



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

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

**PUBLIC HEARING
BRISBANE MAGISTRATES COURTS**

**THURSDAY, 20 AUGUST 2026
AT 10.00 AM**

DAY 44

APPEARANCES

**Mr S Wood AM KC – Commissioner
Mr E Gisonda KC – Counsel Assisting
Ms G Feely – Counsel Assisting
Ms E Cooper– BMD Group, BMD Witnesses
Mr D de Jersey KC – Counsel for the State of Queensland
Ms S Amos – Counsel for the State of Queensland
Mr C O'Grady KC – Counsel for the CFMEU Administration
Mr C Jennings KC– Counsel for SMEC Australia
Ms K Hillard – Counsel for The Honourable Grace MP
Mr D Payard – Counsel for Mr Davie and Mr Murray
Ms L Cullen – Legal Team Assisting
Mr S Thomas – Witness
Mr G Davies - Witness**

<THE HEARING RESUMED AT 10.00 AM

COMMISSIONER: Deal with appearances. Mr Gisonda, you continue to appear with Ms Feely as counsel assisting?

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MR GISONDA: Yes, Commissioner.

COMMISSIONER: Ms Cooper, you've replaced Mr Murdoch as counsel for the BMD Group and the BMD witnesses?

10

MS COOPER: That's correct.

COMMISSIONER: Mr Payard, you continue to appear for Mr Quinn Murray and Mr Gareth Davie?

15

MR PAYARD: Yes, Commissioner.

COMMISSIONER: Mr Jennings, you continue to appear as counsel for SMEC Australia?

20

MR JENNINGS: I do. Thank you, Commissioner.

COMMISSIONER: Mr O'Grady, you continue to appear for the administrator of the CFMEU?

25

MR O'GRADY: Yes, I do, Commissioner.

COMMISSIONER: Mr de Jersey, you continue to appear with Ms Amos as counsel for the State of Queensland?

30

MR DE JERSEY: Yes, Commissioner.

COMMISSIONER: And Ms Hillard, you continue to appear as counsel for the Honourable Grace Grace MP?

35

MS HILLARD: Yes, Commissioner.

COMMISSIONER: Just before we start, Mr Gisonda, I asked you a question yesterday about the CCTV issues. Obviously the evidence in relation to the somewhat odd response from BMD, at least according to your submissions, in terms of a response to a summons to produce that material and also the assistance given to the police and their request, the question I think I asked was whether there was any issue with someone deliberately hindering a police investigation. I'm not sure whether you've had a chance to look at that.

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MR GISONDA: Thank you, Commissioner. Ms Feely's going to bring her considerable expertise to bear on that question, and she'll address you after lunch.

45

5 **COMMISSIONER:** Very well. Ms Cooper, Mr Moy, who is one of the solicitors for the Commission, just drew my attention last night to 113 of the barristers' conduct rules and also rule 11, particularly rule 11.5, of the Australian Solicitors' Conduct Rules, which says, at least in relation to a barrister:

10 "A barrister who is briefed to appear for two or more parties in any case must determine as soon as possible whether the interests of the clients may, as a real possibility..."

And those are the key words:

"...conflict."

15 And if so then the barter must return the brief for one or more of the clients so as to reduce the possibility of a conflict. I asked that question of Mr Murdoch yesterday. To some extent, it's none of my business -

20 **MS COOPER:** Indeed.

COMMISSIONER: - in the sense that you're bound by those rules and you'll make those assessments and those communications are privileged and I'm not entitled to examine them. I just wanted to make that clear, and in particular that the issue on the evidence to date - and the evidence to date is - in some ways it's hearsay, sometimes it's documentary hearsay, some of it is submissions from the bar table from counsel assisting. But if - and there is a lot of it. And that evidence, if it's taken at its highest, and open and shut cases often on proper analysis don't appear to be open and shut when all the evidence is in, the cross-examination is had and things don't appear to be the way they seem at first blush.

35 But at first blush, it does appear that there's a possibility that Mr Saracevic was guilty of the criminal offence under the Criminal Code of 1899 under section 359 of threatening to cause detriment to another person - again, if his evidence is accepted; it might not be accepted, given what was said yesterday in the material we saw. Mr Samuel might be - and I hinted at this yesterday or perhaps the day before; I can't remember when - might be, depending on upon what he knew, guilty of the crime of conspiring to commit a crime under section 541. Again, depending what he knew.

40 And we're a long way from the end of the process. We're right at the beginning. But dealing with your two clients, there's a possibility on - I shouldn't say - you've got four clients. You've got Mr Pickard; Mr Thomas; Mr Power, who's due to give evidence; and the corporate entity.

45 **MS COOPER:** And the corporate - yes.

COMMISSIONER: So leaving aside the corporate entity - sorry, leaving aside Mr Scott Power and leaving aside the corporate entity, because the corporate entity might have a conflict with Mr Thomas and Mr Pickard, but that's a matter for you, but the way in which that conflict might operate is that there was a lot of evidence to suggest that if Mr Samuel was guilty of the crime of conspiracy to commit a crime, there might be some suggestion that Mr Pickard and Mr Thomas - again, a lot of the evidence was circumstantial, but it was extensive - would be guilty of that crime.

10 And also - again, depending how the evidence comes out, and it's only at the very beginning - they may have - there's a possibility - again, this is for your assessment - that there might be a suggestion of perjury, in the sense that section 123 of the Criminal Code, which sets out the crime of perjury, has an extension so that the perjury doesn't apply simply to persons who knowingly give false
15 testimony in a judicial proceeding but also in inquiries under this Commission. And those are the issues that were percolating in my mind yesterday when I raised those - that comment with Mr Murdoch. I'm not asking you to comment, unless you want to, but I just wanted to make it clear that those were the issues that were concerning me, though obviously it's a matter for you, your instructing solicitors
20 and your clients.

MS COOPER: Indeed. Thank you, Commissioner.

COMMISSIONER: Thank you.

25 **MR GISONDA:** Commissioner, can I, before we have Mr Thomas return to the witness box, exhibit CBU-1 was an identification of some of the men who were present at the incident at Centenary Bridge in February of 2024. You recall that was the incident where a number of people associated with the CFMEU attacked
30 the vehicle -

COMMISSIONER: What was that date again, sorry?

35 **MR GISONDA:** It was February of 2024. And is that the original - can I just ask, is that the original CBU-1? Sorry? Yes. This is a proposed replacement CBU-1, and it's got an additional entry now on the last page, Mr Andrew Stuart. Mr Andrew Stuart has also been identified as being present on that day, and he was a delegate for Gabba Waterproofing. He commenced being a delegate,
40 however, in early September 2024. So that's after the event and indeed after the CFMEU was put into administration.

COMMISSIONER: What do you want me to do with CBU-1? I think there were nine organisers and delegates - I could be wrong, might've been 10 - on that list. Do I -
45

MR GISONDA: Perhaps this could be tendered as exhibit CBU-1A.

COMMISSIONER: And this is just Andrew Stuart or - or -

MR GISONDA: It's the whole document but now includes Mr Stuart as well.

5 **COMMISSIONER:** All right. And how many in total do we have now? I just don't seem to have a copy of it up here. Sorry, I do.

MR GISONDA: There are now 10. So there were nine; there's now 10.

10 **COMMISSIONER:** All right. Are there any objections? Photographs and descriptions of 10 organisers and delegates of the CFMEU present at the incident at Sinnamon Road - was it Sinnamon Road exit?

MR GISONDA: Gate 1.

15 **COMMISSIONER:** At Gate 1 of the Centenary Bridge construction site involving AWU organisers, involving blockade of AWU organisers on - what was the date?

20 **MR GISONDA:** 23 February.

COMMISSIONER: 23 February 2024 will be exhibit CBU-1A.

25 **<EXHIBIT CBU-1A PHOTOGRAPHS AND DESCRIPTIONS OF 10 ORGANISERS AND DELEGATES OF CFMEU PRESENT AT INCIDENT AT GATE 1 OF CENTENARY BRIDGE CONSTRUCTION SITE INVOLVING BLOCKADE OF AWU ORGANISERS ON 23/2/2024**

30 **MR GISONDA:** Thank you, Commissioner. If we could now have Mr Thomas return to the witness box, please.

COMMISSIONER: Mr Thomas, will you come back into the witness box, please.

35 **<STEVEN JAMES THOMAS, ON FORMER AFFIRMATION**

<EXAMINATION BY MR GISONDA

40 **MR GISONDA:** Mr Thomas, we finished yesterday by playing some clips of the incident on 5 June, and the next clip I want to play is the clip of you and Mr Pickard walking towards the gate where there was a confrontation with Mr Raymond and Mr Samuel's group. So if we could please play clip 11, and in doing so, I want you to pay close attention to the question of whether you point in the direction of where Mr Raymond was working as you approach the gate with
45 Mr Pickard.

(Video played).

MR GISONDA: It might be - I'm not sure if we can replay it again close up like that from the beginning, just to make it clear where I suggest you did point.

5 (Video played).

MR GISONDA: Thank you. Now, Mr Thomas, do you accept that you pointed in the direction of where Mr Raymond was working as you approached the gate?

10 **MR THOMAS:** Yes. I pointed into a work zone.

MR GISONDA: And did you point in the direction of where Mr Raymond was working because you knew that he was about to be confronted by Mr Samuel and his group?

15

MR THOMAS: No.

MR GISONDA: Can I then play clip 12, and in doing so, I want you to pay close attention to whether you have looked back over your shoulder in the direction of Mr Samuel, who's walking up behind you.

20

(Video played).

MR GISONDA: Do you accept that you looked back towards Mr Samuel's group who was walking up behind you?

25

MR THOMAS: I - no, I don't. I was looking at the steel.

MR GISONDA: So you say you're not looking behind you, but you're looking at the steel on the site.

30

MR THOMAS: No, looking - looking directly at the steel.

MR GISONDA: So you weren't looking to see how far behind you Mr Samuel was?

35

MR THOMAS: No.

MR GISONDA: Can we then play clip 13, and as we play this clip, I want you to focus on you pointing back towards the direction of Mr Samuel.

40

(Video played).

MR GISONDA: Do you accept that you pointed back towards the path where you'd just come from?

45

MR THOMAS: I point backwards.

MR GISONDA: And can I ask you, did you point back towards Mr Samuel or the direction of Mr Samuel because you were talking to the traffic controller about the fact that Mr Samuel's group was about to approach the gate?

5

MR THOMAS: I don't accept that.

MR GISONDA: Were you telling the traffic controller that he needed to ensure no one came up the bike path while Mr Samuel's group was talking to Mr Raymond?

10

MR THOMAS: No.

MR GISONDA: If we then play clip 14, and as we play that clip, I want you to look very carefully, if you're able to, at Mr Samuel's group on the right-hand side of the screen and tell me whether you accept that they have slowed down their approach, waiting for to you finish talking to the traffic controller.

15

(Video played).

20

MR GISONDA: Do you accept, Mr Thomas, that as you are winding up your conversation with the traffic controller, the group of four men appear to have slowed down their approach?

25

MR THOMAS: I can't see that.

MR GISONDA: Can we then play clip 15, and now I want you to look at Mr Pickard's gesture just as you finish your conversation with the traffic controller.

30

(Video played).

MR GISONDA: Did Mr Pickard gesture to Mr Samuel that his group could now approach the gate?

35

MR THOMAS: No.

MR GISONDA: If we then play clip 17, and when we watch this clip, I want you to focus on you and Mr Pickard walking off the left-hand side of the screen with the traffic controller and what appears to be a shadow of the traffic controller then lifting his stop sign.

40

(Video played).

MR GISONDA: Did the traffic controller put the stop sign up because either you or Mr Pickard told him that no one was to approach the gate whilst Mr Samuel's group was there?

45

MR THOMAS: We did not.

MR GISONDA: Did the traffic controller put the stop sign up because either you
5 or Mr Pickard told him that no one was to approach the gate whilst Mr Samuel's
group was there?

MR THOMAS: He did not.

MR GISONDA: Are you able to explain why the security guard appears to walk
10 away as Mr Samuel's group approaches the gate?

MR THOMAS: I can't.

MR GISONDA: Can we go to document 74, please. We've heard evidence this
15 week, Mr Thomas, that these were the three men who were with Mr Samuel. Can
I ask you whether you've seen that man before at the Centenary Bridge site?

MR THOMAS: I haven't.

MR GISONDA: Have you met him before in either Victoria or Queensland?

MR THOMAS: Not that I recall.

MR GISONDA: If we go to the next page, please.
25

COMMISSIONER: That was Mr Saracevic?

MR GISONDA: That's Mr Saracevic. Then focusing on the man on the left-hand
30 side here, have you met that man before - sorry, have you seen that man before at
the Centenary Bridge site?

MR THOMAS: Not that I recall.

MR GISONDA: Have you met him either in Queensland or Victoria?
35

MR THOMAS: Not that I recall.

COMMISSIONER: And who's that one again?

MR GISONDA: That's Mr Bjelogrljic. And then the final page, please. Have
40 you seen that man at the Centenary Bridge site before?

MR THOMAS: Not that I recall.

MR GISONDA: Have you met that man before at the Centenary Bridge site?

MR THOMAS: Not that I recall.

MR GISONDA: Have you met him either in Queensland or Victoria before?

MR THOMAS: Not that I recall.

5

COMMISSIONER: And that's Mr Ahern?

MR GISONDA: Ahern, yes. If we then go to document 75, please. Now, at 7.47 am - this is a log of the men at the top of the page engaging in text messages or
10 phone calls with one of the other people who appears at the top of the page. At 7.47 am, do you see you had a seven-minute call with Mr Samuel?

MR THOMAS: Yes.

15 **MR GISONDA:** And in that call, did Mr Samuel tell you that he'd just been in communication with Mr Saracevic?

MR THOMAS: No.

20 **MR GISONDA:** And did Mr Samuel tell you that Mr Saracevic had confirmed that he and two others were on their way to the Melbourne Airport to make the trip to Brisbane?

MR THOMAS: He did not.

25

MR GISONDA: And did Mr Samuel tell you that he would come to BMD's head office later in the morning and wait there before going to pick up Mr Saracevic from the Brisbane Airport?

30 **MR THOMAS:** He did not.

MR GISONDA: Now, you can take it from me that the evidence shows that Mr Samuel then made his way to BMD's head office at around 11 am. Do you recall meeting with Mr Samuel briefly at BMD's head office as he waited to go and pick
35 up Mr Saracevic from the Brisbane Airport?

MR THOMAS: I don't recall seeing him that day, but he was at our office every day.

40 **MR GISONDA:** So do you say that the fact that Mr Samuel spent some time at BMD's head office is not unusual because he was there most, if not every day?

MR THOMAS: Yep.

45 **MR GISONDA:** And you can't recall him being there on 5 June 2024 in particular?

MR THOMAS: I can't recall specific days, because as I said, he was at our office most days.

5 **MR GISONDA:** Now, at about 12 o'clock that day, you and Mr Pickard left BMD's head office and went to the Centenary Bridge site. Do you remember making that trip on that day?

MR THOMAS: Vaguely.

10 **MR GISONDA:** And what do you vaguely remember about that trip?

MR THOMAS: Just driving out to the job, but I don't remember the actual drive.

15 **MR GISONDA:** And did you go to the Centenary Bridge site at that time because you had agreed that you would meet Mr Samuel and his group there?

MR THOMAS: No.

20 **MR GISONDA:** At 12.20, you tried to call Mr Samuel and then sent him a text message. Do you see that?

MR THOMAS: Yes.

25 **MR GISONDA:** And then at 12.21, you had a 69-second phone call with Mr Samuel. Can you see that?

MR THOMAS: Yep.

30 **MR GISONDA:** And in that phone call, did you tell Mr Samuel that you were in the Sushi Shou sushi shop in the Jindalee Allsports Shopping Village?

MR THOMAS: I don't recall.

35 **MR GISONDA:** If you go to document 73, please, and page 4 of that document, do you recognise that sushi shop on the right-hand side?

MR THOMAS: Yes.

40 **MR GISONDA:** You do? And have you been there before?

MR THOMAS: Yep.

45 **MR GISONDA:** And do you remember ordering something, food or drink or whatever it might be, from that shop on 5 June 2024?

MR THOMAS: Probably.

