (a) On 15 March 2024 I received a text message to inform me that there were approximately 15 people sleeping near Gate 1 to the Project.
 - (b) On 18 March 2024 I received a text message informing me that personnel from the CFMEU were at the steel supplier's yard, walking around and seeking information about when the steel was leaving the yard to come to the Project.
 - (c) At various times through March, groups of 15-20 people, not associated with the Project would gather around Gate 1.
13. Those external activities in conjunction with increasingly regular attendance by CFMEU organisers, caused some of the workers to express concern, given they would walk past these groups on their way to and from the site office and the CFMEU organisers were refusing to comply with requests made of them to sign-in and complete visitor inductions.

Those concerns were ultimately reflected in the interactions that occurred on 17, 23 and 29 April and 14 May 2024.

14. A decision was made after the events on 17 April 2024, as a result of the increasing unease, to engage the services of Steve Lovewell and Grant Benson as Industrial Relations Representatives to minimise the psychosocial risk to the workers on the Project by removing them as much as possible from what were becoming increasingly terse interactions and allowing them to focus on the key functions of their roles.
15. I am aware that on 23 April 2024, after Inspectors from Workplace Health and Safety Queensland attended the Project, they issued two Improvement Notices.
16. One Improvement Notice was issued in relation to the alleged absence of a geotechnical report for the area where a concrete pump had been set up on the northern abutment of the Project. That Improvement Notice was ultimately withdrawn by Workplace Health and Safety Inspector Jason Argent, after he considered the information provided. Annexed hereto and marked **GG2** is a true and correct copy of the email received from Principal Inspector Argent on 26 April 2024 confirming the Improvement Notice has been cancelled.
17. There were no other concerns identified with the concrete pump and the only reason it left the Project on 23 April 2024 was as a result of concrete deliveries having to be turned away, because Dean Mattas and Eben Cox prevented the concrete pump from being set up.
18. The second Improvement Notice was issued in relation to fall control measures implemented on the northern abutment of the Project. Although security fencing had been erected around the area concerned to prevent access to where there was a potential fall of 800mm further controls were then implemented.
19. On 24 April 2024, Principal Inspector Argent also issued an Improvement Notice due to an alleged failure to comply with section 118(3) of the WHS Act, concerning the failure to provide steel testing documentation to WHS permit holders. BMD challenged that Improvement Notice on the basis the Inspector could not have reasonably believed that a contravention had occurred. On 21 May 2024 I was informed by BMD's lawyer, Damian Hegarty, that the Improvement Notice had been set aside and cancelled following an Internal Review process undertaken by the Office of Industrial Relations.
20. There has been increased security around the Project, including access gates being locked to prevent unauthorised access to work areas. Each of those access gates is permanently manned with personnel who have keys to unlock those gates in the event of an emergency. The need for increased site security was highlighted particularly on 29 April 2024 when a number of CFMEU organisers forced their way into work areas. Also, as there is a public footpath which goes through the centre of the Project, there is a

requirement to ensure the work areas are not inadvertently accessed by members of the public, and placing the safety of both the public and workers at risk.

21. In my earlier affidavit I noted that works that had been interrupted on 17, 23 and 29 April 2024 in particular were critical path works. When critical path works are interrupted, there is often a consequential delay that exceeds the interruption itself. What I mean by this is that a single day interruption, for example by preventing a concrete pour from occurring, can have the consequence of causing multiple days of delay as a result of the need to do a number of things, including:
- (a) Re-sequence work activities that need to be undertaken;
 - (b) Re-arrange traffic control/partial road closures that are required for an activity to be performed;
 - (c) Re-order materials and transport of those materials, that is not necessarily readily available.
22. These delays and costs are evolving and it can take some time for the true value of the cost and delay to be accurately assessed.
23. With respect to the usual undertaking as to damages which has been provided, I annex hereto and mark **GG3** a true and correct copy of the Annual Review of BMD Group, which includes information regarding BMD Constructions revenue turnover during the 2023 financial year.

Sworn / Affirmed by the deponent
at Brisbane
in Queensland
on 22 May 2024
Before me:

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Signature of deponent

Signature of witness

Damian Hegarty, Solicitor

Exhibit "GG1"
To the Affidavit of Gary Grant
Sworn 22 May 2024

No. QUD245 of 2024

Federal Court of Australia
District Registry: Queensland
Division: General

B.M.D Constructions Pty Ltd

Applicant

Construction, Forestry and Maritime Employees Union and others

Respondents

This is the exhibit marked "Exhibit GG1" produced and shown to Gary Grant at the time of swearing his affidavit on 22 May 2024.

Affirmed by the deponent
at Brisbane
in Queensland
on 22 May 2024
Before me:

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)
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)
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Signature of deponent

Signature of witness

Damian Hegarty, Solicitor

Visitor Daily Attendance Record

Project: Centenary Bridge Upgrade

Project No.: 815-J019

Foreman: Sead Jukic, Greg Calder, Dean Searle, Ben Wilson.

Date: 23/04/2024

- Visitor must notify immediately the BMD host if you "Unwell" and/or "Displaying COVID Symptoms", or been in "Close Contact with a Confirmed COVID Case" or travel to/from a COVID Hot Spot"
- Visitor must be escorted at all times when on site by a fully inducted person.
- Visitor must sign in and sign out of the attendance register at the front desk.
- Site PPE must be worn as directed by signage or instruction. Additional PPE may be required. Minimum PPE (for visitors) is long sleeve shirts with High Viz clothing or Reflective vests & safety boots, hard hats and safety glasses.
- Emergency Procedures – follow instructions of BMD escort. Assembly area is situated at the site office.
- Visitors must not operate any plant or equipment.
- Visitors are not permitted to drive on site unescorted.
- Incident reporting, all safety and environmental incidents to be reported.
- Visitors are not permitted to undertake any work on site unless first undergoing a full site induction.
- Visitors are not to approach operators whilst they are operating plant.
- Visitors are not to place themselves or others at risk and maintain good hygiene and physical distancing at all times.

Please complete if you are a site visitor or are project staff that are not required to attend a prestart meeting.

	Name	Company	Time In	Initial	Alcohol tested as required. (Y/N)	Response to COVID question in (Y/N)	Have you sustained an injury today? (Y/N)	Time Out	Initial
1	G GEORGION	GEORGION	6:30	GG	Y	Y	N		
2	S. DORAN	"	6:30	SD	Y	Y	N		
3	Matthew Varha	CFMEL	6:40		N	Y	N		
4									
5									
6									
7									
8									
9									
10									

Note: The default answer in relation to the question "Have you sustained an injury today?" is 'No'. If you do not indicate that you have had an injury, BMD will view any non-reported injury as not work related.

All incidents are to be reported and recorded immediately in the Incident and Accident BMS database.

Exhibit "GG2"
To the Affidavit of Gary Grant
Sworn 22 May 2024

No. QUD245 of 2024

Federal Court of Australia
District Registry: Queensland
Division: General

B.M.D Constructions Pty Ltd

Applicant

Construction, Forestry and Maritime Employees Union and others

Respondents

This is the exhibit marked "Exhibit GG2" produced and shown to Gary Grant at the time of swearing his affidavit on 22 May 2024.

Affirmed by the deponent
at Brisbane
in Queensland
on 22 May 2024
Before me:

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)
)
)


Signature of deponent


Signature of witness

Damian Hegarty, Solicitor

Damian Hegarty

From: Gareth Davie [REDACTED]
Sent: Friday, 26 April 2024 3:06 PM
To: Ben Weston
Cc: Quinn Murray; Gary Grant; Leo Zuna; Sean Donald; Roger Oliver; Ward Burdekin
Subject: FW: Site Inspection Centenary Bridge Upgrade
Attachments: image001.png

Ben,

As discussed, can you please let BMD legal know that WHSQ have withdrawn the Improvement Notice associated with the Abutment B crane pad.

Cheers
Gareth



Gareth Davie
Project Director
BMD Constructions

[REDACTED]
1 Sandpiper Ave Port of Brisbane QLD 4178
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

From: Jason Argent [REDACTED]
Sent: Friday, April 26, 2024 2:40 PM
To: Gareth Davie [REDACTED]
Subject: RE: Site Inspection Centenary Bridge Upgrade

Good Afternoon Gareth

Based on the supplied information the Improvement Notice I2045321 has now been cancelled.

Thank you for bringing the correct information to our attention.

Kind Regards



Jason Argent
Principal Inspector – Construction
Workplace Health & Safety Queensland
Office of Industrial Relations
Phone: [REDACTED]
Email: [REDACTED]

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



From: Gareth Davie [REDACTED]
Sent: Friday, April 26, 2024 2:23 PM
To: Jason Argent <[REDACTED]>
Subject: RE: Site Inspection Centenary Bridge Upgrade

CAUTION: This email originated from outside of OIR. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hello Jason,

Thanks for your time on the phone before.

We have just completed an internal review of the Improvement Notice I2045321 - Crane Pad Located at Abutment B and have found a few anomalies.

1. The information you were provided on the day were in fact 3 x individual Site Inspection Reports/Designs
 - a. Bonacci Infrastructure Structural Design Certificate dated 8 November 2023
 - i. Abutment B piling and crane platform
 - b. Geoinventions Site Inspection Report dated 11 December 2023
 - i. Pre-bore a temporary pile using a BG28
 - c. Geoinventions Site Inspection Report dated 8 January 2024
 - i. Lifting a BG28 onto the lower platform
2. The plant that was being used on the day was a 30T concrete pump , not a BG28 piling rig (weight 100T, extraction force 330kN), CKE 2500-2 crane (weight 220T, 110kN), M12000-1 crane (weight 100T, 100kN) which is not relevant to the 3 x Site Inspection reports
3. Geoinventions Site Inspection Reports were both completed prior to the Abutment B getting piled and poured and the reports are now deemed irrelevant (internal NCR noted to close this temporary works design)
 - a. The 30mm/24hr from Geoinventions Site Inspection Report dated 8 January 2024 is now noted as not required to apply as the global stability risk is now deemed non-existent with the installation of the abutment and subsequent 6 x piles stabilising the batter face
4. The JV team has complied with BMD's Temporary Works Permit (Page 2) and have conducted a proof roll prior to the mobilisation of the concrete pump (morning of 23/04/24)

Earthworks - Construction Inspection and Sign Off

The crane pad on the above stated Project site has been constructed in accordance with the attached geotechnical design. Proof roll test is to be conducted with a fully loaded water truck and witnessed by an experienced engineer.

Test	Location	Result
Compaction Testing as attached	Abutment B	Pass
Proof Roll Test	Abutment B	Pass - 2/11/23
Proof Roll Test	Abutment B	Pass - 10/01/24

Thanks for your review of the Improvement Notice. As mentioned we have picked up on a couple of minor improvements with our internal QA process and have rectified these in our system.

Thanks and regards
Gareth



Gareth Davie
Project Director
BMD Constructions

[REDACTED]
1 Sandpiper Ave Port of Brisbane QLD 4178
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

From: Jason Argent [REDACTED] >
Sent: Friday, April 26, 2024 7:20 AM
To: Gareth Davie [REDACTED] >
Cc: John Azcune <[REDACTED]>
Subject: FW: Site Inspection Centenary Bridge Upgrade

You don't often get email from [REDACTED] [Learn why this is important](#)

Good Morning Gareth

This where two improvement notices served for the Northern Side of the Bridge, Ben requested I email them to him, Late yesterday I have received undeliverable report. Could you please forward to him. I am assuming compliance has been meet.

Many thanks



Jason Argent
Principal Inspector – Construction
Workplace Health & Safety Queensland
Office of Industrial Relations
Phone: [REDACTED]
Email: [REDACTED]

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



From: Jason Argent
Sent: Tuesday, April 23, 2024 5:53 PM
To: [REDACTED]
Cc: John Azcune <[REDACTED]>
Subject: Site Inspection Centenary Bridge Upgrade

Good Evening Ben,

Thank you for your time on site today and the inspection conducted at the Centenary Bridge Upgrade in particular Abutment B Crane Pad, Please find below formal directions as discussed.

- **Improvement Notice – Geo Tech Report**
- **Improvement Notice – Edge Protection**

Please check the notices to confirm compliance due dates. If you are unable to meet the compliance date and time, you will need to contact me prior to the due date and discuss options.

Information detailing appeal rights or privacy is on the back of the notices. **It is also a requirement to display the notices in a prominent place at or near the workplace.** Penalties apply for non-compliance with the notice and failure to display a notice.

Return signing of the notice is no longer accepted as compliance of the notice - please provide sufficient information to demonstrate compliance has been achieved (return photos/certificate/statement e.g.).

Additionally, find below link to information that might be useful:

Compliance monitoring and enforcement policy- CMEP WHS link:

- <https://www.worksafe.qld.gov.au/about/publication-scheme/our-policies/office-of-industrial-relations-policies/compliance-monitoring-and-enforcement-policy>

Hope this information is helpful – don't hesitate in contacting me should you need further assistance or concerns complying.

Regards



Jason Argent
Principal Inspector – Construction
Workplace Health & Safety Queensland
Office of Industrial Relations
Phone: [REDACTED]
Email: [REDACTED]

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



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This email (including any attached files) is intended only for the addressee and may contain confidential information. If you are not the addressee, you are notified that any transmission, distribution, printing or photocopying of this email is strictly prohibited. If you have received this email in error, please immediately notify the Office of Industrial Relations and delete any copies. Unless explicitly attributed, the opinions expressed do not necessarily represent the official position of the Office of Industrial Relations. The Office of Industrial Relations does not accept any responsibility for any loss or damage that may result from reliance on, or the use of, any information contained in this email and/or attachments. It is your responsibility to ensure that this email and any attachments do not contain and are not affected by computer viruses or defects as this message is transmitted over Internet.

Exhibit "GG3"
To the Affidavit of Gary Grant
Sworn 22 May 2024

No. QUD245 of 2024

Federal Court of Australia
District Registry: Queensland
Division: General

B.M.D Constructions Pty Ltd

Applicant

Construction, Forestry and Maritime Employees Union and others

Respondents

This is the exhibit marked "**Exhibit GG3**" produced and shown to Gary Grant at the time of swearing his affidavit on 22 May 2024.

Affirmed by the deponent
at Brisbane
in Queensland
on 22 May 2024
Before me:

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)
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Signature of deponent

Signature of witness

Damian Hegarty, Solicitor

BMD Group Annual Review 2022-2023



WE SEE THINGS
DIFFERENTLY



ACKNOWLEDGEMENT OF COUNTRY

The BMD Group acknowledges the Traditional Custodians of the lands in which we operate and pay respect to Elders past, present and emerging.



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Chairman's report

Mick Power AM
GROUP BOARD CHAIRMAN

The last 12-months can be summed up in just one word, excellence. For a journey beginning in Brisbane's bayside, it's extremely rewarding to see our expertise and difference in terms of our relationship-orientated and collaborative approach continue to succeed across Australia and overseas.

Our successes over the year are a result of the unwavering dedication and hard work of each member of the BMD family. It has been a period of significant growth and achievement, marked by a record turnover. The challenges posed by the post-COVID landscape did not deter us; instead, they ignited a spirit of resilience and innovation that propelled us to new heights as we continued to enhance our strategy and maintain our high-performing culture.

This year presented tremendous opportunity. As I reflect on our achievements, I am reminded by the vision that has fuelled our journey. Our vision is grounded in the principles of family, resilience and the importance of building strong relationships. Today, I am pleased to see our values of family, determined, empowering, collaborative and striving to do better are not only upheld but ingrained in the very fabric of our company culture. The BMD family, now comprising more than 2000 people, represents the enduring strength of these values.

Our 20 Year Club members represent an important part of our culture and I would like to extend my heartfelt thanks to all 122 members for the way in which you embody loyalty and dedication. Your commitment to our business highlights the strength of our culture. This year, I was pleased to welcome 10 new members in Ben Evans, Dale Byrne, Troy Fenech, Rodney Sellars, Alan Smith, Stephen Brecht, Adrian Wilkinson, John Ciantar, Rodney Roberts and Todd Thornton. We also welcomed four members into the 25 Year Club: Michael Keynes, Andrew Nakov, Glenn Rose and Lisa O'Driscoll.

In the face of the industry skills shortage, our retention strategy has proven crucial. Additional investment in upskilling and training has not only addressed resourcing costs but also opened new opportunities for the career growth of our people. We are not just a company, we are a family and nurturing our talent remains at the core of our success.

This year our internal recognition program, the Dare Awards marked 10 years of celebrating the remarkable achievements of our people. The awards are a unique expression of our commitment to acknowledging outstanding performance aligned with our company values. Congratulations to the 15 winners for the way in which you go above and beyond for our business. These peer-nominated awards also provide a fantastic opportunity to celebrate our entire workforce for their contributions.

This year has been significant in the partnerships space as we have welcomed the Melbourne Vixens, the Western Sydney Wanderers and the BMD Rumble to our \$1 million sponsorship portfolio.

BMD has a strong track record of supporting sporting clubs, including the North Queensland Cowboys, BMD Northcliffe Surf Lifesaving Club, Brisbane Lions AFL and AFLW, BMD Wynnum Manly Seagulls men's and women's teams and the Queensland Rugby League senior women's state-wide competition, the BMD Premiership.

Our goal in the next 12 months and beyond is to deepen these partnerships by offering flexible employment opportunities at BMD for athletes outside of their sporting commitments and extending our presence in communities through associated grassroots clubs.

BMD has always been a relationship-orientated contractor and our recent acquisition in the UK reflects the way in which we intend to combine British expertise with our Australian capability. I extend my sincere congratulations to TUSP's founding partners, Richard Smith and Steve Hobden, as we embark on a future as TUSP powered by BMD. It represents not only our international expansion but a connection between continents, allowing us to share valuable insights and learnings.

Overall, the Group is in a solid position and I am pleased with the focus and discipline that has been applied by our leadership team to position BMD for the future. As we look ahead, the opportunities for positive change are abundant. With growth comes the responsibility to support our people internally, diversify our capabilities and expand our geographical footprint.

With an enormous amount having been achieved in FY23, I would like to thank our leadership team and our people for their hard work, passion and dedication over the past 12 months.

I would also like to thank my Board colleagues for their contribution and support. As we continue our journey, let us embrace the challenges and opportunities that lie ahead with the same energy that has defined us for over four decades.



CEO's report

Scott Power

GROUP DIRECTOR
CHIEF EXECUTIVE OFFICER

I am pleased to report to you on the BMD Group's performance over the last 12 months. The business has experienced exponential growth as we delivered on our strategy across the pillars of People, Process and Performance.

In the past year, our people have demonstrated an unwavering commitment to excellence across all projects and operations. From delivering a record turnover of more than \$2 billion to strategically expanding our geographic footprint and successfully diversifying our capabilities, we have leveraged the recent periods as a platform for scale.

Financially, this year has been a landmark one, marked by record turnover and our infrastructure business exceeding all targets exceptionally. Yet, we are not content with merely meeting expectations; our focus remains on continuous improvement and innovation to ensure sustained success.

Across the Group, we were awarded more than 324 projects and managed the successful completion of 285 projects across our Australian and international operations.

It has been incredible to see the strong performance delivered this year by our BMD Constructions division, which delivered record turnover and contributed over 68% of the Group's total revenue. This success is a result of the efforts in diversifying across sectors, allowing us to secure some milestone projects.

To ensure our diversification strategy maintains its strong trajectory and supports the sustainability of BMD, we have bolstered our operational management this year across the key areas of water and wastewater, energy and defence.

This year we successfully diversified our capabilities into new and emerging markets, whilst retaining strong growth in our traditional market sectors where we remain wholly committed to our clients and the delivery of key infrastructure.

Other key achievements include JMac growing and strengthening our building capability in the small commercial and low to mid rise residential market, and Urbex successfully launching new capabilities, bringing to market several exciting residential apartment products to capitalise on opportunities.

Our success has not come without its challenges. Escalation in costs and the availability of resources put significant strain on parts of the business at various times. It is in confronting these challenges that we refine our strategies, strengthen our foundations and emerge more resilient than ever before.

Our three year business strategy came to a renewal in June 2023. Focused on the pillars of People, Process and Performance, I'm proud of what we achieved in rolling out this strategic approach, including implementing a Group-wide structured training and education program for our people and leaders, bettering our safety and wellbeing processes for improved outcomes, and transforming our digital functions as a group of companies.

Through execution of our strategy, we delivered exceptional performance for our stakeholders, which is a great outcome and a credit to our people.

PEOPLE AND CULTURE

BMD was founded on the premise that success is achieved through people. This is truer now than ever before. What we have achieved this year would not have been possible without the incredible pool of talent we have across the Group.

We remain committed to retaining our people and have implemented strategies to provide ongoing benefits for them. This has involved significant investment in upskilling and training to foster increased opportunities for career growth, which has been particularly pertinent in this period of working across sectors.

We measure success in training by the direct benefits it creates for individuals and it has been rewarding to see significant movement across the Group. Growth in a business presents opportunities for our people and this year we have seen our people step into higher roles, new areas of the business, or accepting an opportunity to move interstate or internationally.

At BMD, we are committed to building a more diverse industry by increasing the number of women in construction. We believe in the power of inclusion because this leads to high-performing teams and best outcomes. While our representation of women is above industry standard, currently sitting at 19 per cent, we are not resting on our laurels and know there is more that we can do.

Notably, our collaboration with UNIQ You stands out as a source of pride this year, where our women actively served as mentors for young school students, offering valuable insights and guidance on career-related queries. As we champion the cause of diversity in the construction industry, we recognise the crucial role of early intervention and driving positive change.

In addition to this, we are proud of our long history working with, and within, Aboriginal and Torres Strait Islander communities. Our partnership with the Clontarf Foundation has been running since 2015 and aims to improve education, discipline, life skills, self-esteem and employment prospects of young Aboriginal men through exposure to our industry.

FUTURE-PROOFED PROCESSES

Our commitment to future-proofing our processes runs parallel to our growth. This is particularly important for the digital transformation of our business where we are invested in finding ways to utilise data for more efficient and effective decision-making to better outcomes across all operations.

This has been a transformative year in our digital journey as we secured a seven-year, \$17 million partnership with TechnologyOne that is set to re-engineer the way we manage our projects. The partnership will reduce inputs, maximise outcomes and equip our people with the tools needed to manage our pipeline of work.

OUR EESG JOURNEY

This year saw the BMD Group establish the Economic Environmental Social Governance (EESG) Committee to define and activate our approach to sustainability management and reporting, marking a significant step in our environmental, social and corporate governance (ESG) journey.

The launch of the committee highlights the ongoing maturity of the Group as we grow, diversify and expand into new markets in Australia and internationally. This growth will see an increase in legislative requirements and market expectations with respect to our performance in the sustainability space. The purpose of the EESG Committee is to provide oversight and guidance on BMD's sustainability and EESG strategy, particularly in respect to compliance with related laws, regulations and policies.

Made up of executives from across the Group, the role of the Committee is to advise the BMD Group Board on sustainability and EESG matters, risks, opportunities and trends. The Committee also works to ensure that BMD's sustainability efforts align with domestic and international legislative requirements and BMD's commitment to building a high performing, purpose driven workforce and inclusive culture.

HSEQ EXCELLENCE

Health, safety, environmental and quality (HSEQ) excellence is at the heart of everything we do – it's the BMD way.

This year as a Group, we recorded a total recordable injury frequency rate (TRIFR) of 4.2 across 8.5 million hours of work, which has notably improved on last financial year's result of 6.9. Our lost time injury frequency rate (LTIFR) also dropped to 0.9 this year from 2.2 in 2022. These improved outcomes highlight the success of our safety initiatives, particularly following the launch of HSEQ Excellence in 2022.

OUTLOOK

It has been an incredibly successful year and our outlook is very promising as we take our expertise to the world.

I am particularly excited by the opportunities that are emerging as a result of our international expansion. The combination of the AUKUS trilateral security partnership between Australia, the United Kingdom and the United States, the free trade agreement between Australia and the UK, and the opportunities in the nuclear sector mean there has never been a better time for Australian businesses to be in the UK.

This expansion provides our people with the opportunity to learn and return by experiencing working in new environments and different capabilities – which is particularly beneficial for the growth of our engineers and ultimately our business as we scale up in preparation for emerging markets.

I would like to thank each and every member of our BMD family for their hard work and contribution to a year for the history books. I would also like to thank my fellow Board of Directors for their continued stewardship, guidance and support. I look forward to seeing where the next 12 months takes us.



OUR BUSINESS
IS OUR PEOPLE



CFO's report

Craig Mortensen

GROUP EXECUTIVE DIRECTOR
CHIEF FINANCIAL OFFICER

The BMD Group experienced another year of significant growth which was the result of our business proving our capability and capacity to deliver projects of a scale that were once the domain of large international contractors. The commitment from our people garnered exceptional results for our infrastructure clients in all regions and across many sectors including defence, water, marine, roads and rail.

FINANCIAL PERFORMANCE

This year's financial performance has been marked by record turnover to reach over \$2 billion for the first time in the company's 44-year history.

Our infrastructure division showcased remarkable work across all areas, but specifically in Queensland, Victoria, South Australia and the Northern Territory. Our capability in the defence and marine sectors grew exponentially including significant contributions from our work on the RAAF Base Tindal in the Northern Territory, where we currently have more than \$500 million worth of work in hand. The Top End will benefit from our work in the Territory, particularly the defence and marine sectors.

BMD Urban faced significant challenges stemming from the impacts of escalation, wet weather, and the inflexibility of construction contract models given the traditional allocation of unknown risks at the time of tendering. As a result, we worked to consolidate our resources within the business unit to focus on the key growth areas of Queensland, South Australia, Victoria and the Northern Territory.

While Urbex had a good year overall, it faced headwinds due to interest rate increases affecting the land market. Despite these challenges, our property arm remained a key performer, showing resilience in a challenging environment. Looking forward, we aim to secure more land to ensure a robust pipeline of work for our property development and urban businesses as we continue to further leverage our integrated offering.

Our engineering and design business, Empower holds an integral role in this integrated business model and has continued to grow and expand its offerings for our business.

Our commercial landscape construction and building division, JMac demonstrated high performance, this year making a clear distinction between its two main capabilities - landscape construction and building - as key contributors to turnover.

ACHIEVEMENTS

The rollout of technology advancements through our DigiLead project continued across our finance department and Urbex division, which is now a third of the way completed, and our focus is shifting to the infrastructure side of the business. With the pace of digitisation increasing and the world in which we operate changing fast, these advancements will capture efficiencies and significantly drive productivity through improved systems and processes.

We are also on track with the implementation of a strategic review of our commercial blueprint, which is crucial for the long-term sustainability of our operations. Following the successful expansion into the water and defence sectors, and offshore with continued growth in the Philippines and the acquisition of TUSP powered by BMD, we are well positioned to access new opportunities globally. As part of the strategic review, our focus will remain on regional expansion as we look to take advantage of international infrastructure programs in the key sectors of water, energy, defence and marine.

The success of BMD's infrastructure division is a result of our major strategic imperative - diversification - as water and defence projects have become equal contributors to transport in our portfolio. We now have a water project in every major Australian city.

We are particularly proud of our achievements in the defence space, with key projects operating in South Australia, Western Australia and the Northern Territory. Our support transitioning to renewables is also a notable achievement this year with the delivery of the Hawkesdale Wind Farm in regional Victoria and significant tendering for future projects taking place.

In the property and land development space in South East Queensland, we have seen continued success through the Minnippi residential development as well as new opportunities secured in Brisbane's bayside.

Investment in our operations in the Philippines has continued to deliver benefits. We have secured valuable infrastructure projects in the region, particularly in the water and marine sectors, and we anticipate leveraging our local experience to access upcoming defence work in Southeast Asia and the Pacific region.

CHALLENGES

Challenges have not been absent this year, with resourcing costs escalating due to the high demand for employees, particularly in engineering, operations and corporate roles. However, our people remain vigilant, resilient and adaptable in navigating these challenges.

To further support the operational growth of the business, we remain focused on streamlining processes. As part of this approach, we have established BMD Global Services in Manila to expand the corporate services function of the Group.

The property market's trajectory, influenced by interest rates and geopolitical issues affecting raw material costs, presented ongoing challenges. Since inception, BMD has established a relationship-first approach to doing business and we proudly leveraged our long-term partnerships to navigate these obstacles.

OUTLOOK

Looking ahead, despite economic and geopolitical uncertainties, our outlook remains positive. Our infrastructure division boasts a robust forward order book, validating the success of our diversification strategy and delivery of long-term growth.

Our property and land development businesses, with their potential for growth, and the promising outlook for our UK expansion, further bolsters our confidence. We are committed to geographical diversification and skill development, particularly in the nuclear and rail sectors, and this positions us for sustained success and contributions to major international projects.

As we move forward, our strategic imperatives of diversification, digital transformation, and international expansion will continue to be the cornerstone of our success. Our achievements this year have solidified our position as Australia's largest privately owned civil contractor and strengthened our international appeal as we unlock the considerable value of our pipeline over the coming years. Ultimately, we plan for continued growth, further geographical expansion and improved commercial results.



FAMILY

We are proud of our family company heritage. This heritage means we value each individual, we respect and encourage diversity, and we create and promote a sense of belonging.

EMPOWERING

We empower our people to develop the self-belief that will enable them to realise their potential. The resulting flexibility, initiative and responsiveness sustains our business growth and success.

COLLABORATIVE

We work as a team in the belief that collaborative achievement results in creative relationships of long-term mutual benefit. Our no-blame culture focuses on finding what works best, sharing success and enjoying the experience.



DETERMINED

We persist despite the obstacles. We celebrate effort as well as achievement and we are tenacious in our pursuit of the objective.

STRIVING TO DO BETTER

We aspire to be the best at what we do through fresh thinking, hard work, continual learning and a shared sense of purpose. We take great pride in our achievements.



UNITED KINGDOM

PHILIPPINES

Our offices

Our experience extends across Australia, the UK and the Philippines.

Our capability enables us to deliver projects across the following sectors:

AVIATION

RAIL

PORT

RESOURCES

DEFENCE

TRANSPORT

WATER AND WASTEWATER

LAND DEVELOPMENT

COMMUNITY INFRASTRUCTURE

BUILDING

ENGINEERING DESIGN

LANDSCAPE CONSTRUCTION





At a glance

PEOPLE

11% growth
in employees to
2000

Spent more than \$37 million
with 76 Aboriginal and Torres
Strait Islander businesses

19%
of our workforce
are women

More than \$1 million
invested into the communities in which we
operate through corporate partnerships and
community programs.

Worked with over
6000
Australian suppliers and
subcontractors
(27.6% annual increase)

\$487,000 average spend with
Aboriginal and Torres Strait
Islander businesses per vendor
(up 37% from last year)

PROCESS

\$1.45 billion
2019 - 20

\$1.46 billion
2020 - 21

\$1.64 billion
2021 - 22

2022-23
RECORD REVENUE

\$2.03 billion
(24.1% annual increase)

Group revenue

324

projects awarded

285

projects completed

100

projects operating
at any one time

REVENUE BY BUSINESS UNIT

BMD Constructions —→ 68.62%

BMD Urban —→ 21.71%

Empower Engineers & Project Managers —→ 0.24%

JMac Constructions —→ 3.49%

Urbex —→ 5.94%

Ranked #31

on IBISWorld's Top 500 Private Companies list reaffirming our status as Australia's largest privately owned civil contractor.

Ranked #37 in the Australian Defence Magazine's Top 40 Contractors.

Ranked #51 in the Prosple Top 100 Graduate Employers in Australia.

PERFORMANCE

Delivered projects valued up to

\$900 million

Approximately

\$2.9 billion

of work in hand

Largest ever water project secured with the award of the \$714 million Fitzroy to Gladstone Pipeline in North Queensland being delivered in joint venture.