MR GISONDA: And when you say "probably", is that because you would often eat or drink from that shop?

MR THOMAS: I've bought sushi there heaps of times.

COMMISSIONER: You say you ate sushi there or bought sushi there?

MR THOMAS: No, we would buy sushi there all the time.

MR GISONDA: And was it normal for you to eat in the shop there, or would you take the food with you and take it back to site?

MR THOMAS: I don't really recall.

MR GISONDA: Now, very shortly after that phone call, do you recall Mr Samuel and the three other men he was with joining you and Mr Pickard at that sushi shop?

MR THOMAS: No.

MR GISONDA: So if we could just be a little bit more precise about the sequence here. If we go to document 56, please. This is a document, Mr Thomas, that tells us the time that transactions were made on 5 June 2024 using your card. And if we go to the next page, hopefully we can have highlighted for you on the screen a purchase of \$17.29.

MR THOMAS: Yes.

MR GISONDA: And that purchase was from a business known as The Trustee for Hanzy, which I can tell you is that sushi shop, and you should be able to see there, transaction time, that it took place at 12.18 pm. Do you see that?

MR THOMAS: Yes.

MR GISONDA: So do you accept that at 12.18 pm on that day, you were making a purchase at the that sushi shop?

MR THOMAS: Yes.

MR GISONDA: And if we go to document 64, you see there being highlighted, that's the transaction date and time, and that's at 12.19 pm on 5 June for \$27.46 at The Trustee for Hanzy. Do you see all that highlighted?

MR THOMAS: Mmm-hmm. Yes.

MR GISONDA: Now, that's a purchase of \$27, a minute after you had made a purchase, on Mr Pickard's card. Do you accept that you and Mr Pickard were at that sushi shop together at about 12.18 and 12.19 pm on that day?

5 **MR THOMAS:** That would make sense.

MR GISONDA: And you both bought either food or some drink at that shop?

MR THOMAS: Yes.

10

MR GISONDA: And you said that you went there regularly.

MR THOMAS: Correct.

15 **MR GISONDA:** Would you go there regularly with Mr Pickard, or was it unusual for you to be there with him that day?

MR THOMAS: We've eaten there heaps of times.

20 **MR GISONDA:** Together?

MR THOMAS: Yeah.

25 **MR GISONDA:** So at 12.18 and 12.19, you and Mr Pickard make your respective purchases, and then at 12.21 is when you had your phone call with Mr Samuel. And in that phone call, did he tell you that he had just arrived at the car park?

MR THOMAS: I don't recall.

30

COMMISSIONER: This is the 69-second phone call, is it?

MR GISONDA: Yes. That's at 12.21. And in that phone call, did he ask you where you and Mr Pickard were?

35

MR THOMAS: I don't recall.

MR GISONDA: And did you tell him that you were in the sushi shop?

40 **MR THOMAS:** I don't recall.

MR GISONDA: And then at document 63 is a similar document to that we just saw for Mr Pickard, but you'll see now another transaction at 12.26 pm for \$11.69, and that's the transaction at the sushi shop for Mr Bjelogrljic. Do you remember
45 Mr Samuel and the three men joining you and Mr Pickard at the sushi shop?

MR THOMAS: No.

MR GISONDA: And when they were there, do you remember Mr Bjelogrljic purchasing something for \$11.69?

5 **MR THOMAS:** No.

MR GISONDA: And I'm not sure whether, when we watched the footage before, you noticed that he was carrying a drink bottle. Do you recall him purchasing that drink from the sushi shop shortly before you all made your way up to the bike
10 path?

MR THOMAS: No.

MR GISONDA: Now, you just said that you would buy sushi from there
15 regularly, from the Sushi Shou shop, but when we look at your bank statements, we don't - we're unable to find any other transaction for the Hanzy Trust. Are you able to explain why that may be so?

MR THOMAS: I may have used my corporate card. Rob may have purchased it.
20 I - yeah, I'm not sure. But I've definitely eaten - or, sorry, eaten food from that shop before.

COMMISSIONER: I think the gravamen of the question was "regularly".

25 **MR GISONDA:** So you accept you have been there before. You've eaten there before.

MR THOMAS: Regularly.

30 **MR GISONDA:** But earlier you said regularly you had gone there.

MR THOMAS: Mmm-hmm.

MR GISONDA: And so my question to you is, you've used this particular card
35 on this day to purchase something, yet there appears to be no other transaction on any of your accounts, at least your personal accounts, at this sushi shop, at least from November 2023 to August 2026.

MR THOMAS: Mmm-hmm.

40 **MR GISONDA:** So are you able to explain that?

MR THOMAS: Well, Mr Pickard or whoever else I was with must have paid for
45 it. Or as I said, it would be on my corporate card.

MR GISONDA: And if we just go back to document 73, page 4, do you see that the sushi shop is there on the right-hand side, and then you can see, on the left-hand side, the driveway going out to Sinnamon Road?

5 **MR THOMAS:** Yes.

MR GISONDA: Do you see that?

MR THOMAS: Yes.

10

MR GISONDA: And you accept that it's a short-distance walk from the sushi shop to the driveway exiting the car park?

MR THOMAS: Yes.

15

MR GISONDA: And you don't exit the car park, according to the CCTV footage, until 12.31. Do you remember what you did between 12.19 when you made your purchase and 12.31 when you left the car park?

20 **MR THOMAS:** I don't recall.

MR GISONDA: In that 11-or-so-minute period, did you meet up with Mr Samuel and his group and discuss what was about to happen?

25 **MR THOMAS:** No.

MR GISONDA: And so you don't accept that that - in that 10-minute period, you met Mr Saracevic or Mr Bjelogrljic somewhere in that area that we can now see on the screen?

30

MR THOMAS: Not that I recall.

MR GISONDA: Well, when you say you don't recall, is it it definitely didn't happen or it might have happened but you can't remember one way or the history?

35

MR THOMAS: I don't recall that period of time.

MR GISONDA: And so you're not able to assist the Commissioner at all in understanding what happened in that 10-minute period in that location on 5 June?

40

MR THOMAS: No, I'm sorry, I can't.

MR GISONDA: And do I take it that you're also not able to assist whether you knew that on 15 May - that is, about two and a half weeks before or three weeks before this date - Mr Saracevic and Mr Bjelogrljic had visited the Centenary Bridge site?

45

MR THOMAS: No, sorry, I can't.

MR GISONDA: After the incident occurred, were you told that Mr Raymond had made a complaint about what had happened to him?

5

MR THOMAS: Not straightaway.

MR GISONDA: Do you recall whether you had that knowledge that he'd made a complaint later on that same day?

10

MR THOMAS: I believe it was later that day.

MR GISONDA: And would you have been back at BMD's head office when you were told that?

15

MR THOMAS: I don't - I don't recall when I was told that or where I was when I was told.

MR GISONDA: But you have a recollection that later in the day, you were told that Mr Raymond had made a complaint of some kind?

20

MR THOMAS: I believe so.

MR GISONDA: If we could now go to document 86, please. This is now a call log of the next day, 6 June. Perhaps before we go there, if we could just go to document 75, please, and the last page of that document. Do you see the second-last entry on that page, that Mr Pickard had a 30-minute conversation with you?

25

30 **MR THOMAS:** Yes.

MR GISONDA: Do you remember in that conversation talking to Mr Pickard about Mr Raymond's complaint?

35 **MR THOMAS:** I don't remember the conversation.

MR GISONDA: Did you discuss with Mr Pickard how the two of you might be able to obtain and delete the CCTV footage of the incident?

40 **MR THOMAS:** I don't recall.

COMMISSIONER: Seems a strange answer, because given the nature of the question, it would - unless you were in the practice of having those conversations often, it would seem to be something you'd remember if it did happen. I don't want to put words in your mouth, but -

45

MR THOMAS: I just don't remember what we spoke about.

COMMISSIONER: I beg your pardon?

MR THOMAS: I just don't remember what we spoke about that night.

COMMISSIONER: Sometimes you don't remember and you know that given the very stark nature of the question, that it wouldn't have happened, rather than "don't recall". Again, I don't want to put words in your mouth, but it's a very - it's a very serious allegation that's being put to you.

MR THOMAS: Well, the specific question was we discussed -

COMMISSIONER: How to obtain and delete the CCTV footage, on my note of the question?

MR THOMAS: Yeah, I - I - I don't recall discussing that, and I don't believe that's what we would've done.

MR GISONDA: Perhaps I can ask you this question: I understand that you can't remember each individual conversation that you've ever had with Mr Pickard, because I imagine you speak probably daily.

MR THOMAS: Correct.

MR GISONDA: So let me ask you this question: do you recall ever having a conversation with Mr Pickard about having CCTV footage from the Centenary Bridge site deleted?

MR THOMAS: At - at some point in time, I sought advice from our legal team in relation to what footage do we need to keep and what information are we required to retain. But I don't recall when I had that conversation.

MR GISONDA: And was that conversation about this incident in particular or -

MR THOMAS: No, it was about any - any records.

MR GISONDA: And do you remember when - whether that conversation was a conversation you had before 5 June of 2024 or after?

MR THOMAS: No, it was well after that.

MR GISONDA: Well after. It wasn't a question you asked, was it, in the context of Queensland Police asking for CCTV?

MR THOMAS: No. Well, we knew that there was an investigation during that period, so obviously Georgiou would've required that for their investigation, so my commentary is more in relation to what is BMD required to retain long term.

5 **MR GISONDA:** If we then go back to document 86, please. This is now a call log on 6 June, and you'll note, Commissioner, that Mr Ahern and Mr Samuel have at least two substantial conversations that day on the phone. That's just a separate observation we make. But then, Mr Thomas, if I can direct your attention, please, to the telephone call at 5.23 pm that you had with Mr Gareth Davie, do you see that?

10 **MR THOMAS:** Yes.

MR GISONDA: And in that phone call - well, let me ask you first: do you remember what you discussed in that phone call?

15 **MR THOMAS:** Not specific details. I think it was something to do with - maybe it was an update on the investigation or where they were at with the situation.

MR GISONDA: Was Mr Davie someone that you were in the habit of calling regularly as part of your role?

20 **MR THOMAS:** We spoke frequently. He was the project manager on the job, so we did talk.

MR GISONDA: Would you talk on the phone or face to face on site?

25 **MR THOMAS:** Face to face, and I guess sometimes on the phone, but I would say we spoke quite frequently.

30 **MR GISONDA:** Now, in that phone call, did you tell Mr Davie that you had a list or a log of people who had seen or downloaded the CCTV of the - sorry, the CCTV footage of the incident the previous day?

MR THOMAS: I don't recall that.

35 **MR GISONDA:** And did you say to Mr Davie that you were calling him because you knew from that list that he had seen the footage?

MR THOMAS: I don't - I don't recall. I - I - I assume he would have seen it.

40 **MR GISONDA:** And what would lead you to that assumption, that he would have seen it?

45 **MR THOMAS:** Because Georgiou were doing an investigation, and he was the project manager on the site and no doubt would have attempted to access the - the video footage.

MR GISONDA: And did you tell Mr Davie that he needed to shut down anyone else having access to that footage?

MR THOMAS: I don't recall saying that.

5 **MR GISONDA:** And did you tell Mr Davie that the CCTV footage of that day needed to be deleted?

MR THOMAS: I don't recall saying that.

10 **MR GISONDA:** I now want to ask you about an incident that took place on 28 August 2025, and I want to show you some vision, but before -

COMMISSIONER: What's the date, sorry?

15 **MR GISONDA:** 28 August 2025. But before we look at that vision, I just want to make two things clear for you, Mr Thomas. The footage we have is of a routine traffic stop, and whilst the police are involved, it being a routine traffic stop, there's no suggestion that you did anything wrong that day.

20 **MR THOMAS:** Mmm-hmm.

MR GISONDA: And the sole purpose of showing you the footage is so that we can ask you some questions about some of the things that were said in the conversation with the police officer. So just so that's clear. No suggestion of wrongdoing on your part; it's just to get a copy or to get some evidence of some
25 things that were said. So if we could play, please, clip 31.

(Video played).

30 **MR GISONDA:** Now, the man in that footage is William Samra, and how long have you seen Mr Samra for?

MR THOMAS: A little over 12 months.

35 **MR GISONDA:** And just so we're clear, a little over 12 months. Is that a little over 12 months at the time of this incident - I shouldn't say "incident" - the time of this footage, which is August 2025, or -

40 **MR THOMAS:** Yeah, that was last year. So we met at a charity event some time earlier that year. It would've been potentially March, I think.

MR GISONDA: So early 2025?

MR THOMAS: Yeah, it was March/April, I think.

45 **MR GISONDA:** And do you remember what that charity event was, by any chance?

MR THOMAS: It was something that was organised through - I got invited by his father.

5 **MR GISONDA:** And Mr Samra says in that clip, "We just do a bit of work together." Was that true, what he said?

MR THOMAS: No.

10 **MR GISONDA:** So there's no work that you were doing together at that time?

MR THOMAS: No.

15 **MR GISONDA:** And he then says, "I'm trying to get into that field." Was that true, what he was saying?

MR THOMAS: Not that I'm aware of.

MR GISONDA: Okay. Can we then just play clip thirty - I'll tender that -

20 **COMMISSIONER:** Just before he said, "I'm trying to get into that field," he says, "He's in construction", referring to -

MR GISONDA: Mr Thomas.

25 **COMMISSIONER:** - I assume Mr Thomas. Yeah.

MR GISONDA: Sorry, I tender that.

30 **COMMISSIONER:** How do I describe it?

MR GISONDA: It's - I'm going to show three clips. So this is body-worn footage of routine traffic stop, dated 28 August 2025, involving William Samra and Steve Thomas.

35 **COMMISSIONER:** Do we know where it was, or it's not necessary?

MR GISONDA: It's not necessary.

40 **COMMISSIONER:** Are there any objections? It's police body-worn footage, presumably?

MR GISONDA: Yes.

45 **COMMISSIONER:** Police body-worn footage of routine traffic stop involving William Samra and Steve Thomas, 28 August 2025, approximately 5.15 pm, will be CBU-77? Is that what we're up to?

MR GISONDA: Yes.

**<EXHIBIT CBU-77 POLICE BODY-WORN FOOTAGE OF ROUTINE
TRAFFIC STOP INVOLVING WILLIAM SAMRA AND STEVE THOMAS
5 28/8/2025 APPROXIMATELY 5.15 PM**

MR GISONDA: Then if we can play clip 32, please.

(Video played).

10 **MR GISONDA:** You saw there that you then said, "We just had a meeting about work, security work." Was that true, what you said?

15 **MR THOMAS:** Yeah, that's true.

MR GISONDA: So what was the meeting that you had?

20 **MR THOMAS:** The meeting we had was actually about - we were just having a social catch-up, but via Will's father, I know another person who has a security business.

COMMISSIONER: Via Will's father, sorry, I missed the last bit.

25 **MR THOMAS:** Will's father introduced me to another gentleman who has a security business.

MR GISONDA: Do you know who that person -

30 **MR THOMAS:** Yeah, Christopher Roe, his name is.

MR GISONDA: Christopher - what was his last name, sorry?

MR THOMAS: R-o-w. Sorry, R-o-e.

35 **MR GISONDA:** R-o-e. Christopher Roe. And so Mr Samra's father, whose name is Andre -

MR THOMAS: Correct.

40 **MR GISONDA:** - he had introduced you to a security - someone who had a security company called Christopher Roe?

MR THOMAS: Correct.

45 **MR GISONDA:** And how is that - how does that then tie in to what you were discussing with Mr Samra Junior?

MR THOMAS: Well, he was just - I know Will through his father.

5 **MR GISONDA:** But you said to the police that, "We just had a meeting about work, security work," and so I'm just trying to understand, what was that meeting about that you had with Mr Samra Junior?

MR THOMAS: It was just a social catch-up, from my recollection. We met. We - you know, we'd catch up sometimes.

10 **MR GISONDA:** Can we then play clip 33, please.

(Video played).

15 **MR GISONDA:** So in response to the question, "Have you known each other long?" he says, "Yeah." How long do you say that you had known him for?

MR THOMAS: 12, 18 months.

20 **MR GISONDA:** And that was through - just so I'm clear, that was through a charity event -

MR THOMAS: Correct.