Reduced lost time injury frequency rate from

2.2 in 2022 to 0.9 in 2023

8.5 million

hours were worked
across the Group

WE SEE THINGS DIFFERENTLY



Living our values

With more than 2000 people making up the BMD family globally, our people are the foundation of our business. We have a distinctive way of seeing things differently which is critical for high performance and empowers our people to bring the best to improve their work every day.

THE BMD WAY

After 44 years, our business will always be centred on our people. Retaining and attracting an inclusive, diverse and talented workforce remains one of our key priorities.

Over the last year we have worked tirelessly to expand our family globally, including project-specific recruitment drives, and increasing our offering of traineeships and apprenticeships. Our Human Resources team has also created a unique point of difference and level of support for our people working on FIFO/DIDO rosters. This is essential as we continue to win contracts in remote locations where our people are working away from home.

We have also shifted our focus internally in the hopes to retain longer term employees and are proud to have more than 7% of our people promoted internally across the business. We also expanded our graduate program intake over the last year. As the future engineers and corporate professionals of the business, we see it as the best opportunity to induct them on the BMD way from day one and provide the skills and experience needed to succeed for a growing career with us.

The growth of our people is a top priority and we are committed to nurturing careers by providing genuine and focused learning and development opportunities. Our performance and development platform, 'Perform at BMD' finished its first official cycle which was centred around goal setting and ensuring conversations and feedback occurs regularly within the business. Our Human Resources team will be partnering with managers moving forward to assist them in supporting our people to achieve their desired training and career progression objectives.

New starter days have been rolled out as a way to welcome new people, formally introducing peers and leaders to our values and the BMD way. Our onboarding process and retention tactics were improved, which saw the development of welcome packs for new employees and the launch of our rewards and recognition platform, Thrive. The unified employee engagement hub provides the best of recognition, reward, wellbeing, surveys, benefits and discounts to support talent acquisition, retention and values-driven growth.

We were thrilled to celebrate our people at the annual Dare Awards which were held in eight locations across Australia. Named after Dare Power, father of our founder Mick Power AM, the awards are focused around celebrating individuals and teams who live and breathe the BMD values and have demonstrated outstanding performance and significant contributions to the business. Out of the record breaking 1500 nominations received, 15 awards were announced, acknowledging our teams and people who dare to do things differently.

With the huge growth of new starters joining our BMD family, the knowledge and experience of our longstanding employees is more important than ever and a testament to the continued dedication of our people. Our 20 Year Club members are proud examples of the BMD way with this group indicating loyalty and dedication to BMD and custodians of our culture. With 10 members inducted within the last year, plus four members inducted into the 25 Year Club, we are very proud to have a total of 122 loyal members.



EMPOWERING FUTURE LEADERS

Investing in the learning and development of our people remains a key focus in BMD's retention strategy. Our founding leadership programs serve to develop emerging talent for the critical skills we need for the future. To enable us to foster this type of culture we have created four unique programs. These include, Foundations, Formwork, Fortitude and Leading HSEQ Excellence.

Our industry-leading graduate program, Foundations is uniquely designed for the next generation of university leavers pursuing construction industry professions, with a strong focus on setting participants up with the technical skills, knowledge and leadership behaviours to drive their career at BMD and create an impact everyday within our industry. We were delighted to see 52 graduates through the program in the past year.

Our Formwork program is focused on growing our up-and-coming leaders from field based roles into senior leaders. The field leadership program provides a connection to senior business leaders across BMD driving collaboration to enhance relationships and improve business outcomes, with 18 people completing the program this year.

The Fortitude program is our investment in the development of leaders, entrenched in our uniquely strong culture – what we call the BMD way. Participants are identified as future leaders within our business and explore a variety of real-world topics as they deepen their understanding of the business and forge strong networks with our senior leaders and one another. Twenty-one people completed the program within the past year and during that time, we have seen a number of internal promotions for participants from within the program.

We have also increased our leadership program offerings across technical areas including the pilot program, Leading HSEQ Excellence. Launched in Western Australia, the program was designed with a strong focus on fostering a culture of excellence in HSEQ and on understanding and adhering to governance principles. It was also established following a need to meet the gap between the technical and cultural proficiencies required for excellence. We were delighted to see 30 people through the pilot with discussions around launching this to the wider BMD business next year.

Fresh thinking is critical to progressive engineering and delivering transformative infrastructure. As a founding member of Constructionarium Australia, we were proud to contribute to the program's growth in both Queensland and Victoria. With collaboration, knowledge sharing and problem solving the key to success in our industry, this program ensures our next generation of engineers have the hands-on experience and skills needed to construct Australia's future.

DIVERSITY AND INCLUSION

We continue to build a more inclusive and diverse workforce which further enhances our performance and better reflects the communities in which we operate. The percentage of women in our business remains at 19% and we are committed to making improvements in this space.

Our Women@BMD working group aims to make progressive actions to create a positive culture for women. A proud achievement out of the group this year was our work with UNIQ. You where our women continued to be mentors for young students by providing answers to career questions. A business, we are committed to improving diversity across the construction industry and early intervention is critical. We also see ourselves as having a leading role in increasing female representation in underrepresented industries more broadly and have been leveraging our corporate partnerships to achieve this.

This year we successfully launched the BMD Athlete Employment program which aims to leverage our affiliations and corporate partnerships. A particular focus has been on our affiliation with the women's teams to provide career opportunities at BMD. A focus of Women@BMD has been updating flexible work policies and providing a framework which allows these women to pursue a sporting career and a career off the field. With various major sporting partnerships across Australia and the increase in viewership of women's sport, it is an exciting time to combine these commitments through the program.



Our approach to community

At BMD, we continually strive to do what's right and to be known for making a positive and lasting impact in the communities in which we operate. Our commitment to our workforce sustainability, diversity and inclusion, social procurement, and legacy is ingrained in our culture.

We work collaboratively with various stakeholders, including government bodies, subcontractors and local communities, to ensure that our projects create a positive and lasting impact. Our dedication to meeting or exceeding social targets reflects our mission to promote equality and social responsibility within the construction sector.

Over our history through a relationship-based and collaborative approach, we have built an extensive network of industry professionals, earned trust from our clients, and continuously demonstrated our ability to deliver projects that meet the highest standards. This year we reported a spend of \$4.38 million with registered social enterprise companies.

SOCIAL PROCUREMENT

Veterans in Construction

BMD invests in job creations across the community and proudly continued our partnership with labour hire company, Veterans in Construction (VIC). VIC provides veterans with a platform to gain employment in the civilian sector after serving in the Australian Army Corps. The company was founded in 2018 for veterans by veterans and offers a thorough understanding of what attributes veterans bring to the workforce, helping returned servicemen and women to upskill and match with construction jobs suited to their skills and personal qualities. Our spend with VIC was \$3.7 million, with the skilled labour professionals engaged on our Hall Road Upgrade, Western Treatment Plant, and Hawkesdale Wind Farm projects.

OC Connection Enterprises

We proudly collaborated with Major Road Projects Victoria's (MRPV), OC Connection Enterprises (OCCE), and M1 Traffic on the Fitzsimons Lane Upgrade, raising the bar on sustainability and social procurement goals within the state.



In an Australian first initiative, close to 1000 end of life damaged bollards were 100% recycled into new eco-friendly T Top bollards. The new bollards are made from 100% high density polyethylene, while the base is made from 70-90% recycled black PVC. The bollards meet Australian Safety Standards and are safe for day and night use.

OCCE is a Social Traders certified social enterprise, employing over 90 people. Not only does this initiative provide meaningful long-term employment opportunities for people living with disability, it has environmental benefits, supporting the Recycling Victoria policy and environmental and sustainability targets.

NLA Logistics

The partnership between NLA Logistics and BMD on the Hall Road Upgrade project has been a game-changer for subcontractors by offering a reliable source of work within the local community. BMD's investment in providing comprehensive training and skills development on the project has led to the growth of the Indigenous and female owned business, and further supported Indigenous businesses through the supply chain. NLA Logistics represents a shining example of what can be achieved through a strong commitment to Indigenous capacity building and the creation of opportunities that can lead to generational change.

LEAVING A POSITIVE LEGACY

Community Assistance Program

We were proud to launch the BMD Community Assistance Program in January 2023, following the success of our COVID-19 recovery program in 2021. With two intakes annually, the program aims to make a difference for community groups, sporting clubs, schools or not-for-profits in the communities in which we operate. We proudly allocated \$55,000 in funding to 22 organisations around Australia in the program's first intake.



St John Vianney's Primary School

BMD was honoured to donate and install water stations at St John Vianney's primary school in Manly, Queensland to keep students healthy and hydrated. The 'hydration stations' project was initiated to boost student's water intake and features chilled water units and standalone bottle fillers. The project will equip the future generation with healthy and sustainable habits.

Children's Cancer Institute

BMD participated in the Townsville to Cairns Bike Ride (TCBR) and raised a huge \$10,000 for the Children's Cancer Institute - the highest figure raised in one day as part of the fundraising campaign. A total of \$300,000 was raised through TCBR to help fund childhood cancer research.

With over 200 children on average diagnosed with childhood cancer each year in Queensland alone, this was a fantastic cause to get behind. Thanks to the donations from the TCBR, the ZERO Childhood Cancer national clinical trial has treated more than 120 children with high risk cancers and seeks to provide every child diagnosed with cancer in Queensland access to precision medicine through ZERO by the end of 2023.

Brighter Lives Townsville Hospital Foundation

We participated in the Brighter Lives Townsville Hospital Foundation's Giving Day donation drive. Having been part of the Townsville and North Queensland community for almost 30 years, we provided two iPads to the Townsville University Hospital Intensive Care Unit so that they can support those who need it most. Not only will these iPads improve the overall patient experience, but they will also further assist the ability for patients to communicate with ICU nurses and staff, as well as loved ones who may not be able to be directly bedside in times of need. We couldn't be prouder to contribute to a cause that is making some people's lives that little bit brighter.



RECONCILIATION

We believe in everyone having a role to play in achieving a more reconciled Australia. At BMD, we recognise the deep-rooted traditions, values, and cultures of Aboriginal and Torres Strait Islander peoples across Australia. As we build and shape our nation's infrastructure, we remain profoundly aware of their role as the Traditional Owners and Custodians of Country throughout Australia.



This year our procurement spend with Aboriginal and Torres Strait Islander businesses was recorded at \$37.15 million on BMD projects, with 76 creditors. Our average spend per vendor rose from approximately \$355,000 last year to \$487,000 per vendor. This highlights our increased investment in businesses that are delivering beneficial outcomes nationally, and giving added strength to the positive and mutually beneficial relationships BMD is creating with Aboriginal and Torres Strait Islander businesses.

Through the commitments of our Reconciliation Action Plan (RAP), our vision for reconciliation is to champion meaningful consultation with Traditional Custodians based on the principles of integrity, transparency and inclusiveness to deliver beneficial outcomes and leave lasting legacies.

Since first implemented in 2017, BMD has successfully moved through the Reflect and Innovate RAP phases by executing strategies and partnerships that resulted in genuine skills development, employment opportunities, and growth for Aboriginal owned businesses and people across our entire operations. Since committing to the RAP, BMD has procured over \$155 million through Aboriginal and Torres Strait Islander businesses.



Over the year we have been working with proud Bundjalung woman and Aboriginal consultant Jenni Walke, to develop our 2023 RAP that will set an elevated foundation to launch greater commitments across our operations.

During NAIDOC Week, we proudly launched our RAP artwork. "Jarndu", by Gija/Bunuba artist and former BMD employee Eulalia Martin is a captivating piece of artwork that encapsulates the essence of BMD.

At its core, this artwork demonstrates the power of unity and togetherness, drawing inspiration from the deep-seated connections BMD holds with the land, sea and sky. Just as a family thrives on shared values, support, and growth, so does the BMD community, bound by a collective spirit that embraces empowerment, determination, collaboration, and a ceaseless pursuit of improvement.



LEAVING A LASTING IMPACT

Our corporate partnerships



For over 44 years, BMD has invested in partnerships with organisations who align with our values.

We are proud to build long-standing relationships within our communities through our corporate partnerships, which have an average length of 11 or more years. We invest over \$1 million with these partners annually and continue to support local communities through grassroots and give-back initiatives.

Our commitment to supporting organisations is based on mutual respect, trust and embodying family values, and in partnering with organisations we are striving to achieve better outcomes across key areas including diversity, inclusion and reconciliation.

MELBOURNE VIXENS

We were thrilled to sign a one-year partnership with Netball Victoria and the Melbourne Vixens. With BMD committed to supporting career pathways for women in construction, this partnership presents opportunity to reach young women through a sport where the athletes are champions of leadership, empowerment and resilience.



WESTERN SYDNEY WANDERERS

This year, BMD signed onto a three-year partnership with the Western Sydney Wanderers. The partnership has a primary focus on the Women's A-League team and provides the perfect match to continue our commitment to drive female representation in the underrepresented industries of sport and construction. BMD has strong ties to the Western Sydney community where we have a robust pipeline of work. One of our main objectives of this partnership is to not only support a premier-grade sporting team, but also to engage with local grassroots clubs to understand how we can promote construction employment opportunities to women.

BMD RUMBLE

We were delighted to secure the official naming rights to the nation-wide skateboarding tour, the BMD Rumble. BMD's investment will provide the equipment and infrastructure needed for the tour over three years, with the partnership's aim to help grow the sport on a national level, including creating pathways for new skaters. The Rumble Pro Series was first awarded a grant through our COVID-19 recovery Community Assistance Program in 2021 to support its inaugural Rumble on the Reef event, which is now the largest skateboarding event in the southern hemisphere.



BRISBANE LIONS

As a major support partner of the AFL team and co-major partner of the AFLW team, BMD's relationship with the Brisbane Lions spans decades. Most recently we have begun discussions to provide career opportunities for these athletes within the BMD business to provide a pathway for access to a flexible career outside of sport. Throughout the year we were also proud to host BMD staff and their families at a number of events and family days.

WYNNUM MANLY SEAGULLS

BMD has a long history in the Wynnum Manly community. We have been the principal sponsor of the BMD Wynnum Manly Seagulls Rugby League team for over 20 years, and naming rights sponsor since 2017. Throughout the year we were proud to host BMD staff at several balcony games, furthering our commitment and support of the team.



QUEENSLAND RUGBY LEAGUE

Our partnership with Queensland Rugby League (QRL) has been running since 2022. The partnership includes naming rights to the BMD Premiership as well as being a major partner of the Harvey Norman Queensland Maroons - both women's teams, further highlighting our commitment to supporting women in underrepresented industries.

We take pride in our role as partner of the QRL BMD Indigenous Round and in 2023 we activated at Hostplus Cup games across Queensland. The partnership gives us great connections with rugby league communities in Queensland and allows us to continue our support of women's sport.

UNIQ YOU

We continued our support of UNIQ You as a foundational partner. Throughout the year our engineers engaged in sessions to educate the next generation of engineers and construction professionals to ensure STEM related fields are recognised as a meaningful career path for women.

LEGACY BRISBANE

This year we pledged a \$600,000 commitment over the next three years to Legacy Brisbane and the build of the new Legacy House. As a charity that looks after the widows and families of our veterans, we are looking forward to continuing to work closely to deliver meaningful outcomes.

IRONWOMAN BONNIE HANCOCK

BMD was honoured to support former Ironwoman and club member at BMD Northcliffe Surf Club, Bonnie Hancock who paddled 12,700 kilometres around Australia over 254 days in support of mental health. Bonnie claimed two world records for the fastest circumnavigation of mainland Australia by paddle and the longest 24-hour paddle. BMD provided support for fuel and logistics to Bonnie and her team, with all funds raised donated to Gotcha4Life, an Australian not-for-profit foundation that delivers mental fitness programs that engage, educate and empower local communities.



Safety and wellbeing

At BMD, safety is of paramount importance in everything that we do. We acknowledge that each individual plays a role in our safety culture, and as we continue to grow and diversify our portfolio of work, we must become more strategic and considered in how we promote safety across the business. For us, safety is about maintaining the health and wellbeing of our people each day and ensuring they feel empowered to take part in, and contribute to, BMD's approach to safety.

DELIVERING SAFETY EXCELLENCE

Across all operations, we completed more than 8.5 million hours of work this year with a total recordable injury frequency rate (TRIFR) of 4.2 - a significant improvement on last financial year's result of 6.9. Our lost time injury frequency rate (LTIFR) was also down year on year, from 2.2 in the 2022 financial year to 0.9. These results represent the significant dedication by our people and management to achieving safety excellence across the business.

BMD's HSEQ Steering Committee, which is made up of senior management from across the Group, continued to meet monthly throughout the year to discuss emerging and ongoing health, safety, environment and quality risks and trends. A key objective of the committee is to demonstrate leadership and foster a positive HSEQ culture. They also play a critical role in managing or providing unique solutions to key safety and wellbeing risks as identified by our people.

Across the Group this year, we focused on mitigating key risks surrounding line of fire, people and plant interaction, and spills, trips and falls after they were identified as our most common safety concerns. For each risk, relevant education materials were rolled out across business units with the goal of upskilling our people on how to appropriately manage or reduce these.

As an example, the line of fire campaign, which was rolled out across all sites, highlighted the positive steps that teams can take in planning our works to mitigate the risks of working near plant, including wearing the correct PPE and using the right tools, increasing awareness of surroundings, reviewing ABCs and ensuring a high standard of JHAs.

Safe Work Month was celebrated in October and was an opportunity to reflect on our safety outcomes from the previous 12 months and discuss opportunities for improvement. As a business, we value knowledge sharing as a key driver for improvement. As such, during Safe Work Month we encouraged our people to share examples of safety excellence from within their project and highlight the specific techniques involved. We have found this as a positive interaction between our people as it not only connects them with new knowledge from a different region, capability or sector but also creates an opportunity to celebrate the fantastic work being done in this space on a large scale.

MENTAL HEALTH AND WELLBEING

Our workplace wellness strategy is underpinned by a genuine concern and recognition of the unique nature of our employees and the work that we do. Crucially, we integrate wellbeing into our health and safety strategy and everyday operational procedures.

As we strive to do better in this space, our partnership with the Mental Health Movement (MHM) promotes and provides support for the mental wellbeing of our people. This partnership forms part of BMD's wider psychosocial risk management program that has been designed to ensure our people feel supported and identify any adjustments that need to be made to positively impact our workplace. In February, we initiated phase one of our ongoing program which involved a Group-wide survey to help reveal the psychosocial hazards in our workplace. Phase two is set to take place in the next financial year, which involves collating and understanding the data from phase one and will form the basis for our psychosocial strategy moving forward.

Our support of our people also extends to a long-standing relationship with MATEs in Construction, an important industry resource engaged to conduct industry-backed, research-based awareness programs around suicide prevention and care within the construction industry.

LOOKING AHEAD

At BMD, our business is our people which is why we look out for each other, speak up when we notice an issue and share our lessons learnt to help each other throughout our journey. We are continually reviewing our health, safety and wellbeing management system against international standards and regulations to drive its continuous improvement.

This year, BMD's HSEQ Steering Committee welcomed safety expert and founder of Forge Works, Dr David Provan, to support the development of a new strategy for managing safety excellence across our growing portfolio, which is set to be delivered in the 2024 financial year.

CASE STUDIES

HANDS ON APPROACH TO SAFETY

BMD, in alliance with Main Roads Western Australia, Public Transport Authority, Georgiou Group, WA Limestone, BG&E and GHD, is delivering a major upgrade of the Tonkin Highway in Perth, Western Australia. Following a safety incident, the Tonkin Gap Alliance came together to recreate the scenario as part of a site reset. A discussion was facilitated whereby the project team was required to identify hazards, lines of fire and alternative methods when approaching the activity. This approach helped to visualise hidden lines of fire which are often learned only by experience.

BMD delivered an upgrade of the Douglas Water Treatment Plant in Townsville to enhance the facility's capacity to produce clean and healthy water for the region. As part of safety training, the project team took part in a game of call and response to highlight the importance of trusting the communication of others on site. Each participant took turns at being blindfolded as their teammates directed them through the 'site' (a space created for the activity) safely. The activity provided an opportunity to test the directional skills of the project team, which can be vital for the safety of everybody on site.



Creating a sustainable future

Sustainability remains a core objective at BMD as we strive to achieve excellence through solutions that not only safeguard our planet but enhance the wellbeing of the communities in which we operate. With a focus on innovation, we pride ourselves on leaving a positive impact through strategic design, responsible project delivery and community-led initiatives as we work towards a more sustainable future.

PROTECTING THE ENVIRONMENTS IN WHICH WE OPERATE

Our environmental performance this year reflects our ongoing dedication to maintaining high standards across the Group, with our Class 1 environmental frequency rate remaining at zero. Throughout the year, we focused on having a strong reporting culture to allow projects to effectively identify risks and improvement opportunities across all projects - an initiative that helped to mitigate hazards and achieve our environmental objectives. As a result, we proudly maintained a 1.0 Class 2 environmental frequency rate over the last 12 months, which exceeded our Group target.

At BMD, we are uniquely positioned in the market through our vast capabilities, from our involvement in major infrastructure projects to our long history of delivering urban developments. As such, it is important that we are consistently exploring new and improved ways to operate. This is crucial for our environmental management system as we maintain the highest possible standards across all projects, and this year we invested in our people to support this improvement.

We implemented a shift in our approach to environment and sustainability management, evolving the roles and functions within these teams to align with an industry shift. This strategic move has contributed to improved reporting and consistent standards across the business.

Due to an increase in reporting, we saw a spike in the frequency of Class 2 environmental incidents for non-compliant vegetation disturbance, which included the damage or removal of vegetation outside of work areas or within retention spaces. To reduce these incidents, we encouraged all project teams to optimise our environmental performance through regular reviews of project boundaries to maintain compliance with our Environmental Management System.

Looking ahead, we are set to improve our environmental reporting technology through a new permitting system that will be implemented in the next reporting period. This is set to adequately assess environmental risks prior to ground and vegetation disturbance.

ENVIRONMENTAL INITIATIVES AND ACHIEVEMENTS

Several innovative environmental initiatives were implemented across projects throughout the year as we worked to improve our overall outcomes. These included the implementation of an Australian-first zero-waste technology on the Mickleham Road Upgrade in Victoria, the state-first trial of a sustainable solution bitumen on the Mitchell Freeway Extension in Western Australia and the implementation of high efficiency sediment basins across several BMD Urban projects across Queensland to treat large volumes of water more efficiently and reduce the safety risks of annual dosing.

In Western Australia, we celebrated excellence in local fauna management on the Hotham River Bridge project where the chocolate wattled bat population living in the soon-to-be decommissioned bridge were successfully relocated, causing no harm to the local mammals. This was achieved through a strategic action plan that involved staging works to align with the fauna's natural movements ensuring the bridge could be demolished without impacting the bat population.

Building on the launch of BMD's HSEQ Excellence mantra in late 2022, we zeroed in on showcasing how we implemented environmental excellence into planning and delivery across the Group.

In March, we celebrated Environment Month through an internal awareness campaign highlighting best practice management and initiatives implemented on our projects, calling on teams to submit their case studies. As a result, we received more than 50 submissions, an impressive outcome that was shared with all regions and business units.

Touted in front of the industry, one of our talented environmental advisors was recognised for demonstrating high-quality principles and initiatives by the National Association of Women in Construction (NAWIC) in Victoria.

HIGHLIGHTS:

- ▲ engaged suppliers to deliver renewable energy solutions to replace or supplement our diesel generators
- ▲ introduced the use of electric vehicles on a number of project sites equipped with EV charging ports powered by renewable energy
- ▲ conducted a pressure test focused on water pollution in Victoria that demonstrated compliance with General Environmental Duty
- ▲ reduced embodied carbon emissions from materials through recycling asphalt, glass fines and Class 3 and Class 4 pavement materials.



GROUND-BREAKING CASE STUDY IN CARBON REDUCTION

| Mitchell Freeway Extension, WA | Main Roads Western Australia

In Western Australia, BMD Constructions delivered a ground-breaking case study with the use of Class 2 Enrobés à Module Elevé (EME2) with locally produced bitumen as a viable, sustainable solution on the Mitchell Freeway Extension. The project constructed 10,900 square metres (4200 tonnes) of the innovative, performance-based asphalt EME2, making it the first successful trial of this scale of the use of the material for Main Roads in WA.



Digital transformation

At BMD, we are committed to evolving our technological capabilities to streamline processes, minimise outputs and maximise outcomes. Remaining at the forefront of digital advancements across the industry is vital and through geographical expansion and increased capabilities, we continue to focus on our business being equipped with the right technology to support our growth.

Seamless integration across all operations of the Group is critical to the success of our business strategy, with technology continuing to play a pivotal role in this collaboration.

BMD's lead delivery forum for information and technology advancement, DigiLead has continued delivering its mission of improving our technology capabilities. Following on from the roadmap developed in the 2021-22 year, DigiLead's priority areas of advancement included enterprise resource planning (ERP), employee experience, health, safety, environment and quality (HSEQ), and project delivery.

TECHNOLOGYONE

This year we joined forces with TechnologyOne in a seven-year, \$17 million partnership. This remarkable investment into a major technology upgrade will transform and power our pipeline of projects. Our investment in TechnologyOne is ensuring sustainable growth of the Group and seamless integration between our vertically integrated business offering.

As part of this partnership, work has commenced to launch the use of TechnologyOne's ERP software, OneConstruction across the Group. Once fully adopted, the ERP application will absorb real-time reporting, procure to pay functions, staff identification, project and corporate onboarding, asset management, and project delivery.

PROTECTING OUR SYSTEMS

BMD's growth and flexibility as a contractor of choice means being agile and proactive in support of smart, more efficient systems for our stakeholders. BMD is investing in our enterprise architecture, systems applications, and data management through short- and long-term plans to ensure the ongoing digital advancement of all areas of our business.

Safeguarding the integrity of our information technology (IT) systems remains an essential priority. Our commitment to a unified system across diverse markets persists and we are on track to boosting productivity, functionality and accessibility across our projects without compromising critical information.

We are proactive in our approach to preventing cyber security attacks and we understand this to be an ongoing journey where our investment will only grow. This is particularly crucial in the finance, defence and international sectors where our people are regularly provided with the resources required to protect the integrity of bank details and private information.



CASE STUDY AUSTRALIAN FIRST SAFETY TECHNOLOGY

Project: Mickleham Road Upgrade – Stage 1

Client: Major Road Projects Victoria (MRPV)

Heavy vehicles operating on the Mickleham Road Upgrade - Stage 1 project are travelling safer as the first in Australia to benefit from new safety technology, MAX-SAFE.

The pioneering technology has been installed in a selection of heavy vehicles being used on the road upgrade, with the attention-grabbing audible and flashing light alert system set to help reduce the likelihood of unexpected collisions on the project.

The new MAX-SAFE system incorporates automatic detection capabilities within heavy vehicles, ensuring operators inside the cabin are promptly notified when vulnerable road users, such as pedestrians, cyclists, or scooter riders, are in proximity, especially during left-hand turning manoeuvres.

The MAX-SAFE initiative materialised following an early site walk-through between BMD and MRPV that highlighted the risks of vulnerable road users around the project site, with a high level of student pedestrian traffic from surrounding schools.

The advanced Side View™ technology used by the safety system is driven by artificial intelligence and smart cameras and has been specifically designed to identify vulnerable road users around the job site, making it capable of distinguishing them from other objects or obstructions to increase safety measures for the project's lifespan.

Year in review

BMD CONSTRUCTIONS

Achieved record turnover of

\$1.22 billion

46% growth YoY

12 projects

awarded

11 projects

successfully delivered

83%

of projects were for
repeat clients

95% of FY24

budget secured through
pre contracts space



OUR CAPABILITY

Operating in a buoyant market, our major infrastructure division has yielded the results of hard work and commitment to deliver nation-building projects to report a record turnover in FY23 of \$1.22 billion - a substantial 46% increase year on year.

Specifically, our focused efforts on diversifying our capabilities and geographical spread this year have paid dividends as water and defence projects have become equal contributors to our transport and major infrastructure portfolio. Our people have remained the cornerstone of the business and through training and development, have supported the expansion of our capabilities across these new and existing sectors.

To that end, we have solidified our offering as the largest Australian owned civil contractor, successfully securing and delivering projects in the rail, port, transport, water and defence sectors.

MARKET UPDATE

The Australian construction industry continued its positive trajectory this year as state and federal governments leveraged infrastructure spending as part of post-COVID recovery efforts. While this opened the door for commercial success and exponential growth for the business, the industry still faced the impacts of prolonged skills shortages alongside continued escalation pressures on everyday commodities which presented challenges across all regions.

As a national contractor, we rely on our existing, positive relationships with our suppliers to forward plan, mitigate risks and reduce the impacts of nationwide resourcing concerns – this approach was critical for overcoming industry challenges. Additionally, we empowered our people to identify innovative ways to improve productivity and when needed, shift our mindset and approach to ensure deadlines were met and workflow remained consistent to meet our clients' requirements.

In the face of a competitive resource market, pressures around retaining our people grew. We adopted a retention-first approach to support our highly skilled and diverse workforce and maintain our unique ability to deliver projects ranging in value from \$1 million to \$1 billion.

Commercially, we had a positive year in the Constructions business to support the Group outcome of securing more than \$2 billion in turnover for the first time in the company's 44 years of business. This high performance materialised through a strong market position across all states and territories in which we operate.

Western Australia had the best year in its eight-year history with performance and delivery now in line with our Queensland operations. The West is currently home to our largest project on the books with the \$1 billion Armadale Line Upgrade Alliance being delivered for METRONET, illustrating the growth in our newest region. Additionally, we were awarded the Fitzroy River Bridge

project in the state's Kimberley region. As a business, we boast a unique ability to operate in regional and rural communities and this project combines our traditional infrastructure expertise with our rural work capabilities.

We have continued to demonstrate the value of our synergetic nature in the face of the industry's shift towards collaborative contracting models. Our people have built strong relationships with our clients through these models as we collectively strive towards best for project outcomes. This has transpired over the last few years with approximately 60% of our work completed through a collaborative contract model enabling sustainable, long-term planning across the business.

ACHIEVEMENTS

Our focus on diversification led to growth in the water and wastewater sector this year, which now represents almost 30% of our work in hand. As a key focus for the business, we have invested in training and upskilling our people to deliver projects in this sector across all regions.

In New South Wales, we successfully secured the Richmond System Wastewater Upgrade in Sydney's west. Adding to our achievements in the southern region, BMD Constructions was named a South East Water Integrated Program Delivery Partner in Victoria to secure 10 years of a consistent and reliable income stream upon which the business can forward plan effectively and provide sustainable opportunities for our people.

In Queensland, we secured BMD's largest water contract to date through the \$714 million Fitzroy to Gladstone Pipeline project. The technically challenging project is being delivered in a collaborative style contract for the Gladstone Area Water Board. Securing this contract was also a testament to our unique capability together with our ability to resource projects in regional locations.

The defence sector was another area of significant growth for BMD, notably at RAAF Base Tindal in the Northern Territory which has continued to yield returns as a project that has grown to deliver more than \$500 million worth of work in hand at the base. We have a long-standing history delivering defence projects across Australia, particularly in the Northern Territory, and our focus remains on growing this space in the future.

Also in the Territory, 12-months of effort in the pre contracts and commercial space materialised through the award of the Darwin Ship Lift joint venture contract. This project will build on our global capacity to deliver marine projects, which is a key capability and focus area for our offshore business in the Philippines, Prime BMD.

In Victoria, we have been expanding our resources and renewables capabilities as work commenced on the Hawkesdale Wind Farm where we are delivering the Balance of Plant works for Global Power Generation, Naturgy's international power generation subsidiary.

We continued our portfolio growth in the aviation sector with our projects at Western Sydney International Airport, including delivering the airside apron construction as a subcontractor to Multiplex and our joint venture with Seymour Whyte delivering a \$400 million landside and building works package.