25 **MR GISONDA:** - that his father had organised or invited you to?

MR THOMAS: He - yes, correct.

30 **MR GISONDA:** Now, in another part of this exchange, which we're not going to show, you mention to the police that you had a connection with him through rugby.

MR THOMAS: Yep.

35 **MR GISONDA:** Is that correct or not correct?

MR THOMAS: That is correct - well, not through directly playing, but through Terrace. We know - we have mutual friends.

40 **MR GISONDA:** So you have mutual friends who play rugby?

MR THOMAS: Correct, that went to Terrace at the same time.

45 **MR GISONDA:** Can we tender - sorry, the previous clip and then this clip, Commissioner?

COMMISSIONER: What was the previous - is this the previous one?

MR GISONDA: That's the previous one, yes.

5 **COMMISSIONER:** At 5.30. Are there any objections? Police body-worn footage of routine traffic stop involving William Samra and Steve Thomas, 28 August 2025, at approximately 5.30 pm, will be CBU-78.

10 **<EXHIBIT CBU-78 POLICE BODY-WORN FOOTAGE OF ROUTINE TRAFFIC STOP INVOLVING WILLIAM SAMRA AND STEVE THOMAS 28/8/2025 AT APPROXIMATELY 5.30 PM**

COMMISSIONER: And this one as well?

MR GISONDA: Yes.

15 **COMMISSIONER:** Police body-worn footage of routine traffic stop involving William Samra and Steve Thomas, 28 August 2025, at approximately 5.35 pm, will be CBU-79.

20 **<EXHIBIT CBU-79 POLICE BODY-WORN FOOTAGE OF ROUTINE TRAFFIC STOP INVOLVING WILLIAM SAMRA AND STEVE THOMAS 28/8/2025 AT APPROXIMATELY 5.35 PM**

25 **MR GISONDA:** If we could then go to document 85, please. This is an article from The Courier-Mail in 2021, and I just want to focus on the first words of the article, where it describes Mr Samra as an alleged Comanchero bikie. And then if we go over the page, please. If we can just zoom in on Mr Samra's picture, which is on the second row, do you see there the first words -

30 **COMMISSIONER:** What page are we on?

MR GISONDA: Document 85. You might have a different version, Commissioner, but -

35 **COMMISSIONER:** I'll just watch the screen.

40 **MR GISONDA:** The first page will be the same, and then the second page is somewhere in your bundle, but on the screen, it's just this here. You see he's described as an alleged secretary of the Comancheros. My question, Mr Thomas, is in 2025, when you met him and were having meetings with him, did you know that he had been described in the press as an alleged Comanchero?

MR THOMAS: No.

45 **MR GISONDA:** And so when the police had their traffic stop in August of 2025, you didn't know at that time about these public reports?

MR THOMAS: They're alleged.

MR GISONDA: Sorry -

MR THOMAS: They're alleged.

5

MR GISONDA: - just so I'm clear, in - put to one side whether he might be an actual member or not. My only question is whether, in August of 2025, you knew that there were reports of allegations that he was a Comanchero.

10 **MR THOMAS:** No.

MR GISONDA: And do you know what the connection was between Mr Samuel - that's Mr Gary Samuel - and Mr Samra, Mr William Samra?

15 **MR THOMAS:** I don't know.

MR GISONDA: Can I just tender this document. So this document is only two pages, Commissioner. The first one is the - that first page there of the Courier-Mail article and then the second page is the graphic.

20

COMMISSIONER: Is the graphic?

MR GISONDA: Yes.

25 **COMMISSIONER:** Are there any objections? Courier-Mail article by Patrick Billings, 19 March 2021, 6.13 pm, William Adib Samra pleads guilty to affray in Fortitude Valley bar, and accompanying - what do I call the second page?

MR GISONDA: Graphic.

30

COMMISSIONER: Accompanying graphic will be CBU-80.

MR GISONDA: Yes.

35 **<EXHIBIT CBU-80 COURIER-MAIL ARTICLE BY PATRICK BILLINGS, 19/3/2021, 6.13 PM, WILLIAM ADIB SAMRA PLEADS GUILTY TO AFFRAY IN FORTITUDE VALLEY BAR AND ACCOMPANYING GRAPHIC**

40 **MR GISONDA:** So you have no idea whether Mr Samuel and Mr Samra know each other?

MR THOMAS: No.

45 **MR GISONDA:** You've never spoken to Mr Samuel about Mr William Samra?

MR THOMAS: No.

MR GISONDA: And vice versa?

MR THOMAS: Yeah, correct.

5

COMMISSIONER: What's the vice versa? Samuel talking to him or Samra talking to him?

10 **MR GISONDA:** I think the witness has said that he doesn't recall Mr - having a discussion with Mr Samuel about Mr William Samra or having a discussion with Mr William Samra about Mr Samuel.

COMMISSIONER: That's correct?

15 **MR THOMAS:** Correct.

MR GISONDA: Can I now show you document 80, please, the first page of document 80. And sorry, Mr Thomas, I said "you", but I'm really addressing the Commissioner now. Commissioner, this is a still of CCTV footage taken from a coffee shop in Heathwood in south-west Brisbane on 3 June 2025, and that's two and a half months before the footage that we just saw. And sitting at that table, you see a man in a blue cap, Commissioner. That's Mr William Samra, and he was wearing the same hat in the footage that we just saw of the traffic stop. The man in the red singlet is Matthew John Lucas, and the third man has been identified by law enforcement as Mr Gary Samuel.

COMMISSIONER: Who's Matthew John Lucas? Do I need to know anything about him?

30 **MR GISONDA:** You don't need to know about him. And can you see there, Commissioner, that on the table there is a newspaper? If we then go to the next page, the edition of the newspaper that Mr Samuel has with him is from 16 May 2025, and it's The Age newspaper, and he's brought that up to Queensland, it seems, or at least he has it in Queensland, about two weeks afterwards. And can you see that Mr Samuel is pointing to the newspaper in that picture? If we then go to page 3, that's the news article on the front page that Mr Samra - sorry, Mr Samuel is pointing to, and it's a news article written by Mr Nick McKenzie entitled State Mapping Gangland Figures' Grip on Big Build, and that article by Mr McKenzie is about intelligence that the Victorian Infrastructure Delivery Authority had about firms with suspected links to the underworld being involved in the Victorian Big Build. And throughout the article, the Victorian Infrastructure Delivery Authority is then referred to as VIDA.

45 If we then turn the page - no, previous page, sorry. Do you see now there's another footage from the CCTV where he's referring now to the main body of the article in the newspaper and he's pointing to a particular passage in his discussion

with Mr Samra and Mr Lucas? And if we go to the next page, this appears to be the paragraph that he's pointing to. It says that:

5 "In addition to Gatto and Khoury, Maric's business has connections to Comanchero outlaw bikie gang members involved in the construction sector and who are also named in the VIDA file: Bemir Saracevic and Krstomir Bjelogrljic."

10 So those are the two same men that were with Mr Samuel on 5 June 2024 at the Centenary Bridge site.

COMMISSIONER: Sorry, at the Centenary Bridge site, did you say? I thought you said it was a cafe.

15 **MR GISONDA:** On 5 June 2024, Mr Saracevic -

COMMISSIONER: Those two. Yes, sorry, I thought you meant the two in the photo. Sorry. Sorry.

20 **MR GISONDA:** Yes. So we say on 15 May 2024, those two men, Mr Saracevic and Mr Bjelogrljic, flew up to Brisbane and attended the Centenary Bridge site. On 5 June 2024, those two men, this time joined by Mr Ahern, again visited the Centenary Bridge site with Mr Samuel. In May of 2025, Mr Nick McKenzie
25 publishes his article saying that there is intelligence given to VIDA that a business owned by Mr Nick Maric or associated with Mr Nick Maric had connections to Comanchero outlaw bikie gang members and that those links were Mr Saracevic and Mr Bjelogrljic. Mr Maric's there denying any wrongdoing in that article.

30 **COMMISSIONER:** And two days before the incident on 5 June involving Mr Raymond, there's a photograph of Mr Samuel discussing with Mr Samra that news - and another man, Mr Lucas?

MR GISONDA: No, this is 2025.

35 **COMMISSIONER:** Oh, '25.

MR GISONDA: This is 2025.

40 **COMMISSIONER:** I'm sorry.

MR GISONDA: So this is a year later.

COMMISSIONER: A year later. Yes.

45 **MR GISONDA:** And he's discussing it with two men, one of whom is Mr William Samra, who also is - has allegations, is alleged to be a former secretary or

a secretary of the Comancheros, or an alleged member, according to the press.
And if you just look at document - I tender that document, Commissioner.

5 **COMMISSIONER:** Are there any objections? How do I describe this? It's a
combination of photos of the event on 3 June and The Age newspaper on 16 May,
both in 2025.

10 **MR GISONDA:** It's photographs taken - this might be a way to describe
it - bundle of images showing meeting between Gary Samuel, Matthew Lucas and
William Samra on 3 June 2025 in Heathwood, Brisbane.

COMMISSIONER: At where, sorry?

15 **MR GISONDA:** Heathwood.

COMMISSIONER: Bundle of images showing meeting between Gary Samuel,
William Samra and Matthew Lucas, 3 June 2025, Heathwood, Brisbane.

20 **<EXHIBIT CBU-81 BUNDLE OF IMAGES SHOWING MEETING
BETWEEN GARY SAMUEL, WILLIAM SAMRA AND MATTHEW
LUCAS, 3/6/2025, HEATHWOOD, BRISBANE**

25 **MR GISONDA:** And if we just go to document 47, Commissioner, this was
exhibit number -

COMMISSIONER: CBU-44.

30 **MR GISONDA:** - 44. This was the statement from EB Pro Painting, which was
the company associated - or the company - Mr Saracevic's company, his bank
statement, and remember, we looked at that to see two things. One was the
purchase at the Hunter & Scout Cafe.

COMMISSIONER: On 5 June.

35 **MR GISONDA:** On 5 June 2024, and then the reimbursement of Mr Bjelogrljic
of the plane ticket.

COMMISSIONER: Yes.

40 **MR GISONDA:** And then see that next transaction: transfer from Melbourne
Archit, and then MAP Pty Ltd.

COMMISSIONER: Yes.

45 **MR GISONDA:** Just note that, Commissioner.

COMMISSIONER: \$2,090?

5 **MR GISONDA:** Yes. If you go to document 88, please. This is now another statement of Mr Bjelogrljic. And over the page, do you see an entry for 25 October 2023 and an entry for November 2023, both from MAP Pty Ltd. Can I - we don't have this extract from Mr Bjelogrljic's bank records in evidence yesterday, so can I tender this statement, this extract of his statement.

10 **COMMISSIONER:** Extract of National Australia Bank statement, Mr K. Bjelogrljic, 20 October 2023 to 19 December 2023, will be exhibit CBU-82.

<EXHIBIT CBU-82 EXTRACT OF NATIONAL AUSTRALIA BANK STATEMENT, MR K BJELOGRLJIC, 20/10/2023 TO 19/12/2023

15 **MR GISONDA:** And if you go to document 87, there's a company search of Melbourne Architectural Pre-Cast Pty Ltd. That's the company making those payments. And if you go over the page, you'll see the director is Mr Maric.

20 **COMMISSIONER:** So Mr Maric has piling companies in Queensland and Melbourne; is that right?

MR GISONDA: Well, for the moment it's enough to say that that's the Mr Maric referred to in Mr McKenzie's article.

25 **COMMISSIONER:** All right.

MR GISONDA: The article says that there are connections or links between him and Mr Bjelogrljic and Mr Saracevic, and based on at least their financial records, there is a financial link in the sense that Mr Maric's company is making payments to both of them.

30 **COMMISSIONER:** About \$6,000, two lots of - three lots of just over \$2,000, one to Mr Saracevic and two lots to Mr Bjelogrljic.

35 **MR GISONDA:** At least on those extracts. There's more, but -

COMMISSIONER: I'm sure. On those, yes.

40 **MR GISONDA:** On those, yes. So can I just tender those company extract, please, or ASIC search?

COMMISSIONER: No objections? ASIC company extract Melbourne Architectural Pre-Cast Pty Ltd dated 15 May 2026 will be CBU-83.

45 **<EXHIBIT CBU-83 ASIC COMPANY EXTRACT MELBOURNE ARCHITECTURAL PRE-CAST PTY LTD DATED 15/5/2026**

MR GISONDA: I do apologise for that, Mr Thomas, but just so we're clear, your evidence is that you didn't know that Mr Samuel and Mr William Samra knew each other?

5 **MR THOMAS:** I don't - no.

MR GISONDA: Did you know that Mr Samuel and Mr Andre Samra, being the father of Mr William Samra, knew each other?

10 **MR THOMAS:** Yes, I know that.

MR GISONDA: And how did you understand that - how did you understand those two men to know each other?

15 **MR THOMAS:** I met Andre while he was working with Gary.

MR GISONDA: So if we just go to document 6, please, this is the bundle of invoices that was tendered yesterday, Commissioner, and if we could go to page 389, please. You won't be able to find that, Commissioner, so we'll just look at it
20 on the screen. And halfway down the page, you should be able to see Andre Samra at Centenary.

MR THOMAS: Yes.

25 **MR GISONDA:** And this invoice is for work done by Host in January of 2025. And so do you remember that Mr Samra was doing work on the Centenary Bridge site beginning in about January 2025?

MR THOMAS: That would be about correct, yeah.
30

MR GISONDA: And do you know what work he was doing on the site?

MR THOMAS: He was - he was working as a logistics coordinator, but I think he was also helping with rosters and things like that.
35

COMMISSIONER: Sorry, I just missed that last bit of your evidence.

MR THOMAS: He was helping with rosters and just coordinating the crews.

40 **MR GISONDA:** And if we go to document 7, there's a company search for a company called LMAZ Pty Ltd, and if we go over the page, please, you'll see the previous director was Mr Samuel, and the previous secretary was Mr Samuel, and in May of 2025 Mr Andre Samra became the secretary and director. Did you know, Mr Thomas, that Mr Andre Samra and Mr Samuel had a connection via this
45 company as well, LMAZ Pty Ltd?

MR THOMAS: No. I did not.

MR GISONDA: I tender that ASIC search, Commissioner.

5 **COMMISSIONER:** ASIC company extract LMAZ Pty Ltd, 11 August 2026,
will be CBU-84.

**<EXHIBIT CBU-84 ASIC COMPANY EXTRACT LMAZ PTY LTD
11/8/2026**

10 **MR GISONDA:** Yes. Mr Thomas, when was the last time you spoke with Mr
Samuel?

MR THOMAS: Oh, it was April/May '25, I believe.

15 **MR GISONDA:** So it's been at least a year since you spoke with him?

MR THOMAS: It's been a long time, yeah.

20 **MR GISONDA:** And did you ever speak to him about the incident on 5 June
2025?

MR THOMAS: Yes, we had conversations about that.

25 **MR GISONDA:** And what was his explanation to you about that incident?

MR THOMAS: He - he just - he advised me it had nothing to do with BMD, and
we let - we let Georgiou run their investigation, obviously. We took measures to
ensure that Gary was not at Centenary Bridge during that period, and then I
believe the investigation was finalised, and we continued on.

30 **MR GISONDA:** I have no further questions, Commissioner.

COMMISSIONER: Just going back to that interaction on 28 August -

35 **MR GISONDA:** 2025?

COMMISSIONER: - 2025, I thought you said that you'd only known Mr
William Samra from around March/April 2025 because you were introduced to
him by his father, Andre.

40 **MR THOMAS:** Correct. Sorry, when I said that I'd known him, but I was
talking about from this day, not at that point.

COMMISSIONER: I understand. Yes.

45 **MR THOMAS:** Yeah.

COMMISSIONER: And just remind me in the video, who said, as at August 2025, that "we've known each other a long time"? Was that you or Mr Samra?

MR THOMAS: I think - I think he did.

5

COMMISSIONER: May - sorry. March, April, May, June, July, August, six months. Was he accurate in saying that?

MR THOMAS: Oh, look, we have a lot of mutual connections, I guess, so I'd sort of - I don't know what he was inferring by that, but -

10

COMMISSIONER: But at least on your evidence, that wouldn't be accurate, would it, because you'd only -

MR THOMAS: I wouldn't say - I wouldn't say a long time, but I would say, you know, we know each other.

15

COMMISSIONER: Just remind me, in clip 31, who said, "We're meeting about work"? Was that you or Mr Samra? I just don't have a note of that, in the first clip. Maybe we can just have a look at it. It's CBU-77. No, sorry, it's CBU-78.

20

(Video played).

COMMISSIONER: Just stop there. In answer to Mr Gisonda, you said it was actually a social catch-up you had with Mr Samra. Why did you tell the police it was a meeting about work?

25

MR THOMAS: I was pretty nervous at the time. I don't usually get pulled over like that. We'd just had a coffee.

30

COMMISSIONER: That was one of the things that Mr Samra said, that - "I think he's a bit nervous, especially being in a car with me."

MR THOMAS: I was just nervous because of the way the police handled it that day - handled me that day.

35

COMMISSIONER: Sorry, that say again.

MR THOMAS: I was just nervous the way the police handled me that day.

40

COMMISSIONER: And it wasn't - you weren't nervous because you were caught in a car with someone -

MR THOMAS: Oh no, not at all. There was - yeah.

45

COMMISSIONER: And you weren't nervous because you were caught in a car with someone you knew to be alleged to be connected with the Comancheros?

MR THOMAS: Oh, not at all. Not at all. It was simply the way I was handled.

5 **COMMISSIONER:** In that clip, CBU - sorry, no, in one of the clips that wasn't shown, you said you had connections with him, Mr Samra, with rugby.

MR THOMAS: Mmm.

10 **COMMISSIONER:** And that's what you told the police. Why didn't you just tell them you'd met him through his father six months earlier?

MR THOMAS: You mean in that video?

15 **COMMISSIONER:** What Mr Gisonda said to you, and you didn't play the clip, was that you told the police, "I had connections with him through rugby."

MR THOMAS: Mmm.

20 **COMMISSIONER:** Why didn't you say, "He was introduced to me six months ago through his father"?

MR THOMAS: To Mr Gisonda?

25 **COMMISSIONER:** No, to the police.

MR THOMAS: I can't remember - I mean, we have connections through rugby. We have connections through his dad. Like, kind of picked that one.

30 **COMMISSIONER:** Sorry?

MR THOMAS: I just picked that one. I don't know why I said that.

35 **COMMISSIONER:** What's the position with the cross-examination, applications for cross-examination, to cross-examine Mr Thomas?

MS COOPER: Commissioner, I'm mindful of the time. Could I please ask for the morning break to confirm instructions on that point?

40 **COMMISSIONER:** Yes. Very well.

MS COOPER: Thank you.

45 **COMMISSIONER:** You don't have an application to cross-examine this witness, do you?

MR O'GRADY: I do.

COMMISSIONER: Oh, you do. Sorry. Okay.

MR O'GRADY: But I'm also conscious of the time, so -

5 **COMMISSIONER:** All right. Well, let's come back at quarter to 12 and see where we are then.

<THE HEARING ADJOURNED AT 11.33 AM

10 **<THE HEARING RESUMED AT 11.45 AM**

COMMISSIONER: Ms Cooper, did you have any application to make?

15 **MS COOPER:** Not at this time, but might I confirm after my learned friend Mr O'Grady?

COMMISSIONER: Yes, very well.

20 **MS COOPER:** Thank you.

COMMISSIONER: Ms Feely, where are we with Mr O'Grady's application?

MS FEELY: We have no issue with it, so -

25 **COMMISSIONER:** Mr O'Grady.

MR O'GRADY: Thank you, Commissioner.

30 **<CROSS-EXAMINATION BY O'GRADY**

MR O'GRADY: Mr Thomas, in your witness statement, you note that the relationship between BMD and the CFMEU has improved since the appointment of the administration? Sorry, you need to answer for the purposes of the transcript.

35 **MR THOMAS:** Agreed.

MR O'GRADY: And you'd agree with me that a number of people have been removed from the CFMEU?

40 **MR THOMAS:** Agree.

MR O'GRADY: And that includes Mr Ingham and Mr Ravbar?

45 **MR THOMAS:** I don't know the specific individuals.

MR O'GRADY: I understand. But you understand that the administration has taken a zero-tolerance approach to violence on construction sites?

MR THOMAS: Agree.

5

MR O'GRADY: Yes. And as a result of that, there have been a large number of people who have lost whatever position they held with the organisation prior to the appointment of the administration?

10 **MR THOMAS:** I believe that to be the case.

MR O'GRADY: Yes, thank you. And in your statement you also note that there's an issue about the coverage, respective coverage between the CFMEU and the AWU?

15

MR THOMAS: Correct.

MR O'GRADY: And I think you described it as being unclear or I think in Mr Gisonda's words there was extensive disputation between the two organisations as to who had coverage over what?

20

MR THOMAS: Correct.

MR O'GRADY: Are you aware of the fact that there's been a mechanism put in place by the CFMEU and the AWU to try to resolve the issue of coverage?

25

MR THOMAS: Not that I'm aware of.

MR O'GRADY: And that they have engaged a former commissioner of the Fair Work Commission to in effect conduct a series of arbitrations to sort the whole thing out?

30

MR THOMAS: No.

35 **MR O'GRADY:** But you'd agree with me that that's a positive development?

MR THOMAS: That's great.

MR O'GRADY: And something to be applauded on behalf of both unions?

40

MR THOMAS: Of course.

MR O'GRADY: Yes, thank you. Now, you understand that the administrator was appointed in August of 2024?

45

MR THOMAS: Yes.

MR O'GRADY: But you also understand that there was a High Court challenge to the appointment of the administration by Mr Ravbar?

MR THOMAS: I didn't follow that.

5

MR O'GRADY: And are you aware of the fact that that wasn't determined until June of 2025?

MR THOMAS: I don't recall. I didn't follow it.

10

MR O'GRADY: Did you accept the proposition that until that was determined, there was a degree of uncertainty about whether the administration would be able to be maintained?

15 **MR THOMAS:** I don't recall having a view.

MR O'GRADY: Okay. I understand. Thank you. Mr Operator, could you bring up CBU-52 for me, please, again at paragraphs 15 to 18. And if you could perhaps expand paragraphs 15 to 18 for me. Now, this is a statement that Mr
20 Raymond made to the Georgiou investigation into what occurred on 5 June.

MR THOMAS: Mmm-hmm.

MR O'GRADY: And in it, he describes what was said to him, and he says he
25 was approached by a man in a black shirt who was extremely aggressive and aggravated and asked, "Do you know who the fuck I am?" And he said, "Benji from the Commos," meaning the Comancheros. You'd accept that that is quite a confronting and intimidating thing to be told by a big man in a black shirt?

30 **MR THOMAS:** Of course.

MR O'GRADY: And then he says he asked where I came from, and he responded with "Melbourne, ring your fucking lads, do your fucking homework." And then he said, "Well, how are you going to deal with me?" And he responded,
35 "I'll fucking burn your house, down, cunt, and kill your kids, brother. I fuckin' know where you live, brother." You'd agree that that's an extremely intimidating thing to be confronted with?

MR THOMAS: If that's what he said, yes.

40

MR O'GRADY: Yes. And you'd accept that if somebody from BMD behaved that way towards another person on the site or adjacent to the site, that would be a basis for their being terminated?

45 **MR THOMAS:** Following procedural fairness and it being proven.

MR O'GRADY: Yes, following procedural fairness. It's completely unacceptable, isn't it?

MR THOMAS: If proven.

5

MR O'GRADY: Yeah, if proven. And for somebody who is a contractor engaged by BMD -and by this I mean Mr Samuel, so there's no mistaking about it - for him to be adjacent to that happening and not taking any steps to intervene is a basis for him working in the construction industry ever again.

10

MR THOMAS: If proven.

MR O'GRADY: Yeah. There should be no tolerance for this sort of behaviour, should there?

15

MR THOMAS: No.

MR O'GRADY: And if a contractor, whether they be brought in to provide security or brought in to provide IR advice to either directly do this or get one of their acquaintances to do this, it is not acceptable, and they should never be engaged by reputable contractors.

20

MR THOMAS: If you knew that that's what was going to occur, no.

25

MR O'GRADY: There is just no space in the construction industry for behaviour like that. You would agree with that?

MR THOMAS: Correct.

30

MR O'GRADY: And there is no space in the construction industry for people associated with outlaw motorcycle gangs to be intimidating people on construction sites.

MR THOMAS: Agree.

35

MR O'GRADY: Now, you understand that Mr Raymond was distressed by this incident?

MR THOMAS: Agree.

40

MR O'GRADY: He reported it to the police?

MR THOMAS: Agree.

45

MR O'GRADY: And when the police made inquiries from BMD as to whether they could obtain the footage, BMD wrongly told them that the footage was not available?

MR THOMAS: Disagree.

MR O'GRADY: I see. Well, the footage is available, isn't it?

5

MR THOMAS: It is.

MR O'GRADY: And BMD, through their solicitors, told the police that footage could not be obtained.

10

MR THOMAS: Yes.

MR O'GRADY: Yes. And Mr Raymond was so distressed that he took sick leave?

15

MR THOMAS: I'm not sure.

MR O'GRADY: And subsequently BMD terminated his employment, didn't they?

20

MR THOMAS: No. He didn't work for BMD.

MR O'GRADY: Oh, sorry. Subsequently, his employment was terminated, wasn't it?

25

MR THOMAS: I don't know.

MR O'GRADY: I see. You didn't make any inquiries?

30

MR THOMAS: No.

MR O'GRADY: Notwithstanding the fact you were aware of the incident?

MR THOMAS: He didn't work for BMD, so I didn't get involved in the decision-making or the process.

35

MR O'GRADY: I see. All right. Now, Mr Thomas, just to be fair to you, I have to put a number of propositions to you so that you can respond or not respond.

40

MR THOMAS: Yep.

MR O'GRADY: And the reason for that is I need to be able to say to the Commissioner in due course I at least gave you the opportunity to respond.

45

MR THOMAS: Yep.

MR O'GRADY: And if you agree, agree; if you don't agree, tell me you don't agree; if you can't recall, then that's fine.

MR THOMAS: Yep.

5

MR O'GRADY: Now, firstly, I take it you would accept that if what Mr Raymond says occurred or anything like that occurred, that's something that the CFMEU is perfectly entitled to be very concerned about.

10 **MR THOMAS:** Yes.

MR O'GRADY: Because it's got an obligation to its membership, and it's got to try and protect them, and nobody in any circumstances should be subjected to that sort of abuse, should they?

15

MR THOMAS: No.

MR O'GRADY: And I take it that you would agree that it's apparent from the video footage that Mr Samuel was accompanying the man in the black shirt when he confronted Mr Raymond.

20

MR THOMAS: The video footage does show that, yes.

MR O'GRADY: And it's also pretty clear that Mr Samuel did nothing to prevent or interfere with that occurring.

25

MR THOMAS: I think - yeah. Yes.

MR O'GRADY: Yes. And it would also appear that Mr Samuel had accompanied the man in the black shirt and other people who were apparently associated with the Comancheros from the sushi restaurant to the place where this confrontation occurred?

30

MR THOMAS: That's what the video shows.

35

MR O'GRADY: Yes. And it's apparent from the phone logs that Mr Samuel has been in constant communication with some of the people who he accompanied to confront Mr Raymond, on the day of 5 June?

40 **MR THOMAS:** That's what the phone logs show, yes.

MR O'GRADY: And do you accept that it would appear that Mr Samuel had foreknowledge of what was going to occur on 5 June?

45 **MR THOMAS:** I don't know.

MR O'GRADY: I see. Now, it's also apparent that you and Mr Pickard were at the same sushi shop as Mr Samuel and the people who accompanied him at around the same time on 5 June?

5 **MR THOMAS:** I don't recall.

MR O'GRADY: I see. And it's apparent that you and Mr Pickard waited at the crossing, the road crossing, for some four or five minutes when you had a green light to cross the road?

10

MR THOMAS: I disagree with that.

COMMISSIONER: I don't think that was the evidence, Mr O'Grady.

15 **MR O'GRADY:** I apologise. You waited - you waited at the road crossing when you could have crossed the road?

MR THOMAS: I disagree.

20 **MR O'GRADY:** I see. And because you waited at the road crossing, Mr Samuel and the people accompanying him closed the gap between the two groups.

MR THOMAS: I disagree.

25 **MR O'GRADY:** I see. And then you proceeded to the place where Mr Raymond was working?

MR THOMAS: Correct.

30 **MR O'GRADY:** And you pointed to where Mr Raymond was working?

MR THOMAS: I pointed to a work zone.

35 **MR O'GRADY:** Yes. And then you moved on from that area with Mr Pickard, and then the incident occurred?

MR THOMAS: I believe so.

40 **MR O'GRADY:** Yes. And I put it to you that when you look at that video footage, it would appear that both you and Mr Pickard were aware that a confrontation of the type that occurred was going to occur.

MR THOMAS: I completely disagree.

45 **MR O'GRADY:** And you'd agree with me that, subsequent to the incident, you spoke to Mr Samuel?

MR THOMAS: Yes.

MR O'GRADY: Yes. And I put it to you that in your conversations with Mr Samuel, you discussed the incident that occurred on 5 June.

5

MR THOMAS: Asked him some questions.

MR O'GRADY: Yes. And notwithstanding the incident that occurred on 5 June, you did not take any steps to immediately terminate your relationship with Host?

10

MR THOMAS: We removed him from the site.

MR O'GRADY: Yes. He was removed from the site whilst the investigation was occurring?

15

MR THOMAS: Correct.

MR O'GRADY: And the investigation was concluded in mid-2024?

20

MR THOMAS: I don't know when it was concluded.

MR O'GRADY: I see. And subsequently, Mr Samuel came back onto the site?

MR THOMAS: I believe so.

25

MR O'GRADY: Yes. And the fact is, you retained - continued to retain Host as a contractor for BMD at the site for another year after the investigation was concluded?

30

MR THOMAS: Correct.

MR O'GRADY: Yes. And indeed, BMD continues to engage Host in other sites around the country?

35

MR THOMAS: That's incorrect.

MR O'GRADY: I see. Why didn't BMD conduct its own investigation into this incident?

40

MR THOMAS: We did.

MR O'GRADY: Well, can you describe to me what -

MR THOMAS: We spoke to Gary.

45

MR O'GRADY: You spoke to Gary.

MR THOMAS: Yep, and he gave us a statement.

MR O'GRADY: Okay. And you had, at least immediately after the incident, all of the CCTV footage that Mr Gisonda has taken you to, didn't you?

5

MR THOMAS: Correct.

MR O'GRADY: And you could have looked at that footage -

10 **MR THOMAS:** Well, I didn't have it immediately after.

MR O'GRADY: Sorry?

MR THOMAS: I wasn't - I didn't have it immediately after.

15

MR O'GRADY: I didn't hear you, I'm sorry.

MR THOMAS: I did not have it immediately after.

20 **MR O'GRADY:** No, didn't have it immediately after, but you had it in the days and weeks after?

MR THOMAS: Yes.

25 **MR O'GRADY:** And you could have looked at that footage and compared that footage with what Mr Samuel was telling you, couldn't you?

MR THOMAS: Yes.

30 **MR O'GRADY:** And if you had have done that, it would have shown that Mr Samuel was lying about what happened on the day, wouldn't it?

MR THOMAS: Incorrect.

35 **MR O'GRADY:** I see. I have no further questions, Commissioner.

COMMISSIONER: Thank you, Mr O'Grady. Is there anything arising from that all that, Ms Cooper?

40 **MS COOPER:** No, thank you. There's no application to cross-examine.

COMMISSIONER: Nothing arising, Mr Gisonda? And no other applications? Thank you for your evidence, Mr Thomas. You're excused.

45 **MR THOMAS:** Thank you.

<THE WITNESS WAS RELEASED

MR GISONDA: Commissioner, the next witness is going to be Mr Gareth Davie, and Ms Feely will take his evidence.

5 **COMMISSIONER:** Very well. Is Mr Davie in the - do you want to say anything by way of introduction or we just get straight to the witness, Ms Feely?

MS FEELY: Thank you, Commissioner. Mr Gareth Davie is or was the project director -

10

COMMISSIONER: Say that again, I just missed that, sorry.