OUR PEOPLE

BMD Constructions has gone from strength to strength and our people are critical to this success. This year, we welcomed an additional 385 people into the business, increasing our workforce by 55% across the country.

As we face challenges in the resourcing space, we have been investing in retention more than ever before. Led by our Human Resources team, we have introduced several initiatives focused on the sustainable engagement of our employees. New starter days have become an important part of this strategy where we introduce new team members to the BMD way.

We have consistently met our project targets for diversity across the business. Nationally, we are proud to have achieved over 20% of our team being women and in Victoria, this number sits at 34% as we continue to support opportunities for women to succeed in the industry.

FUTURE DIRECTION

Looking ahead, we will continue to explore opportunities in the water and wastewater and defence sectors, both of which remain a key focus in our national strategy. Across the business, we are investing in the right people and in training and development programs alongside key infrastructure bodies, to ensure our workforce is equipped with the skills to thrive in this space.

Renewables are also a significant growth sector, and we are leveraging our experience delivering the Crookwell Wind Farm in 2018 and the currently progressing Hawkesdale Wind Farm to provide innovative, cost effective and reliable solutions for clients.

Through our strong national footprint and our proven track record of delivering projects in regional and remote areas, we are well-positioned to support growth industries in the energy and renewables sector, such as hydrogen and pumped hydropower in the coming years.

The transport sector will remain a core feature in our national strategy as we continue to support our clients to deliver major infrastructure projects and build on our extensive experience and capabilities.

Above all else, our focus remains on the safety of our workforce, and we are developing a three-year safety strategy designed to help our people reach their full potential in terms of personal safety leadership. As part of this process, we will be increasing our investment in training and development across the board to not just improve on safety results but also increase the capability of our workforce.

We are also mindful of providing the right opportunities for our future leaders and key to this is continuing to explore smaller scale projects that provide the opportunity for our people in the foundational phase of their career to receive the hands-on experiences necessary for delivering nation-building projects.



Barwon Heads Road Upgrade, Victoria

Year in review

BMD URBAN

Over \$630
million in turnover

\$340 million
worth of work won

2432 lots
awarded across the year

76 projects
reached practical completion

Riverlea Subdivision and Intersection, South Australia



OUR CAPABILITY

BMD's capability in the urban development space this year has solidified our position as one of Australia's largest urban development contractors. Our Urban business forms the foundation of our integrated delivery model and has been operating since our establishment in 1979. Our ability to deliver integrated services for whole-of-life project delivery to the urban development sector paired with our relationship-based approach to business has continued to set us apart in a competitive market.

Our urban division continued its diversification trajectory this year across our three key focus areas of residential subdivision developments, detailed infrastructure works and work within the water and wastewater sector.

MARKET UPDATE

BMD Urban had a very successful year - particularly in North Queensland which continues to deliver strong outcomes due to existing relationships with state and local governments and the private sector. North Queensland continued to contribute significantly to the BMD Urban results again this year.

In South Australia, our focus has been in the residential land space, which took off at a pace we haven't seen since first entering the region in 2007. Our strong relationship with Walker Corporation has been a key driver in the residential development sector, as we continue to deliver multiple works as part of the Riverlea residential development project.

Our South East Queensland teams also had a highly productive year, particularly in the second half with several infrastructure projects awarded and commencing works, including significant progress delivered for the Springfield Greenbank Arterial Road project for Ipswich City Council and the commencement of works on the Bellavista Boulevard Duplication project for Stockland.

ACHIEVEMENTS

Our performance this year was a testament to the dedication of our people. We reached practical completion on 76 projects and secured \$340 million worth of work, primarily through land development with 2432 lots secured.

Our continued focus on HSEQ Excellence has seen results this year, particularly in the safety space where we saw a 32% reduction in our total recordable injury frequency rate (TRIFR) nationally and a three-time reduction in our lost time injury frequency rate (LTIFR). The key to this success was the increased focus on 'line of fire' training, which included proactive education and empowering business leaders and the workforce to become safety advocates. The campaign was designed to reduce preventable 'line of fire' incidents by highlighting the risks and mitigation tactics through an awareness campaign rolled out across toolbox talks, through on-site collaterals such as awareness posters and during pre-start discussions.

Additionally, we continued to implement our PPE Perfect initiative which helps our people set an example in bringing the correct and accurately fitting PPE to work.

In the Australian Capital Territory, we reached practical completion on our works as part of the Gundaroo Drive Duplication project (formerly William Slim Drive) for ACT Government. The project faced substantial challenges, particularly surrounding the skills shortage requiring a number of our people to relocate for the works, with the successful on time and on budget outcome being significant for our client and our business.

In North Queensland, our upgrade works on the Bruce Highway from Bowen to Proserpine reached practical completion as part of the Bruce Highway Upgrade Program (BHUP). Our success on this project highlighted our unique ability to operate within regional communities and recognises our ongoing achievements working with the Department of Transport and Main Roads.

We reached the halfway point on the Gold Coast Turf Club (GCTC) Track, Tunnel and Lights project for the Queensland Government, Racing Queensland and the GCTC. Once completed, the \$63 million upgrade will boast refurbished existing tracks, new lights for night racing, an equine tunnel to the infield and a new all-weather synthetic track.

In the Top End, we reached practical completion on the Muirhead North Stage 1A project being delivered for Defence Housing Australia. We were awarded the 200-lot contract following the successful completion of Stages 1-7, demonstrating our commitment to delivering quality project outcomes leading to repeat work.

In Victoria, we reached practical competition on the three packages we delivered for the Banksia Upgrades at Melbourne Airport. The project was completed on time and with no major interruptions to Melbourne Airport operations across nine major shutdowns, and over 59,407 hours worked without a recordable injury, which was a credit to the project team who navigated expected challenges of existing services, additional scope and micro tunnelling.

We also reached practical completion on the Atherstone development project in Melbourne's west, which included eight subdivision projects and two main roads delivered for Lendlease and Melton City Council. The multi-staged project was a significant example of our outstanding project work in the land development sector as works were delivered on time, within budget and safely.

Over in Western Australia we successfully reached practical completion on Cecil Avenue East in Perth where we were engaged by City of Canning to deliver a functional and flexible streetscape with a slick metropolis feel. The project was delivered in five key stages with collaboration essential for success due to a multitude of stakeholders involved in the project.



CHALLENGES

While operating in a more stable environment than the previous years of disruption, resourcing remained the biggest challenge facing the industry. We felt the impacts of a global workforce shortage, which prompted a consolidation of our resources to focus on the key growth areas of Queensland, South Australia, Victoria and the Northern Territory. Through this move, we were able to improve our services and focus on delivering quality outcomes across high value projects.

During these challenges, the strength and resilience of our people has shone through, ensuring that our projects and clients were not impacted by resourcing concerns felt by the industry. Our collaborative contracting model was critical in delivering quality work on our projects as we could rely on existing relationships, from subcontractors to suppliers, to deliver the best results for our clients.

FUTURE DIRECTION

As we look to the future, our focus is set on expanding our capabilities across key growth sectors including residential, infrastructure, water and wastewater and commercial building (in South Australia) while remaining true to our residential and commercial land development legacy.

Finding the right people for the right roles across BMD Urban is critical to our growth strategy and providing the training and resources to succeed in new and emerging sectors for our business will remain a top priority. As an example, over the last few years we have bolstered our capability delivering specialist projects in the water and wastewater sector by equipping our people with the relevant training and experience to deliver quality projects in this space.

Key to our success has been our ability to self-perform critical elements in many cases versus subcontracting these activities. Self-performance of earthworks, sewer, water, stormwater reticulation along with gas, communications and electrical conduits has been business as usual since inception. We are adding to these capabilities with our own kerb machines and retaining wall crews to provide supply chain surety across these services.

As part of our strategic plan, we will continue to build a profitable and sustainable business by focusing on our people, growth and industry relationships in order to deliver operational excellence.



WE CONNECT
COMMUNITIES

Year in review

EMPOWER

Over
90 projects
awarded

More than
150 projects
completed

OUR CAPABILITY

Empower continues to enhance our reputation for delivering increasingly technically complex projects, by coupling extensive in-house expertise with allied specialist companies.

We are improving our capability in project managing broader design teams to deliver services in new sectors and locations nationally. We specialise in residential, commercial and industrial development, infrastructure and resource projects across metropolitan, regional and remote areas.

MARKET UPDATE

As raw land sales softened, primarily due to pressures from interest rates and uncertainties in the construction industry, we shifted our focus to new and creative solutions. This enabled us to achieve excellence in the master planning of our bigger communities, such as The Heights, Zuccoli and more recently Southern Thomlands.

Activities within the built form sector also softened this financial year and we worked closely with these clients to ensure their developments continued to be serviced. Getting approvals in place for the inevitable pickup was a key focus across the year.

The slowing in the development market has coincided with an uptick in the infrastructure market. With this market movement, our involvement in the provision of construction contractor services has been on the rise and is expected to remain positive for some time to come.

Strategic collaborations with Urbex as part of the BMD Group's vertical integration model has continued to enhance Empower's capabilities. Along this line of action, we also focused on delivering construction contractor services, including built form, complex document management, erosion and sediment control and temporary road works, across infrastructure developments with BMD Constructions and BMD Urban.

ACHIEVEMENTS

Empower has consistently met revenue targets and this year was no exception as we experienced steady growth across the board. Over the past year, we have consistently delivered responsive solutions to our clients, demonstrating our commitment to supporting our internal business operations and building on well-established foundations with external clients. Diversification of our portfolio has seen a strong pipeline of work in hand as well as moving into urban design and landscaping, and sustainability design.

We achieved practical completion of the Minnippi Golf Course in Cannon Hill, Queensland, a highly intricate engineering project that had been in the works for over two decades - a major milestone for our business. As the project grew, challenges around the environmental and sustainability design became evident. To ensure these impacts were not felt through the program and had minimal impacts on the client, we strategically leveraged the BMD Group's vertically integrated business model to deliver innovative solutions. These included the implementation of stormwater harvesting and management, as well as the use of recycled railway sleepers as sand bunkers, resulting in substantial cost savings for the client should the site experience flooding.

Also in Queensland, we successfully completed all activities as part of the Capestone development in Mango Hill. The master planned community was delivered alongside Urbex and included over 2000 lots. The project was also inclusive of the first new railway station built in the region in several years, a recycled saltwater lake, complex earthworks management and land development. While the project wasn't without challenges, its completion was the result of our ability to collaborate across the BMD Group on community-building projects.

Empower has a long history of working within regional and remote communities, which was leveraged to secure the Northern Peninsula Area Regional Council (NPARC) Water Infrastructure - Design and Project Services project in Bamaga, Far North Queensland for the Queensland Government's Department of State Development, Infrastructure, Local Government and Planning. As part of the project, we have been engaged to design a 2.5-kilometre trunk water main replacement and prepare a technical specification for the relining of six water balancing tanks in the remote Northern Peninsula Area. We look forward to growing our water infrastructure experience through this project.

We are proud of what we have achieved through our construction contractor services this year, which has seen Empower contribute to the Douglas Water Treatment and Deception Bay Interchange projects in Queensland and the RAAF Base Tindal project in the Northern Territory alongside BMD Constructions.

FUTURE DIRECTION

We are continually striving to do better by focusing on our strengths and looking at ways to collaborate with new and existing clients. With that, we seek to maintain our position as market leaders in residential and land development and master planning.

We are also investing in digital engineering innovation to improve the time and effort required to produce highly detailed and professional models. The intent is to experiment with how this data flows between government and regulators, clients, consultants and construction contractors to better understand how the data is used. This area of modernisation is an important step in producing better outcomes for the future.

Another area of growth identified for Empower is continuing to deliver quality solutions within regional and remote communities, particularly in Far North Queensland and Western Australia where we have delivered proven outcomes of resilient essential services for Aboriginal and Torres Strait Islander peoples. Looking ahead, we are set to explore more prospects in these regions.

With the construction industry ever evolving, we continue to drive our vision by delivering industry leading services, challenging our people, being the engineers of choice, and identifying profitable opportunities.

Year in review

JMAC

Over
\$61 million
in turnover

Pipeline of
\$70 million
work in hand

53 major projects
secured and over 70 minor
works awarded

90%
of work was secured from
repeat clients

42 projects
reached practical completion



OUR CAPABILITY

Combining capabilities in both landscape construction and building, JMac Constructions has the expertise to deliver beautiful outdoor spaces and state-of-the-art buildings to clients and communities across Australia. With our ongoing success reflected through long-term relationships and a strong network of subcontractors, JMac is continuing to build on momentum and is strongly positioned for the new fiscal year.

Across the business, we have made a clear distinction across our two main capabilities—building and landscape construction—which contribute to 30% and 70% of our work across Australia respectively.

ACHIEVEMENTS

JMac has continued to build on our commercial landscape origins while securing a pipeline of more than \$25 millionworth of building work over the last year contributing to our \$70 million of work in hand.

This diversification has been well-received by the industry and our repeat clients, particularly local and state governments with key project wins in South East Queensland, including the Kooralbyn International School and projects for Logan City, Brisbane City and City of Gold Coast councils.

A recent push to open new park, sporting and recreational amenities has also helped to boost landscape construction work for JMac. Our ability to provide value for money combined with the outstanding quality of the projects we deliver has ensured that we continue to be the repeat contractor of choice for many local councils.

Major projects for councils include Pioneer Valley Mountain Bike Trails (Mackay City Council), playground and sports courts for the Bruce Comben Reserve (Hobson Bay Council) and a range of projects for Townsville City Council.

JMac has experienced multistorey building success with work progressing on Wellington Street in South East Queensland, which is our first standalone residential building project due for completion in early 2024. Setting a benchmark for our building capabilities, this \$10 million project is also the first of its size and scale for our team.

Collaboration remains at the heart of JMac operations, with successful combined projects underway including the Hillside Mooloolah Valley residential development for Urbex and the SCT Modal and Brisbane Metro projects for BMD Urban and BMD Constructions.

Remaining true to our founding origins, JMac continues to successfully construct unique landscapes of all shapes and forms including streetscapes, boardwalks, buildings and other structures, sporting facilities, playgrounds, parklands and water play areas.

JMac was the principal contractor for the Southport Broadwater Parklands Play Attraction which won the 2023 awards for Play Spaces and People's Choice from the Australian Institute of Landscape Architects (QLD). We completed the destination playground for City of Gold Coast in 2022 and the unique play space was awarded due to its capability for play across all ages and abilities.

This year we achieved a major milestone in the sporting and infrastructure market as we reached practical completion on the multi-million-dollar sporting precinct Somerfields delivered for Somerville House in Brisbane, Queensland. The precinct includes six fields, ten multipurpose courts and a 400 metre, eight-lane grass track with areas for throws and jumps to be used for athletics, cricket, hockey, football, netball, softball, touch and tennis.

JMac has continued to evolve and expand our portfolio of work and as a result we have completed some unique projects, including the installation of the light towers at the Brighton Homes Arena in Springfield, Queensland, the new home of the Brisbane Lions AFLW team. The project was an impressive achievement for our team with the successful erection of four 50-metre light towers, weighing just over 20 tonnes each highlighting JMac's adaptability and capacity to provide tailored solutions for our clients.

We continue to build on our reach in both metropolitan and regional areas, with 70% of JMac's turnover generated from South East Queensland, 18% from North Queensland and 12% from Victoria.

OUR PEOPLE

Resourcing concerns continue to pose workforce challenges across the industry but our established relationships, loyal and long-standing staff and proactive approach to procurement has helped to minimise the impacts on our projects.

With a focus and commitment to training and upskilling our people, we are proud that 40% of our workforce have been with the business for more than a decade.

Our performance this year has highlighted that our business is our people, and we continue to be the contractor of choice for larger and more complicated open space and public infrastructure projects, and our focus is on emerging as a key player in the building infrastructure space.

FUTURE DIRECTION

Looking to the future, JMac will continue to grow by capitalising on existing private and public client partnerships and seeking to expand our diverse capabilities and offerings. With the Brisbane 2032 Summer Olympic Games fast approaching, the sporting and infrastructure market has become a focal point for our business more than ever before. We are set to leverage our previous success and grow our strong client relationships to secure projects within this space over the coming years.

Year in review

URBEX

Minnippi Golf Course, Queensland

MINNIPPI



OUR CAPABILITY

Urbex continues its trajectory as a major player in the Australian development market and an innovator of residential and commercial development, delivering best practice in project structuring, planning, management, delivery and marketing.

We undertake development projects in sole ownership, joint venture and consortium partnerships across Brisbane, Sydney, Melbourne, Darwin, Perth, Cairns, Townsville and Mackay. Urbex's key markets span both urban and regional areas, showcasing our adaptability and commitment to delivering the best possible results to clients and communities.

Our unique offering lies in the BMD Group's business units working in vertical integration with one another to provide driven teams who deliver value for money and innovative engineering solutions. By drawing on the skills and capability of the BMD business to approach projects as a single unit, margin costs are reduced, local resources are leveraged, and program delays are met with constructible solutions for an expedited delivery and high quality finish.

ACHIEVEMENTS

FY23 has been a year of both challenges and achievements at Urbex. In the face of various market pressures, we continued to demonstrate our prowess in the Australian development market.

Our commitment to innovation and geographical diversity has enabled us to effectively overcome the challenges presented by supply chain disruptions in a highly constrained development environment.

We prioritised our areas of expertise, continually explored new capabilities, and pursued comprehensive solutions through the BMD Group's integrated business model, allowing for the successful delivery of land despite these challenges. This achievement stands in contrast to other developers that were forced to suspend their delivery programs due to supply chain issues and a constrained development environment.

We had a busy year across all regions but particularly in Queensland with the successful completion of the Minnippi Golf Course, which forms part of the Minnippi Residential Community in Cannon Hill. This showcase project highlighted our vertical integration model by utilising BMD Urban, Empower Engineers and Project Managers and JMac Constructions throughout.

Construction commenced on The Wellington Collection, a \$22 million luxury development in Brisbane's Manly. The project is one of the first being delivered through our new above ground development division Urbex Living, which was launched late 2021.

In North Queensland, we commenced construction on the Somers & Hervey Estate in Townsville, marking our eighth master planned community in the region since 2003.

In the Northern Territory, we completed a 10,000 square metre community park at Zuccoli Village which was launched through a successful community event. Additionally, we completed Phase 3.6 and commenced Phase 3.7 of the project.

Progress continues on the Mandalay Estate in Victoria, a project managed by the Newlands Group in joint venture with Urbex. The project is further facilitated through the integrated service offering provided by BMD Urban and JMac. Notably, this development has achieved record-breaking sales this year, a result of the project team's commitment to delivering a community that upholds the highest standards in planning and urban design.

To the west - our first Western Australia project - Homebrook Gosnells in Perth has been progressing well with over 50% of lots sold by the end of June 2023. The ongoing success of this project highlights our adaptability when operating in new markets.

Nationally, we sold over 480 lots and brought 211 to market. We had 13 active residential estates available for public purchases across the year and maintained a consistent schedule of land releases to the market, with new releases occurring every four weeks.

Urbex Acquisitions has had remarkable success this year securing prime sites within the strategic targeted growth areas of South East Queensland and we look forward to celebrating further achievements in line with our national strategic approach to expand geographically and diversify our portfolio.

OUR PEOPLE

The achievements across our projects this year are the result of contributions by exceptional and diverse individuals who comprise Urbex nationwide. In the past 12 months, our staff retention rate has remained robust and we expanded our team in response to our growing portfolio, specifically by strengthening our marketing and development teams.

Strategic collaborations with Empower, BMD Urban, and JMac have enhanced Urbex's capabilities, enabling the use of shared expertise and resources to drive successful project outcomes throughout the year, despite the unpredictable market conditions.

CHALLENGES

This year, Urbex faced unique challenges in the shifting real estate market, with interest rate hikes and tighter lending criteria alongside supply chain, and labour cost constraints impacting civil development and housing construction. To address these challenges, we focused on our continued expansion, sourcing new capital partners to manage equity and debt requirements effectively.

The rate hike cycle placed significant pressure on the affordability of homes, affecting potential buyers' purchasing power. Alongside this, stricter lending criteria set by mortgage providers has made it more challenging for potential buyers to secure finance, contributing to a subdued market environment.

We also grappled with ongoing supply chain constraints and increased labour costs, leading to delays and cost overruns across construction and negatively impacted consumer sentiment towards building new homes. To overcome these challenges, we were proud to lean on existing long-term relationships with the BMD Group's supply chain to minimise program delays and mitigate further risks. Our industry relationships were also effective in assuring our clients of our ability to navigate the unstable market as we work towards long-term success and growth through a project-first approach.

FUTURE DIRECTION

We have strengthened our expertise significantly over the last few years, particularly with the recent introduction of Urbex Living, and we will continue to focus on innovation and exploring new capabilities as a way of capitalising on emerging opportunities, new markets, and providing end-to-end solutions through the BMD Group's unique offering.

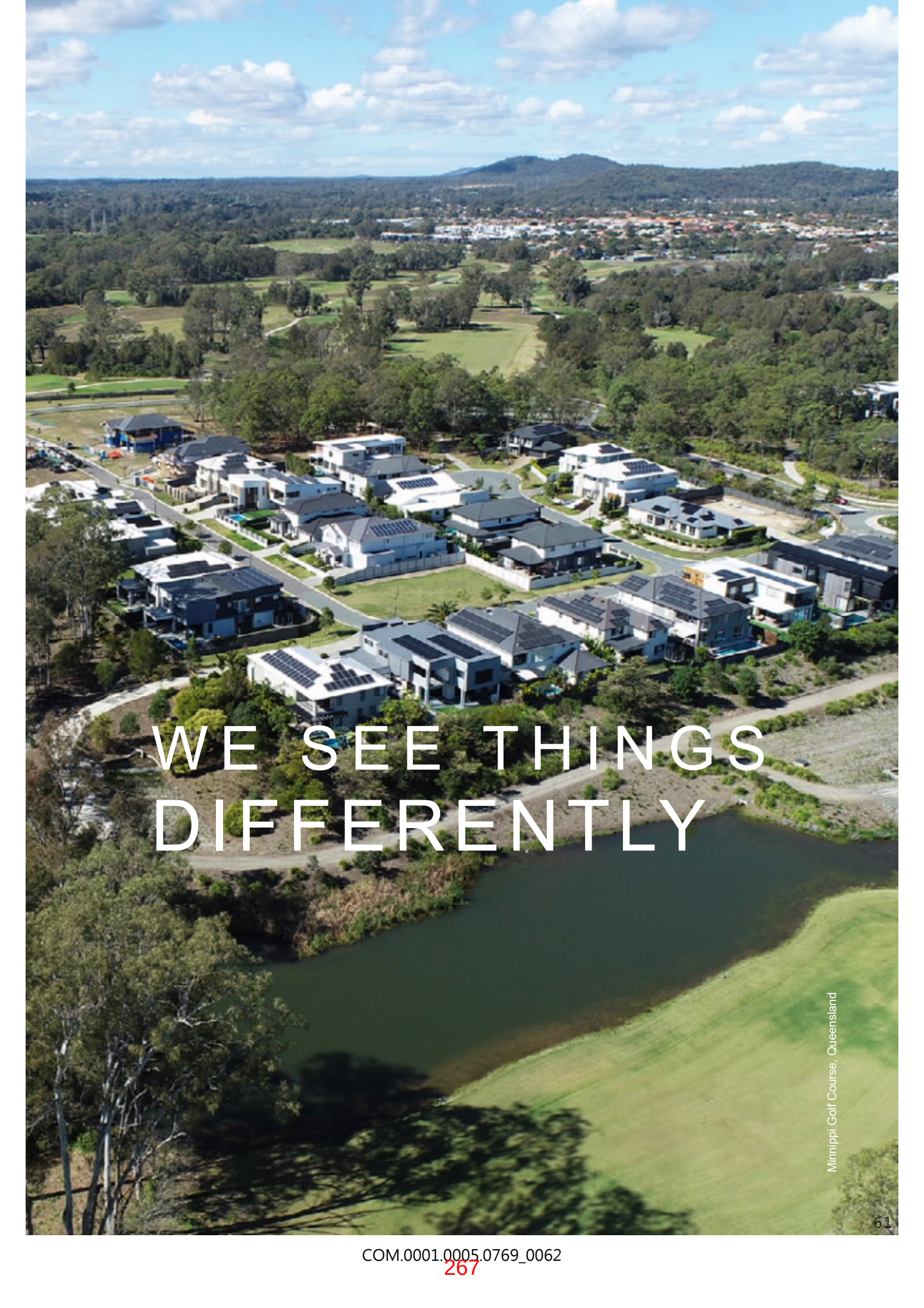
Due to the recent increased demand on land, we've been aggressively chasing down new opportunities and sites for master planned communities across Australia.

Whilst we have a national focus, our priority is currently the development of South East Queensland where opportunities are rapidly increasing.

Our long-term projections are incredibly strong, despite the challenges facing the industry, and we expect to see an uptick in growth in those key locations as early as mid-next year.

We're also seeing increased appetite for the likes of Perth and Melbourne where we are currently identifying partnership opportunities. We are working with all types of governments to unlock land that is of a suitable quality for master planned communities in these identified areas.

Project excellence



WE SEE THINGS
DIFFERENTLY

Mississippi Golf Course, Queensland

Year in review

PRIME BMD

Upper Wawa Dam Pumping Station, Manila

62

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OUR CAPABILITY

Our operations in the Philippines, as Prime BMD see us working across marine, dredging, water and general infrastructure. We are focused on providing innovative, relevant and environmentally conscious infrastructure solutions for communities in the Philippines and beyond, built timely, consistently and safely. In April 2023, we celebrated six years of operation in the region. By valuing our people and collaborating with our partners, we continue to deliver exceptional services with sustainable outcomes.

ACHIEVEMENTS

Over the last financial year, Prime BMD delivered a record turnover and secured 12 new projects, with the majority being for repeat clients. This marks the highest tender strike rate in our relatively short history of operating in the Philippines and makes for a positive 2024 as political stability is expected to bring increased investment and market certainty.

The water sector in Metro Manila continues to provide opportunities for Prime BMD, and we are set to leverage our experience in this sector to capitalise on these prospects. We successfully completed the Cabading Reservoir and Booster Pump Station, a design and construct project in the Rizal Province that will deliver 80 million litres of treated water to the east zone concession area for Manila Water.

Work continues as part of our five-year dredging campaign with International Container Terminal Services, Inc (ICTSI) at the Cavite Gateway Terminal in Tanza. We have identified this as another key growth sector for the business, with it offering the potential for further geographical expansion. On the back of this growth, we have doubled our marine fleet in this period.

The marine infrastructure sector has remained a profitable area for our business, with two major projects secured over the year. We were awarded the design and construct contract for the new marine facility at the Manila International Airport for Boskalis - which will be our first project with this client.

Another new client welcomed to our portfolio this year was renewable energy developer, AC Energy. We have been engaged under an Early Contractor Involvement (ECI) contract to develop the concept of a jetty facility for their wind turbine components. AC Energy plans to develop a wind farm along the Philippines' eastern seaboard, and we hope to convert the ECI into ongoing works and the construction of the jetty.

Our consistent growth has been made possible through our relationship-based approach to contracting, which has resulted in delivering the majority of projects for repeat clients. Through this approach, we have secured another two contracts for ICTSI, including delivering Berth 8 at the Manila International Container Terminal and Basin Dredging. To date, we have secured 10 projects for ICTSI, and we look forward to continuing our partnership as we work towards a combined goal of delivering

sustainable growth in the marine sector. Work has commenced in delivering the East Bay Water Treatment Plant in consortium with Acciona for Manila Water. With increased investment in water infrastructure projects in Manila in response to the growing population, this project will provide an exciting opportunity for us to expand our capabilities in this space.

OUR PEOPLE

We have experienced continued growth of our workforce to align with our expansion, and this year we focused on training and development, particularly around leadership and cultural diversity. At Prime BMD, our business is our people, and we are entering an exciting time of growth and career advancement for our workforce with the diversification of our offerings.

Safety remains the number one priority across all areas of operation. Over the last year, we recorded 12 million hours of work across our operations, and our total recordable injury frequency rate (TRIFR) remains at one. However, we continue to strive towards achieving HSEQ Excellence. As part of this commitment, we rolled out an internal campaign aimed at improving safety outcomes by empowering our people to become safety advocates on their projects and encouraging additional reporting.

CHALLENGES

The Philippines' construction sector, like most markets, continues to face a challenging inflationary environment with the escalation of material costs. However, we were able to overcome this by relying on our industry connections to secure the best-priced materials.

We also experienced (and continue to experience) the skills shortage felt globally, which was exacerbated by the global demand for Filipino resources. As such, we implemented a retention strategy designed to support the growth and development of our workforce, and we are proud to have several of our people celebrating five or more years with our business.

FUTURE DIRECTION

With political stability increasing market certainty, Prime BMD is embarking on an exciting time of potential growth. Our record tender strike rate has been matched by a recent commitment to additional capital expenditure in plant and equipment to support this growth. The water and wastewater, marine and dredging markets provide opportunities for expansion, and we will continue to leverage our experience in these sectors while remaining focused on diversifying our capabilities to future-proof operations. We will also continue to invest in our people, technology, and equipment as part of this. In early 2023, we moved into a new office space in Makati City that provides more space to collaborate and expand our workforce, which is critical as we look to grow our footprint in the Philippines and beyond.

BMD now in the UK

ACQUISITION

BMD's geographical diversification strategy focuses on delivering sustainable growth. We have continued to maximise opportunities, which this year presented us with expansion to the United Kingdom. In January of 2023, the BMD Group entered the UK market, leading to the acquisition of local infrastructure consultancy, TUSP (the ultimate solutions partner) to form TUSP powered by BMD in April 2023.

For two decades, TUSP has been working within the transport, rail and construction industries. Building on our approach to establish local teams, the acquisition aligned with our goal of ongoing global expansion and diversification, following on from our successes in Australia and internationally with Prime BMD.

OUR CAPABILITIES

No matter which region of the globe we operate, our approach to business remains consistent. Collaboration is at the core of our success, and we deliver a partner-based approach with our clients in the UK as we provide advice on strategic direction and support project performance.

Seeing things differently in our approach to solving our clients' challenges, we offer specialist services backed by traditional and innovative consulting methods. Through the amalgamation of our Australian and UK expertise, our combined leadership capabilities sit amongst the top consultancy firms globally.

Demonstrating strength in our offshore operations just months after the acquisition, TUSP powered by BMD was selected as an expert consultant by the UK's Department for Transport to support rail and other transport mode agreements, major projects and programs, and its policy and strategic work in transport. Worth up to £600 million and run over an initial three-year period, the entire framework will call upon TUSP to provide expert consulting services for transportation project and program management.

OUR PEOPLE

The acquisition of TUSP represents an exciting opportunity not just for the growth of our business but for our people. This year, we recruited 16 talented Australians to relocate to the UK to join a dynamic environment blending both Australian and British knowledge and expertise.

With diverse skills, experience, and fresh perspectives, these individuals join the collaborative team to drive UK projects to new heights, fostering a greater alliance and exciting innovations.

FUTURE DIRECTION

Our UK operations are set to climb as we combine local forces and global expertise to grow our portfolio in the transport, energy, defence and infrastructure sectors.

As a result of record levels of investment, the UK market is experiencing an unprecedented demand for engineers and project managers, which provides both a challenge and opportunity to our business as we grow our workforce.

The water and wastewater sector is presenting as an emerging market, and we intend to leverage our expertise in this sector from Australia to bolster our capability and support the diversification of our portfolio in this space.

Finally, the AUKUS program of work presents a unique opportunity for our UK operations, and we have expanded into three new geographic locations - Derby, Barrow-in-Furness and Devonport - to accommodate this.



Delivering city shaping infrastructure



We have a proud history of delivering transformative major infrastructure, vital to the needs of Australian cities and communities.



MITCHELL FREEWAY EXTENSION, WA

| Main Roads Western Australia | \$232 million

BMD's joint venture team, the Mitchell Freeway Extension Joint Venture (MEJV), was engaged to construct the 5.6-kilometre Mitchell Freeway Extension from Hester Avenue to Romeo Road to deliver a new, high-standard north-south transport link in Perth's northwest.

From the project's outset, a priority focus for MEJV, Main Roads and all stakeholders was the reduction of environmental impacts of the project through both material reduction and product substitution. Into delivery, MEJV made significant achievements in the areas of sustainability, local participation, contributing to the growth of Western Australia's construction industry, and providing opportunities for Aboriginal peoples.



MT CROSBY EAST BANK WATER TREATMENT PLANT FILTER UPGRADE, QLD

| Seqwater | \$38.5 million

BMD was engaged to deliver upgrade works at the Mt Crosby Water Treatment Plant in the western suburbs of Brisbane. The treatment plant is a critical asset for the safe delivery and supply of over 50% of the water produced by the utility provider for South East Queensland.

Given the project was undertaken in a fully operational water treatment plant, maintaining operations was key to the success of the project. Through careful planning and staging, BMD successfully improved the asset life of the structure and increased sustainability of the control system with no service interruptions to South East Queensland's water supply.



FITZSIMONS LANE UPGRADE, VIC

Major Road Projects Victoria (MRPV) | \$110 million

BMD was engaged to deliver the Fitzsimons Lane Upgrade in Templestowe at Foote Street, Porter Street and Main Road, including the intersection of Main Road and Leane Drive in Eltham.

The project team successfully completed four expedited construction blitzes within the original time frames with no overruns of blitz timing, achieved practical completion five months early and delivered the project under TOC value, all while raising the bar through industry leading initiatives across sustainability and social procurement for disadvantaged Victorians.



WESTERN SYDNEY AIRPORT - LANDSIDE CIVILS AND BUILDINGS, NSW

Western Sydney International Airport | \$382 million

BMD, as part of the AeroWest joint venture, has been engaged to design and construct the Landside Civils and Buildings package at the new Western Sydney International (Nancy-Bird Walton) Airport, which involves the design and construction of carparks, roads, bridges, utilities connections, operational building and landscaping.

The project reinforces our capabilities in the delivery of infrastructure to the aviation sector and is progressing with a robust environmental management framework which includes initiatives using recycled and sustainable materials during construction to reduce emissions. Works are on track to be delivered by December 2024.



HAWKESDALE WIND FARM, VIC

Global Power Generation (GPG), Naturgy Group | \$38 million

BMD has been engaged to deliver the Civil Balance of Plant elements for the Hawkesdale Wind Farm, which includes the construction of wind turbine foundations, access roads and hardstand areas, electrical cable installation for the turbines and construction of the O&M Compound and 33kV Substation. Once complete in 2024, the windfarm will comprise of 23 turbines with a total output of approximately 97 megawatts.

Collaboration has been key to success on the current program, as well as the establishment of a permanent onsite concrete batch plant producing over 120 cubic feet per hour.



RAAF BASE TINDAL AIRFIELD WORKS AND ASSOCIATED INFRASTRUCTURE - RUNWAY AND TAXIWAY, NT

Lendlease

BMD has been engaged to deliver the apron and taxiway facilities for the KC-30A multi-role tanker fleet at the RAAF Base Tindal. The project, which is expected for completion in December 2023, includes extending the existing runway and taxiway, construction of a new aircraft movement apron and terminal pad, bulk earthworks, lighting, and service installation and relocation.

Due to the strong outcomes being delivered on this project, BMD was awarded an additional two contracts at the Northern Territory base this year, bringing our work in hand RAAF Base Tindal to more than \$500 million.

Developing Australia's communities



For more than four decades, we have been delivering urban developments and infrastructure vital to keeping Australian communities connected.



MUIRHEAD NORTH STAGE 1A, NT

Defence Housing Australia | \$7.2 million

After successfully completing Stages 1-7 of the development, BMD delivered Stage 1A of the Muirhead Estate project, comprising of 200 residential lots designed to meet the housing requirements of Australian Defence Force members serving in the Darwin area.

Completed in October 2022, the project demonstrates BMD's dedication to client satisfaction, successfully managing and engaging stakeholders, with a strong local community interest in the development.



STURT HIGHWAY JUNCTION UPGRADES, SA

Department for Infrastructure and Transport (DIT) | \$18 million

BMD was engaged to transform two existing junctions into roundabouts and add a left turn deceleration lane on the Sturt Highway in South Australia. As a major undivided rural arterial road, the Sturt Highway forms a vital connection between the Northern Expressway near Gawler in Adelaide's north and Riverland and Victoria in the east.

Despite a significant increase to the original scope, the project was completed 91 days ahead of schedule. BMD's safety-focused culture led to the delivery of the project lost time injury (LTI) free over the 33,000 hours worked.



BANKSIA UPGRADE PACKAGES, VIC

| Australia Pacific Airports - Melbourne (APAM) | \$14 million

BMD was contracted over three packages of work to deliver civil works for the Banksia Upgrade to service a new manufacturing and storage facility within Melbourne Airport's Business Park. BMD's work involved the high voltage infrastructure, Macedon Way infrastructure and civil infrastructure contracts.

Through 3D modelling, the team successfully completed 198 metres of tunnel boring, 633 metres of direction drilling and the installation of infrastructure across 131 separate service interactions without impacting existing services. The project was delivered on time and within budget with over 59,407 hours worked without a recordable injury.

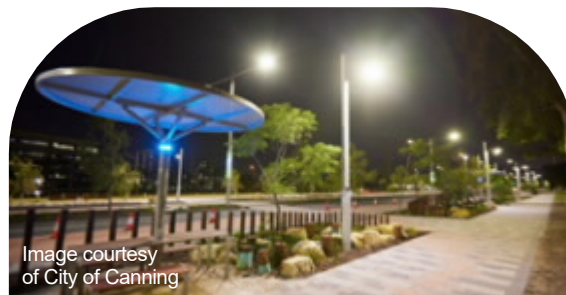


Image courtesy
of City of Canning

CECIL AVENUE EAST UPGRADE, WA

| City of Canning | \$9.9 million

BMD was engaged to upgrade Cecil Avenue East through major road and landscape works as part of Perth's Canning City Centre Regeneration Program. The upgrade formed part of the Council's metropolis vision which included establishing dedicated bus lanes that could also be used by cyclists and taxis, wider footpaths, mature trees to increase the tree canopy, rain gardens, smart infrastructure, and interactive artistic features for the public to enjoy.

With high levels of interest in the project, BMD understood the upgrade's importance to the local community and was committed to delivering the works as safely and as quickly as possible, whilst still achieving the high-quality outcomes expected by all stakeholders.



GUNDAROO DRIVE (FORMERLY WILLIAM SLIM DRIVE) DUPLICATION - PACKAGE A, ACT

| ACT Government | \$17.8 million

BMD was engaged to deliver works for the duplication of Gundaroo Drive (formerly William Slim Drive) between Chuculba Crescent to Barton Highway and Ginninderra Drive to Baldwin Drive. The scope included duplication works completed with 1400 tonnes of heavy-duty dense asphalt, electrical relocation involving under boring, construction of kerb and gutters, installation of stormwater pipes, subsoil drainage, streetlight installation, and landscaping works.

BMD successfully managed unexpected challenges throughout construction, particularly relating to a workforce shortage early in the program. The project team worked collaboratively with the ACT Government to close out the project safely and successfully.



GOLD COAST TURF CLUB TRACKS AND LIGHTS PROJECT, QLD

| Gold Coast Turf Club | \$52.7 million*

BMD has been engaged to deliver the track refurbishment works and new lighting infrastructure for the Gold Coast Turf Club (GCTC). The GCTC is integral to the Queensland racing industry and BMD has demonstrated our project first commitment through the development of a strategic program that enables for horse racing events to continue regularly throughout works.

A significant achievement in innovation, the broadcast lighting associated with the program is one of the largest in Australia, with 30 and 40 metre poles being installed across 40 locations. The lighting will ensure the GCTC can increase their operating hours as it enables night-time racing events, and all works are set to be completed by December 2023.

*Value specific to BMD works.



Capestone Mango Hill, Queensland

Integrated master planning in action

Solving challenges through engineering and experience to connect and sustain communities.



This master planned community places lakeside living at its core, offering residents an unparalleled blend of relaxation and modern living.

CAPESTONE MANGO HILL, QLD

| Urbex Pty Ltd

When cultivating the concept of a unique master planned community and its distinctive value proposition, a strong emphasis was placed on establishing a connection with nature and incorporating both passive and active open spaces.

The primary community goals revolved around creating expansive and vibrant lakeside living areas, while also prioritising top-tier design and quality. The development of Capestone's parklands, green spaces, and public open areas has been thoughtfully integrated into the overall master planning process.



This acclaimed project stands as a testament to our expertise in a vertically integrated model, resulting in its award-winning status.

MINNIPPI GOLF COURSE, QLD

| Urbex Pty Ltd

Minnippi Golf Course located in Brisbane is a fresh offering and innovative golf club experience, with a focus on flexibility and inclusivity. As the first new public golf course in the city in 70 years, Minnippi has the advantage of reimagining the traditional golfing experience.

The facility is located on the site of a former council landfill, and its transformation into a golf course is central to the surrounding residential development, turning it into a community asset.

Creating vibrant community spaces

Bringing the community together through the creation of unique landscapes, sporting facilities and building infrastructure.



Seabrook Reserve Upgrade, Victoria



SOMERFIELDS, QLD

| Presbyterian and Methodist School Association (PMSA)

JMac was engaged to build the multi-million-dollar sporting precinct SomerFields, delivered for the independent all-girls boarding and day school Somerville House in Brisbane.

Setting the bar high for school facilities in South East Queensland, the precinct includes six fields, ten multipurpose courts and a 400 metre, eight-lane grass track with areas for throws and jumps to be used for athletics, cricket, hockey, football, netball, softball, touch and tennis.

This project showcased JMac's superior stakeholder management, community consultation, client communications and high-level project management skills by adding 30% more to the scope and only extending the program of works by four short weeks.



SEABROOK RESERVE, VIC

| Hume City Council

JMac was engaged to deliver the Seabrook Reserve park as part of the \$2.7 million sporting and recreational project for Hume City Council.

Nestled alongside the Merlynston Creek, Sirius College and the Victorian NRL Centre of Excellence, the park featured two large shelters providing toilets, BBQs and seating areas for the general public, a large artistically designed multi-purpose court area with outdoor fitness equipment, numerous playground features including stainless steel slides, flying foxes, swings, trampolines, and a large rope climbing feature.

Combating earthwork challenges due to La Niña causing wetter than usual conditions, JMac worked closely with the Council to minimise program extensions and meet all project deadlines, ensuring the play facility could be enjoyed by the community.



CASTLE HILL HANDRAILS, QLD

| Townsville City Council

In a highly complex and intricate location, JMac was engaged to remove the existing unsafe handrail and install a new compliant modular handrail system at the popular lookout and walking location, in Castle Hill in North Queensland.

Used by hundreds of people daily, Castle Hill is a major fitness hub with numerous walking tracks and visitor lookouts. The scope of works included installing approximately 350 metres of new handrail by core drilling posts into the existing granite rock.

Due to the challenging location of this project, JMac employed innovative thinking to engage helicopter lifts to move materials into position. The project was strategically managed to ensure minimal disruptions to pedestrian tracks with closures only required during the helicopter lift operations.





Exporting our unique offering offshore



BMD has operated in the Philippines since 2017 as Prime BMD, a jointly owned subsidiary with a long-term client and partner Prime Infra.

UPPER WAWA DAM PUMPING STATION, MANILA

| Wawa JVCo Inc. | PhP 3.2 billion

Prime BMD has been engaged to design and construct a pumping station at the Upper Wawa Dam as part of Metropolitan Waterworks and Sewerage System's (MWSS) plan to improve water supply and delivery to Metro Manila.

The project scope includes the construction of an over 1000 metre long access tunnel, a 72.1-metre-deep shaft for the pumping station, and an almost 2000 metre conveyance pipeline. Scope also includes ongoing excavation works, backfilling and laying of river run materials for both the east to west road and access road, and east portal preparation for upcoming tunnel works.

The team is on track reach a significant milestone in late 2023 with the completion of the first tunnel as part of the project since work commenced in October 2022. This crucial tunnel will play a key role in transporting water from the Upper Wawa Dam to the pumping station, ensuring a reliable and sustainable water supply for the region.



Our leaders

BOARD OF DIRECTORS

Mick Power AM
Group Board Chairman



Scott Power
Group Director
Chief Executive Officer



Craig Mortensen
Group Executive Director
Chief Financial Officer



Paul Fogarty
Group Executive Director
Construction



Dare Power
Group Executive Director
People and Process



OPERATIONAL MANAGEMENT



Jeff Gallus

EXECUTIVE GENERAL
MANAGER
BMD Constructions



David Moody

EXECUTIVE GENERAL
MANAGER
BMD Urban



Matthew Beggs

GENERAL MANAGER
Empower Engineers &
Project Managers



Jason Lindsay

GENERAL MANAGER
JMac Constructions



Peter Sherrie

GENERAL MANAGER
Urbex

CORPORATE MANAGEMENT



Colin Mitchell

GENERAL MANAGER
Strategy



Craig Smith

CHIEF RISK OFFICER



Patrick Pearl

GENERAL MANAGER
Systems



Steve Thomas

GENERAL MANAGER
Human Resources and
Industrial Relations



Christopher Tuttiatt

GENERAL COUNSEL



Simone Gooding

GENERAL MANAGER
Finance and Audit



Tony Hennessy

GENERAL MANAGER
Corporate Services

A photograph of two construction workers, a woman and a man, wearing orange high-visibility safety shirts with reflective silver stripes and white hard hats. The woman's hard hat has the 'BMD' logo. They are both wearing safety glasses and smiling while looking at a set of blueprints held by the woman. The background is a blurred construction site with a yellow excavator and other workers under a cloudy sky.

STRIVING TO DO
BETTER



BMD is proud to be
Australia's largest
privately owned civil
contractor.

WE SEE THINGS
DIFFERENTLY





OUR BUSINESS
IS OUR PEOPLE

bmd.com.au

FEDERAL COURT OF AUSTRALIA

B.M.D Constructions Pty Ltd v Construction, Forestry and Maritime Employees Union [2024] FCA 528

File number:	QUD 245 of 2024
Judgment of:	LOGAN J
Date of judgment:	15 May 2024
Catchwords:	INDUSTRIAL LAW – where the applicant applies for declaratory relief, pecuniary penalties and compensation against the respondent union and its officials – where the applicant is a joint venturer in a major state infrastructure project to construct a highway bridge – where the respondents are alleged to have intentionally hindered or obstructed the performance of construction work in seeking to access the site under the <i>Fair Work Act 2009</i> (Cth) and the <i>Work Health and Safety Act 2011</i> (Qld) – where the respondents are alleged to have blockaded the site and prevented access by contractors during a concrete pour PRACTICE AND PROCEDURE – where the applicant applies for urgent interim injunctive relief to prohibit the respondents from physically obstructing or impeding access to the site and from accessing the site pursuant to a right of entry without completing a visitor induction – where application heard with 1 hours’ notice – where individual respondents had not been served at time of hearing – whether applicant demonstrated a prima facie case – whether balance of convenience favoured the granting of injunctive relief – whether short return date appropriate – relief granted on interim basis
Legislation:	<i>Competition and Consumer Act 2010</i> (Cth) s 45 <i>Evidence Act 1995</i> (Cth) s 144 <i>Fair Work Act 2009</i> (Cth) s 494, 499, 500, 550, 793 <i>Federal Court of Australia Act 1976</i> (Cth) s 23 <i>Work Health and Safety Act 2011</i> (Qld) ss 117, 128
Cases cited:	<i>Australian Broadcasting Corporation v O’Neill</i> (2006) 227 CLR 57 <i>Australian Competition and Consumer Commission v Construction, Forestry, Mining and Energy Union (No 2)</i> [2017] FCA 1191

*Construction, Forestry, Maritime, Mining and Energy
Union v Fair Work Ombudsman* [2024] FCAFC 1
*Dollar Sweets Pty Ltd v Federated Confectioners
Association of Australia* [1986] VR 383
*Williams v Automotive, Food, Metals, Engineering,
Printing and Kindred Industries Union* (2009) 178 IR 458

Division:	Fair Work Division
Registry:	Queensland
National Practice Area:	Employment and Industrial Relations
Number of paragraphs:	37
Date of hearing:	15 May 2024
Counsel for the Applicant:	Mr C Murdoch KC with Mr A Smith
Solicitor for the Applicant:	HBA Legal
Counsel for the First Respondent:	Mr H Clift
Solicitor for the First Respondent:	Hall Payne Lawyers
Counsel for the Second to the Twelfth Respondents:	The Second to Twelfth Respondents did not appear

ORDERS

QUD 245 of 2024

BETWEEN: **B.M.D CONSTRUCTIONS PTY LTD**
Applicant

AND: **CONSTRUCTION, FORESTRY AND MARITIME**
EMPLOYEES UNION
First Respondent

DYLAN HOWARD
Second Respondent

HAYDEN TURNER-DAVEY (and others named in the Schedule)
Third Respondent

ORDER MADE BY: **LOGAN J**

DATE OF ORDER: **15 MAY 2024**

PENAL NOTICE

TO: CONSTRUCTION, F O R E S T R Y A N D M A R I T I M E E M P L O Y E E S U N I O N (INCLUDING ITS DELEGATES, OFFICE HOLDERS, EMPLOYEES, OR OTHER REPRESENTATIVES), D Y L A N H O W A R D, H A Y D E N T U R N E R - D A V E Y, J A M I E P O R T E R, D E A N M A T T A S, E B E N C O X, M A T T H E W V O N H O F F, D E A N R I E L L Y, H O A N I E D W A R D S, J A D E I N G H A M, T R E V O R S I N C L A I R A N D J O S H U A T H O M P S O N.

IF YOU (BEING THE PERSONS BOUND BY THIS ORDER):

- (a) REFUSE OR NEGLECT TO DO ANY ACT WITHIN THE TIME SPECIFIED IN THIS ORDER FOR THE DOING OF THE ACT; OR**
- (b) DISOBEY THE ORDER BY DOING AN ACT WHICH THE ORDER REQUIRES YOU NOT TO DO,**

YOU WILL BE LIABLE TO IMPRISONMENT, SEQUESTRATION OF PROPERTY OR OTHER PUNISHMENT.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS YOU TO BREACH THE TERMS OF THIS ORDER MAY BE SIMILARLY PUNISHED.

UPON THE APPLICANT, BY ITS COUNSEL, UNDERTAKING:

- (a) to submit to such order (if any) as the Court may consider to be just for the payment of compensation, (to be assessed by the Court or as it may direct), to any person,**

(whether or not that person is a party), affected by the operation of the order or undertaking or any continuation (with or without variation) of the order or undertaking; and

- (b) To pay the compensation referred to in (a) to the person affected by the operation of the order or undertaking.

THE COURT ORDERS THAT:

- 1. In this order:

Project means the construction sites established for the Centenary Bridge Upgrade Project at the date of this order, being the fenced construction site running parallel to the western side of the Centennial Highway between Sinnamon Road and Kenmore Road.

Point of Entry means any point of entry to (or exit from) the Project, and includes any gate, turnstile, entrance way, driveway or door.

Visitor Induction means the present electronic visitor induction process mandated by B.M.D for all visitors attending the Project and amended from time to time.

- 2. The First Respondent (whether by its delegates, office holders, employees, or other representatives) and the Second to Tenth Respondents are prohibited from:

- (a) physically obstructing or physically impeding the free movement of goods or people to and from the Project or a Point of Entry;
- (b) aiding, abetting, counselling, procuring or inducing any person to engage in the conduct referred to in orders 2(a) above.

- 3. The First Respondent forthwith:

- (a) notify officers and employees of the First Respondent's Construction and General Division, Queensland and Northern Territory Divisional Branch (CFMEU Qld Branch), and its delegates or agents of the First Respondent who are employed or engaged to work at the Project, of the existence and terms of this order.
- (b) issue and distribute (including but not limited to posting, and maintain for the duration that the order is in force) on the website home pages of the Respondent and of the CFMEU Qld Branch to the Relevant Employees a communication which includes a copy of this order.

4. The Second to Seventh and Ninth to Twelfth Respondents must not exercise any right of entry at the Project, in accordance with Chapter 3, Division 4 of the *Fair Work Act 2009* (Cth), or Part 7 of the *Work Health and Safety Act 2011* (Qld) unless they undertake the Visitor Induction.
5. The requirement under Rule 41.07 of the *Federal Court Rules* for personal service of this order on the First Respondent is dispensed with and, instead, service of this order upon the First Respondent is permitted by forwarding a copy of it by email or facsimile transmission addressed to the Secretary of the CFMEU Qld Branch.
6. The Applicant file and serve, on or before noon on 20 May 2024, an outline detailing the number and brief details of contraventions of the *Fair Work Act 2009* (Cth) that it alleges the Respondents have committed.
7. The Respondents file and serve, on or before noon on 21 May 2024:
 - (a) such affidavits, if any, as they propose to rely upon for the next case management hearing and return date; together with
 - (b) any such outline of submissions, of not more than 10 pages.
8. The Applicant file and serve, on or before noon on 22 May 2024:
 - (a) such affidavits in reply, if any, as they propose to rely upon for the next case management hearing and return date; together with
 - (b) any such outline of submissions in reply, of not more than 5 pages.
9. The proceedings be adjourned to 10:15am on Thursday, 23 May 2024 for case management and the return for consideration of whether on the Applicant's interlocutory application there should be any extension of injunctive relief granted by this order.
10. The injunctive relief granted by the orders in paragraphs 2, 3 and 4 of this order operate until midnight on 23 May 2024 or further earlier order.
11. This order be passed and entered by the registry forthwith.
12. Liberty to apply.
13. Costs be reserved.

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.

REASONS FOR JUDGMENT

(REVISED FROM TRANSCRIPT)

LOGAN J:

1 B.M.D Constructions Proprietary Limited (B.M.D) is, with Georgiou Group Proprietary Limited, presently engaged in a joint venture in respect of the upgrading, by duplication, of the Centenary Bridge across the Brisbane River. That bridge carries the Centenary Highway across the Brisbane River towards Jindalee and further west (the project). The undertaking of those works in respect of the project is pursuant to a contract between the joint venturers and the State of Queensland via the state's Department of Transport and Main Roads.

2 An application was filed earlier today by B.M.D, whereby it seeks the following declaratory relief against the Construction, Forestry and Maritime Employees Union (the Union) and certain named individual respondents:

1. In this order:

The Project means the construction sites established for the Centenary Bridge Upgrade Project at the date of this order, being the fenced construction site running parallel to the western side of the Centennial Highway between Sinnamon Road and Kenmore Road.

Point of Entry means any point of entry to (or exit from) the Project, and includes any gate, turnstile, entrance way, driveway or door.

Visitor Induction means the electronic visitor induction process mandated by B.M.D for all visitors attending The Project and amended from time to time.

2. The First Respondent (whether by its delegates, office holders, employees, or other representatives) and the Second to Tenth Respondents are prohibited from:

- (a) physically obstructing or physically impeding the free movement of goods or people to and from the Project or a Point of Entry;
- (b) aiding, abetting, counselling, procuring or inducing any person to engage in the conduct referred to in orders 2(a) above.

3. The First Respondent must forthwith:

- (a) notify officers and employees of the First Respondent's Construction and General Division, Queensland and Northern Territory Divisional Branch (CFMEU Qld Branch), and its delegates or agents of the First Respondent who are employed or engaged to work at the Project, of:
 - 1. the existence and terms of the order; and
 - 2. the withdrawal of any direction, authorisation or encouragement by the First Respondent for any of its

members employed to work at the Site (Relevant Employees) to engage in the action at order 2.

(b) issue and distribute (including but not limited to posting, and maintaining for the duration that the order is in force, on the home pages of the Respondent and of the CFMEU Qld Branch (<https://www.cfmeu.org.au/> and <https://www.qnt.cfmeu.org>) to the Relevant Employees a communication which:

1. includes a copy of this Order;
2. states that the action defined in this Order is to cease and any prior authorisation of such action is cancelled.
4. The Second to Seventh and Ninth to Twelfth Respondents must not exercise any right of entry at The Project, in accordance with Chapter 3 Division 4 of the Fair Work Act 2009 (Cth), or Part 7 of the Work Health and Safety Act 2011 (Qld) unless they undertake the Visitor Induction.
5. The requirement under Rule 41.07 of the Federal Court Rules for personal service of this Order on the First Respondent is dispensed with and, instead, service of this Order upon the First Respondent is permitted by forwarding a copy of it by email or facsimile transmission addressed to the Secretary of the CFMEU Qld Branch.

[emphasis in original]

3 The background against which such relief is sought is related in two affidavits filed today, one of B.M.D's construction manager, Mr Gary Grant (Mr Grant), and the other of its solicitor, Mr Damian John Hegarty. From these, as well as a viewing of audiovisual footage, which comprises exhibit GG2, referred to in [30] of Mr Grant's affidavit, which is the audiovisual file for which has become exhibit 1 during today's hearing, it emerges that, *prima facie*, yesterday there occurred on the project site what may be regarded as the latest manifestation of differences which have occurred between the Union and B.M.D.

4 The differences are with respect to the imposition by B.M.D of a requirement that those seeking to enter the project site, including those who, at least purportedly, seek to do so in the exercise of a permit granted under the *Fair Work Act 2009* (Cth) (Fair Work Act) (which enables the exercise onsite of occupational health and safety rights otherwise granted under s 117 of the *Work Health and Safety Act 2011* (Qld) (WHS Act)), to undergo a particular site induction upon entry and to sign digitally acknowledgement of having undertaken such induction.

5 The work site for the project is, by the very nature of the project, elongated and relatively narrow. It spans some two kilometres in length. It embraces the Jindalee side of the Brisbane River to the south and the Kenmore side of the Brisbane River to the north. There are six

access gates to the site. The site is confined in the sense that access is via these gates. Mr Grant offers detail in his affidavit as to the location of those gates.

6 Between 17 April this year and yesterday, critical path works in respect of the project were being undertaken. These entailed the pouring of concrete pylons for the duplication of the Centenary Bridge to sit upon. Mr Grant states that such tasks must be finished on time to complete the entire project on time, as they are essential elements. Obviously enough, given that the project entails the duplication of a bridge, if there are no pylons, there cannot be a bridge to sit upon them. The pouring of the concrete is an essential part of the construction of the pylons.

7 There are numerous contractors. There are, and have between 17 April and yesterday been, numerous contractors, as detailed by Mr Grant in his affidavit, working to B.M.D and its joint venturer to the end of the completion of the project. Unsurprisingly, but nonetheless as related by Mr Grant in his affidavit, these contractors collectively use a variety of plant and equipment to complete their activities. Such plant and equipment includes cranes, excavators, piling rigs, compactors, telehandlers, barges, tugboats and water trucks. Necessarily, this involves a great deal of coordinated activity. It also involves the receipt of deliveries of items, such as formwork, reinforcing steel and concrete, to construct the pylons. In turn, and as Mr Grant also relates, with respect, unsurprisingly, it is very important that those at the site understand what other trades are doing and how their particular activities will interface one with the other. It also entails specific measures being taken to facilitate particular deliveries or movement of plant on a particular day. The nature of the project is such that this requirement is ever-changing, in accordance with progression of the works.

8 Ever since 17 April 2024, and episodically, there have been visits to the project site by various officers or officials of the Union. These visits have, at least purportedly, and as I have mentioned, been pursuant to the WHS Act, but have entailed differences as between B.M.D's officers and Union officers or officials as to the requirements for such access lawfully to be undertaken. On occasion, this has additionally entailed, as Mr Grant relates, the presence onsite of inspectors appointed under the WHS Act, as well as members of the Queensland Police.

9 There was an endeavour to resolve differences by conciliation in the Queensland Industrial Relations Commission and, for that matter, for a hearing commencing earlier this week to be fixed to occur in that commission. For one reason or another, that particular hearing has been vacated. One might, with respect, question, at least, the continued utility of a hearing in the

State commission as opposed, perhaps, to further conciliation either in that commission or in the federal conciliation and arbitration commission, presently known as the Fair Work Commission (Federal Industrial Commission). That is because, having regard to the relief sought in the present case, there may be potential for an embarrassment, as between the State commission and this Court, in terms of overlapping evidentiary foundation and the seeking in this Court of, amongst other relief, civil penalties. I do, though, take into account, in deciding whether or not to grant any interim relief, that there has been an attempt at conciliation in a specialist forum, and that this has not resolved differences.

10 Of most immediate concern to B.M.D, and the apparent catalyst for the seeking urgently of interim relief, are events which occurred yesterday. In summary, and as revealed by the affidavits, what is said to have occurred is that a Mr Hayden Turner-Davey and a Mr Jamie Porter, each of whom is said to be an official of the Union and who are respectively the third and fourth named respondents, and who hold an entry permit issued under the Fair Work Act, purported to exercise a right under s 117 of the WHS Act to enter the project site. B.M.D alleges that in so doing, they were seeking to exercise a state OHS right within the meaning of s 494 of the Fair Work Act. It is further alleged that in so doing, they were exercising, or seeking to exercise, rights in accordance with Pt 3.4 of that Act, such that their conduct was regulated by, presently materially, s 500 of that Act. *Prima facie*, in a way in which I shall shortly explain, what is disclosed by the affidavit material, is that it is also inherently likely that s 500 has application. Included in B.M.D's site management plan for the project is a requirement that visitors to the site complete a site induction, which is said to be brief, and electronically sign an acknowledgement that they have done so.

11 The affidavits disclose that Messrs Turner-Davey and Porter were each asked to complete such an induction prior to entering the site and that each of them refused. B.M.D alleges that such a request was reasonable and that it was a reasonable request to comply with a work health and safety requirement applicable to the project site, in accordance with s 128(a) of the WHS Act, and, further, a reasonable request to comply with an occupational health and safety requirement by the occupier of the project site, in terms of s 499 of the Fair Work Act. It will be immediately apparent from the bifurcation in the allegation of the potential for embarrassment as between the State industrial commission in any hearing and the further exercise by this Court of the jurisdiction invoked by B.M.D.

- 12 The reasonableness or otherwise of the particular induction and related request, of course, would fall for determination at trial. As a general proposition, it is established by authority recently in the Full Court, *Construction, Forestry, Maritime, Mining and Energy Union v Fair Work Ombudsman* [2024] FCAFC 1, that a request to complete site inductions and site registers can and were, in the circumstances of that case held to be, reasonable.
- 13 The affidavits filed disclose that Messrs Turner-Davey and Porter refused to complete the induction and that they remained on the public footpath between project site traffic controllers and a concrete truck, blocking its entry.
- 14 Later yesterday, at about 1.29 pm, between 30 and 40 individuals, many said to be wearing union-branded clothing, walked along Sinnamon Road, blockading the entrance to the project site and preventing access to it until about 4 pm. Part of that event is recorded in the audio-visual footage (exhibit 1), which I have viewed in open court. At about 2.50 pm, during the course of this blockade, a Mr Dylan Howard, who is named as second respondent, advised officers of B.M.D that if Messrs Turner-Davey and Porter were permitted to enter the project site without complying with visitor entry requirements, the cement trucks which were due to enter the site would be allowed through.
- 15 B.M.D's case is that the blockade described was organised collectively by the Union and other named respondents to pressure it to permit Messrs Turner-Davey and Porter to enter the site without complying with the site entry requirements. B.M.D alleges that Messrs Turner-Davey and Porter each behaved improperly in terms of s 500 of the Fair Work Act in that they breached the standards of conduct that would be expected by a person in the position of the alleged defendant by reasonable persons with knowledge of the duties, powers and authority of the position and circumstances of the case.
- 16 B.M.D's case is also that, in organising and participating in the blockade and support of the entry without site induction of Messrs Turner-Davey and Porter, each of the other individual respondents was involved in the contravention, in terms of s 550 of the Fair Work Act. B.M.D further alleges that by virtue of s 793 of that Act, the acts or omissions of the permit holder are taken to be the acts or omissions of the Union. Thus, part of its case is that although the Union is not obliged to act in accordance with s 500, by undertaking the acts or omissions or its representative, it becomes knowingly concerned in a contravention by the operation of s 550 of the Fair Work Act.