MS FEELY: He was the project director on the Centenary Bridge site from late March to middle of last year. He replaced Mr Leigh Hahn, who you heard
15 evidence from during the last hearing week.

COMMISSIONER: Late March to the middle of last year?

MS FEELY: Yes.
20

COMMISSIONER: And is it fair to say that when Mr Davie became the project director, the level of response by BMD to what was happening - I shouldn't say the attacks by the CFMEU, but the campaign by the CFMEU - the level of response increased?
25

MS FEELY: It was escalating at that time, so -

COMMISSIONER: It was escalating at that time?

30 **MS FEELY:** Yes. The evidence you've heard so far is that in April or from late March into early April was when BMD started obtaining security from interstate and engaging - and that is about the same time Mr Davie arrived at site.

COMMISSIONER: But he wasn't the - it wasn't him who said, "Okay, we've got
35 to change tack here"?

MS FEELY: No, and you'll hear some evidence about that. And with that, I'll call Mr Davie.

40 **COMMISSIONER:** Is Mr Davie in the body the hearing room? Mr Davie, come forward into the witness box, please.

<GARETH MacGREGOR DAVIE, AFFIRMED

45 **<EXAMINATION BY MS FEELY**

COMMISSIONER: Thank you, Mr Davie. Please take a seat.

MS FEELY: Thank you. Mr Davie, could you please state your full name for the record?

5 **MR DAVIE:** It's Gareth MacGregor Davie.

MS FEELY: Mr Operator, can you please bring up Mr Davie's statement. So in response to a notice received from the Commission, you produced a statement affirmed 11 August. Is that correct?

10

MR DAVIE: That's correct.

MS FEELY: And is that the first page of your statement on screen?

15 **MR DAVIE:** Yes, it is.

MS FEELY: And it runs to 16 pages and some 167 paragraphs; is that right?

MR DAVIE: Yep, that's correct.

20

MS FEELY: Are there any - have you had the opportunity to read it recently?

MR DAVIE: I have.

25 **MS FEELY:** Are there any amendments you wish to make to it?

MR DAVIE: No, there's not.

30 **MS FEELY:** And there's also a 978-page bundle of documents which accompanies your statement and documents that are referred to throughout your statement. That also forms part of the evidence that you're giving?

MR DAVIE: That's correct.

35 **MS FEELY:** And are you happy to confirm that everything in there is true and correct?

MR DAVIE: I am.

40 **MS FEELY:** Commissioner, I'll tender that statement and accompanying bundle.

COMMISSIONER: No objections? Statement of Gareth MacGregor Davie, 11 August 2026, 167 paragraph, 16 pages, with 51 annexures, will be GMD-1.

45 **<EXHIBIT GMD-1 STATEMENT OF GARETH MacGREGOR DAVIE, 11/8/2026, 167 PARAGRAPH, 16 PAGES, WITH 51 ANNEXURES**

MS FEELY: Thank you, Commissioner. Now, I want to start today by asking you a little bit about your experience prior to the Centenary Bridge site. So would you mind telling the Commissioner a little bit about your background in terms of your qualifications?

5

MR DAVIE: Sure. I studied in New Zealand, back in the early 1990s. Moved over here in about 2009 into Queensland and have worked for a few contracting companies since then. I've been working for Georgiou for 10 years, just over 10 years now, in a number of roles from project manager through to senior project manager and now construction manager, and that includes construction director - sorry, project director on the Centenary project upgrade for the joint venture.

10

MS FEELY: And is it correct to say you have a background in civil engineering but the role you held while you were on Centenary Bridge was a corporate role?

15

MR DAVIE: Yes. Yeah, it's probably fair to say. It was the overall management of the overall site and system management of the project.

MS FEELY: And you were the project director at the Centenary Bridge between roughly late March/early April 2024 and until - there was a transitional period, but until about mid-2025; is that correct?

20

MR DAVIE: Yeah, it was probably - the transition period happened around - yeah, late '24, so it would've been early '25 by the time I was off the project completely. And when I say "off the project", off the project in a project director's role. I still maintained a member of the steer co for Georgiou and a member of the CLT meetings.

25

COMMISSIONER: When Mr Hahn left as project director, I think he said he was terminated by BMD. He was a BMD employee?

30

MR DAVIE: Correct.

COMMISSIONER: You're a Georgiou employee?

35

MR DAVIE: Correct.

COMMISSIONER: How does that work in terms of the joint venture that - do you share who's going to be the project director, or it's just happenstance?

40

MR DAVIE: No, it's part of the joint venture deed between Georgiou and BMD. Georgiou - sorry, BMD - the position of project director is to be maintained by BMD. It was just due to, I guess, the quick excursion of Mr Hahn that they needed someone immediate to take the role as project director. I was in a corporate role with Georgiou at that stage, and I was able to sort of move immediately into that role. It was agreed at steer co between Georgiou and BMD

45

that I could move into that role as an interim basis until BMD found the appropriate replacement to ultimately replace Leigh and me in that position.

COMMISSIONER: And who was that, in early 2025?

5

MR DAVIE: Name's James Smith, Mr James Smith.

MS FEELY: Thank you. Now, prior to commencing on the Centenary Bridge, you say at paragraph 13 of your statement that you had limited experience dealing
10 with the CFMEU on previous projects; is that correct?

MR DAVIE: That's correct. One involvement down in Northern New South Wales with a couple of members of the CFMEU, and then through that, Georgiou had a number of projects as well that had interactions with CFMEU that I was
15 aware of.

MS FEELY: I'll come to that. At paragraph 15 of your statement, you talk about effectively information sharing that was going on between Georgiou employees at the time, such as Mr Joe Barker and Mr Jason Gardiner, who would send each
20 other and you updates about other project sites. Did that inform your understanding of how the CFMEU was being dealt with by Georgiou, at least on other engagements?

MR DAVIE: Yeah, they were two - I guess they were two different - or the way that CFMEU interacted on those two sites were a little bit different. They were very belligerent, obnoxious down on Exit 41, and on the Centenary upgrade they were a little bit less obnoxious. They were kept at arm's length by the project
25 superintendent and Jason Gardiner on that job. So there were two different ways of managing, or we felt two different ways of managing the CFMEU. We probably feel that - or felt and do feel that the way they were managed at
30 Indooroopilly Roundabout just with that little more collaborative approach was at that time the appropriate way to manage them.

MS FEELY: And just before, you said that Jason Gardiner was on the Centenary Bridge upgrade site. Do you mean the Indooroopilly Roundabout?
35

MR DAVIE: Sorry, Indooroopilly. If I said that, apologies.

MS FEELY: So when you were appointed as the project director, you came in with very little direct experience, though, of having to deal with the seem on site; is that correct?
40

MR DAVIE: Correct.

MS FEELY: And can you describe your first few days on the site and any level of disruption that was occurring on the time?
45

MR DAVIE: It was like out of the fire into the cauldron, to be perfectly honest. I was on site an hour, and I met Mr Dylan Howard and Hayden Turner-Davey, who were wandering around the job site and the office. So I - I met them immediately at that - at that stage. They weren't belligerent at that point, but they were very
5 forceful in what they were after. They heard that Leigh Hahn was removed from the project, and they - they wanted to meet myself at that stage.

MS FEELY: I'll take you now to a couple of conversations that you say you had in the first week or so that you were on - or in the early days of your time on the
10 project. If I can pull up paragraph 94 of your statement. So you give in your statement a specific recollection of a CFMEU site visit. Can you tell the Commissioner a little bit about this one? If we can pull up maybe 94 to 98.

MR DAVIE: I don't - yeah, it was within the first couple of weeks we noticed the
15 black vehicles, a number of CFMEU people starting to congregate over at the car park. And we were sort of notified of the congregation, so we started gearing up for an expected - an expected number of people to bomb the site, as we called it and as the CFMEU called it. We made a decision at the time a little bit different than what was happening previously with - with Leigh Hahn and Gavin Kenny
20 when they were dealing directly with the CFMEU. We made a sort of decision that we'll keep a lot of the senior people from site away from the daily interactions with the CFMEU.

So the likes of myself and Gavin Kenny, who was superintendent at that stage, and
25 Quinn Murray as project manager, we stayed removed from the actual interactions that were happening, and Mr Lovewell, Mr Benson and Mr Weston, Mr Ben Weston, they managed, where they could, interactions with the union. I did, throughout the day, because it was a long - a long day, a long - the CFMEU were on site for a long time, long period of time for that day, I did wander through site
30 to have a look and try and determine what was happening. And one of the CFMEU guys had a - he called me aside and he said, "You've taken over from Leigh, you're the new project director." And I said, "I am." And he said to me, "What colour are you?" And I'm - "Sorry?"

35 And he pointed to my shirt, which had both BMD and Georgiou on the shirt² and he said, "What colour are you, blue for BMD or red for Georgiou?" I said, "It doesn't matter, mate." He said, "No, it does, it really does." I said, "I'm red," pointed to Georgiou. He said, "You'll be sweet, you'll be fine." So I took that as a Georgiou employee that a concerted attack on the Centenary site was aimed at
40 BMD, and it's Georgiou being the joint venture partner or a fifty-fifty joint venture partner, we were somewhat collateral damage to their attacks.

MS FEELY: You may not have been watching the hearing blocks last when the Commission last sat two weeks ago, but did you hear about some of the evidence
45 that was led in that about the campaign against BMD?

MR DAVIE: I - I watched that one, yes.

MS FEELY: Were you aware of that level of orchestration at the time or was this the sense you had of it from these conversations?

5 **MR DAVIE:** I was not aware of it at this time. Subsequent to that, I had discussions with Rob Pickard and a bit more of an understanding, Steve Thomas as well, in relation to the level of attack and the personal - the personal issues that were happening within - within BMD senior management and the level of intimidation that was aimed towards them. So at this stage, I was unaware of that.

10

MS FEELY: But this conversation stuck out to you?

MR DAVIE: Oh, absolutely, yep.

15 **MS FEELY:** And I'll take you back to another conversation you had in your early days as project director, which was a conversation with Mr Pickard on site. That was at paragraph 28 to 31 of your statement. And you talk about having a conversation with Mr Pickard where he talks about three crane operators that were on site at the time. And did you know these three - had you met these three crane operators when you had this conversation?

20

MR DAVIE: There were only two on site by this stage. Mr Jason Smith had left maybe a week or so before I'd got there, but I - I don't remember meeting them prior to this conversation. I think I knew who they were, but whether I'd met them or not, I can't confirm that.

25

MS FEELY: Can you tell the Commissioner a little bit about this conversation you had with Mr Pickard about Mr Raymond and Mr Arcadiou?

30 **MR DAVIE:** Yes. So Rob or Mr Pickard had concerns that - that Mr Raymond, Cody Raymond, and Paul Arcadiou were passing on information to the CFMEU, and he had concerns that that level of information was the reasoning why the CFMEU had updates and had updated information on when we were pouring concrete or when we had had trucks coming in. So he had concerns that, yeah, they were passing information on.

35

MS FEELY: And what did Mr Pickard warn you about these people?

MR DAVIE: I think he said they were - yeah, they were troublemakers and we needed to do something about them. We needed to - we needed to move them on.

40

MS FEELY: And so when you say that he said to move them along, what did you take that to mean?

45 **MR DAVIE:** I took that as they needed to be removed from the project. They were Georgiou employees. Probably background to that is, unbeknownst to Georgiou, they didn't want to be employed under a joint venture; they wanted to

be specifically employed under Georgiou, which at the time didn't really stick out any reasoning why that would be an issue. But I guess looking back on it now, we sort of realised the fact that these guys were aware that there was going to be concerted attacks on - on BMD or on the Centenary project and they didn't want to be affiliated with anything to do with BMD or the project, hence the reason why they only wanted to be employed by Georgiou.

COMMISSIONER: Are these the only three crane operators on site?

MR DAVIE: No, there were other crane operators, subcontract crane operators. These were three direct employed to operate a telehandler and the gantry cranes that we had. So a lot of other guys came in for subcontract works for the - a lot of cranes on the barges, a lot of mobile cranes that were coming through. So, look, at main peak, we probably had seven or eight cranes on site at a time every day.

COMMISSIONER: And how many crane operators does that mean? How many per crane?

MR DAVIE: One per crane plus spotters and - yeah, spotters for each crane.

COMMISSIONER: But these were the only three who were employed either by the joint venture or Georgiou direct or BMD?

MR DAVIE: From memory at that stage, yes. I think there was a young guy from BMD that was coming up through the ranks getting trained into the role of the crane operator. But, yeah, I'd have to go back and have a look at the records on that.

MS FEELY: Mr Kenny as well was the supervisor of these three, but effectively two by the time you started, crane operators as well; is that right?

MR DAVIE: Correct. Correct.

MS FEELY: And during this conversation, you told Mr Pickard that you'd keep an eye on them and their conduct and attitude; is that right?

MR DAVIE: That's correct. I was very new on the job. I had to make my own assessment and judgment at that time.

MS FEELY: And in the period after that, you said - you've given some observations at different places in your statement, which I can take you to, about seeing Mr Raymond interacting with the CFMEU in a friendly way. Can you describe that to the Commissioner?

MR DAVIE: Yeah. When the CFMEU came to site, you know, it was obvious that Cody knew the majority of the CFMEU organisers. He in essence high-fived them, you know, bumped shoulders with them, waved at them as they walked past.

You knew that there was some level of relationship between Cody and the majority of the organisers that came through. Paul Arcadiou not so much; he'd give them a little bit of a nod to say hello, but he didn't interact as much as Cody did.

5

MS FEELY: Were you aware of the delegate roles that Mr Raymond and Mr Arcadiou held on site?

10 **MR DAVIE:** Cody wasn't a nominated delegate. He was probably what we call a self-appointed delegate. We didn't have any delegates on the project direct employed by Georgiou or BMD. There were delegates from a subcontractor, but I wouldn't classify Cody as a delegate. He was, as I said, a self-appointed delegate.

15 **MS FEELY:** But that process happened before you had started on site.

MR DAVIE: Correct. Correct.

20 **MS FEELY:** And I'll just take you to some of the other interactions that you were present for on site, such as 23 April 2024. So this would have been within the first month that you were on site, and it related to the disruption of the steel delivery. And if I can bring up paragraph 79 of Mr Davie's statement. And so you describe here in some detail five CFMEU officials visiting the project site, including Mr Mattas, Mr Howard, Mr Turner-Davey, Mr Vonhoff and Mr Eben Cox. And part of your role was to provide updates to Mr Demartini, Mr Konecny, who were

25 the - well, can you please describe for the Commission who Mr Demartini and Mr Konecny are.

30 **MR DAVIE:** Yeah, Chris Demartini and Peter Konecny are the contract administrators appointed by the Department of Transport and Main Roads to facilitate the contract. So they were effectively the middlemen between us being the JV and TMR that administer the contract, review our variations and claims, but also are part of the project team to understand how we're building, what we're building, and were a big part of the project.

35 **MS FEELY:** And do you recall the specific occasion where they were blocking a steel delivery to site?

MR DAVIE: I do.

40 **MS FEELY:** Can we bring up page 141 of the bundle. And so this is a copy of an email that you'd sent summarising the attendance that day.

COMMISSIONER: Summarising what? I just missed that.

45 **MS FEELY:** The attendance on 23 April.

COMMISSIONER: The attendance.

MS FEELY: And on this particular day, one of the issues that had arisen was the testing of steel again. Do you recall -

5 **MR DAVIE:** I do. I do, yeah. I do.

MS FEELY: And if we get up page 143 of the bundle, this is a copy of an exchange that you were involved in the day afterwards, as WHSQ had attended and issued a notice saying that the joint venture must provide the steel testing
10 results to the CFMEU. Do you recall this?

MR DAVIE: I do.

MS FEELY: Can you give a bit of an explanation about what the joint venture's
15 position was at the time on the provision of the testing results?

MR DAVIE: So the joint venture was - we - we didn't want to give any information to the CFMEU that we felt was unnecessary or not required. So we - you know, through our legal team, we did not give any information at all at
20 that time.