- 17 B.M.D also alleges that the conduct of the Union in engaging in the blockade in concert with individual respondents prevented access to the project site by concrete mixer trucks. It is said in the affidavits that the concrete was being supplied by Boral and was to be used by B.M.D in a concrete pour on the site. It is said that the conduct alleged had the effect of preventing B.M.D from capping a pylon. That is said to be conduct in contravention of s 45D of what, these days, is called the *Competition and Consumer Act 2010* (Cth) (hitherto the Trade Practices Act). That is said to have occurred because it prevented B.M.D from obtaining services from Boral and the latter's related entities and also prevented B.M.D from obtaining concrete pumping services. The latter is also referred to in the affidavit material.
- 18 It is also said in the affidavits, and alleged as part of B.M.D's s 45D case, that a consequence of the inability to undertake, yesterday, the concrete pour's completion is that remedial works will need to be undertaken. As presently estimated, these are said to be at a cost of at least \$300,000. That cost will not be able to be recovered under the contract, so it is said.
- 19 It is also alleged that the related removal of the partly completed pylons and their completion will result in project work progression being delayed by up to two weeks.
- 20 Related to the events said to have occurred is an allegation that the respondents have engaged at common law in an interference with contractual relations.
- 21 Yet further, it is alleged that the blockade conduct constituted a public nuisance by obstruction or besetting.
- 22 The requirements for the granting of interlocutory injunctive relief were the subject of exposition by the High Court in *Australian Broadcasting Corporation v O'Neill* (2006) 227 CLR 57 (*ABC v O'Neill*). Factors which thereby arise for consideration are whether or not there is shown a *prima facie* case (not in the sense of a case more likely than not to succeed, but one which is sufficient to warrant the granting of an interlocutory or interim injunction), together with the balance of convenience. Related to the latter is whether or not damages would be an adequate remedy.
- 23 B.M.D offers the usual undertaking as to damages by its counsel.
- 24 B.M.D must show a sufficient likelihood of success to warrant a preservation of the status quo. It seems to me that its affidavits, as considered in conjunction with the audiovisual footage, do that at least on an interim basis. I am particularly conscious that the application has come on

urgently and, related to that, that the Union has had very little time indeed to engage factually, if it chooses, with the case as put in the affidavits upon which B.M.D has relied.

25 The individually named respondents have not yet been served. Such considerations moved Jessup J, in *Williams v Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union* (2009) 178 IR 458 (*Williams*), to fix a very short return date for the interim relief which, in the circumstances of that case, he was disposed to grant.

26 Strictly, the application, insofar as relief is sought against the Union, is not *ex parte*, but it does have the shortness of notice feature I have described. It is obviously *ex parte* in relation to individual respondents.

27 It is said of the undertaking, on behalf of the Union, that its worth is moot given that B.M.D's financial position is not described in the affidavits. In terms of precise data, that is true, but it is, with its fellow joint venturer, a party to what, on any view, is a major construction project for the State. It seems to me inherently unlikely that the State would consign such a project to a company, B.M.D, which it regarded as of no worth.

28 It is also put, on behalf of the Union, that damages would be an adequate remedy. It is further so put, in developing that, that the effect of the delay, if any, on final completion is not clear. I do not accept these submissions, even on the material to hand. There is reference to a two-week delay being engendered, and it seems to me, inferentially, inherently likely that there may be a delay in completion.

29 I bear in mind that this particular bridge duplication is a duplication of a significant river crossing. I consider that I am entitled judicially to notice the existence of major population centres, and thus commuters, connected by this bridge: s 144(1)(a), *Evidence Act 1995* (Cth). Related to that, it seems to me there is a singular public interest in its due completion according to law, which includes its due completion in accordance with the contract, to which B.M.D, its fellow joint venturer and the State are parties. It is an important public transport corridor that is involved. That being so, I am not at all persuaded that damages would be an adequate remedy. To the contrary, my view is that, overwhelmingly, the balance of convenience, taken in conjunction with what I accept to be an established *prima facie* (in the sense of *ABC v O'Neill*), favours the granting of injunctive relief, but for the present on a short-term, interim basis, for like reasons to those given by Jessup J in *Williams*. I therefore propose to limit temporally the injunctive relief to midnight next Thursday. That will allow time for notification

to occur in respect of individual respondents and for the respondents generally to make such factual response and legal submissions as they may be advised.

30 It was put on behalf of the Union, and in keeping with a duty of counsel, even though not presently instructed to appear for individual respondents, that order 2 really did nothing more than require obedience to the law. On one view that is so, and it is true that there are cases, which counsel at least caution in granting such orders, but there is no settled prohibition against the making of an order in terms of paragraph 2, if it is considered that it will be of assistance in the preservation of a status quo pending the exercise of judicial power. That consideration influences me to make an order in terms of paragraph 2.

31 The parties have proposed, in the event that relief were granted, that there be particularisation, at least in terms of the number of alleged contraventions by B.M.D by noon on Monday. It is, I consider, in the interests of justice that this occur. It is important, firstly, for B.M.D to give some precision, even in advance of the imposition of a formal requirement for delivery of a statement of claim, to its contravention allegations. It is, if anything, even more important for the Union and individual respondents to understand what are said to be the number of contraventions. That will, obviously enough, inform thinking as to the degree of financial jeopardy in which the Union or, as the case may be, individuals may find themselves, if, ultimately, B.M.D is able to establish the civil penalty side of its case.

32 B.M.D has already, to date, given such precision as it can in terms of immediate remedial cost. It is clear enough from the affidavits that that may not be the metes and bounds of a damages claim. If anything, it looks as if the damages claim would be at least in the amount specified in respect of the remedial works. As to why I have concluded that the facts, as alleged, *prima facie* disclose the existence, apart from the Fair Work allegations, of a case, there exists here, in my view, on the affidavits, the likelihood of a loss which is of substance, not trivial. Thus, in being persuaded that the s 45D aspect of the case warrants the granting of injunctive relief, I am moved by like considerations to those set out by Middleton J in *Australian Competition and Consumer Commission v Construction, Forestry, Mining and Energy Union (No 2)* [2017] FCA 1191.

33 As to the public nuisance aspect of B.M.D's case, the facts established *prima facie* disclose a form of blockading or picketing, which goes beyond that which is a mere peaceful public display of sentiment and transgresses into the realm of interference with rights of persons

wishing to enter the project site in the way described by Murphy J in *Dollar Sweets Pty Ltd v Federated Confectioners Association of Australia* [1986] VR 383, at 388 to 389.

34 Also controversial this afternoon is whether the relief sought in paragraphs 3(a)(ii) and 3(b)(ii) should be granted. Once the Court's jurisdiction is invoked, and it has been, a very wide charter, indeed, to craft relief necessary in the circumstances of a given case is granted by s 23 of the *Federal Court of Australia Act 1976* (Cth). Such is the breadth of that charter, I accept that it would be possible to grant the particular relief sought in these particular identified paragraphs. But I am not persuaded that, at present, it is necessary to grant that relief, as opposed to imposing on the Union the notification requirements as detailed in paragraphs 3(a)(i) and (3)(b)(i). In particular, it seems to me that anyone of reasonable intelligence and understanding, notified in accordance with those particular paragraphs, would understand that an order of this Court necessarily carried with it withdrawal of any Union directions or authorisations or encouragements hitherto in place. Indeed, it would be a foolish individual, who, without reasonable excuse, contravened an order of this Court, but particularly an order given in the circumstances I have related. The order will carry with it a penal notice, which will offer notification of the consequence of a breach without reasonable excuse of the order. That too influences me that it is not necessary to impose on the Union the relief sought in 3(a)(ii) and 3(b)(ii).

35 It was put on behalf of the Union, and I have taken into account, that the notification issuing distribution obligations sought should fall on B.M.D. My view, though, is that it is better that this obligation fall on the Union. I am not at present persuaded on the evidence that that the Union will act other than responsibly in conveying the order as directed. It seems to me that it may well be better, industrially, for the Union to do that, rather than for B.M.D. That is a considered value judgement.

36 Another considered value judgement, aired with the Union and B.M.D in the course of submissions, is the desirability, if possible, of resolving differences between them by conciliation. That, of course, has occurred to date. But it is better, in my view, that that not be regarded as a closed dialogue. It may be, given the federal dimension to this case, that further conciliation might better be conducted in the Federal Industrial Commission, if only because of a likelihood of greater familiarity of encounter with the interface between the Fair Work Act access requirements and those in state WHS legislation.

37 In making the order, I shall reserve liberty to apply without specifying, in so doing, a particular notice period, leaving it to the good sense and judgement of the parties as to the degree of notice which is reasonable in given circumstances. I should also reserve costs, if only out of an abundance of caution.

I certify that the preceding thirty-seven (37) numbered paragraphs are a true copy of the Reasons for Judgment of the Honourable Justice Logan.

Associate:

Dated: 20 May 2024

SCHEDULE OF PARTIES

QUD 245 of 2024

Respondents

Fourth Respondent:	JAMIE PORTER
Fifth Respondent:	DEAN MATTAS
Sixth Respondent:	EBEN COX
Seventh Respondent:	MATTHEW VONHOFF
Eighth Respondent:	DEAN RIELLY
Ninth Respondent:	HOANI EDWARDS
Tenth Respondent:	JADE INGHAM
Eleventh Respondent:	TREVOR SINCLAIR
Twelfth Respondent:	JOSHUA THOMPSON

FEDERAL COURT OF AUSTRALIA

B.M.D Constructions Pty Ltd v Construction, Forestry and Maritime Employees Union (No 2) [2024] FCA 569

File number: QUD 245 of 2024

Judgment of: **LOGAN J**

Date of judgment: 23 May 2024

Catchwords: **INDUSTRIAL LAW** – where the applicant applies for declaratory relief, pecuniary penalties and compensation against the respondent union and its officials – where the applicant is a joint venturer in a major state infrastructure project to construct a highway bridge – where the respondents are alleged to have intentionally hindered or obstructed the performance of construction work in seeking to access the site under the *Fair Work Act 2009* (Cth) and the *Work Health and Safety Act 2011* (Qld) – where the respondents are alleged to have blockaded the site and prevented access by contractors during a concrete pour

PRACTICE AND PROCEDURE – where the applicant applies for interlocutory injunctive relief to prohibit the respondents from physically obstructing or impeding access to the site and from accessing the site pursuant to a right of entry without completing a visitor induction – where Court listed short second return date to determine continuation of injunctive relief – where respondents only made submissions against the continuation of injunctive relief mandating the completion of a visitor induction process upon accessing the site – whether applicant had still demonstrated a *prima facie* case – whether balance of convenience favoured the granting of injunctive relief – relief granted on interlocutory basis until final hearing and determination or further earlier order

Legislation: *Fair Work Act 2009* (Cth) ss 499, 500, 539, 545
Work Health and Safety Act 2011 (Qld) ss 117, 118, 119, 128

Cases cited: *Active Leisure (Sports) Pty Ltd v Sportsman's Australia Ltd* (1991) 1 Qd R 301
Australian Building and Construction Commission v Pattinson (2022) 274 CLR 450
Australian Building and Construction Commissioner v

Construction, Forestry, Mining and Energy Union (2018) 262 CLR 157
B.M.D Constructions Pty Ltd v Construction, Forestry and Maritime Employees Union [2024] FCA 528
Construction, Forestry, Mining and Energy Union v Fair Work Ombudsman [2024] FCAFC 1
Director of the Fair Work Building Industry Inspectorate v Cartledge [2014] FCA 1047
McLean v Tedman (1984) 155 CLR 306
Teys Australia Beenleigh Pty Ltd v Australasian Meat Industry Employees' Union [2024] FCA 259
United Group Resources Pty Ltd v Calabro (No. 7) (2012) 203 FCR 247
Williams v Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union (2009) 178 IR 458

Division: Fair Work Division

Registry: Queensland

National Practice Area: Employment and Industrial Relations

Number of paragraphs: 43

Date of hearing: 23 May 2024

Counsel for the Applicant: Mr C Murdoch KC with Mr A Smith

Solicitor for the Applicant: HBA Legal

Counsel for the Respondents: Mr H Clift

Solicitor for the Respondents: Hall Payne Lawyers

ORDERS

QUD 245 of 2024

BETWEEN: **B.M.D CONSTRUCTIONS PTY LTD**
Applicant

AND: **CONSTRUCTION, FORESTRY AND MARITIME**
EMPLOYEES UNION
First Respondent

DYLAN HOWARD
Second Respondent

HAYDEN TURNER-DAVEY (and others named in the Schedule)
Third Respondent

ORDER MADE BY: **LOGAN J**

DATE OF ORDER: **23 MAY 2024**

PENAL NOTICE

TO: CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION (INCLUDING ITS DELEGATES, OFFICE HOLDERS, EMPLOYEES, OR OTHER REPRESENTATIVES), DYLAN HOWARD, HAYDEN TURNER-DAVEY, JAMIE PORTER, DEAN MATTAS, EBEN COX, MATTHEW VONHOFF, DEAN RIELLY, HOANI EDWARDS, JADE INGHAM, TREVOR SINCLAIR AND JOSHUA THOMPSON.

IF YOU (BEING THE PERSONS BOUND BY THIS ORDER):

- (A) REFUSE OR NEGLECT TO DO ANY ACT WITHIN THE TIME SPECIFIED IN THIS ORDER FOR THE DOING OF THE ACT; OR**
- (B) DISOBEY THE ORDER BY DOING AN ACT WHICH THE ORDER REQUIRES YOU NOT TO DO,**

YOU WILL BE LIABLE TO IMPRISONMENT, SEQUESTRATION OF PROPERTY OR OTHER PUNISHMENT.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS YOU TO BREACH THE TERMS OF THIS ORDER MAY BE SIMILARLY PUNISHED.

UPON THE APPLICANT, BY ITS COUNSEL, UNDERTAKING:

- (a) to submit to such order (if any) as the Court may consider to be just for the payment of compensation, (to be assessed by the Court or as it may direct), to any person,**

(whether or not that person is a party), affected by the operation of the order or undertaking or any continuation (with or without variation) of the order or undertaking; and

- (b) to pay the compensation referred to in (a) to the person affected by the operation of the order or undertaking.

THE COURT ORDERS THAT:

Injunctive relief

1. In this order:
 - (a) **Project** means the construction sites established for the Centenary Bridge Upgrade Project at the date of this order, being the fenced construction site running parallel to the western side of the Centennial Highway between Sinnamon Road and Kenmore Road.
 - (b) **Point of Entry** means any point of entry to (or exit from) the Project, and includes any gate, turnstile, entrance way, driveway or door.
 - (c) **Visitor Induction** means the present electronic visitor induction process mandated by BMD for all visitors attending the Project and as amended from time to time.
2. The First Respondent (whether by its delegates, office holders, employees, or other representatives) and the Second to Tenth Respondents are prohibited from:
 - (a) physically obstructing or physically impeding the free movement of goods or people to and from the Project or a Point of Entry;
 - (b) aiding, abetting, counselling, procuring or inducing any person to engage in the conduct referred to in orders 2(a) above.
3. The First Respondent forthwith:
 - (a) notify officers and employees of the First Respondent's Construction and General Division, Queensland and Northern Territory Divisional Branch (**CFMEU Qld Branch**), and its delegates or agents of the First Respondent who are employed or engaged to work at the Project, of the existence and terms of this order.
 - (b) issue and distribute (including but not limited to posting, and maintain for the duration that the order is in force) on the website home pages of the Respondent

and of the CFMEU Qld Branch to the Relevant Employees a communication which includes a copy of this order.

4. The Second to Seventh and Ninth to Twelfth Respondents must not exercise any right of entry at the Project, in accordance with Chapter 3, Division 4 of the *Fair Work Act 2009* (Cth), or Part 7 of the *Work Health and Safety Act 2011* (Qld) unless they undertake the Visitor Induction.
5. The injunctive relief granted by the orders in paragraphs 2, 3 and 4 of this order operate until the hearing and determination of the proceedings or further earlier order.
6. Liberty to apply.
7. Costs be reserved.

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.

ORDERS

QUD 245 of 2024

BETWEEN: **B.M.D CONSTRUCTIONS PTY LTD**
Applicant

AND: **CONSTRUCTION, FORESTRY AND MARITIME
EMPLOYEES UNION**
First Respondent

DYLAN HOWARD
Second Respondent

HAYDEN TURNER-DAVEY (and others named in the Schedule)
Third Respondent

ORDER MADE BY: LOGAN J

DATE OF ORDER: 23 MAY 2024

THE COURT ORDERS THAT:

Pleadings

1. The applicant must file and serve a statement of claim and an amended application by 24 June 2024.
2. The respondents must file and serve a defence and any cross-claim by 22 July 2024.
3. The applicant must file and serve any reply and a defence to any cross-claim by 13 August 2024.

Mediation

4. The proceeding be referred to a mediation before Mr Richard Kenzie AC KC, or an otherwise agreed mediator, on a date to be fixed, which must be concluded on or before 30 August 2024.

5. As to that mediation:

The court fee in respect of that mediation is to be paid as follows:

5.1.1 The applicant – 50% of the cost of the mediator; and

5.1.2 The first respondent – 50% of the cost of the mediator;

As to the portion of the mediator's costs borne by a party, those costs be that party's costs in the proceeding.

The mediation must be conducted:

5.1.3 by attendance in person before the mediator; or

5.1.4 by the attendance, including a legal practitioner, of a person authorised to compromise the proceeding.

The mediator may give such directions in relation to the mediation as the mediator deems necessary, including any adjournment of the mediation from time-to-time.

Discovery

6. The parties are to file and serve any application for discovery by 30 August 2024.

Evidence

7. By 9 September 2024, the applicant must file and serve:

affidavits of any expert evidence upon which the applicant intends to rely; and outlines of evidence for any lay witnesses that the applicant intends to call.

8. By 7 October 2024, the respondents must file and serve:

affidavits of any expert evidence upon which they intend to rely; and outlines of evidence for any lay witnesses that they intend to call.

9. By 14 October 2024, the applicant must file and serve: affidavits of any expert evidence in reply (if any);

outlines of evidence for any lay witnesses, which will be led in-chief, which are responsive to the matters dealt with in the respondents' outline of evidence.

10. The parties' outlines of evidence:

must identify the topics the witnesses will address and, in summary form, the evidence that will be given on its topic; and

must be no more than four pages in length;

will not, without leave of the court, be the subject to cross-examination or tendered as a prior witness statement.

Process to trial

11. The applicant must file and serve written submissions, of no more than 12 pages, by 28 October 2024.

12. The respondents must file and serve written submissions, of no more than 12 pages, by 8 November 2024.
13. The applicant must file and serve any written submissions in reply, of no more than 6 pages, by 15 November 2024.
14. By 15 November 2024, the parties must:
confer with a view to resolving:
 - 14.1.1 any objections to affidavit evidence; and
 - 14.1.2 the contents of a joint Court Book setting out all the documents to be referred to and relied upon by the parties in the proceeding, with such Court Book to be indexed and paginated throughout, and electronically filed with the Court.
file a joint report of experts (if experts are to be called by each party on any issue) highlighting areas of agreement and disagreement.
15. The matter be listed for a trial to occur in November 2024, in respect of all issues of liability in the first instance, on dates to be fixed by the Court after consultation with the parties, or on such later dates as the Court may appoint after such consultation. The Court notes that the present estimate of the parties in respect of a liability trial is 5 to 7 sitting days.
16. Liberty to apply.
17. Costs be reserved.

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.

REASONS FOR JUDGMENT

(REVISED FROM TRANSCRIPT)

LOGAN J:

1 On 15 May 2024, upon the urgent application of B.M.D Constructions Pty Ltd (B.M.D), I made particular injunctive orders for reasons which were delivered that day: see *B.M.D Constructions Pty Ltd v Construction, Forestry and Maritime Employees Union* [2024] FCA 528. Materially, those orders were as follows:

UPON THE APPLICANT, BY ITS COUNSEL, UNDERTAKING:

- (a) to submit to such order (if any) as the Court may consider to be just for the payment of compensation, (to be assessed by the Court or as it may direct), to any person, (whether or not that person is a party), affected by the operation of the order or undertaking or any continuation (with or without variation) of the order or undertaking; and
- (b) to pay the compensation referred to in (a) to the person affected by the operation of the order or undertaking.

THE COURT ORDERS THAT:

1. In this order:

Project means the construction sites established for the Centenary Bridge Upgrade Project at the date of this order, being the fenced construction site running parallel to the western side of the Centennial Highway between Sinnamon Road and Kenmore Road.

Point of Entry means any point of entry to (or exit from) the Project, and includes any gate, turnstile, entrance way, driveway or door.

Visitor Induction means the present electronic visitor induction process mandated by BMD for all visitors attending the Project and amended from time to time.

2. The First Respondent (whether by its delegates, office holders, employees, or other representatives) and the Second to Tenth Respondents are prohibited from:
 - (a) physically obstructing or physically impeding the free movement of goods or people to and from the Project or a Point of Entry;
 - (b) aiding, abetting, counselling, procuring or inducing any person to engage in the conduct referred to in orders 2(a) above.
3. The First Respondent forthwith:
 - (a) notify officers and employees of the First Respondent's Construction and General Division, Queensland and Northern Territory Divisional Branch (**CFMEU Qld Branch**), and its delegates or agents of the First Respondent who are employed or engaged to work at the Project, of

the existence and terms of this order.

- (b) issue and distribute (including but not limited to posting, and maintain for the duration that the order is in force) on the website home pages of the Respondent and of the CFMEU Qld Branch to the Relevant Employees a communication which includes a copy of this order.
- 4. The Second to Seventh and Ninth to Twelfth Respondents must not exercise any right of entry at the Project, in accordance with Chapter 3, Division 4 of the *Fair Work Act 2009* (Cth), or Part 7 of the *Work Health and Safety Act 2011* (Qld) unless they undertake the Visitor Induction.
- 5. The requirement under Rule 41.07 of the Federal Court Rules for personal service of this order on the First Respondent is dispensed with and, instead, service of this order upon the First Respondent is permitted by forwarding a copy of it by email or facsimile transmission addressed to the Secretary of the CFMEU Qld Branch.
- 6. The Applicant file and serve, on or before noon on 20 May 2024, an outline detailing the number and brief details of contraventions of the *Fair Work Act 2009* (Cth) that it alleges the Respondents have committed.
- 7. The Respondents file and serve, on or before noon on 21 May 2024:
 - (a) such affidavits, if any, as they propose to rely upon for the next case management hearing and return date; together with
 - (b) any such outline of submissions, of not more than 10 pages.
- 8. The Applicant file and serve, on or before noon on 22 May 2024:
 - (a) such affidavits in reply, if any, as they propose to rely upon for the next case management hearing and return date; together with
 - (b) any such outline of submissions in reply, of not more than 5 pages.
- 9. The proceedings be adjourned to 10:15am on Thursday, 23 May 2024 for case management and the return for consideration of whether on the Applicant's interlocutory application there should be any extension of injunctive relief granted by this order.
- 10. The injunctive relief granted by the orders in paragraphs 2, 3 and 4 of this order operate until midnight on 23 May 2024 or further earlier order.

2 In so doing, and as [10] reveals, I followed a practice evident in the judgment of Jessup J in *Williams v Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union* (2009) 178 IR 458 by providing for a short life to the interim injunction. That was on the particular bases that the respondent union had only briefly beforehand been served, and that natural person respondents had yet to be served.

3 An appearance has now been made by Mr Clift of counsel, not just, as before, on behalf of the union, but now also on behalf of each of the natural person respondents.

- 4 For its part, B.M.D, by its counsel Mr Murdoch KC and Mr Smith, has repeated, for the purposes of seeking continuance of the interim orders, the usual undertaking as to damages. As to that undertaking, it is evident from the material read on behalf of B.M.D, in particular a recent annual report of a corporate group of which B.M.D forms part, that B.M.D is a company of substance, as I had apprehended in the earlier reasons for judgment.
- 5 What follows must be read in conjunction with those earlier reasons for judgment.
- 6 It is convenient to now set out some provisions from the two key statutes relevant in this proceeding. Sections 499, 500, 539 and 545 of the *Fair Work Act 2009* (Cth) (Fair Work Act) provide:

499 Occupational health and safety requirements

A permit holder must not exercise a State or Territory OHS right unless he or she complies with any reasonable request by the occupier of the premises to comply with an occupational health and safety requirement that applies to the premises.

Note 1: This section is a civil remedy provision (see Part 4 - 1).

Note 2: The FWC may deal with a dispute about whether the request is reasonable (see subsection 505(1)).

500 Permit holder must not hinder or obstruct

A permit holder exercising, or seeking to exercise, rights in accordance with this Part must not intentionally hinder or obstruct any person, or otherwise act in an improper manner.

Note 1: This section is a civil remedy provision (see Part 4 - 1).

Note 2: A permit holder, or the organisation to which the permit holder belongs, may also be subject to an order by the FWC under section 508 if rights under this Part are misused.

Note 3: A person must not intentionally hinder or obstruct a permit holder, exercising rights under this Part (see section 502).

539 Applications for orders in relation to contraventions of civil remedy provisions

(1) A provision referred to in column 1 of an item in the table in subsection (2) is a civil remedy provision .

(2) For each civil remedy provision, the persons referred to in column 2 of the item may, subject to sections 540 and 544 and Subdivision B, apply to the courts referred to in column 3 of the item for orders in relation to a contravention or proposed contravention of the provision, including the maximum penalty referred to in column 4 of the item.

Note 1: Civil remedy provisions within a single Part may be grouped together in a single item of the table.

Note 2: Applications cannot be made by an inspector in relation to a contravention

of a civil remedy provision by a person in certain cases where an undertaking or compliance notice has been given (see subsections 715(4) and 716(4A)).

- Note 3: The regulations may also prescribe persons for the purposes of an item in column 2 of the table (see subsection 540(8)).
- Note 4: See section 557A in relation to a serious contravention of a civil remedy provision.

...

Part 3-4 Right of entry				
25	482(3) 483(4) 483B(4) 483C(5) 483D(4) 483E(5) 494(1) 495(1) 496 497 498 499 500 501 502(1) 503(1) 504 506 509 521C(3) 521D(3)	(a) a person affected by the contravention; (b) an inspector	(a) the Federal Court; (b) the Federal Circuit and Family Court of Australia (Division 2)	60 penalty units

...

545 Orders that can be made by particular courts

Federal Court and Federal Circuit and Family Court of Australia (Division 2)

- (1) The Federal Court or the Federal Circuit and Family Court of Australia (Division 2) may make any order the court considers appropriate if the court is satisfied that a person has contravened, or proposes to contravene, a civil remedy provision.
- Note 1: For the court’s power to make pecuniary penalty orders, see section 546.
- Note 2: For limitations on orders in relation to costs, see section 570.
- Note 3: The Federal Court and the Federal Circuit and Family Court of Australia (Division 2) may grant injunctions in relation to industrial action under subsections 417(3) and 421(3).
- Note 4: There are limitations on orders that can be made in relation to contraventions of subsection 463(1) or (2) (which deals with protected action ballot orders) (see subsection 463(3)).

- (2) Without limiting subsection (1), orders the Federal Court or Federal Circuit and Family Court of Australia (Division 2) may make include the following:
- (a) an order granting an injunction, or interim injunction, to prevent, stop or remedy the effects of a contravention;
 - (b) an order awarding compensation for loss that a person has suffered because of the contravention;
 - (c) an order for reinstatement of a person;
 - (d) an order requiring a person to comply, either wholly or partly, with a notice (other than an infringement notice) given to the person by an inspector or the Fair Work Ombudsman.

Eligible State or Territory courts

- (3) An eligible State or Territory court may order an employer to pay an amount to, or on behalf of, an employee of the employer if the court is satisfied that:
- (a) the employer was required to pay the amount under this Act or a fair work instrument; and
 - (b) the employer has contravened a civil remedy provision by failing to pay the amount.

Note 1: For the court's power to make pecuniary penalty orders, see section 546.

Note 2: For limitations on orders in relation to costs, see section 570.

- (3A) An eligible State or Territory court may order an outworker entity to pay an amount to, or on behalf of, an outworker if the court is satisfied that:
- (a) the outworker entity was required to pay the amount under a modern award; and
 - (b) the outworker entity has contravened a civil remedy provision by failing to pay the amount.

Note 1: For the court's power to make pecuniary penalty orders, see section 546.

Note 2: For limitations on orders in relation to costs, see section 570.

When orders may be made

- (4) A court may make an order under this section:
- (a) on its own initiative, during proceedings before the court; or
 - (b) on application.

Time limit for orders in relation to underpayments

- (5) A court must not make an order under this section in relation to an underpayment that relates to a period that is more than 6 years before the proceedings concerned commenced.

7 Sections 117, 118, 119 and 128 of the *Work Health and Safety Act 2011* (Qld) (WHS Act) provides:

117 Entry to inquire into suspected contraventions

- (1) A WHS entry permit holder may enter a workplace for the purpose of inquiring into a suspected contravention of this Act or the Electrical Safety Act 2002 that relates to, or affects, a relevant worker.
- (2) The WHS entry permit holder must reasonably suspect before entering the workplace that the contravention has occurred or is occurring.

118 Rights that may be exercised while at workplace

- (1) While at the workplace under this division, the WHS entry permit holder may do all or any of the following in relation to the suspected contravention of this Act or the *Electrical Safety Act 2002*—
 - (a) inspect any work system, plant, substance, structure or other thing relevant to the suspected contravention;
 - (b) consult with the relevant workers in relation to the suspected contravention;
 - (c) consult with the relevant person conducting a business or undertaking about the suspected contravention;
 - (d) require the relevant person conducting a business or undertaking to allow the WHS entry permit holder to inspect, and make copies of, any document that is directly relevant to the suspected contravention and that—
 - (i) is kept at the workplace; or
 - (ii) is accessible from a computer that is kept at the workplace;
 - (e) warn any person whom the WHS entry permit holder reasonably believes to be exposed to a serious risk to his or her health or safety, emanating from an immediate or imminent exposure to a hazard, of that risk;
 - (f) remain at the workplace for the time necessary to achieve the purpose of the entry, subject to section 126.
- (2) Also, the relevant person conducting the business or undertaking is not required under subsection (1)(d) to allow the WHS entry permit holder to inspect or make copies of a document if to do so would contravene a law of the Commonwealth or a law of a State.
- (3) A relevant person conducting a business or undertaking must not, without reasonable excuse, refuse or fail to comply with a requirement under subsection (1)(d).

WHS civil penalty provision.

Maximum penalty—100 penalty units.

- (4) Subsection (3) places an evidential burden on the defendant to show a reasonable excuse.

Notes—

- 1 At least 24 hours notice is required for an entry to a workplace to

inspect employee records or other documents held by someone other than a person conducting a business or undertaking. See section 120.

- 2 The use or disclosure of personal information obtained under this section is regulated under the *Privacy Act 1988* of the Commonwealth.

119 Notice of Entry

- (1) A WHS entry permit holder must, as soon as is reasonably practicable after entering a workplace under this division, give notice of the entry and the suspected contravention, as prescribed by regulation, to:
- (a) the relevant person conducting a business or undertaking; and
 - (b) the person with management or control of the workplace.
- (2) Subsection (1) does not apply if to give the notice would:
- (a) defeat the purpose of the entry to the workplace; or
 - (b) unreasonably delay the WHS entry permit holder in an urgent case.
- (3) Subsection (1) does not apply to an entry to a workplace under this division to inspect or make copies of documents mentioned in section 120.