MS FEELY: And at that point in time, what was your view on the level of collaboration that the joint venture was having with the CFMEU? Did you agree with the approach that was taken?
25

MR DAVIE: Again, it's a different approach from what Georgiou was used to. We would probably collaborate and give them information if we felt the information that we were giving the CFMEU was - was accurate, was - there was no issues with in regards to the information. The approach from - and I'll separate
30 BMD and Georgiou from the JV at the moment. The approach of BMD was a lot more measured in relation to what information went - went to the CFMEU. In fact, they made a categorical point that "we will not be providing any information to the CFMEU". At the time I did think it was pretty - I didn't think it was the right way of doing things. I thought that, you know, what had happened previously
35 before I got there was a lot more collaborative.

But it was seen obviously through that period of time, I think you would've seen it with Leigh Hahn's testimony, 140-odd visits in that year prior to me getting there. So, yes, the collaboration was there, but I think - I think there needed to be a little
40 bit more forceful approach with the CFMEU, because it wasn't working. We were still getting delayed. We were still getting - yeah, we were still getting disrupted with the works. I didn't agree with it, but was - we had to go along with it as part of the joint venture.

45 **MS FEELY:** And if we can bring up page 150. So this is a copy of the improvement notice that was issued to the joint venture in relation to the steel testing; is that correct?

MR DAVIE: That's correct.

5 **MS FEELY:** And can you tell the Commissioner what ended up happening with this improvement notice after it was issued by Work Health Safety that day?

10 **MR DAVIE:** So it ended up getting revoke d. So under the legal team, we submitted an application, from memory to QIRC, in order to get this - to get this improvement notice revoked, and it ended up getting revoked. It was deemed that it wasn't appropriate to provide - or we didn't need to provide that information to the CFMEU.

15 **MS FEELY:** So in effect the position that was taken by BMD and the joint venture there was correct?

MR DAVIE: Correct.

20 **MS FEELY:** And it wasn't necessary in the end to be providing the testing results to the CFMEU?

MR DAVIE: Correct.

25 **MS FEELY:** You were also involved in the DTMR review that was happening of the steel testing at the time. Can you tell the Commissioner a little bit about the audit that was undertaken by DTMR?

30 **MR DAVIE:** Yeah, DTMR were, I guess, instructed by some of their senior - senior management to conduct an audit on - on the steel. The steel that we were bringing onto site was for a temporary gantry. It wasn't permanent steel, so it was never going to be left on the project site for good. It was temporary steel under our control, under our design. So we found it a little bit weird that TMR were so worried about it. On another project, or other projects that TMR were involved, we'd give them third-party sign-off and an RPQ signature or RPQ-signed document, and they would be happy with the level of documentation that we'd provided them. This one here, they'd gone that little bit more detail. 35 From our understanding, they were instructed by some of their senior people within TMR to go down that little bit more detail and review the whole steel material that we were bringing on site.

40 **MS FEELY:** And the results of that testing - and this is at paragraph 93 of your statement - was that DTMR found the steel conformed to the required standards?

MR DAVIE: Conformed to the required Australian standards. That's correct.

45 **MS FEELY:** And so that takes us up to about late April. So at this point you've been on the project site for about a month. And then there's been a lot of evidence,

and if you've been following the hearings about the events on 14 May, were you present on site on that particular day?

5 **MR DAVIE:** I was not. I was in Toowoomba.

COMMISSIONER: Sorry, 14 May, that was the concrete pour disruption?

MS FEELY: That's correct, Commissioner.

10 **MR DAVIE:** Oh, sorry. The day of the concrete pour I was on site, yes.

MS FEELY: You were on site. And I won't take you through that day, given that we've got a lot of videos and everything that's already before the Commission, but you were aware that that day, BMD obtained an injunction against the CFMEU?

15

MR DAVIE: I was, yes.

MS FEELY: And at paragraph 110 of your statement, you say you weren't directly involved in filing but you were aware of its outcome, and that's because the -

20

COMMISSIONER: That day or the next day they got the injunction?

MS FEELY: The next day.

25

COMMISSIONER: Sorry, I cut you off.

MS FEELY: And the reason why you weren't directly involved is because BMD filed it; it wasn't on behalf of the joint venture?

30

MR DAVIE: I think at that stage a lot of information, a lot of the legal works and a lot of the CFMEU issues were taken away from the guys, from us on site. We were still there to build the job, and a lot of the legal stuff was - was taken, I guess, from head office. Majority of the legal team, in fact I think all of the legal team, were through BMD. It was just the way the - the project was set up. We were using BMD's systems. We were using BMD's processes. So, again, we used BMD's legal on this. It was on behalf of the JV but applied for by BMD.

35

MS FEELY: And if you don't mind describing, after that injunction was obtained, how the conduct and behaviour of CFMEU officials changed on site?

40

MR DAVIE: Oh, we were - we were able to actually do some work. We were able to complete sections of work that we were unable to do. We were achieving productivities. Shoulder went back a little bit. People walked with a little bit of a, you know, skip in their step, and we did not have any - we still had a few visits from the CFMEU, but they weren't as obnoxious, belligerent. They were abiding by our rules, our regulations. They had to abide by the injunction requirements,

45

and they were pretty much doing so. So it was - that injunction was a massive, massive turn on how the Centenary project ended up - or continued through to this day, where we've had limited interaction with the CFMEU. So, yeah, it was a - there were a lot of high fives, a lot of pats on the backs and there were a lot of satisfied people in all of the organisations: TMR, SMEC, Georgiou and BMD.

MS FEELY: Now, I want to take you - and if you've been following any of the evidence this week, you may be aware of some matters that aren't contained in your statement but I want to ask you some questions about. And earlier you referred to Mr Cody Raymond and having a conversation with Mr Pickard in the first week of your employment as project director on the site about Cody Raymond. Now, I take it you weren't on site that day, on 5 June 2024?

MR DAVIE: The date of the incident?

MS FEELY: Yes.

MR DAVIE: No, I was not.

MS FEELY: Do you recall where you were?

MR DAVIE: Pretty sure I was in Toowoomba. Whilst I was project director on this job, I still had other projects that I was involved in with Georgiou, so I was needing to be off site occasionally.

MS FEELY: So what project was being undertaken in Toowoomba at the time?

MR DAVIE: It was the Toowoomba North flood remediation works, so we were one of two contractors on that project, or Georgiou was one of two contractors on that project.

MS FEELY: So while you were out in Toowoomba that day, I understand you received a call from Mr Murray; is that correct?

MR DAVIE: Correct.

MS FEELY: You can tell the Commissioner about that initial phone call?

MR DAVIE: So after the incident, the alleged incident, Cody Raymond came into the project site looking - site office looking for myself. I wasn't there. He then went into Quinn's office, which was next to mine, and he -

COMMISSIONER: Whose office, sorry?

MR DAVIE: Quinn Murray's. Mr Murray's. In Quinn's office next to mine. And he I guess laid out his - the incident that he alleged to happen. Post the

incident, or post the conversation with Mr Raymond, Mr Murray called me and informed me of the incident. I then subsequently -

5 **MS FEELY:** I'll just stop you there.

MR DAVIE: Sorry.

10 **MS FEELY:** I want to ask some more specific questions about that. Do you recall Mr Murray telling you what Mr Raymond had said?

MR DAVIE: That Cody was threatened by what he said was a member of - or a president of the Comancheros gang, Benji Saracevic, and that Gary Samuel was involved in the - or was part of the - the party that was threatening Cody. He told me where it was on the project site or where it was - yeah, on the - on the site, on 15 the footpath or the active transport path, and gave me a bit of a rundown of, yeah, what Cody's concerns were at that time, that he threatened his family, that he threatened - knew where he lived, and he gave me a bit more of a rundown.

20 **MS FEELY:** Just going back, you've mentioned Mr Samuel before. That is Mr Gary Samuel?

MR DAVIE: Gary Samuel, yeah.

25 **MS FEELY:** And were you familiar with him from your time on the project?

MR DAVIE: I'd met Gary or Mr Samuel a couple of times, yes. I've sat in meetings with him.

30 **MS FEELY:** And what was his role on the project?

MR DAVIE: Effectively - yeah, within - within a couple of weeks of myself starting on the project, BMD organised to get a whole heap of security staff on the project to - to counteract the impact that the CFMEU was having on us and to try and protect - or to protect the site and our site staff. And through that period of 35 time, I - I got to know or I got to understand that Mr Samuel was - was the owner of one of the security companies, that he was there as a coordinator, managing the site, managing the number of personnel. I think we were up to 50-odd security guys, security people working - working day and night during that period, so it was quite a massive operation, and Mr Samuel was one of the - one of the people 40 that was coordinating that.

MS FEELY: And the Commissioner, before you got called to the witness box, asked a question about whether you were involved or Georgiou was involved in the organisation of Mr Samuel and all the security on site. Is that correct? Was 45 there any involvement by Georgiou, or was this organised all by BMD?

MR DAVIE: We were not involved in any of the coordination, the agreement of - or bringing any of the security guards to site. Again, I thought personally, and I think we all thought this was a little bit over the top in relation to how it was managed. Subsequently, you know, I'll eat humble pie on that one, but at the time, it was a different way that - it was a different way that Georgiou and BMD were wanting to work with and against the CFMEU. But at the time, I - yeah, I thought it was a bit over the top, but nothing to do with the coordination, didn't know where they were coming from, didn't know the companies that they were coming from. Started to get a bit more of an understanding as time progressed, but at the time, yeah, we knew very limited information of what was happening.

MS FEELY: Now, there was a text exchange which was tendered into evidence yesterday, which is between yourself and Mr Murray that afternoon. Can I bring up document 32, which was tendered as CBU-69 yesterday. Now, this is a text exchange between you and Mr Murray; is that correct?

MR DAVIE: That's correct.

MS FEELY: And you can see the timestamp at the top of that is 1.34 pm. Was this before or after you had your phone call, your initial phone call with Mr Murray that you've just described?

MR DAVIE: I'd have to check my phone records. I have a feeling he called me a couple of times and I was in a meeting, and then I think - I think this was before I actually spoke to him.

MS FEELY: And when you received these messages, had you had the opportunity to speak to Cody yet yourself?

MR DAVIE: Again, I'd have to have a look at the time. I think there is a record of my phone call up there, so I'd have to check the time. Actually, looking at - yeah, looking at the way this is laid out, I probably would have spoken to - spoken to Quinn before, because he wouldn't have just said to me, "Mate, he brought in blokes in civvies," without me knowing the context of it. So I'm assuming I did - I had spoken to Quinn prior to this.

COMMISSIONER: Is that Mr Murray in the green? Is he saying that?

MS FEELY: Yes.

MR DAVIE: Yes. Yep.

MS FEELY: And I want to ask you about that comment he's made. So, "Mate, he brought in blokes in civvies." When Mr Murray sent that, who is the "he" he's referring to there?

MR DAVIE: Gary Samuel.

MS FEELY: And where he says, "Unless you tell me otherwise, I'm going to run this investigation the way I would if you weren't around - involving Thom Baker," can you tell us a little bit about what the verbal discussions between you and Mr Murray at the time?

MR DAVIE: So it was quite a serious accusation from Cody Raymond in relation to I guess the people that he was talking about that threatened him and the level of threatening behaviour that these guys put towards him and also said to him in relation to burning his house down and the like. So that's - that's what he's asked or that's what he's basically telling me to run the investigation, and he'd start the investigation through the Georgiou process.

MS FEELY: And I take it that you spoke with Cody that afternoon. Are you able to tell the Commissioner about that initial conversation you had with Cody?

MR DAVIE: Sure. So after I spoke with Quinn - I got to know Cody, obviously through - as a Georgiou employee as well. Dealt with him a few times on the project site, and I thought I'd give him a call just to try and - well, set him at ease a little bit. He was pretty agitated. He was - he was very concerned. He was pacing up and down. So I called him and tried to get a bit more of an understanding as to - as to what went on and who these people were and what he knew about the - what was going on, what he knew about the incident.

MS FEELY: Do you recall what Mr Raymond told you? So you'd heard a version from Mr Murray at this point, and then you spoke with Mr Raymond. Do you remember what he told you during that phone call?

MR DAVIE: It was exactly the same as what he told Mr Murray. He told me that he got verbally accosted or verbally abused. He got told that they knew where he lived. He was very concerned that they knew where he lived, that he was going to, you know, with two young boys at that stage, and he was very concerned about their welfare of these particular people, who he thought they were. I think he did a little bit of digging on his way back to find out who these guys were, or knew them, I'm not sure, but yeah, he figured out who they or told me who he thought they were at that time, and they were - yeah, seemed to be quite serious accusations.

MS FEELY: And I might go to the next page of this exhibit now. So you can see the screenshot at the top there is a picture from Mr Murray to you. Can you describe what that screenshot is showing?

MR DAVIE: It appears to be showing some of the CCTV footage - sorry, files of the CCTV.

MS FEELY: And so you had a conversation with Mr Murray that afternoon or maybe several conversations with Mr Murray about the CCTV footage. Can you

describe at that time what - who had access to the footage through the joint venture?

5 **MR DAVIE:** Yeah, obviously part of the investigation would have been to get as much documentation or footage from the CCTV cameras that were on site.

10 **MS FEELY:** I'll just go back a step. So at the time, there are CCTV placed all over site. Did all employees have access to the cameras, or were there a limited number of employees who had access?

MR DAVIE: It was limited. It was probably a little bit more flippant than what we were hoping for. At that stage, maybe a dozen people had access to those cameras. They could upload, download, view the footages - view the footage.

15 **MS FEELY:** And was Mr Murray one of the people who had access, or did someone else obtain the CCTV for Mr Murray that day?

20 **MR DAVIE:** I think Mr Murray had access but I'm pretty sure that one of our graduate engineers who had access to those CCTV footage, he - he downloaded those files for Mr Murray.

MS FEELY: And did you view those files that day?

25 **MR DAVIE:** Viewed later that afternoon, yes.

MS FEELY: If I can pull up - I think it's VF-6, which was clip 28. Is this what you recall seeing that day?

30 **MR DAVIE:** That's correct. It was part of it, yes.

MS FEELY: And you have been watching some of the hearings this week, so you've seen that there's been - that there's a broader suite of footage that's available. Did you see that footage that day?

35 **MR DAVIE:** I - yeah, I saw basically all the footage that's been showed in the hearing.

MS FEELY: And that's from the walk from the cafe through to the end of site?

40 **MR DAVIE:** Correct.

MS FEELY: And so on that day, that's when the full suite of footage was first obtained, and do you know where that was stored?

45 **MR DAVIE:** The initial footage would've been stored on the joint venture system, which is BMD's system. I think once you download it, it goes onto

your - well, obviously goes where you save it. I'm pretty sure some of the documents were saved to a - to a Georgiou OneDrive.

5 **MS FEELY:** And after you watched this footage and during the conversations you were having with Mr Murray, what was your - you were still trying to piece together what was going on that day, but - and if I can pull up the final page of that earlier exhibit, which was CBU-69. Sorry, one back. So where it says, halfway down that page, "RP came from the same cafe 30 seconds before GS and his mates," that accords with the footage that you saw on the day, which was
10 seeing Mr Pickard walking down the road?

MR DAVIE: Correct, yeah, crossing the road approximately 30 seconds before Mr Samuel.

15 **MS FEELY:** And later that evening, you received a phone call from Mr Pickard; is that correct?

MR DAVIE: Correct, yes.

20 **MS FEELY:** And Commissioner, I'll bring up document 75, which was tendered as CBU-49 yesterday. And if we go to the final page of that, this was the contact logged on 5 June 2024, and you can see the third-last entry is a call from Mr Pickard to Mr Davie at - for approximately 32 minutes. Can you tell the Commissioner the substance of that call?
25

MR DAVIE: Sure. I guess I was trying to get hold of Rob throughout the day, and we'd spoken a couple of times but very briefly. Rob Pickard gave me a bit more of an understanding as to what - what was happening with - with BMD and how the CFMEU were, I guess, attacking the senior BMD personnel and gave me
30 a bit more of an understanding as to - as to how BMD were taking a bit of a hard-nosed approach in relation to their dealings with the CFMEU. That was - a lot of the conversation was to sort of understand or for Rob to give me the background for me to understand more why we were - why the JV was going down that path.
35

I - I've previously worked with Rob Pickard's wife on a project, so I was asking how - how she and the kids were getting on with - with all these major, you know, people following them, people in their houses, other bits and pieces. So Rob was giving me a - a lot of - a lot more of an understanding as to what was going on in
40 the background and why security guards were getting brought forward. That was - that was a lot of that - a lot of that phone call.

MS FEELY: And you spoke with Mr Pickard that evening, though, about Mr Raymond; is that correct?
45

MR DAVIE: About the incident, yes.

MS FEELY: Yes. And what did Mr Pickard tell you about the incident?

5 **MR DAVIE:** He assumed the incident was based on an interaction between Cody Raymond and Mr Samuel a couple of weeks earlier, when they had an altercation between the two of them.

10 **MS FEELY:** I'll just stop for you a second. So when you say there was an earlier altercation, was that the first time you heard about there being some earlier altercation between Mr Samuel and Cody Raymond?

15 **MR DAVIE:** I'd heard about it, but it was just, again, one of those things you sort of hear through the - hear through the site gossip channels, that there was a bit of a - there was a bit of a verbal altercation between two people. Didn't think anything of it at the time.

20 **MS FEELY:** And, sorry, I interrupted you before. You said that he assumed it related to that incident. Why was that?

25 **MR DAVIE:** Oh, I didn't delve into the - I didn't delve into it. He just - that was what he assumed the altercation was about, and I - I - I didn't think anything more of it at that stage.

30 **MS FEELY:** Did he say anything to you about how Mr Samuel had felt about that incident?

35 **MR DAVIE:** Whether he said something to me then or I - I'd heard - heard elsewhere, but yeah, Mr Samuel was pretty distraught about the incident.

40 **MS FEELY:** About the earlier incident?

45 **MR DAVIE:** The earlier incident, yes.

MS FEELY: Involving Cody?

50 **MR DAVIE:** Sorry, yes.

55 **MS FEELY:** And did he say - did he tell you about Mr Samuel being with any men on site that day? Did you discuss Mr Samuel being there with those three individuals that are in the footage?

60 **MR DAVIE:** I'm pretty sure I asked Rob who they were and what they were doing, and I had reason to believe that they were of some gangland members, and Rob - Rob said he wasn't sure.

65 **MS FEELY:** And from that conversation, did you take it away that Mr Samuel knew those people on site, that he was seen with in the footage on site?

MR DAVIE: I assumed he was an acquaintance of them, yes.

5 **MS FEELY:** And during that conversation, did Mr Pickard tell you that Mr Samuel had brought these people up? Do you recall him using any words to that effect at that time or -

10 **MR DAVIE:** I - I can't remember that - I can't remember those exact words. It was just - it was a conversation about who they were, and him not knowing who they were, so -

15 **MS FEELY:** And so you've described before that part of this conversation was about the background as to why there were so many security guards on site as well and that Mr Pickard had told you about the concerns that he and Mr Thomas had been experiencing. Did he tell you anything else about the CFMEU possibly leaking Cody's address?

20 **MR DAVIE:** Where the question arose about where the address came from, because it was obviously one of Cody's concerns, that they knew who - that they knew where he lived and they were going to go round and burn his house down, I think was one of the comments, and I asked the question if - you know, where would they have got the address from? And Rob said he'd think - his thoughts would be that the CFMEU would have given them the - given those guys the address.

25 **MS FEELY:** And if we go back to document 32, which was CBU-69, and if we go to the next page - sorry, the next one as well. Here, you - or Quinn texts you that - a question from Cody Raymond about whether his address would have been leaked by Steve Thomas or Rob Pickard, and you say that you'd spent about 45 minutes on the phone with Mr Pickard before. Did you later think that maybe you didn't believe Mr Pickard for a second that the CFMEU -

30 **MR DAVIE:** Yeah, I think I've made comment of that somewhere, that I didn't believe that the CFMEU would've given out the address, although I didn't believe Rob Pickard in relation to that, yes.

35 **MS FEELY:** And why didn't you necessarily believe Mr Pickard about that at that time?

40 **MR DAVIE:** It was a comment I made. I mean, I don't know whether - whether the information was - or Cody's address was given out, whether the guys on site were just playing - playing with that, whether they actually did have an address. I didn't know what was going on. Yeah, I didn't know what was going on.

45 **MS FEELY:** And immediately after the incident, you became somewhat of the liaison for Georgiou between Mr Raymond and the company, and so you would - you attended a meeting with him the next day and you spoke with him again later that evening, and one of the text messages that I understand he sent to

both Mr Murray and yourself on 5 June has already been tendered, and I might bring that up, which was document 10, which was CBU-51. And so that's you sending to yourself a copy of this message, but Cody effectively gave you his initial witness statement via text message; is that correct?

5

MR DAVIE: Correct, yeah. It was a long - a very long text message that I - I was working on two, I guess, email systems. I had BMD's or the joint venture's email systems, which was on BMD's, and I've sent that through to my Georgiou email account and Jonty and Courtney in relation to his - his witness statement. I asked him to jot it down, and he just texted it out.

10

MS FEELY: And that accords with the verbal version he gave you on the telephone that day?

15 **MR DAVIE:** It - no, it does in general. There's a lot more -

MS FEELY: To it.

MR DAVIE: - to it. Yes, a lot more to it.

20

MS FEELY: Going back to the conversation that you had with Mr Pickard on the phone that evening, by that stage you'd viewed the CCTV?

MR DAVIE: Yes.

25

MS FEELY: And you were aware from the message from Mr Murray as well that Mr Pickard was in the vicinity of the incident. Did you ever raise with Mr Pickard that you saw he was in the vicinity?

30 **MR DAVIE:** Yes.

MS FEELY: And what did he say to that?

MR DAVIE: It was coincidental that he was in the vicinity.

35

MS FEELY: And you didn't challenge him on necessarily what you and Quinn were talking about at the time?

MR DAVIE: I did not, no.

40

MS FEELY: And that was really probably because he's a more senior member of staff than you?

MR DAVIE: Correct, yep.

45

MS FEELY: Now, the next day you are on site and you attend a meeting with Mr Raymond, Mr Pickard and Mr Samuel. Can you tell the Commissioner a little bit

about that meeting the next morning? You can take the documents down now.
Thank you.

5 **MR DAVIE:** Yeah, I was - I was speaking to Cody that night. Rob Pickard
asked if Cody wanted to speak with him directly, and I was liaising with Cody as
to whether he wanted to speak directly to Mr Pickard, and Cody was umming and
ahhing in relation to doing so. From memory, I met with Cody or at least talked to
Cody the following morning, early the following morning, and he agreed at that
stage to - to meet with Rob Pickard. I messaged - I text messaged Mr Pickard and
10 said, "No, Cody will meet with you."

We organised to do that in the - in the site office, and I sort of went in there with
Cody, you know, as a - he was an employee of Georgiou, so I went in there as a
bit of a support person with him in that sense, but also being the project director,
15 as a joint venture, I went in there as a representative of the joint venture as well.
And, yeah, we sat down and had a - had a meeting with Rob Pickard and Gary
Samuel at the same time.

20 **MS FEELY:** And what was the purpose of the meeting?

MR DAVIE: The purpose of the meeting was to put Cody's mind at ease. You
know, obviously there were some serious accusations, some serious threats that
were thrown at him from those three or four members that came down that
walkway. So he was concerned and he wanted to get a bit more of an
25 understanding as to why, why they were there, and, you know, was he in danger?
So Rob wanted to talk to Cody to try as well to set his mind at ease about that. It
was a - he assumed it was a verbal threat and nothing more of it.

30 **MS FEELY:** And you say Mr Samuel was also in this meeting. Can you talk
about some of the things that Mr Samuel said to Mr Raymond during this
meeting?

MR DAVIE: Yeah, Mr Samuel tried to downplay, I guess, the events and the
threat. He also - he said a number of times in the meeting that he's also had a
35 significant number of threats given to him at the time. He's had threats on his life,
threats on his wife getting raped and murdered. He said it's just part and parcel of
everyday life for him in some ways, which, yeah, Cody obviously bit back on.

40 **MS FEELY:** Yeah, what was Mr Raymond's response to that?

MR DAVIE: He said something like, "I work in construction, mate, and I don't
expect this."

45 **MS FEELY:** And how long did that meeting go for, approximately?

MR DAVIE: 15 - 10, 15 minutes. It wasn't long.

MS FEELY: A relatively short meeting?

MR DAVIE: Yeah, it wasn't long.

5 **MS FEELY:** And do you say that - was the sense you got that Mr Raymond was placated by that meeting or -

MR DAVIE: No, he was further agitated post that meeting. He was - he was - yeah, further upset, and he felt that he was - yeah, he was in danger. He
10 didn't - he didn't get the - he didn't get the sense that he was - that he was safe.

MS FEELY: And later that day, you had a conversation with Mr Thomas as well by telephone, or perhaps it was the day before. Do you recall having a conversation with Mr Thomas by phone in the immediate aftermath of this
15 incident?

MR DAVIE: Yeah, I'm pretty sure I spoke to Steve Thomas. If it wasn't the day, it was the day after. I spoke to him a few times, I think, over that period. But yeah, I definitely - again, whether it was in person or by phone, I can't remember.
20 But yeah, I definitely spoke to him.

MS FEELY: And was it - obviously you both worked on site, so you would deal with each other relatively frequently, but was it usual for you to call each other?

25 **MR DAVIE:** No. I don't think I'd spoke to him on the phone prior to that. Obviously subsequent to that, a number of times, but at that stage, I think it was all - look, there may have been one or two phone calls, but it wasn't a regular activity.

30 **MS FEELY:** And can you tell the Commissioner a little bit about that - the first time you spoke with Mr Thomas after the incident occurred by phone?

MR DAVIE: Yeah, look, Steve was, I guess, a little bit concerned about the - the CCTV footage and the number of people that had access to that CCTV, and he
35 wanted to lock it down and lock, I guess, the overall site CCTV access in. So we - we ended up reducing it from, as I said before, the 10 or 11 people that had access to it down to - down to three.

MS FEELY: And did you have the sense during that conversation that he had
40 seen the footage himself that day?

MR DAVIE: Look, I assumed he had, yes.

MS FEELY: But you don't - he didn't say that or you don't recall whether he said
45 that?

MR DAVIE: I don't recall him saying that.

MS FEELY: And during that conversation, do you recall whether he said he had a list of the people that had downloaded or accessed the footage?

5 **MR DAVIE:** Yes, he did. He had a list of all the people that had access to it. Pretty sure he sent that to me.

MS FEELY: He would have sent that to you?

10 **MR DAVIE:** I think he did sent it to me.

COMMISSIONER: He said it to you or sent it to you?

MR DAVIE: Sorry, it's the Kiwi accent. Sent, s-e-n-t.
15

MS FEELY: And in that conversation as well, did he tell you what he wanted to do about the CCTV?

MR DAVIE: Oh, he wanted to limit the access to those files.
20

MS FEELY: And was one of the ways he wanted to do that was through deleting as many of the files as he could?

MR DAVIE: I can't remember him saying that. I'm not sure, sorry.
25

MS FEELY: But he was firm on wanting to limit the number of people who had access to those cameras?

MR DAVIE: Absolutely. Absolutely.
30

MS FEELY: And you know now that not all copies were deleted. Do you know why that is? Is it that members of Georgiou kept copies locally?

MR DAVIE: Yeah, I think all the - all the files on the BMD system were - were
35 found and deleted. The ones that were saved offsite, I don't know how many there were, if they were all saved offsite, but there was one that was - I guess found its way onto Georgiou's system.

MS FEELY: And so that was the day or day after you had a phone call with Mr Thomas. And then in the immediate aftermath, I think you said before, you were
40 acting as a bit of an employer liaison with Mr Raymond. And so he was texting you frequently throughout this period?

MR DAVIE: He was.
45

MS FEELY: If I can have document 12 brought up, which hasn't been tendered yet. So these are copies of text messages that Cody had sent to you on 10 June. Do you recall these?

5 **MR DAVIE:** I do.

MS FEELY: And just at the top there, you'll see that you said, at the end of that first paragraph:

10 "The more I'm dealing with him the less rational he's becoming, because I think he knows how much he has fucked up."

What did you mean by that there, when you said "how much he has fucked up"?

15 **MR DAVIE:** Cody was a larger-than-life character on the job site. He was, as we said before, he was videoing. He seemed to know all the CFMEU people. He was videoing a lot of the altercations that were happening between CFMEU and the security guards and the CFMEU and the JV staff, and he seemed to be
20 enjoying it. So he had - had a little bit of a - yeah, a little bit of a - a cross on his back in relation to not being well liked throughout a number of the project staff. So I think he - he - he realised or in my opinion he realised that, you know, he may have stuffed up with some of the things he was saying, potentially the verbal altercation with Gary Samuel previously, that he found that now he's sort of got in too deep and it was very difficult to get out of.

25 **MS FEELY:** Commissioner, I might tender that document, which is to be CBU-85. And it can be described as an email from Gareth Davie dated 11 June 2024, setting out text messages from Cody Raymond received 10 June 2024.

30 **COMMISSIONER:** Any objections? Email from Gareth Davie, Tuesday 11 June 2024, 6.48 am to various persons re Cody Raymond text messages sent 10 June 2024, CBU-85.

35 <**EXHIBIT CBU-85 EMAIL FROM GARETH DAVIE, TUESDAY 11/6/2024, 6.48 AM TO VARIOUS PERSONS RE CODY RAYMOND TEXT MESSAGES SENT 10/6/2024**

COMMISSIONER: Is that a convenient time?

40 **MS FEELY:** Yes, Commissioner.

COMMISSIONER: We'll adjourn till 2 pm.

45 <**THE HEARING ADJOURNED AT 1.04 PM**

<**THE HEARING RESUMED AT 2.00 PM**

COMMISSIONER: Ms Feely.

5 **MS FEELY:** Thank you, Commissioner. I just have two further matters I would like to take you to. Going back to the conversation that you had with Mr Thomas on the day or day after the 5 June incident, which we spoke about before the lunch break, do you recall coming and speaking to - having an interview with the Commission of Inquiry in March this year?

10 **MR DAVIE:** I do.

MS FEELY: And that was, you would agree, on 13 March 2026?

MR DAVIE: If that was the date, yep. Yep.

15 **MS FEELY:** And there were a number of members of the legal team that were in attendance that day?

MR DAVIE: There were two.

20 **MS FEELY:** And do you recall speaking about that conversation you had with Mr Thomas to the members of the legal team?

MR DAVIE: Vaguely, but yes, yes.

25 **MS FEELY:** And do you recall whether you said Mr Thomas told you during that phone call or a phone call that you had with him that you needed to delete as many records as they could in reference to the CCTV?

30 **MR DAVIE:** Could've been words to that effect. I - yeah.

MS FEELY: If I can assist, I've got an extract of that transcript, and if document 90 could be brought up on screen. And so that's the cover page, for your benefit, Commissioner, which shows the appearances were Mr Sam Gray as part of the legal team for counsel assisting, Ms Sophie Harburg, Mr Mick Moy and yourself, 35 Mr Davie. And if we go to the next page, you'll see, starting from just after line 20, Ms Harburg had asked you a question about the conversation where you said that Steve Thomas said, "We need to limit the number of people who have access to the cameras," and she asked whether there was any further discussion, and you said, "He did say we need to delete as many records as we can." Does that help 40 refresh your memory about the conversation?

MR DAVIE: Look, if that's what I put on record, then, yeah, it must have happened.

45 **MS FEELY:** This afternoon I want to make sure that we get what your actual recollection is, and I thought this may assist, but is your recollection today that Mr

Thomas told you in the course of the phone conversation that they needed to delete the records, being the CCTV, or is it that you just simply don't recall now?

5 **MR DAVIE:** He did say - I do remember him saying that we needed to limit the number of people who had access to the CCTV. Can I just read this? Okay. Oh, look, yeah, I - I can't remember, I'm sorry. If I said that at the time, then that was probably correct. I can't remember that conversation.

10 **COMMISSIONER:** It's an unusual thing to forget. You could understand if you could remember in the conversation Mr Thomas saying, "We need to limit the number of people who have access to the records," which you can remember, but something as serious as - for someone like you, given the position that you hold - you said you came from a corporate job to fill in as project director - something as serious as, "We need to delete as many records as we can,"
15 and you can't remember seems strange.