128 Work health and safety requirements

- (1) A WHS entry permit holder must not exercise a right of entry to a workplace under division 2 or 3 unless he or she complies with any reasonable request by the relevant person conducting a business or undertaking or the person with management or control of the workplace to comply with—
- (a) any work health and safety requirement that applies to the workplace; and
 - (b) any other legislated requirement that applies to that type of workplace.

WHS civil penalty provision.

8 In those earlier reasons for judgment, I offered, by reference to the then-evidence, a description of a major public works project, currently underway, to duplicate an existing bridge across the Brisbane River, known as the Centenary Bridge. That bridge connects across the river to Jindalee and further afield, including, notably, as a matter of judicial notice, the major population centres on the western edge of Brisbane and also then into the city of Ipswich. Again, as a matter of judicial notice, it connects a related major transport corridor from those locales across the Brisbane River.

9 B.M.D is a joint venturer in the construction of that bridge duplication. It is contracted by the State to undertake those works. On any view, the project is a major State public infrastructure project, and thus its timely completion is of considerable public importance.

- 10 As I related in the earlier reasons for judgment, particular conduct occurred on 14 May which, in conjunction with what was then revealed of earlier conduct at the project site, persuaded me that a sufficient case had been established for the making of the interim orders as set out.
- 11 Of those orders, order 4, which must of course be read with the definition clause in the order, is controversial in terms of whether B.M.D has established a sufficient case to warrant its continuance pending the hearing and determination of these proceedings or further earlier order.
- 12 I have had the benefit, for the purposes of determining whether to continue any of the relief granted on 15 May, of additional evidence beyond that upon which I made the orders on 15 May. That evidence provides amplification of what one might term anterior conduct; by that I mean conduct at the project site in April. It also provides insight, in the evidence read on behalf of the respondents, in relation to a practice which once was followed by B.M.D in relation to officers and officials of the union with respect to the access of those persons to the project site when seeking, or at least purporting to seek, entry in the exercise of rights of access granted under the WHS Act. Suffice it to say, and notwithstanding what on the evidence appears to have been formal policy on the part of B.M.D, a person then having managerial responsibility in respect of the project site was disposed not to require a site induction on each and every visit.
- 13 That particular practice, as I have mentioned, on the evidence was not in accordance with B.M.D's corporate policy and entailed a degree of managerial discretion. B.M.D has, since events in late April, been firm in its insistence on adherence to its policy. Its policy is one which contemplates that each and every entrant to the project site, no matter how senior, in terms of corporate hierarchy, as between or within the joint venturers, must undergo site induction on each occasion, and that is so, even though the person concerned may have undertaken, on an earlier visit, an earlier site induction.
- 14 On the evidence, the purpose of the policy and of B.M.D's disposition to enforce, insofar as it is within its remit, adherence to that policy, lies in B.M.D's apprehension of its responsibilities, both at common law as well as under the WHS Act.
- 15 At common law, and in modern times, it has been said that "[t]he employer's obligation is not merely to provide a safe system of work; it is an obligation to establish, maintain and enforce such a system. Accident prevention is unquestionably one of the modern responsibilities of an

employer”: *McLean v Tedman* (1984) 155 CLR 306 (*McLean v Tedman*), at 313, in the joint judgment of Mason, Wilson, Brennan and Dawson JJ. What is said there in respect of an employer as to accident prevention responsibility descends upon B.M.D not just insofar as at the project site it is an employer. It also descends upon B.M.D insofar as, on the evidence, it is the entity which controls that project site in terms of access to, and activity on, that site.

16 Thus, insofar as B.M.D pointed to the common law as a source of an obligation to prevent accidents, it has a firm foundation. That is not to say that the common law *obliges* B.M.D to have a site induction procedure. That is an issue for determination at trial. Indeed, it may be putting it too high to describe it as “obliges it to have such a procedure”, as opposed to “admits of such a procedure being one which could be regarded as a reasonable response to a common law obligation”.

17 As to matters of statute law, B.M.D is subject to particular obligations of site safety and accident prevention under the WHS Act. Once again, in terms, a site induction process is not mandated, but B.M.D’s case is that it need not be mandated, only that it can be regarded as a necessary and sufficient response to its obligations under the WHS Act to have such a site induction policy and to enforce the same. Once again, whether or not that is so is a subject for final determination at trial.

18 For present purposes, I am well satisfied that B.M.D has a sufficient case in terms of the imposition and enforcement of a site induction policy for that to, in terms of s 499 of the Fair Work Act, ground a reasonable request in respect of those permit holders who would seek to enter the site to comply with the state WHS Act.

19 Insofar as, on the authorities, there is a need to measure the strength of an applicant’s case before granting injunctive relief pre-trial which has a mandatory quality, the sources called in aid – namely the common law and the state WHS Act – by B.M.D persuade me that its case should be regarded as a reasonably strong one. That is not to foreclose, I emphasise, the subject for trial, only to say that at an impressionistic level and on the evidence, and insofar as considerations of the kind discussed by Cooper J, with the agreement of Kneipp and Shepherdson JJ, in *Active Leisure (Sports) Pty Ltd v Sportsman’s Australia Ltd* (1991) 1 Qd R 301, as to the need for a strong case where there is a mandatory quality in interlocutory relief, I am well satisfied that B.M.D’s case has the requisite strength.

- 20 That proposition, it must be said, was gainsaid on behalf of the respondents. But, looking at the state WHS Act and *McLean v Tedman*, I rather think that it would be difficult to describe B.M.D's case in respect of the imposition of a site entry induction requirement as weak on the evidence. In this case, there is a dynamic worksite at the Centenary Bridge duplication site entailing a continuously changing mix of entrants, site activity, related use of machinery, and concrete pouring. It is not at all hard to see a risk to health, life and comfort by an unregulated onsite presence - unregulated in the sense of persons entering without there being some record of their presence, and persons entering without at least having the benefit of a site induction of the kind which has been evidenced. Once again, that is but an impressionistic view on the evidence to hand, but that is all that is necessary for present purposes.
- 21 In making those observations, I am, of course, aware that recently a Full Court of this Court in *Construction, Forestry, Mining and Energy Union v Fair Work Ombudsman* [2024] FCAFC 1 (*CFMEU v Fair Work Ombudsman*), at [17] to [40], regarded requests based on the completion of site induction and site attendance registers as reasonable for the purposes of s 499 of the Fair Work Act. But I remind myself that, whilst that was a conclusion reached in that case, it was necessarily informed by the circumstances of that case. It is just that the circumstances of this case persuade me that B.M.D has a case which, on the evidence to hand, has a strong likelihood of persuading whoever comes to try the case to reach a like conclusion as was reached on the evidence in *CFMEU v Fair Work Ombudsman*.
- 22 The evidence discloses that the site induction process is relatively abbreviated and adapted to the digital age. By that, I mean the site induction process on the evidence, including in that regard site attendance, is one which is able to be undertaken, or largely undertaken, via the use of a person's mobile telephone. On the evidence, it is also a relatively brief process, a matter of some minutes rather than hours.
- 23 Also on the evidence, it is a process which can be undertaken at the project site. That is not to say that there is not some degree of remoteness from an entry point where induction would occur from particular parts of the project site, but the induction, nonetheless, is one which, on the evidence, occurs onsite shortly after a point of entry.
- 24 I mention that because part of the submissions made on behalf of the respondents entailed an examination of what might be meant under s 128(2) of the WHS Act. It was put on behalf of the respondents that an induction requirement which would see a would-be entrant under a WHS entry permit having to undergo induction at a site remote from the work site would not,

in terms of s 128(2), be reasonable, or it would unduly delay the exercise of the right of entry. It might first be said that the relevant issue for present purposes is whether B.M.D, as part of their application for interlocutory injunctive relief, have established *prima facie*, amongst other things, that the requirement for site induction, including site attendance and exit signification, is a reasonable request in terms of s 499 of the Fair Work Act.

25 However that may be, some insight into the State Parliament’s contemplation with respect to s 128(2) is indeed, as was submitted on behalf of the respondents, offered by the explanatory memorandum issued in respect of that provision: see Explanatory Notes, Work Health and Safety and Other Legislation Amendment Bill 2023 (Qld). One sees there, at p 10, that, in its present form, s 128(2) had as a purpose providing clarity as to what was not reasonable if complying would unduly delay or unreasonably hinder or obstruct a permit holder under that Act exercising a right of entry. The example offered, namely “requiring off-site induction at a location far from where entry is sought or excessive or unnecessary usage of exclusion zones”, does to look to be congruent with the language of s 128 of the WHS Act. It may also be that like sentiments may make a request not reasonable for the purposes of s 499 of the Fair Work Act. That would not be because of the meaning and effect of State law. Rather, it would just be that that type of requirement might well, for the purposes of federal law, namely s 499, be regarded as not a reasonable one.

26 Suffice it to say, for present purposes, and as a matter of impression on the evidence, B.M.D’s case that its particular site induction requirements, at the place where they occur, strikes me as a strong one for a conclusion that the requirement is reasonable. Over again, that is not necessarily concluded view one would reach in a trial. But it is sufficient, in terms of that aspect, for B.M.D to have established a *prima facie* case of sufficient strength.

27 Another consideration, and one which has troubled me particularly, flows from the dynamic nature of the construction site, and, in turn, one might apprehend a responsibly dynamic nature of site induction. There is a degree of future prognostication with respect to an injunction in the present form or at least one which, in the definition of visitor induction, has a definition: “the present electronic visitor induction process mandated by B.M.D for all visitors attending the Project and as amended from time-to-time”. It is the “from time-to-time” aspect which, obviously enough, involves a degree of prognostication as to future events. Inevitably, that must be so with respect to a construction site of this nature.

28 Further, it is quite apparent to me, on the evidence to hand, that there is a disposition on the part of the respondents not to comply with site induction requirements. So that, with respect to past behaviours, they are something of a predictor, necessarily, for what might occur into the future, up to and including trial. I have viewed, in particular, video footage, as described in affidavit evidence, of conduct in late April of this year at the project site where endeavours were made to seek compliance with site induction, which were treated with apparent disdain. Taken in conjunction with the evidence which I described as to events on 14 May, that has informed me as to the likelihood in the future of a disposition not to comply.

29 In turn, that has led me to consider the ambit of the power conferred on the Court by s 545 of the Fair Work Act. It is that section, in my view, which is the most pertinent in relation to source of power with respect to the controversial order sought, namely, continuance of order 4.

30 It has been said of s 545(1) of the Fair Work Act that it is limited to making appropriate preventive remedial and compensatory orders. The High Court has highlighted the “appropriate” aspect of the power: see *Australian Building and Construction Commissioner v Construction, Forestry, Mining and Energy Union* (2018) 262 CLR 157, at [23]. It was there observed by Kiefel CJ:

The Court is therefore restricted to making the kinds of orders which are capable of properly being seen as appropriate to be made by the court in the exercise of its jurisdiction.

See also, at [110] per Keane, Nettle and Gordon JJ. Kiefel CJ also observed of s 545(2), at [25], that the examples given are:

[d]irected to preventing contraventions or addressing or remedying the effects of a contravention.

31 Notably, s 545(2)(a) grants power to make an order granting an interim injunction “to prevent, stop, or remedy the effects of a contravention”.

32 To secure an interim injunction of the kind referred to in that section, it is not necessary that a contravention be proved, only that a case of sufficient strength be established in order to grant an interim injunction, having regard also to the balance of convenience. I am well persuaded here, having regard to conduct which occurred in late April, and on 14 May, that there is a case of sufficient strength to warrant the granting, up to and including trial or further earlier order, injunctive relief as set out in paragraph 4 on a preventative basis. In other words, to prevent contravention of the statute.

- 33 That is so even though there may be compensatory orders attracted if the contraventions alleged come to be proved at trial. It is also so even though the Court may be persuaded to impose pecuniary penalties in respect of proved contraventions. Those penalties do have as their primary, if not sole purpose, deterrence: *Australian Building and Construction Commission v Pattinson* (2022) 274 CLR 450. The existence of such penalties as a contingency has not, on the evidence to date, deterred conduct which *prima facie* is in contravention of s 499.
- 34 None of the foregoing is in any way to indicate an absence of understanding, on my part, as to a concern held by the union and natural person respondents about site safety. It has been a feature of trade unionism, from its earliest days, to have just such concerns and they are legitimate concerns. They are also now societal concerns as reflected in the obligations under the WHS Act, which are those of B.M.D to which I have earlier referred.
- 35 One finds in authority, and I referred to such authority recently in *Teys Australia Beenleigh Pty Ltd v Australasian Meat Industry Employees' Union* [2024] FCA 259, a balancing as between rights under common law and, for that matter, obligations under statute of a site occupier against rights of entry informed by a statutory purpose of assuring workplace health and safety. Such a balance is evident in s 499. And that is so whatever State WHS entry requirements might be. It is just that, in the particular circumstances, thus far evidenced, it seems to me that B.M.D has, allowing for that balance, made a case of some strength that its requirements are reasonable in terms of the balance mentioned in the authorities.
- 36 So I am not at all persuaded that damages, compensation or pecuniary penalties would alone or in conjunction be an adequate remedy in respect of any respondent.
- 37 As to what might be the pecuniary penalties, B.M.D has, in accordance with directions made last week, offered a preliminary overview of the contraventions it proposes to allege. I summarise that overview in the below table:

Date	Individual	Contravention(s)
23 April 2024	Hayden Turner-Davey	Ss 499, 500
	Matthew Vonhoff	Ss 499, 500
	Dylan Howard	Ss 499, 500
	Dean Mattas	Ss 499, 500
	Eben Cox	Ss 499, 500
29 April 2024	Hayden Turner-Davey	Ss 499, 500
	Matthew Vonhoff	Ss 499, 500
	Dylan Howard	Ss 499, 500
	Eben Cox	Ss 499, 500
	Hoani Edwards	Ss 499, 500

	Jamie Porter	Ss 499, 500
	Joshua Thompson	Ss 499, 500
	Trevor Sinclair	Ss 499, 500
	Jade Ingham	Ss 499, 500 (by virtue of s 550)
14 May 2024	Hayden Turner-Davey	Ss 499, 500
	Jamie Porter	Ss 499, 500
	Dylan Howard	S 500 (by virtue of s 550)
	Eben Cox	S 500 (by virtue of s 550)
	Dean Reilly	S 500 (by virtue of s 550)
	Jade Ingham	S 500 (by virtue of s 550)
	Matthew Vonhoff	S 500 (by virtue of s 550)
	Hoani Edwards	S 500 (by virtue of s 550)
	Dean Mattas	S 500 (by virtue of s 550)
N/a	CFMEU	All of the above contraventions (except Ingham and Reilly contraventions) (by virtue of ss 550 and 793)

38 I have taken those particular presently alleged contraventions into account in assessing B.M.D's case and also a related need, which I regard as established, for interlocutory injunctive relief. I have also taken into account expressly that B.M.D will, at an appropriate occasion, seek to formalise an application for the amendment of the originating application so as to seek final relief of a like kind to that found in order 4. Obviously enough, any such final relief would necessarily be keyed to the life of the project.

39 With respect to the granting of interlocutory injunctive relief, which one might regard as falling within the term 'interim injunction' in s 545(2)(a), it is necessary to remember that that section is a source of power quite independent from whatever might be the power of the Court, as a court of equity, in equity: see, as to this, *United Group Resources Pty Ltd v Calabro (No. 7)* (2012) 203 FCR 247, at [47] to [49] and [52] and [54] (per McKerracher J); see also *Director of the Fair Work Building Industry Inspectorate v Cartledge* [2014] FCA 1047, at [105] to [111] as to the nature of the power.

40 On the present evidence, although no particular precision can be given to the impact of events of 14 May, it is inherently likely that some delay may well already have been visited upon progress towards the contemplated completion of this important public infrastructure project. I have taken that into account as well that further evidence about the impact of events to date.

41 For the avoidance of doubt, I have taken into account the existence of proceedings in the Queensland Industrial Relations Commission (QIRC) and a disposition by a State Industrial Commissioner, at a much earlier stage, not to grant particular relief in the nature of injunctive relief, similar in part in kind at least to that sought in order 4's continuance. As to that, events

have well and truly moved on factually as to what has occurred onsite. Further, the absence of relief in the QIRC appears to have been influenced also by some apprehension on the part of the Industrial Commissioner as to the existence of power to grant such relief, as well as the proximity, as then apprehended, of an early trial date in that Commission. Suffice it to say, an outcome in the QIRC, in those circumstances, although part of the history, is of no determinative value in terms of whether to grant leave in this Court.

42 As to the other injunctive relief granted on 15 May, there is no evidence of any further blockading of the site. In a sense, that is a comfort in that any such evidence would suggest an absence of adherence to the orders made on that day. However that may be, the events of that day are sufficiently disconcerting, in terms of conduct and passions, to persuade me that there is a need for a continuance of other injunctive relief granted, up to and including trial and determination of the proceedings or further earlier order.

43 I make those observations notwithstanding an absence of active opposition because it cannot be said on behalf of the respondents that there was active consent to such orders. It is just that a need for a more lengthy explanation than that offered in the earlier reasons for judgment, in conjunction with today, is abbreviated because of an absence of active opposition. So I am persuaded also that the other injunctive relief sought should be continued.

I certify that the preceding forty-three (43) numbered paragraphs are a true copy of the Reasons for Judgment of the Honourable Justice Logan.

Associate:

Dated: 29 May 2024

SCHEDULE OF PARTIES

QUD 245 of 2024

Respondents

Fourth Respondent:	JAMIE PORTER
Fifth Respondent:	DEAN MATTAS
Sixth Respondent:	EBEN COX
Seventh Respondent:	MATTHEW VONHOFF
Eighth Respondent:	DEAN RIELLY
Ninth Respondent:	HOANI EDWARDS
Tenth Respondent:	JADE INGHAM
Eleventh Respondent:	TREVOR SINCLAIR
Twelfth Respondent:	JOSHUA THOMPSON

GG-41

FW: Special Duties request Centenary Highway-Jindalee Bridge

From: Gareth Davie [REDACTED]
To: Quinn Murray [REDACTED]; Amy Hudson [REDACTED]; Andrew Pilecki [REDACTED]; Nicholas Willetts [REDACTED]
Date: Wed, 22 May 2024 13:48:53 +1000

Please see below communication from QPS in relation to the concrete pours tomorrow.

This gives us further reassurance that QPS will be available in numbers if and/or when the CFMEU attend site tomorrow to enforce the injunction.



Gareth Davie
 Project Director
 BMD Constructions

[REDACTED]
 1 Sandpiper Ave Port of Brisbane QLD 4178
 PO Box 197 Wynnum Qld 4178



From: Gary Grant [REDACTED]
Sent: Wednesday, May 22, 2024 1:02 PM
To: Gareth Davie [REDACTED]; Leo Zuna [REDACTED]; Ben Weston [REDACTED]
Cc: [REDACTED]; Steve Thomas [REDACTED]
Subject: FW: Special Duties request Centenary Highway-Jindalee Bridge

Fyi



Gary Grant
 Regional Construction Manager
 BMD Constructions

[REDACTED] | www.bmd.com.au
 1 Sandpiper Ave Port of Brisbane Qld 4178
 PO Box 197 Wynnum Qld 4178



The BMD Group acknowledges the Traditional Owners of the lands in which we operate and pay respect to Elders past, present and emerging.
 Learn more about our [Reconciliation Action Plan](#).
 Please consider the environment before printing this e-mail.

From: Gary Grant [REDACTED]
Sent: Wednesday, May 22, 2024 11:49 AM
To: MajorEvents.BR[BNE] [REDACTED]; Grant Killen [REDACTED]
Subject: RE: Special Duties request Centenary Highway-Jindalee Bridge

Awesome thanks Ben .



Gary Grant
 Regional Construction Manager
 BMD Constructions

[REDACTED] | www.bmd.com.au
 1 Sandpiper Ave Port of Brisbane Qld 4178
 PO Box 197 Wynnum Qld 4178



The BMD Group acknowledges the Traditional Owners of the lands in which we operate and pay respect to Elders past, present and emerging.
 Learn more about our [Reconciliation Action Plan](#).
 Please consider the environment before printing this e-mail.

From: MajorEvents.BR[BNE] [REDACTED]
Sent: Wednesday, May 22, 2024 11:46 AM
To: Gary Grant [REDACTED]; Grant Killen [REDACTED]
Cc: MajorEvents.BR[BNE] [REDACTED]
Subject: RE: Special Duties request Centenary Highway-Jindalee Bridge

You don't often get email from majorevents.br@police.qld.gov.au. [Learn why this is important](#)

Hi Gary,

Thanks for sending that through.

QPS will be monitoring the sites remotely via nearby live traffic cameras. For pour 1, this will be done by me as I'm working during the day. For pour 2, this will be done by Indooroopilly afternoon/night crews. While I'm hopeful we will have the cameras monitored for the period of the pours, it is not a guarantee. For example, if there are calls for service that take the Indooroopilly officers away from the station, the cameras will not be monitored for that period. Also, the cameras don't capture the entire site, so visibility can be somewhat limited (i.e. the Kenmore Rd overpass camera can capture either the Centenary Highway site entry or the Kenmore Rd driveway – but not both at the same time)

With this in mind, **if CFMEU does attend, somebody at site must still call QPS either via Policelink (131 444) or triple zero**. Our comms team will then create and broadcast a job for attendance.

Crews on both sides of the river have been briefed and have been tasked to conduct patrols throughout the day/night where calls for service permit. PSRT have also been briefed and will be monitoring. The trigger for QPS actively attending site will either be (a) identification of issues on camera or (b) a call for service from site. Hence, it is critical a call to QPS is made by site if an issue arises.

If you have any questions, please let me know.

Ben



Ben TREZISE | Senior Constable | 26469
 Brisbane Region Major Events Planning Unit
 Brisbane City Station
 North Brisbane District
 Queensland Police Service

3258 2490
 16 Mary Street, Brisbane, QLD 4000
 [REDACTED]
 [REDACTED]

From: Gary Grant [REDACTED]
Sent: Wednesday, May 22, 2024 11:28 AM
To: Trezise.BenjaminJ[BR] [REDACTED]; Grant Killen [REDACTED]
Subject: RE: Special Duties request Centenary Highway-Jindalee Bridge

OFFICIAL

CAUTION: This email originated from outside of Queensland Police Service. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Ben please see attached ,

Can you also confirm if we will have any support tomorrow and tomorrow night for the pours ?



Gary Grant
 Regional Construction Manager
 BMD Constructions

[REDACTED]
www.bmd.com.au
 1 Sandpiper Ave Port of Brisbane Qld 4178
 PO Box 197 Wynnum Qld 4178



The BMD Group acknowledges the Traditional Owners of the lands in which we operate and pay respect to Elders past, present and emerging.
 Learn more about our [Reconciliation Action Plan](#).
 Please consider the environment before printing this e-mail.

From: Trezise.BenjaminJ[BR] <[REDACTED]>
Sent: Wednesday, May 22, 2024 11:14 AM
To: Grant Killen <[REDACTED]>; Gary Grant <[REDACTED]>
Subject: RE: Special Duties request Centenary Highway-Jindalee Bridge

You don't often get email from [REDACTED] [Learn why this is important](#)

OFFICIAL

Hi Grant (and Gary),

Could you please send me a copy of the injunction? Our on-road Inspectors and Senior Sergeants would appreciate a copy.

I believe you did send it through, but I can't find a copy of it for the life of me.

Thanks,

Ben



Ben TREZISE | Senior Constable | 26469
 Brisbane Region Major Events Planning Unit
 Brisbane City Station
 North Brisbane District
 Queensland Police Service

3258 2490
 16 Mary Street, Brisbane, QLD 4000
 [REDACTED]
 [REDACTED]

From: Grant Killen <[REDACTED]>
Sent: Thursday, May 16, 2024 1:55 PM
To: Wilson.KimM[BR] <[REDACTED]>
Cc: Trezise.BenjaminJ[BR] <[REDACTED]>
Subject: Re: Special Duties request Centenary Highway-Jindalee Bridge

OFFICIAL

CAUTION: This email originated from outside of Queensland Police Service. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Kim,
 Thank you for the follow up
 I'm assuming that we will move to complete the pour quicker than the 29th at this stage
 We have received an interim federal court injunction-QUD245/2024 which was issued late last night and expires Thursday
 I will update you as we go

Thanks again

Get [Outlook for iOS](#)

From: Wilson.KimM[BR] <[REDACTED]>
Sent: Thursday, May 16, 2024 1:11:24 PM
To: Grant Killen <[REDACTED]>
Cc: Trezise.BenjaminJ[BR] <[REDACTED]>
Subject: FW: Special Duties request Centenary Highway-Jindalee Bridge

OFFICIAL

Afternoon Grant,

I have been advised that specials for the concrete pour are not supported by our district management at this stage.

We are going to do some planning to prepare for the potential protest action that may occur on the 29th.

Just querying whether you or someone else may be available early next week for a walk through of the area that would be being utilised for the trucks entering the site so that we can gain an appreciation of what might be required. I was hoping for mid morning Tuesday or Wednesday if that suits.

Thanks,

Kim WILSON
 Acting Senior Sergeant 13711
 Officer in Charge



Indooroopilly Police Station
343-347 Moggill Road
Indooroopilly 4068
Phone: [REDACTED]
[REDACTED]

From: Stevens,Ann[BR] [REDACTED]
Sent: Wednesday, May 15, 2024 7:13 PM
To: Wilson,KimM[BR] [REDACTED]
Subject: Fwd: Special Duties request Centenary Highway-Jindalee Bridge

OFFICIAL

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From: Grant Killen <[REDACTED]>
Sent: Wednesday, May 15, 2024 6:13:50 PM
To: Stevens,Ann[BR] <[REDACTED]>
Subject: Special Duties request Centenary Highway-Jindalee Bridge

CAUTION: This email originated from outside of Queensland Police Service. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Ann,

Great seeing you today-it's been a while, however the station never changes.

As discussed, we are currently looking after the security planning for BMD who are the principal contractors for the Centenary Highway, Jindalee Bridge upgrade.

As part of this project, there has been significant unlawful protest activity by the CFMEU. At this stage we are seeking an injunction with the courts to further halt any unlawful actions by the CFMEU

On the 14th of May, approximately 60 CFMEU members and delegates attended the main entrance of the construction site and blocked several of our incoming cement trucks required to complete a pylon pour.

As a result, we have had to cancel a critical pour that was due to be completed today and reschedule for another day.

As part of that rescheduling, we won't be able to stop the pour once it commences. If there is any disruption, it will have significant financial consequences in the range of \$20 million along with a 6-month process of re design and re-engineering.

Due to the critical nature of works, we are requesting approximately 30-40 Police including PSRT on special duties to assist with the unobstructed access of our concrete trucks to site.

We understand challenges of planning the event from a QPS perspective and have pushed the pour out to the 29th of May to assist.

We will have approximately 30 security guards onsite and would request a 5am - 5pm roster.

Our access gates will be on the Kenmore side via Vidgen Lane.

We will supply all involved food and drinks for the duration of the tasking.

Thanks again and I look forward to hearing from you.

Warm Regards,

Grant Killen

Managing Director



www.concentricconcepts.com.au



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815-J019_Centenary Bridge Upgrade Project

To: regulatory [REDACTED]
Cc: Quinn Murray [REDACTED]; James Smith
[REDACTED]; Gary Grant [REDACTED]
Date: Wed, 03 Jul 2024 16:44:13 +1000
Attachments: Notice Of Entry_Cameron Paul_03-07-2024.pdf (191.31 kB); Notice Of Entry_Hayden
Turner Davey_03-07-2024.pdf (187.78 kB)

Hi all,
Please find the attached notice of entries which were issued today be the CFMEU.

The only items looked at were the access / egress to a crane located on the LTP along with the access
path to the pontoon.
Both items were closed



Ben Weston
Safety Manager
Georgiou BMD Joint Venture (GBJV)

[REDACTED]
[REDACTED]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

815-J019 Centenary Bridge Upgrade_Union Activity_10-07-2024

From: Ben Weston [REDACTED]
To: regulatory [REDACTED]
Cc: Gary Grant [REDACTED] Gareth Davie
 [REDACTED]; James Smith [REDACTED];
 Quinn Murray [REDACTED]; Greg Polzin
 [REDACTED]
Date: Wed, 10 Jul 2024 15:17:03 +1000
Attachments: Notice of Entry_Cody Budgeon_10-07-2024.pdf (870.45 kB); Notice of Entry_Hayden Turner Davey_10-07-2024.pdf (991.16 kB)

Hi all,

Please see below Union Site Entry Report from the GBJV Centenary Bridge Upgrade Project:

Date of Entry - 10/07/2024

Arrival Time - 11:15hrs

Departure Time - 12:40hrs

Project - Centenary Bridge Upgrade

Work areas reviewed during inspection - Union organisers did not enter any work areas. Conversation conducted at the entry gate to the main office.

Video / photo evidence taken - Video footage was taken via body cams which were worn by the two GBJV industrial relation representatives (Steve and Grant)

Industrial Association - CFMEU

Union Official(s) - Hayden Turner Davey, Cody Budgeon.

GBJV Personnel - Ben Weston, Andrew Went.

Subcontractor Personnel - No interaction with subcontractors.

Authorising Act - Work Health and Safety Act 2011 ("WHS Act")

Act Provisions - s117 - Entry to inquire into suspected safety contraventions

Entry Authorisation - Denied

If entry refused, reason for refusal - Union organisers refused to turn off bodycams while onsite as per project site rule #12.

WHSQ Inspector Attendance - No

WHSQ Enforcement Notice(s) Nil

Law Enforcement - Nil

Briefing of events

Two Union Organisers (UOs) arrived at the site office (213 Sinnamon Rd) at 11:15 hrs and were greeted by the GBJV safety manager, along with the Logistic Coordinators (LCs) and the Industrial Relations Representative (IRR). The UOs registered as visitors and were informed of the project site rules posted on the front fence. Subsequently, they presented their permits and provided an s117 entry notice. Although the entry notice lacked specificity, they could verbally specify the locations and activities of concern. It was agreed that the inspection would proceed on the condition that they disable their bodycams, in accordance with site rule #12. The discussion regarding the use of video recording devices lasted about an hour. Unable to reach a resolution, the UOs claimed that GBJV personnel were obstructing / hindering them and decided to leave the site at 12:30 hrs.

Regards,



Ben Weston
Safety Manager
Georgiou BMD Joint Venture (GBJV)

[REDACTED]
[REDACTED]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

CN-13712 - CFMEU Attendance - 29th July 2024

From: Quinn Murray [REDACTED]
To: Chris DEMARTINI [REDACTED]; Peter KONECNY [REDACTED]
Cc: Francisca P Knight [REDACTED] Damitha A Peiris [REDACTED]; Imran Z Qaiser [REDACTED]; Gareth Davie [REDACTED] Gary Grant [REDACTED]; James Smith [REDACTED]
Date: Mon, 29 Jul 2024 17:00:41 +1000
Attachments: Notice of Entry_Hayden Turner Davey_29-07-2024.pdf (173.14 kB)

Chris / Peter,

Please refer attached S117 and below summary of CFMEU interactions today.

- At approximately 10am today CFEMU Organiser presented to the project office with a S117 entry permit.
- CFMEU Organiser complied with site requirements and as such a site inspection was conducted by GBJV Safety and IR team
- Queries raised by the CFMEU were related to the following:
 - EWP spotters for rescue operations
 - Sole plates on scaffold systems
 - Housekeeping on scaffold walkways
- Inspection concluded at 12pm.
- No attendance from WHSQ or QPS.



Quinn Murray
 Project Manager
 Georgiou BMD Joint Venture (GBJV)

[REDACTED]
 [REDACTED]
 213 Sinnamon Road, Jindalee QLD 4074
 PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

From: Ben Weston [REDACTED]
Sent: Fri 09/08/2024 7:58:15 AM (UTC+10:00)
To: Gareth Davie [REDACTED]
Subject: FW: 815-J019 Union Activity_08/08/2024
Attachment: 20240808 - NOE- Hayden Turner Davey.pdf

CAUTION - This email was sent from outside Georgiou Group

Hi Gareth,
Please find the attached NOE and briefing of events below.

Regards,



Ben Weston
Safety Manager
Georgiou BMD Joint Venture (GBJV)

[REDACTED]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

A banner for the "Centenary Bridge Upgrade Project". The text is in a white, serif font, centered on a green background with a subtle pattern of circles. The banner is framed by a dark blue border.

From: Ben Weston
Sent: Thursday, August 8, 2024 4:08 PM
To: Regulatory [REDACTED]; Christopher Tuttiett <[REDACTED]>
Cc: Gary Grant [REDACTED]; Quinn Murray <[REDACTED]>;
James Smith [REDACTED] au>; Greg Polzin [REDACTED]>
Subject: 815-J019 Union Activity_08/08/2024

Good afternoon,

Please see the below Union Site Entry Report from the GBJV Centenary Bridge Upgrade Project:

Date of Entry - 08/08/2024

Arrival Time - 09:40hrs

Departure Time - 10:37hrs

Project - Centenary Bridge Upgrade

Work areas reviewed during inspection - Nil

Video / photo evidence taken - Video footage was taken via body cams which were worn by Grant Bensen and Ben Weston.

Industrial Association - CFMEU

Union Official(s) - Hayden Turner Davey.

GBJV Personnel - Ben Weston

Subcontractor Personnel - Nil

Authorising Act - Work Health and Safety Act 2011 ("WHS Act")

Act Provisions - s117 - Entry to inquire into suspected safety contraventions

Entry Authorisation - Denied

If entry refused, reason for refusal - Union organisers refused entry due to not specifying the suspected safety contravention on the notice of entry.

WHSQ Inspector Attendance - Nil

WHSQ Enforcement Notice(s) - Nil

Briefing of events -

Union Organiser (UO) Mr. Davey arrived at the site office (213 Sinnamon Rd) at 09:40hrs and met with the GBJV safety manager (SM), logistics coordinators (LC), and industrial relations representatives (IRR). Mr. Davey signed into Rapid Access and was briefed on the 12 mandatory site rules. He presented his permits and a s117 entry notice, which was generically written, as in previous instances. A discussion ensued with Mr. Davey being asked to provide more details than what was stated in the notice due to its vagueness. He mentioned a suspected safety violation concerning access/egress to work areas after rain events that morning, despite only 0.3mm of rain being recorded. Additionally, he raised concerns about marine barges, specifically the access/egress related to stored materials and the barges' stability reports. Following this, the SM sought advice from senior management regarding the insufficient details in the notice and whether site access should be denied until Mr. Davey amended the notice with the pertinent details he had verbally shared but omitted in writing. The advice was to ask for an updated notice, which Mr. Davey declined to provide. He claimed the SM was hindering him, to which the SM responded that he would be willing to conduct the site visit once the notice was revised. As no agreement was reached, the SM suggested Mr. Davey contact the regulator to determine if the notice was satisfactory and if the site inspection should proceed. Mr. Davey chose not to call the regulator, and the meeting concluded with his departure from the site at 10:27hrs.

Regards,

Georgiou



Ben Weston
Safety Manager
Georgiou BMD Joint Venture (GBJV)

[REDACTED]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

From: Quinn Murray [REDACTED]
Sent: Fri 09/08/2024 7:56:37 AM (UTC+10:00)
To: Chris DEMARTIN [REDACTED]; Peter KONECNY [REDACTED]
Cc: Francisca P Knight [REDACTED]; Damitha A Peiris [REDACTED]; Imran Z [REDACTED]; Qaiser [REDACTED]; Gareth [REDACTED]; Davie [REDACTED]; Gary Grant [REDACTED]; James Smith [REDACTED]
Subject: CN-13712 - CFMEU Attendance - 8th August 2024
Attachment: 20240808 - NOE- Hayden Turner Davey.pdf

CAUTION - This email was sent from outside Georgiou Group

Chris / Peter,

Please refer attached S117 and below summary of CFMEU interactions yesterday (apologies for the delay in issuing this email)

- At approximately 11.45am a CFMEU Organiser presented at the site office with a S117 entry permit
- CFMEU Organiser complied with the site requirements and the GBJV IR/Safety team reviewed the content of the S117 permit
- The Organiser was unable to articulate any specific contraventions and the generic nature of the S117 resulted in consultation with JV Corporate for guidance on whether the entry permit was valid.
- GBJV Safety / IR, upon direction from Corporate, advised the Organiser that unless an updated S117 permit was presented, entry would not be granted.
- GBJV suggested that WHSQ could be contacted if the Organiser felt differently, but the Organiser instead elected to leave the project. This occurred at approximately 12.30pm.
- No attendance from WHSQ or QPS.



Quinn Murray
Project Manager
Georgiou BMD Joint Venture (GBJV)

[REDACTED]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

CN-13712 - CFMEU Attendance - 8th August 2024

From: Quinn Murray [REDACTED]
To: Chris DEMARTINI <[REDACTED]>; Peter KONECNY <[REDACTED]>
Cc: Francisca P Knight <[REDACTED]>; Damitha A Peiris <[REDACTED]>; Imran Z Qaiser <[REDACTED]>; Gareth Davie <[REDACTED]>; Gary Grant <[REDACTED]>; James Smith <[REDACTED]>
Date: Fri, 09 Aug 2024 07:56:37 +1000
Attachments: 20240808 - NOE- Hayden Turner Davey.pdf (883.29 kB)

Chris / Peter,

Please refer attached S117 and below summary of CFMEU interactions yesterday (apologies for the delay in issuing this email)

- At approximately 11.45am a CFMEU Organiser presented at the site office with a S117 entry permit
- CFMEU Organiser complied with the site requirements and the GBJV IR/Safety team reviewed the content of the S117 permit
- The Organiser was unable to articulate any specific contraventions and the generic nature of the S117 resulted in consultation with JV Corporate for guidance on whether the entry permit was valid.
- GBJV Safety / IR, upon direction from Corporate, advised the Organiser that unless an updated S117 permit was presented, entry would not be granted.
- GBJV suggested that WHSQ could be contacted if the Organiser felt differently, but the Organiser instead elected to leave the project. This occurred at approximately 12.30pm.
- No attendance from WHSQ or QPS.



Quinn Murray
 Project Manager
 Georgiou BMD Joint Venture (GBJV)

[REDACTED]
 [REDACTED]
 213 Sinnamon Road, Jindalee QLD 4074
 PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

From: Quinn Murray [REDACTED]
Sent: Thur 12/09/2024 3:37:49 PM (UTC+10:00)
To: Chris DEMARTINI [REDACTED] Peter KONECNY [REDACTED]
Cc: Francisca P Knight [REDACTED] Damitha A Peiris [REDACTED] ul: [REDACTED] CBUP Team [REDACTED] James Smith [REDACTED] ; Ben Weston [REDACTED] ; Rex Clarke [REDACTED] ; Gareth Davie [REDACTED] Gary Grant [REDACTED]
Subject: CN-13712 - CFMEU Attendance 12/09/2024

CAUTION - This email was sent from outside Georgiou Group

Chris / Peter,

Please refer below summary of today's events surrounding the CFMEU attendance to CBUP:

Date of Entry - 12/09/2024

Arrival Time - 07:55hrs

Departure Time - 09:31hrs

Work areas reviewed during inspection - Northern side of the project, Abutment B work area.

Video / photo evidence taken - Video footage was taken via body cams (Ben Weston & Grant Benson).

Industrial Association - CFMEU

Union Official(s) - Dean Mattas / Corey Taylor

GBJV Personnel - Ben Weston, Grant Benson.

Subcontractor Personnel - Nil

Authorising Act - Work Health and Safety Act 2011 ("WHS Act")

Act Provisions - s117 - Entry to inquire into suspected safety contraventions

Entry Authorisation - Permitted

If entry refused, reason for refusal - Union organisers refused following refusal to abide to GBJV site rule 12.

WHSQ Inspector Attendance - Nil

Briefing of events -

- Union Organisers (UO) Dean Mattas and Corey Taylor attended the site office (213 Sinnamon Rd) at 07:55hrs and were met by GBJV personnel. The two UO's presented their permits and provided s117 entry notice to GBJV personnel.
- UO's complete a visitor induction before the issues raised on the notice of entry (NOE) were address.
- Initially the UO's stated they would abide by all site rules including rule 12 (not to film or take photos onsite).

- UO's and GBJV left main office and attended the Vidgen lane work area in two separate vehicles.
- On arrival to Vidgen lane the UO's parked their vehicle in the site compound car park and exited their vehicle with body cams.
- GBJV personnel stated that filming onsite was not allowed, as per rule 12.
- UO's were asked to leave site due to the breach to company procedures.
- Following a 10-minute conversation on the topic the UO's left site and parked at the entry gate to Vidgen Lane.
- Following advice from senior management, the UO's were given a second chance to again enter site and observe the area of their concern (incident scene).
- UO's were escorted to the area of concern at which point immediately commenced taking photos of the incident scene.
- GBJV personnel requested UO's to vacate the site following another breach of company policy. Subsequently, they began recording videos on their personal phones of the GBJV workers, providing commentary as they did so.
- After approximately 20 minutes of repeatedly asking the UO's to leave site, they complied.
- The interaction ended at 09:31hrs

Please let me know if you require anything further.



Quinn Murray
Project Manager
Georgiou BMD Joint Venture (GBJV)

[REDACTED]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178



Notice of entry

From: Cody Budgeon
To: Gary Grant >; Gavin Kenny <
Date: Tue, 04 Feb 2025 10:02:30 +1000

You don't often get email from . [Learn why this is important](#)

CFMEU
Construction & General Division
QLD/NT Divisional Branch

Cody Budgeon
Organiser

16 Campbell Street
Bowen Hills

QLD 4006

T



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REGIONAL OFFICES
Darwin – Ph (08) 8981 5280
Townsville – Ph (07) 4766 8715

HEAD OFFICE
16 Campbell Street
Bowen Hills QLD 4006
Ph (07) 3231 4600
Fax (07) 3231 4699
qntqueries@cfmeu.org

Permit Holder
OF ENTRY
Safety Act 2011 ("WHS ACT")

Energy, Industrial Union of Employees, Queensland
Mining and Energy Union

bridge upgrade

ention of the WHS Act.
eld by another person.
n health and safety matters.

tes:

on the southern side on

Darwin - Ph (08) 8981 3230
 Townsville - Ph (07) 4766 8715
 Bowen Hills QLD 4006
 Ph (07) 3231 4600
 Fax (07) 3231 4699
 qntqueries@cfmeu.org

Permit Holder

ENTRY

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 ing and Energy Union

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 y another person.
 ith and safety matters.

on the southern side

CFMEU

WHS Entry P

NOTICE O

Section 119 Work Health and

Full Name of Entry Permit Holder: Cody Budge

Name of Union Represented: Construction, Forestry, Mining and
Construction, Forestry, Maritime,

Name and Address of Workplace being entered: Centex

Sinnamon rd BMD/Georgia

Date of Entry or Proposed Entry:

PURPOSE OF ENTRY:

- ☒ Section 117 WHS Act - Entry to inquire into a suspected contravention
☐ Section 120 WHS Act - Entry to inspect records or information held
☐ Section 121 WHS Act - to consult and advise relevant workers or

Additional - for entry under section 117

Details of the suspected contravention to which this notice relates

WHS Act see 19.

Potential fall from heights on
top of precast

CFMIO

WHS Entry Permit

NOTICE OF

Section 119 Work Health and Safety

Full Name of Entry Permit Holder: Bradley Ward

Name of Union Represented: Construction, Forestry, Mining and Energy Union

Name and Address of Workplace being entered: BMD Ca

Date of Entry or Proposed Entry: 5.2.25

PURPOSE OF ENTRY:

☒ Section 117 WHS Act - Entry to inquire into a suspected contravention

☐ Section 120 WHS Act - Entry to inspect records or information held by

☐ Section 121 WHS Act - to consult and advise relevant workers on health and safety

Additional – for entry under section 117

Details of the suspected contravention to which this notice relates:

WHS Act s14 (3)

- Potential fall from heights of

on top of present

Fw: 815-J019 CFMEU Interaction 05-02-2025

From: Grant Benson [REDACTED]
To: Ben Weston [REDACTED]
Date: Thu, 06 Feb 2025 06:32:04 +1000

Excellent mate

Get [Outlook for iOS](#)

From: Ben Weston [REDACTED]
Sent: Thursday, February 6, 2025 6:23 am
To: Grant Benson [REDACTED]
Subject: FW: 815-J019 CFMEU Interaction 05-02-2025



Ben Weston
 Safety Manager
 Georgiou BMD Joint Venture (GBJV)

[REDACTED]
 [REDACTED]
 213 Sinnamon Road, Jindalee QLD 4074
 PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

From: Ben Weston
Sent: Wednesday, 5 February 2025 4:02 PM
To: Chris DEMARTINI [REDACTED]; Peter KONECNY [REDACTED]
Cc: 'Damitha A Peiris' [REDACTED]; 'Faiz Z Rahmansyah' [REDACTED]
 <[REDACTED]>; 'Imran Z Qaiser' [REDACTED]; 'Francisca P Knight' <[REDACTED]>; Quinn Murray [REDACTED]; James Smith <[REDACTED]>; Greg Polzin <[REDACTED]>; Gary Grant <[REDACTED]>
Subject: 815-J019 CFMEU Interaction 05-02-2025

Hi Peter / Chris,
 Please see below Union Site Entry Report from the GBJV Centenary Bridge Upgrade Project:

Date of Entry - 05/02/2025
 Arrival Time - 10:45hrs

Departure Time - 12:00hrs
 Project - Centenary Bridge Upgrade
 Work areas reviewed during inspection - Pre-Cast Yard and the Span 7, Abutment B.
 Video / photo evidence taken - Video footage was taken via body cams which were worn by Ben Weston and Grant Benson.
 Industrial Association - CFMEU
 Union Official(s) - Cody Budgeon, Brodie Wood
 GBJV Personnel - Ben Weston, Dean Searle, Adrian Burrowes, Grant Benson
 Subcontractor Personnel - No subcontractors spoken to during the inspection.
 Authorising Act - Work Health and Safety Act 2011 ("WHS Act")
 Act Provisions - s117 - Entry to inquire into suspected safety contraventions
 Entry Authorisation - Permitted
 If entry refused, reason for refusal - Nil
 WHSQ Inspector Attendance - Nil
 WHSQ Enforcement Notice(s) issued - Nil

Briefing on Events

Union Organizers, Mr. Budgeon and Mr. Wood, arrived at the site office located at 213 Sinnamon Road at approximately 10:45 hours. They were greeted by the GBJV Logistics Coordinators, Industrial Relations Representative, and Safety personnel. The Union Organisers had submitted the s117 entry notice 24 hours prior to their visit. The entry notice outlined concerns regarding potential safety violations, specifically issues related to working at heights on girders in the precast yard, as well as concerns regarding non-compliant handrails on the northern abutment, Span 7. The Union Organisers elaborated on these points upon request before being granted access to the site.

The initial inspection focused on the girders within the precast yard, where discussions centered around the protocols for safely accessing the tops of girders and securing connections to the static line. The Union Organisers inquired about how workers were trained to follow these procedures. It was explained that training is provided through the site induction process, the precast yard induction, Work Method Statements (WMS) for working at heights, WMS for the precast yard, and additional training conducted during pre-start and toolbox talks. The Union Organisers requested evidence to confirm that workers, when connected to the static line via an inertia reel, are restricted from approaching the edge of the girder. Evidence to confirm the current process which is in place is adequate is being complied to submit at a later date.

After completing the inspection of the precast yard, the Union Organisers accompanied GBJV personnel to Abutment B to address concerns regarding the handrails on Span 7. The Union Organisers raised questions about the process of landing parapets, noting that while traveling along the Centenary Motorway, they observed workers leaning over the edge of the deck without complaint handrails during this activity. They were asked if they could provide photographic evidence of this observation, but they were unable to do so. A conversation with the structure supervisor confirmed that handrails were in place during the activity in question.

Regards,

Ben Weston
 Safety Manager
 Georgiou BMD Joint Venture (GBJV)

[Redacted]
 [Redacted]
 213 Sinnamon Road, Jindalee QLD 4074
 PO Box 197 Wynnum Qld 4178



Centenary Bridge Upgrade Project

Notice of entry

From: Cody Budgeon
To: Gary Grant < > Gavin Kenny < >
Date: Mon, 10 Feb 2025 07:28:34 +1000

You don't often get email from < > . [Learn why this is important](#)

Following up from last week's suspected contravention as discussed.



CFMEU
Construction & General Division
QLD/NT Divisional Branch



Cody Budgeon
Organiser

16 Campbell Street
Bowen Hills QLD 4006

T < >
< >

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Entry Permit Holder
NOTICE OF ENTRY
Work Health and Safety Act 2011 ("WHS ACT")

Budgeon
Industry, Mining and Energy, Industrial Union of Employees, Queensland
Industry, Maritime, Mining and Energy Union

ventenary bridge upgrade
Georgina

Suspected contravention of the WHS Act.
Information held by another person.
Information relevant to health and safety matters.

This notice relates:

ghs on the southern side on

HEAD OFFICE
16 Campbell Street
Bowen Hills QLD 4006
Ph (07) 3231 4600
Fax (07) 3231 4699
enquiries@cfmeu.org

Townsville – Ph (07) 4766 8715

REGIONAL OFFICES Darwin – Ph (08) 8981 5280 Townsville – Ph (07) 4766 8715		HEAD OFFICE 16 Campbell Street Bowen Hills QLD 4006 Ph (07) 3231 4600 Fax (07) 3231 4699 qntqueries@cfmeu.org	
ENTRY Act 2011 ("WHS ACT")			
Permit Holder: <u>Energy, Industrial Union of Employees, Queensland</u> Name of Union Represented: <u>Energy, Industrial Union of Employees, Queensland</u>			
Name and Address of Workplace being entered: <u>Strommen rd BMD</u>			
Date of Entry or Proposed Entry: <u>1.1.2.25</u>			
PURPOSE OF ENTRY: ☒ Section 117 WHS Act - Entry to inquire into a sus ☐ Section 120 WHS Act - Entry to inspect records or ☐ Section 121 WHS Act - to consult and advise rele			
Additional – for entry under section 117 Details of the suspected contravention to which th			
<u>WHS Act sec 19</u> <u>Potential fall from hea</u> <u>loss of object</u>			

CFMEU

WHS Entry Permit

NOTICE OF

Section 119 Work Health and Safety

Full Name of Entry Permit Holder: Joseph Faye

Name of Union Represented: Construction, Forestry, Mining and Energy

Name and Address of Workplace being entered: Central

Sydney Rd

Date of Entry or Proposed Entry: 11 February

PURPOSE OF ENTRY:

- ☐ Section 117 WHS Act - Entry to inquire into a suspected contravention
☐ Section 120 WHS Act - Entry to inspect records or information held by the person
☐ Section 121 WHS Act - to consult and advise relevant workers on health and safety

Additional – for entry under section 117

Details of the suspected contravention to which this notice relates:

WHS Act 3.19

Follow up from contravention

Link to todays Union videos

From: Ben Weston [REDACTED] >
To: Gary Grant <[REDACTED]>
Date: Tue, 11 Feb 2025 16:50:14 +1000

Hi Gary,
Link for videos below

 [20250211](#)

Regards,



Ben Weston
Safety Manager
Georgiou BMD Joint Venture (GBJV)

[REDACTED]
[REDACTED]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

A horizontal banner with a green background and white text. The text reads "Centenary Bridge Upgrade Project". The banner is framed by dark, textured borders on the left and right sides.

Centenary Bridge Upgrade Project

FW: 484 - Entry Notice

From: Gary Grant [REDACTED]
To: James Smith [REDACTED]; Ben Weston [REDACTED]
Date: Wed, 26 Feb 2025 11:40:35 +1000
Attachments: 20250226 ROE 484- BMD Centenary Bridge CT CB FINAL.pdf (404.25 kB)



Gary Grant
 Regional Construction Manager
 BMD Constructions

[REDACTED]
 [REDACTED] www.bmd.com.au
 1 Sandpiper Ave Port of Brisbane Qld 4178
 PO Box 197 Wynnum Qld 4178



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Learn more about our [Reconciliation Action Plan](#).

Please consider the environment before printing this e-mail.

From: Gary Grant [REDACTED]
Sent: Wednesday, 26 February 2025 10:48 AM
To: James Smith [REDACTED]; Ben Wilson [REDACTED] Gavin Kenny [REDACTED]
Subject: FW: 484 - Entry Notice

Gav ill let you reply to these guys regarding break times tomorrow , we will have personal deal with the visit/ROE on the day .



Gary Grant
 Regional Construction Manager
 BMD Constructions

[REDACTED]
 [REDACTED] www.bmd.com.au
 1 Sandpiper Ave Port of Brisbane Qld 4178
 PO Box 197 Wynnum Qld 4178



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Please consider the environment before printing this e-mail.

From: QNT Industrial [REDACTED]

Sent: Wednesday, 26 February 2025 10:30 AM

To: Gary Grant [REDACTED] Gavin Kenny [REDACTED]

Cc: Corey Taylor <[REDACTED]>; Cody Budgeon <[REDACTED]>

Subject: 484 - Entry Notice

You don't often get email from [REDACTED]. [Learn why this is important](#)

Good morning,

Please see attached notice. We would like to speak to Niepe workers on their smoko break. Could you please advise us of these break times.

Regards,

CFMEU

Construction & General Division
QLD/NT Divisional Branch



16 Campbell Street

Bowen Hills

QLD

4006

T

[REDACTED]

[REDACTED]



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Fw: ROE117

From: Gary Grant [REDACTED]
To: James Smith [REDACTED]; Ben Weston [REDACTED]
Date: Mon, 17 Mar 2025 10:46:47 +1000

Gents not sure what this is about but has today's date ?
Ben can you call them to discuss and not sure intent but it's an RDO

From: Cody Budgeon [REDACTED]
Sent: Monday, March 17, 2025 10:08:16 AM
To: Gary Grant <[REDACTED]>; Gavin Kenny [REDACTED]
Subject: ROE117

You don't often get email from [REDACTED]. [Learn why this is important](#)

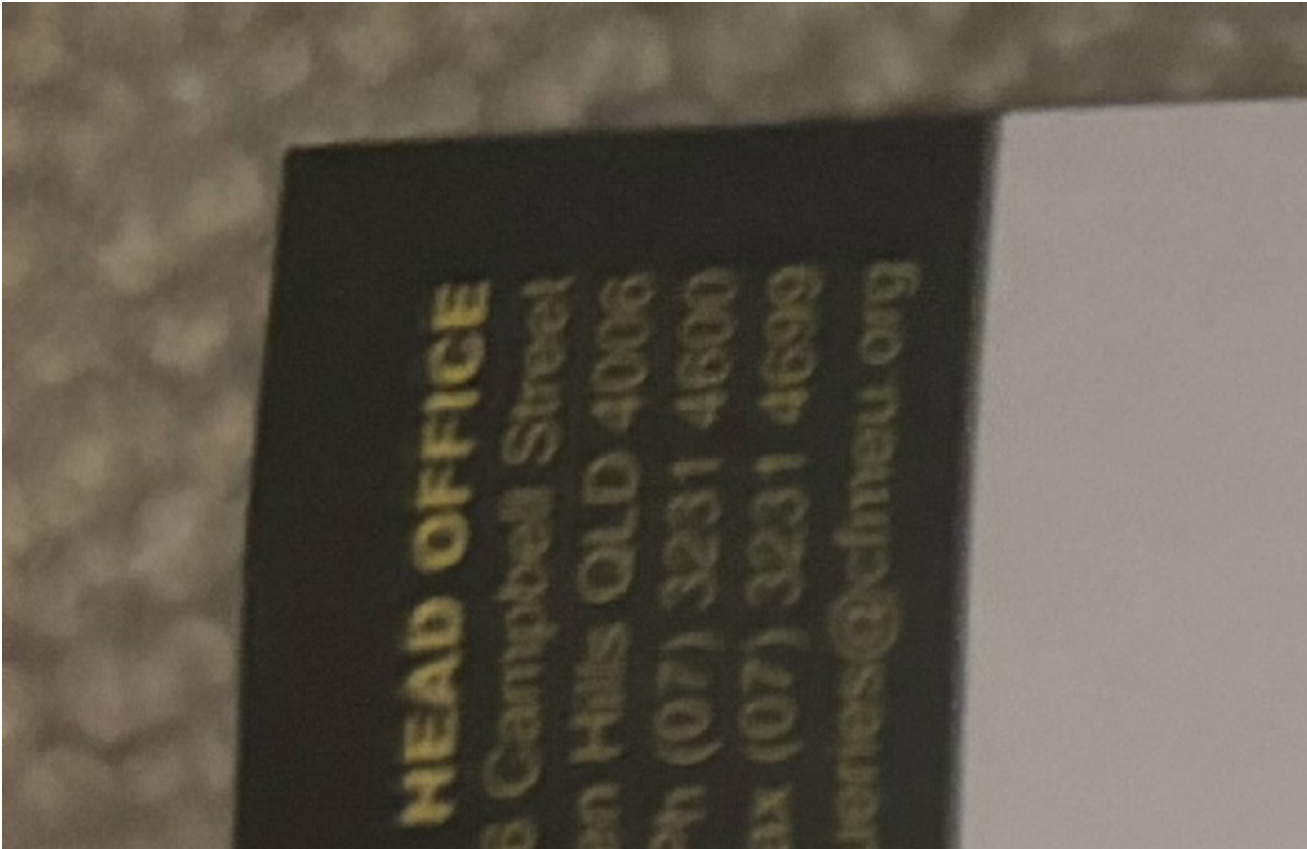
CFMEU
Construction & General Division
QLD/NT Divisional Branch

Cody Budgeon
Organiser
16 Campbell Street
Bowen Hills QLD 4006
T [REDACTED]
[REDACTED]



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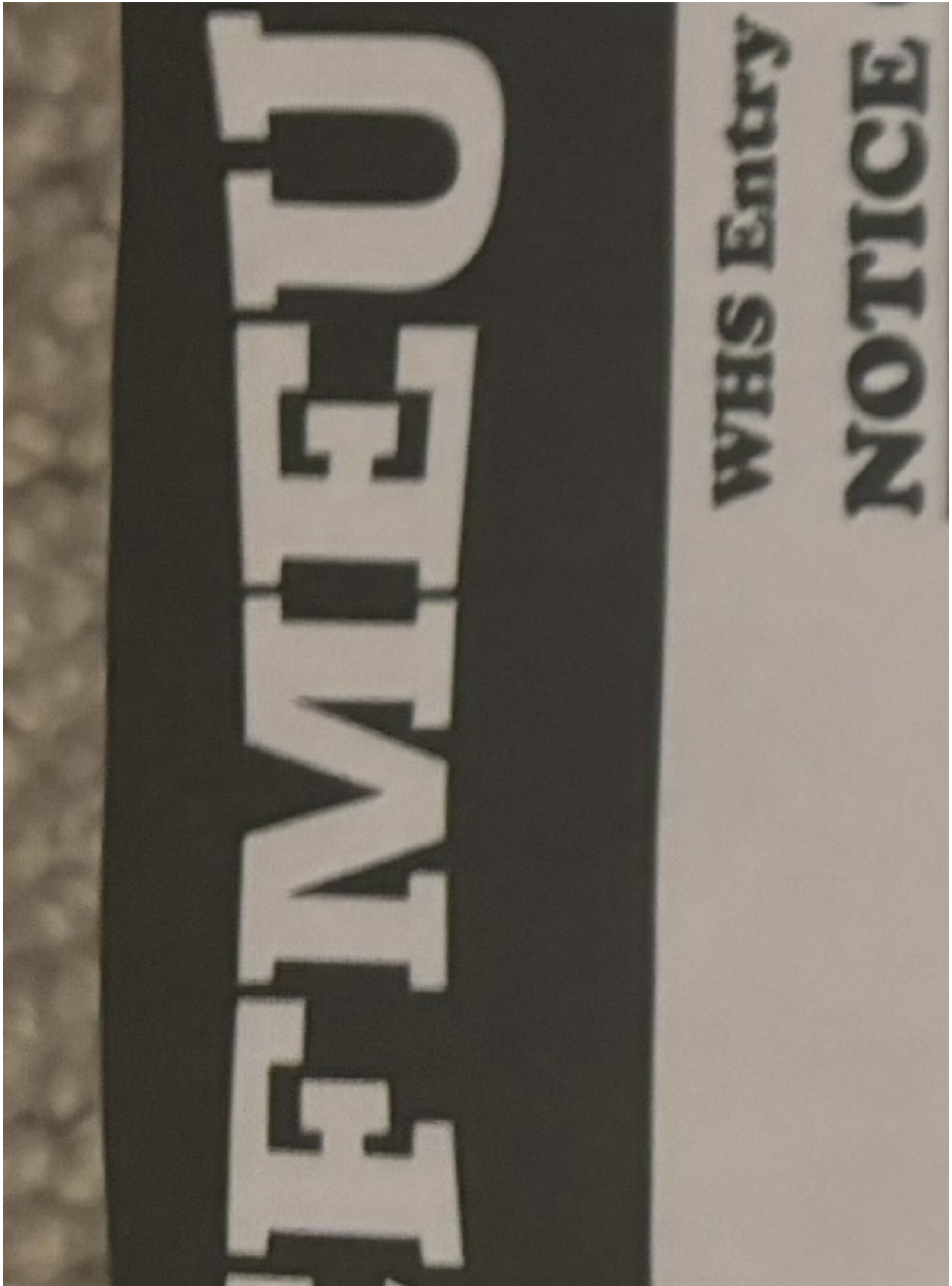


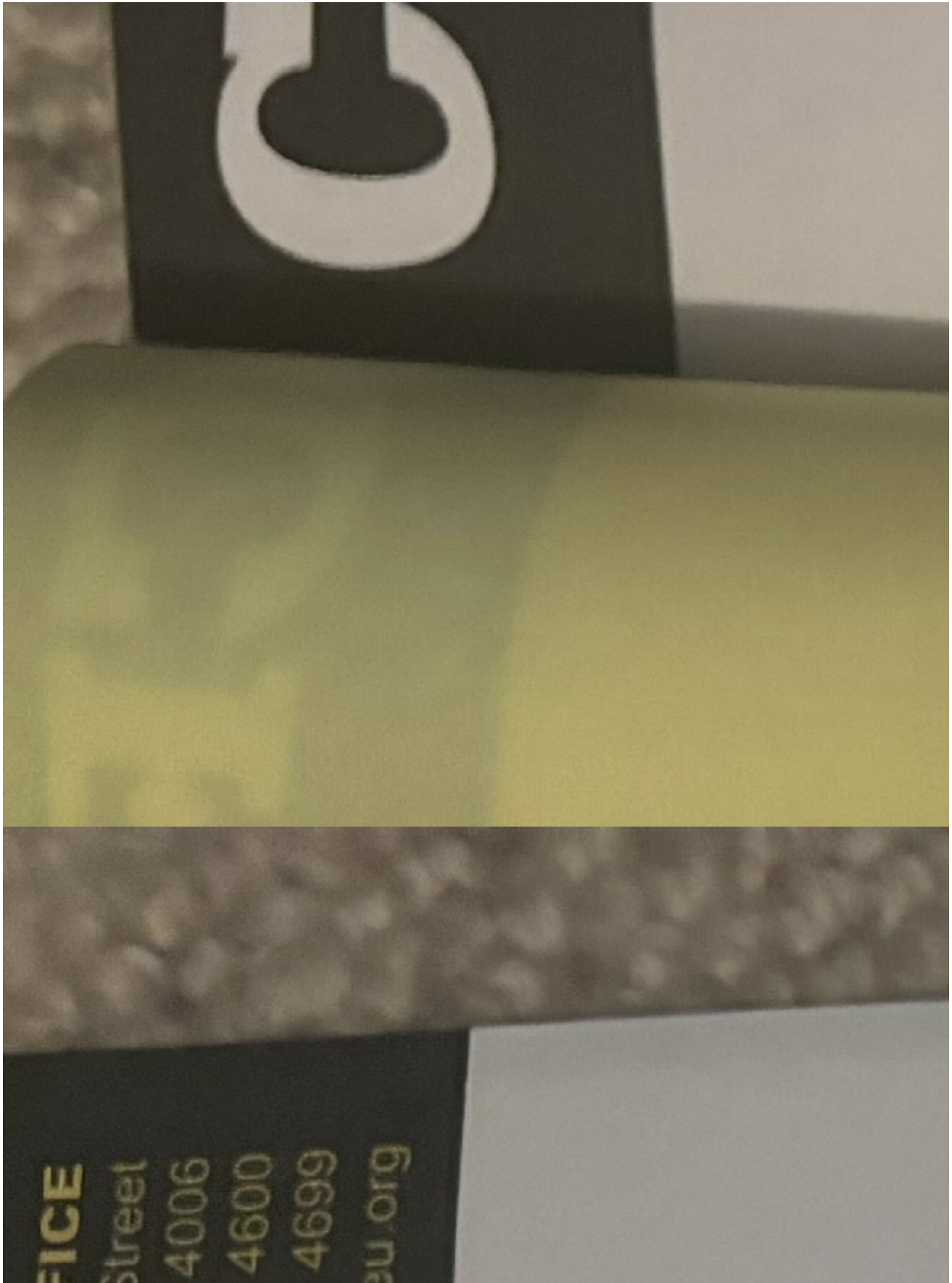
REGIONAL OFFICES

Darwin - Ph (08) 8981 5280

Townsville - Ph (07) 4766 8715

Permit Holder
OF ENTRY





REGIONAL OFFICES

win - Ph (08) 8981 5280

ille - Ph (07) 4766 8715

HEAD OFFICE

16 Campbell St

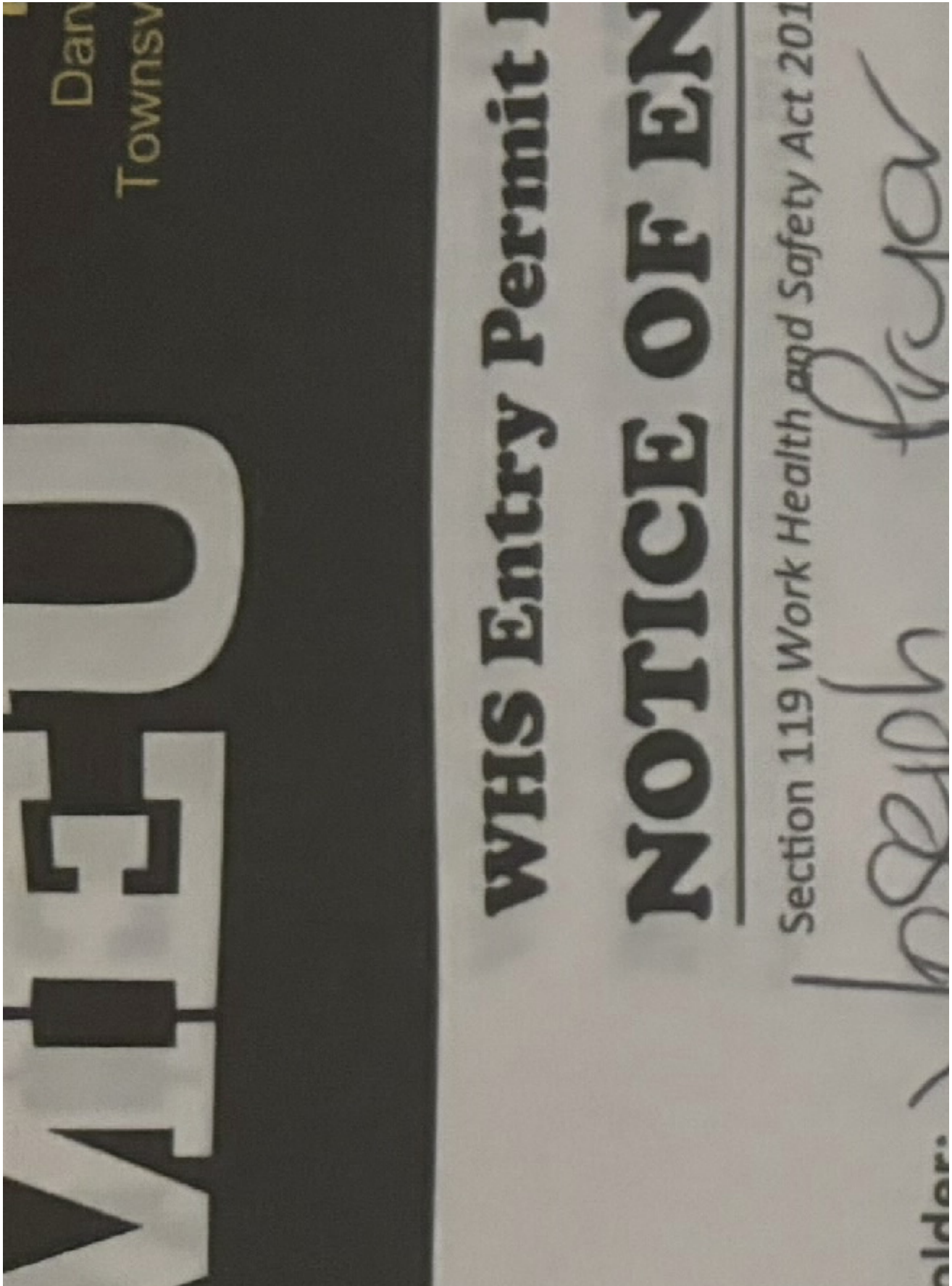
Bowen Hills QLD

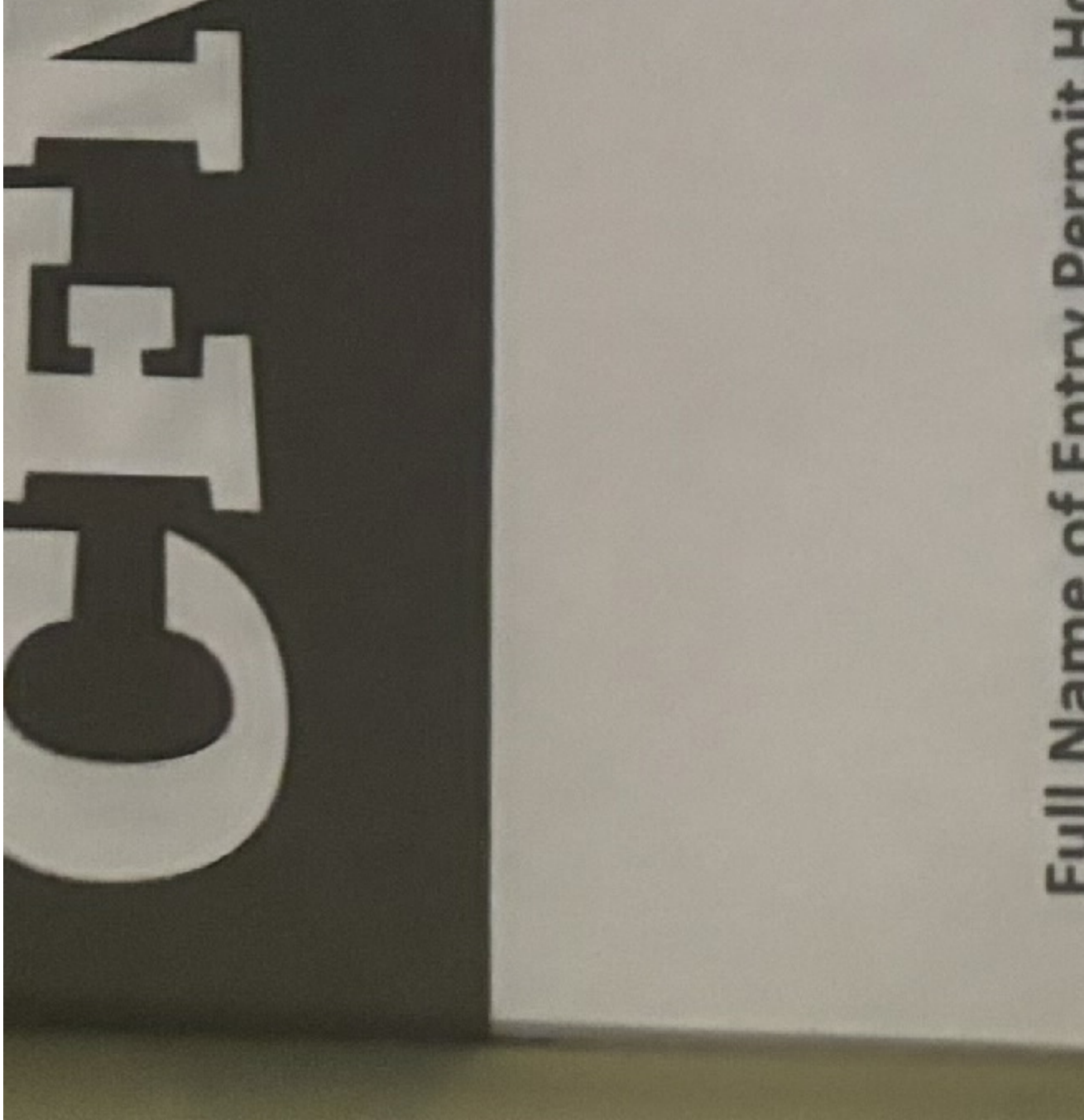
Ph (07) 3231

Fax (07) 3231

qntqueries@cfme

Holder**TRY****1 ("WHS ACT")**





From: Ben Weston [REDACTED]
Sent: Tue 18/03/2025 4:59:52 PM (UTC+10:00)
To: James Smith [REDACTED] Quinn Murray
JV [REDACTED]
Cc: Greg Polzin [REDACTED]; Gary Grant [REDACTED]
Gareth Davies [REDACTED] au]; Roger
Oliver [REDACTED]
Subject: 815-J019 CFMEU Interaction

CAUTION - This email was sent from outside Georgiou Group

Hi All,
Please see below Union Site Entry Report from the GBJV Centenary Bridge Upgrade Project:

Date of Entry - 18/05/2024
Arrival Time - 10:30hrs
Departure Time - 14:40hrs
Project - Centenary Bridge Upgrade
Work areas reviewed during inspection - Pier 1 and Span 1 deck.
Video / photo evidence taken - Video footage was taken via body cams and phones.
Industrial Association - CFMEU
Union Official(s) - Cody Budgen, Joesph Pryor
GBJV Personnel - Ben Weston, Grant Benson.
Subcontractor Personnel - Non-Applicable
Authorising Act - Work Health and Safety Act 2011 ("WHS Act")
Act Provisions - s117 - Entry to inquire into suspected safety contraventions
Entry Authorisation - Permitted
If entry refused, reason for refusal - Non-Applicable
WHSQ Inspector Attendance - John Azcune and Sione Langi
WHSQ Enforcement Notice(s) issued - Nil

Summary of Events:

Union Organisers, Mr. Budgen and Mr. Pryor, arrived at the site office located at 213 Sinnamon Road at 10:30 hrs, where they were greeted by GBJV personnel. The union officials presented their permits and provided a Section 117 entry notice to GBJV representatives, subsequently signing into the Rapid Access system.

During the initial interaction, the union officials were asked to elaborate on the concerns raised in the notice. Following this discussion, they were escorted to Span 1, near the gantry crane. The primary issue presented by the union officials involved the necessity for a secondary access point to the Span 1 deck. GBJV personnel contested this statement, stating compliance with the formwork code of practice. This dialogue continued for approximately 40 minutes without resolution, leading the union officials to express their intention to contact the regulator.

After further discussion, both parties agreed to address the second item in the notice regarding access and egress to Pier 1. Upon inspection, the union officials did not identify any issues which couldn't be closed on the spot. Therefore, a mutual decision was reached to suspend the inspection while the union officials awaited the regulator's arrival, which occurred approximately one and a half hours later.

The regulator arrived at approximately 13:45 hrs, engaged in discussions with the union officials, and reviewed photos showing the areas of concern that had been submitted via the CFMEU safety hotline by a worker on-site. Following this, the regulators proceeded to the front gate for discussions with the GBJV safety manager and industrial relations representative before being escorted to Span 1 to evaluate the alleged safety contravention.

During the visit to Span 1, a dialogue commenced where it was reiterated that GBJV was comfortable with the existing arrangement of one stairway access to the span 1 deck and had established documented emergency procedures for the safe evacuation of workers via two methods. However, Mr. Azcune emphasized that best practices required two access points. In response, I reiterated that the Code of Practice does not mandate the presence of two access points where not applicable, and the wording was 'should and not 'shall' have two points of access.

After approximately 40 minutes of discussion, it was ultimately agreed that an additional access staircase would be constructed, which I believe

would mitigate the issuing of a formal notice from the department. The meeting concluded shortly thereafter, with the regulator and union officials departing the site at approximately 1440hrs.

Regards,

Ben Weston

SAFETY MANAGER

GEORGIOU BMD JOINT VENTURE (GBJV)

Email [REDACTED]

Mobile [REDACTED]



815-J019 CFMEU Interaction

From: Ben Weston [REDACTED]
To: James Smith [REDACTED]; Quinn Murray [REDACTED]
Cc: Greg Polzin [REDACTED]; Gary Grant [REDACTED]; Gareth Davie [REDACTED]
 [REDACTED] Roger Oliver <[REDACTED]>
Date: Tue, 18 Mar 2025 16:59:52 +1000

Hi All,
 Please see below Union Site Entry Report from the GBJV Centenary Bridge Upgrade Project:

Date of Entry - 18/05/2024
 Arrival Time - 10:30hrs
 Departure Time - 14:40hrs
 Project - Centenary Bridge Upgrade
 Work areas reviewed during inspection - Pier 1 and Span 1 deck.
 Video / photo evidence taken - Video footage was taken via body cams and phones.
 Industrial Association - CFMEU
 Union Official(s) - Cody Budgen, Joesph Pryor
 GBJV Personnel - Ben Weston, Grant Benson.
 Subcontractor Personnel - Non-Applicable
 Authorising Act - Work Health and Safety Act 2011 ("WHS Act")
 Act Provisions - s117 - Entry to inquire into suspected safety contraventions
 Entry Authorisation - Permitted
 If entry refused, reason for refusal - Non-Applicable
 WHSQ Inspector Attendance - John Azcune and Sione Langi
 WHSQ Enforcement Notice(s) issued - Nil

Summary of Events:

Union Organisers, Mr. Budgen and Mr. Pryor, arrived at the site office located at 213 Sinnamon Road at 10:30 hrs, where they were greeted by GBJV personnel. The union officials presented their permits and provided a Section 117 entry notice to GBJV representatives, subsequently signing into the Rapid Access system.

During the initial interaction, the union officials were asked to elaborate on the concerns raised in the notice. Following this discussion, they were escorted to Span 1, near the gantry crane. The primary issue presented by the union officials involved the necessity for a secondary access point to the Span 1 deck. GBJV personnel contested this statement, stating compliance with the formwork code of practice. This dialogue continued for approximately 40 minutes without resolution, leading the union officials to express their intention to contact the regulator.

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After approximately 40 minutes of discussion, it was ultimately agreed that an additional access staircase would be constructed, which I believe would mitigate the issuing of a formal notice from the department. The meeting concluded shortly thereafter, with the regulator and union officials departing the site at approximately 1440hrs.

Regards,

Ben Weston

SAFETY MANAGER

GEORGIU BMD JOINT VENTURE (GBJV)

Email [REDACTED]

Mobile [REDACTED]



From: Quinn Murray [REDACTED]
Sent: Mon 19/05/2025 10:15:48 AM (UTC+10:00)
To: Gareth Davis [REDACTED]; Jonty Bekkers
JV [REDACTED]
Subject: FW: 484 - Entry Notice
Attachment: 20250519 CENTENARY BRIDGE CB CT JP CR HE BW HT FINAL.pdf

CAUTION - This email was sent from outside Georgiou Group

Here we go again...

Quinn Murray

PROJECT MANAGER

GEORGIOU BMD JOINT VENTURE (GBJV)

Email [REDACTED]

Mobile [REDACTED]



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Learn more about our [Reconciliation Action Plan](#).
Please consider the environment before printing this e-mail.

From: Gary Grant [REDACTED]
Sent: Monday, 19 May 2025 10:14 AM
To: Ben Weston [REDACTED]; James Smith [REDACTED];
Quinn Murray [REDACTED]
Subject: Fw: 484 - Entry Notice

Fyi , Ben I'll call you to discuss .

From: QNT Industrial [REDACTED]
Sent: Monday, May 19, 2025 9:56:02 am
To: Gary Grant [REDACTED]; Gavin Kenny
[REDACTED]
Cc: Corey Taylor [REDACTED]; Cody Budgeon [REDACTED] Connor

Rutene [REDACTED] Jo Jo Pryor [REDACTED]; Hoani Edwards
[REDACTED]; Hayden Turner <[REDACTED]>; Brodie Wood

Notice

You don't often get email from [REDACTED] [Learn why this is important](#)

Good morning,

Please see attached notice.

Regards,

CFMEU

Construction & General Division
QLD/NT Divisional Branch



16 Campbell Street

Bowen Hills QLD 4006

T [REDACTED]

qntindustrial@cfmeu.org



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From: Quinn Murray [REDACTED]
Sent: Mon 19/05/2025 10:54:27 AM (UTC+10:00)
To: Jonty Bekkers JV [REDACTED]
Cc: Gareth Davis [REDACTED]
Subject: FW: 484 - Entry Notice

CAUTION - This email was sent from outside Georgiou Group

Sure enough.

Quinn Murray

PROJECT MANAGER

GEORGIOU BMD JOINT VENTURE (GBJV)

Email [REDACTED]

Mobile [REDACTED]



The BMD Group acknowledges the Traditional Owners of the lands in which we operate and pay respect to Elders past, present and ei
Learn more about our [Reconciliation Action Plan](#).
Please consider the environment before printing this e-mail.

From: Gary Grant [REDACTED]
Sent: Monday, 19 May 2025 10:53 AM
To: James Smith [REDACTED] Ben Weston [REDACTED]
Quinn Murray [REDACTED]
Cc: Gavin Kenny [REDACTED]
Subject: Fw: 484 - Entry Notice

Fyi , that answers the question, Ben can you call or email them the niepe break time.

From: Corey Taylor [REDACTED]
Sent: Monday, May 19, 2025 10:47:54 am
To: QNT Industrial [REDACTED]; Gary Grant [REDACTED]
Gavin Kenny [REDACTED]

Cc: Cody Budgeon [REDACTED]; Connor Rutene [REDACTED]; Jo Jo Pryor [REDACTED]; Hoani Edwards [REDACTED]; Hayden Turner [REDACTED]; Brodie Wood <[REDACTED]>
Subject: Re: 484 - Entry Notice

You don't often get email from [REDACTED]. [Learn why this is important](#)

Good morning,

Further to the previous email we would only like to speak to Niepe workers. Could you please advise us of their smoko break times.

Thanks, Corey

CFMEU

Construction & General Division
QLD/NT Divisional Branch



Corey Taylor

Organiser

16 Campbell Street

Bowen Hills QLD 4006

T [REDACTED]

[REDACTED]

I acknowledge the traditional Aboriginal owners of country throughout Australia and pay my respect to them, their culture and their Elders past, present and future.

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From: QNT Industrial <[REDACTED]>

Sent: Monday, May 19, 2025 9:55:17 AM

To: [gary.grant@\[REDACTED\]](mailto:gary.grant@[REDACTED]); [gary.grant@\[REDACTED\]](mailto:gary.grant@[REDACTED]); [gavin.kenny@\[REDACTED\]](mailto:gavin.kenny@[REDACTED])

<gavin.kenny@cfmeu.org.au>

Cc: Corey Taylor [REDACTED]; Cody Budgeon [REDACTED]; Connor Rutene [REDACTED]

[REDACTED]; Jo Jo Pryor [REDACTED]; Hoani Edwards [REDACTED]

Hayden Turner [REDACTED]; Brodie Wood [REDACTED]

Subject: RE: 484 - Entry Notice

Good morning,

Please see attached notice.

Regards,

CFMEU

**Construction & General Division
QLD/NT Divisional Branch**



16 Campbell Street

Bowen Hills QLD 4006

T [REDACTED]

qntindustrial@cfmeu.org



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From: Ben Weston [REDACTED]
Sent: Tue 20/05/2025 12:26:37 PM (UTC+10:00)
To: Gary Grant [REDACTED]; Gareth [REDACTED];
Davie [REDACTED]; Greg Polzin [REDACTED];
James Smith [REDACTED]; Quinn Murray [REDACTED]
Cc: Chris DEMARTINI [REDACTED]; Peter [REDACTED];
KONECNY [REDACTED]; Damitha A [REDACTED];
Peiris [REDACTED];
Faiz.Z.Rahmansvah [REDACTED]; Imran Z [REDACTED];
Qaiser [REDACTED]; Francisca P [REDACTED];
Knight [REDACTED]; David OEI [REDACTED];
Quinn Murray JV [REDACTED]; James [REDACTED];
Smith [REDACTED]
Subject: 815-J019_CBUP_CFMEU Interaction

CAUTION - This email was sent from outside Georgiou Group

Hi All,
At 10:30 AM, Union Organisers Corey Taylor and Hoani Edwards visited the Centenary Bridge Upgrade project under section 484 of the Fair Work Act to hold discussions with subcontracting company Niepe. The meeting took place in a crib room at the pre-start area and lasted approximately 30 minutes. Following the discussion, the union organisers departed the site at 11:05 AM. The visit did not raise any safety concerns.

Regards,

Ben Weston

SAFETY MANAGER

GEORGIOU BMD JOINT VENTURE (GBJV)

Email [REDACTED]

Mobile [REDACTED]



The BMD Group acknowledges the Traditional Owners of the lands in which we operate and pay respect to Elders past, present and emerging.
Learn more about our [Reconciliation Action Plan](#).

Please consider the environment before printing this e-mail.

RE: 815-J019-0223 T-160 - Prescribed Notice Under Clause 46.1 - Legislation Change - Qld Psychosocial COP

From: Gary Grant [REDACTED]
To: James Smith [REDACTED]
Cc: Quinn Murray [REDACTED]; Rex Clarke
[REDACTED] Gareth Davie [REDACTED]
Date: Fri, 21 Feb 2025 11:15:34 +1000
Attachments: CBUP - Gate and Security Access - Update (2.3 MB)

James as discussed yesterday we are reviewing the current risk assessment and will provide a new updated assessment by COB Monday (hopefully) this will ensure we don't have actions out of the CLT and will be able to speak to it if needed during the meeting .

As for current plan and numbers we have reduced from 15 on days back to 12 as of Monday 24/2, then following the submission of risk assessment we will likely reduce back to 9 the following week based on the rough plan around the below . Night shift will be 2 personal unless we have a pour then we will be up at approx. 5 ppl . We will also be dropping Grant & Steve back to a 'on call basis " due to being given 24 hrs notice recently .

- 2 Main gate
- 1 gate between main gate and office gate
- 1 managing office gate , precast gate & prestart area
- 1 adjacent at utilities gates to keep an eye on the bridge at Korrungal ck
- 2 double vehicle gates at LTP to P1
- 2 floaters that can manage Abut A gate , breaks & deploy to Vidgen lane when being used (which they have over the last few weeks)

The risk assessment will highlight that any gates that are not being utilised need to remain locked & ensure they aren't open just for the sake of it . Rob and Jack have has a discussion and agreed on these approx. numbers moving forward

Further discussion between Jack & Rob will need to occur post ATP switch to reduce any further

Any questions let me know



Gary Grant
Regional Construction Manager
BMD Constructions

[REDACTED]
[REDACTED] | www.bmd.com.au
1 Sandpiper Ave Port of Brisbane Qld 4178
PO Box 197 Wynnum Qld 4178



The BMD Group acknowledges the Traditional Owners of the lands in which we operate and pay respect to Elders past, present and emerging.

Learn more about our [Reconciliation Action Plan](#).

[Please consider the environment before printing this e-mail.](#)

From: Rex Clarke [REDACTED]

Sent: Friday, 14 February 2025 7:54 AM

To: Grant Killen [REDACTED]; [REDACTED]

Cc: James Smith [REDACTED]; Quinn Murray [REDACTED]

[REDACTED] Gary Grant [REDACTED]

Subject: FW: 815-J019-0223 T-160 - Prescribed Notice Under Clause 46.1 - Legislation Change - Qld Psychosocial COP

Hi Grant

Last year, you completed the attached risk assessment that Chris refers to below.

TMR have asked for an update to reflect the current situation/environment. Would you be able to have this back to use sometime within the next two weeks?

Thanks,

Rex



Rex Clarke

Project Commercial Lead

Georgiou BMD Joint Venture (GBJV)

[REDACTED]
[REDACTED]

213 Sinnamon Road, Jindalee QLD 4074

PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

From: Chris DEMARTINI [REDACTED]
Sent: Thursday, 13 February 2025 1:19 PM
To: Rex Clarke [REDACTED]; James Smith [REDACTED]
Cc: Francisca P Knight [REDACTED]; Peter KONECNY [REDACTED]
 [REDACTED] Quinn Murray [REDACTED]; Gary Grant [REDACTED]
 [REDACTED] Damitha A Peiris [REDACTED]; 815-J019 Change Management - Mailbox [REDACTED]
Subject: RE: 815-J019-0223 T-160 - Prescribed Notice Under Clause 46.1 - Legislation Change - Qld Psychosocial COP

Hi James, Rex,

There has been discussion at the Site Meeting and CLT Meeting on the continuing level of security resources being used across the Project.

The original assessment of the claim for costs was based on the implementation of the Psychosocial Code of Practice, and addressing the psychosocial risks from the CFMEU site presence. The CFMEU site presence has now drastically reduced and there is no longer any permanent presence at the site. There have also been other external changes (i.e. court proceedings and various State and Federal Government interventions) that have modified CFMEU behaviours. As such the psychosocial risks have reduced since the original submission.

In order to assess the ongoing payment of this variation can you please provide the following updated information:

- An update of the Risk Assessment based on the current situation, as required under Section 3.3.1 of the COP.
- An update of the external formal security assessment as recommended by the Section 3.3.1 of the COP.
- The location and number of security personnel proposed, and how has been determined.

Regards

Chris Demartini

Administrator's Representative
 Centenary Bridge Upgrade

[REDACTED]
 Level 6, 480 St Pauls Tce, Fortitude Valley, QLD, 4006, Australia

From: Rex Clarke [REDACTED]
Sent: Friday, 28 June 2024 3:41 PM
To: Chris DEMARTINI [REDACTED]
Cc: Francisca P Knight [REDACTED]; Peter KONECNY [REDACTED]
 [REDACTED]; Quinn Murray [REDACTED]; Gary Grant [REDACTED]
 [REDACTED]; kieren.walters [georgiou] [REDACTED]; Damitha A Peiris [REDACTED]
 Gareth Davie [REDACTED]; James Smith [REDACTED]; 815-J019 Change Management - Mailbox [REDACTED]
Subject: RE: 815-J019-0223 T-160 - Prescribed Notice Under Clause 46.1 - Legislation Change - Qld Psychosocial COP

Hi Chris,

Thank you for considering our Claim.

I've attached written responses to your queries and supporting documents.

Please let me know if you need any further information.

Thanks,

Rex



Rex Clarke
Commercial Engineer
Georgiou BMD Joint Venture (GBJV)

213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project

From: Chris DEMARTINI [REDACTED]
Sent: Thursday, June 6, 2024 4:42 PM
To: Rex Clarke [REDACTED]; Gareth Davie [REDACTED]
Cc: Francisca P Knight [REDACTED]; Peter KONECNY [REDACTED]; Quinn Murray [REDACTED] Gary Grant [REDACTED]; kieren.walters [georgiou] [REDACTED]; Damitha A Peiris [REDACTED]
Subject: RE: 815-J019-0223 T-160 - Prescribed Notice Under Clause 46.1 - Legislation Change - Qld Psychosocial COP

HI Rex, Gareth,

I've undertaken an initial review of your claim relating to the change of legislation in regards to the Qld Psychosocial Code of Practice (COP). I find that this claim may have some merit, and that the risks and controls outlined in the COP can be related to the union events at CUP. However to properly assess the claim I require the following additional information:

- Section 3.3.1 of the COP states that a risk assessment should be carried out for any psychosocial hazards that have been identified where the risk of the hazard(s), or accepted control measures, are not well-known. This would apply for the CUP union events. Can you please provide this risk assessment as outlined in the COP showing:

- Who was consulted during the assessment of risk and development of controls (workers, staff, IR or Security Industry experts etc)
- What were the risks that were identified and how these were identified and assessed (hazard checklists, worksheets, assessment tools)
- What control options were considered and how these were identified, developed and chosen
- Was a formal security assessment undertaken by an external party as recommended in the COP.
- Once the controls were developed how was the quantum determined:
 - Number of security guards
 - Amount of IR support required, both numbers and time spent on site
 - Number and location of additional cameras
 - Duration of additional security and IR support, and the ongoing review process.
- Was any formal training of workers or staff undertaken e.g. training in positive behaviour expectations, de-escalation and emotional regulation. Are any training records available.
- Are all the IR consultants that have been engaged external, or are some part of the BMD/Georgiou head office overheads. Could internal resources have been utilised rather than engaging consultants.
- Travel expenses for security are more than the security staff costs. How are these travel expenses justified. Why weren't local security staff used.
- Invoices:
 - There are some significant lump sum invoices from Concentric. These will need to be itemised.
 - No invoices have been provided for the significant Security travel costs. These will need to be provided, justified and itemised.
- Now that a court injunction has been successfully obtained it is understood (and expected) from your correspondence that the Security staff and IR specialist involvement will be significantly reduced. This would also be in accordance with the COP hierarchy of controls. Can you please advise what the ongoing levels will be.

Regards

Chris Demartini

Administrator's Representative
Centenary Bridge Upgrade

Level 6, 480 St Pauls Tce, Fortitude Valley, QLD, 4006, Australia

From: Rex Clarke [REDACTED]
Sent: Friday, 31 May 2024 4:21 PM
To: Peter KONECNY [REDACTED]; Chris DEMARTINI [REDACTED]
Cc: Francisca P Knight [REDACTED]; Gareth Davie [REDACTED];
 [REDACTED]; Quinn Murray [REDACTED]; Gary Grant [REDACTED]; kieren.walters [georgiou] [REDACTED]
Subject: 815-J019-0223 T-160 - Prescribed Notice Under Clause 46.1 - Legislation Change - Qld Psychosocial COP

Hi Peter and Chris,

I have attached a prescribed notice under Clause 46.1 in respect of the commencement of the Queensland Code of Practice for managing psychosocial hazards at work.

We will keep you updated in respect of the quantum of the Claim.

Happy to run through at any time.

Thanks,

Rex



Rex Clarke
Commercial Engineer
Georgiou BMD Joint Venture (GBJV)

[REDACTED]
[REDACTED]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

Centenary Bridge Upgrade Project