MR DAVIE: Look, I know - I know that records need to be kept as long as they - as long as they can and as long as they - within the seven-year period, I know we need to keep them. But again, if I said it three or four months ago,
20 then - then I'll stand by that comment.

MS FEELY: So you would accept that that's probably your better recollection of that conversation?

25 **MR DAVIE:** Based on - based on what you've just shown me then, yes.

MS FEELY: Now, very briefly, you, because I think I mentioned before lunch the supporting role that you were playing for Cody Raymond in the aftermath, didn't have much or any involvement in the investigation -
30

COMMISSIONER: Could you speak up a little bit and slow down a little bit, Ms Feely.

35 **MS FEELY:** Sorry, Commissioner. You didn't end up having any role in the investigation because of the role that you were playing really with Cody in the initial aftermath; is that correct?

MR DAVIE: That's correct.

40 **MS FEELY:** So you couldn't really speak to the outcome of the investigation or anything like that?

MR DAVIE: No.

45 **MS FEELY:** Now, I want to take you to one final document today, which is doc 4, and if we can go to the last page of that. Do you recall receiving a copy of this

email from Mr Scott Power in relation to the ABC article that came out about the Cody Raymond incident?

5 **MR DAVIE:** Look, look, vaguely. Yeah, vaguely. But I was probably jumping between two email accounts at that stage. Yeah, I don't specifically remember it. I vaguely remember that email coming out, but I don't remember the context or the details in it, I'm sorry.

10 **MS FEELY:** No, that's okay. If we go over to the first page, I just want to show you an email from yourself to Mr Murray in relation to that email - to the announcement from Mr Power, and you've highlighted a portion of his announcement which says:

15 "As was confirmed by the article, we have received assurances that the individuals named within the article are not employed by or connected to the security provider contracted on the project."

And you've highlighted "connected" and made the comment to Mr Murray:

20 "Hmm... That's a little bit misleading."

Can you explain what you meant by your comment, "That's a little bit misleading"?

25 **MR DAVIE:** Just give me a chance to read this one, please. I'm assuming that's referring - referring to Gary Samuel. Yeah. That's the only thing I can think of. I'd have to read the - read the article to check to see how that context worked in relation to that.

30 **COMMISSIONER:** Just give yourself the time. Read the article.

MS FEELY: Do you want the ABC article brought up itself?

35 **MR DAVIE:** Yes, please.

MS FEELY: That was document 69 yesterday, which was tendered at CBU-38. Or on Tuesday, sorry. If you need that zoomed in any more -

40 **MR DAVIE:** No, it's all good, thanks. The next page. Next page. Thank you. Is that the last page? Okay. Okay. Yep.

MS FEELY: So going back to what you considered to be misleading in the statement from Mr Power, it was the fact that there was assurances there was no connection between those bikies present that day and Mr Samuel; is that correct?

45 **MR DAVIE:** That's correct, yep.

MS FEELY: Commissioner, I'll tender that document.

COMMISSIONER: What number is it?

5 **MS FEELY:** It will be CBU-86.

COMMISSIONER: CBU -

10 **MS FEELY:** 86.

COMMISSIONER: That's in then, isn't it?

15 **MS FEELY:** Sorry, that one's in. I'll go back and tender the copy of the transcript that was put to Mr Davie.

COMMISSIONER: Where do I find that?

MS FEELY: Document 90.

20 **COMMISSIONER:** Are there any objections?

MS FEELY: And that can be described as an extract of the Commission of Inquiry interview with Gareth Davie dated 13 March 2026.

25 **COMMISSIONER:** Extract of Commission of Inquiry interview of Gareth Davie, 13 March 2026, will be exhibit CBU -

MS FEELY: 86.

30 **COMMISSIONER:** 86.

**<EXHIBIT CBU-86 EXTRACT OF COMMISSION OF INQUIRY
INTERVIEW OF GARETH DAVIE, 13/3/2026**

35 **MS FEELY:** Commissioner, I have no further questions.

COMMISSIONER: All right. Are there any -

40 **MS FEELY:** Sorry, Commissioner.

COMMISSIONER: Sorry.

45 **MS FEELY:** Can I tender a copy of document 4 as well? The ABC article had been put into evidence yesterday, but not this email.

COMMISSIONER: This is the email from Mr Davie responding to Mr Scott Power's group email, yes?

MS FEELY: It's an email from Mr Davie to - Gareth Davie to Quinn Murray dated 23 August 2024.

5 **COMMISSIONER:** And my attachment, it actually goes over the page onto three pages?

MS FEELY: Yes.

10 **COMMISSIONER:** Are there any objections? Email, Gareth Davie to Quinn Murray, re CEO update ABC article dated 23 August 2024, 9.55 am will be CBU-87?

MS FEELY: Yes, Commissioner.

15 **<EXHIBIT CBU-87 EMAIL GARETH DAVIE TO QUINN MURRAY RE
CEO UPDATE ABC ARTICLE DATED 23/8/2024, 9.55 AM**

20 **MS FEELY:** I have no further questions for Mr Davie. I understand that while no application was filed, Mr O'Grady may have a brief application to make, given that some of the matters weren't in Mr Davie's statement that he has been taken to today. And to the extent that it's similar to the other matters - the other applications that were made relating to the 5 June incident, I don't have any issues with him cross-examining Mr Davie on that.

25 **COMMISSIONER:** So is there only one application to cross-examine? That's from Mr O'Grady?

MS FEELY: Yes.

30 **COMMISSIONER:** And it relates to the incident of 5 June?

MS FEELY: Yes.

35 **COMMISSIONER:** And you don't object?

MS FEELY: No.

40 **COMMISSIONER:** Mr O'Grady.

<CROSS-EXAMINATION BY MR O'GRADY

45 **MR O'GRADY:** Thank you, Commissioner. Mr Davie, just so you understand, I'm appearing on behalf of the administrator of the CFMEU. You'd accept, wouldn't you, sir, that Georgiou had a duty of care to Mr Raymond?

MR DAVIE: Correct.

MR O'GRADY: And you understood that Mr Raymond was a CFMEU member?

MR DAVIE: I understood he was a self-appointed delegate.

5

MR O'GRADY: And he purported to act as a delegate, and you were able to work with him through some EB issues, as you say in paragraph 31 of your statement.

10 **MR DAVIE:** Some EBA issues, yes. That's correct.

MR O'GRADY: And I put it to you in circumstances where he was a member of the CFMEU and purported to be a self-appointed delegate, it's hardly surprising that he was on at least sociable terms with various organisers from the CFMEU
15 who attended the site.

MR DAVIE: There's no issues that he's on sociable terms, no.

MR O'GRADY: No. And there's nothing wrong with him seeking to take videos
20 of those attendances, is there, on his phone?

MR DAVIE: It could be, depending on the position that he's in and where he's situated on the job site.

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

MR DAVIE: And following site rules.

MR O'GRADY: Well, he was never given any warnings about taking those
30 videos, was he?

MR DAVIE: Not that I'm aware of, no.

MR O'GRADY: All right. And you say in paragraph 29 of your statement that
35 Mr Pickard told you he wanted you to get rid of Mr Raymond in early April 2024, just after you started?

MR DAVIE: Correct. There was a lot of - a lot of information that was coming from our project site that could only have come from our project site, and there
40 was concern that Cody Raymond was filtering information back to the CFMEU.

MR O'GRADY: But you didn't observe Mr Raymond doing anything that warranted him being got rid of, did you?

45 **MR DAVIE:** I - only the - only the - only the - the conversations he was having with the CFMEU which made me concerned and worried about the information that was getting passed.

MR O'GRADY: But you can't sack somebody just because they have a conversation with a CFMEU organiser, can you?

5 **MR DAVIE:** Again, depending on what the outcome of that conversation is and what information is getting passed.

MR O'GRADY: You didn't have a basis for terminating his employment, did you?

10

MR DAVIE: Not at that point in time.

MR O'GRADY: No. Well, you never had a basis for terminating his employment.

15

MR DAVIE: We could have had a basis for terminating his employment.

MS FEELY: (Indistinct) and Mr Raymond's matters after, so I don't really know if it's appropriate to be asking this witness about the termination of Mr Raymond.

20

COMMISSIONER: Seems to have answered the question, though.

MR O'GRADY: Yes. Well, Mr Raymond was never subject to a formal disciplinary process, was he?

25

MR DAVIE: On site, no. Based on the investigation, I'm unsure. I wasn't party to that conversation.

MR O'GRADY: Okay. Thank you. Now, you've witnessed and heard the version of events that Mr Raymond has given about what occurred on 5 June?

30

MR DAVIE: I have.

MR O'GRADY: And the way in which he was approached by a person who identified himself as "Benji from the Commos"?

35

MR DAVIE: Correct.

MR O'GRADY: And that Mr Raymond understood that this was somebody from the Comancheros?

40

MR DAVIE: I assume so, yep.

MR O'GRADY: And he was subjected to, I put it to you, vile abuse by Benji?

45

MR DAVIE: According to his statement, yes.

MR O'GRADY: Yes, and he was subjected to death threats by Benji?

MR DAVIE: According to Cody's statement, yes.

5 **MR O'GRADY:** Yes. And he was - also had his children's lives threatened?

MR DAVIE: According to the statement, yes.

10 **MR O'GRADY:** And the threat to burn his house down?
MR DAVIE: According to his statement, yes.

MR O'GRADY: Yes. And you would accept that that is completely and utterly unacceptable?
15

MR DAVIE: If that's what the words were, yeah, I agree.

MR O'GRADY: There is no place, I put it to you, in any workplace for threats of that nature to be issued against somebody who is attending his job?
20

MR DAVIE: I disagree.

MR O'GRADY: You don't disagree, do you? No. And I put it to you that if you had an employee issuing threats like that against another employee, that would be a basis for terminating their employment?
25

MR DAVIE: Pending the investigation and the outcome of what would be based on the observation and the - yeah, the witness statements -

30 **MR O'GRADY:** Yeah, but there's no -

MR DAVIE: - potentially.

MR O'GRADY: There's no issue that if one of your employees said, "I'm a Comanchero and I'm going to come around, I'm going to kill you, I'm going to kill your kids," that that would be a basis for terminating their employment?
35

MR DAVIE: Again, it would be based on the context and based on outcomes of investigation that we had. I couldn't terminate a person just on that particular -
40

MR O'GRADY: I see. Well, I put it to you that you owe a duty of care to all of your employees. You accept that?

MR DAVIE: Correct.
45

MR O'GRADY: And I put it to you that as part of that duty of care, they should be protected from threats of the type that Mr Raymond said were made against him?

5 **MR DAVIE:** And that's why we conducted an investigation about those threats and about those concerns that Mr Raymond brought up.

MR O'GRADY: And I put it to you that putting to one side employees engaging in that behaviour, if a contractor engaged in that sort of behaviour, that would be a
10 basis of terminating your relationship with that contractor?

MR DAVIE: We'd conduct an investigation very similar to what we did for Mr Raymond, yes.

15 **MR O'GRADY:** Yes. And if an IR adviser or a security support person engaged in that sort of behaviour, that would be a basis for terminating your relationship with them?

MR DAVIE: We'd conduct an investigation based on - based on that behaviour.
20

MR O'GRADY: Yeah, and if it was established that that had occurred, you would terminate your relationship with them?

MR DAVIE: Again, it's a subjective matter. I can't answer that specifically.
25 There's other details and other information that may come into that particular investigation.

MR O'GRADY: All right. Now, you were aware, weren't you, that Mr Samuel was - had accompanied the people who had, according to Mr Raymond, threatened
30 him onto site?

MR DAVIE: Sorry, repeat your question.

MR O'GRADY: You were aware that Mr Samuel had accompanied the people
35 who Mr Raymond said threatened him to where he was working?

MR DAVIE: Sorry, am I aware that the guys - people that came onto site with Mr Samuel were in partnership or had a business together?

40 **MR O'GRADY:** No, no. I'm just saying that the guys who threatened Mr Raymond were accompanied to -

MR DAVIE: Accompanied. Sorry.

45 **MR O'GRADY:** Accompanied by Mr Samuel.

MR DAVIE: Correct, yes.

MR O'GRADY: And you were aware that Mr Samuel was present when Mr Raymond was subject to the abuse that he said he was subjected to?

5 **MR DAVIE:** Correct.

MR O'GRADY: And indeed, you were aware that Mr Thomas and - you were suspicious that Mr Thomas and Mr Pickard had been involved in the incident on 5 June?

10

MR DAVIE: I asked the question, yes.

MR O'GRADY: Yes. And you were suspicious because it was pretty clear that they had entered the site shortly before Mr Samuel and the people accompanying him had entered the site.

15

MR DAVIE: That's what the footage shows.

MR O'GRADY: Yes. But notwithstanding that, you facilitated a meeting between Mr Raymond, Mr Samuel and Mr Pickard?

20

MR DAVIE: At the request of Mr Pickard, yes.

MR O'GRADY: So you knew that Mr Samuel was involved, because he was clearly with the people who allegedly threatened Mr Raymond; that's right?

25

MR DAVIE: Correct.

MR O'GRADY: And you suspected that Mr Pickard was involved, and yet you arranged a meeting for Mr Raymond and Mr Pickard and Mr Samuel?

30

MR DAVIE: Based on my conversation with Mr Pickard prior, my suspicions had been alleviated that he was involved, and the reason why Mr Samuel was there was to try and get to the bottom of why Cody was threatened, and Mr Pickard couldn't answer that. So that's the reason why Mr Samuel came to that meeting.

35

MR O'GRADY: But you knew that Mr Samuel was present when the threatening took place.

40

MR DAVIE: Correct, so I needed him - he's the only one that can give an answer as to why that threatening behaviour was there. No one else can. That's why Mr Samuel was brought into that meeting.

MR O'GRADY: Well, I put it to you that it was inappropriate for you to arrange a meeting between Mr Raymond and Mr Pickard and Mr Samuel in the aftermath of this incident.

45

COMMISSIONER: The witness has just explained why he thought it was appropriate.

5 **MR O'GRADY:** As the Commission pleases. I put it to you that it was certainly inappropriate for Mr Samuel to seek to downplay the threats that had been issued against Mr Cody in that meeting.

10 **MS FEELY:** On the appropriateness of that, as to what Mr Samuel did or did not say, he was present when it was said, but it's not really -

COMMISSIONER: What do you say to that, Mr O'Grady?

15 **MR O'GRADY:** As I understand it, this witness was there as, in effect, among other things, Mr Raymond's support person. And he's acknowledged that - and he's a representative of the employer, and in my submission it's something that he can venture a view on.

20 **COMMISSIONER:** Do you need the question again?

MR DAVIE: Yes, please.

25 **MR O'GRADY:** I put it to you that it was inappropriate for Mr Samuel in the course of that meeting to seek to downplay the threats that had been issued against Mr Raymond.

30 **MR DAVIE:** Again, I asked Mr Samuel to be there to try and gauge an understanding for Cody to understand what the threats were all about. No one else knows what those threats were other than the three people on site and Mr Samuel.

MR O'GRADY: Yeah, and what I'm putting to you is your evidence is that in the course of that meeting, Mr Samuel said, "Well, I get threats all the time," didn't he?

35 **MR DAVIE:** It was a comment that I remember from that meeting.

MR O'GRADY: Yeah. And in doing that, he was seeking to downplay the seriousness of the threats that Mr Raymond had been subjected to.

40 **MR DAVIE:** In context, he wasn't.

MR O'GRADY: I see.

45 **MR DAVIE:** I can't replay the 15-minute conversation throughout that meeting.

MR O'GRADY: Well, that's certainly how Mr Raymond took it, because Mr Raymond responded, on your evidence by saying, "You're not comparing apples

with apples. You work in security, and threats might occur there. I'm simply seeking to work in construction, and I shouldn't be subjected to threats." That was the effect of what Mr Raymond said?

5 **MR DAVIE:** It could be the effect of what he's saying, but what happened previously, Cody Raymond was on the other side giving the threats to Mr Samuel.

MR O'GRADY: Well, you haven't witnessed any of that, have you?

10 **MR DAVIE:** I think I did.

MR O'GRADY: Are you saying that you were present -

15 **MR DAVIE:** I wasn't present there, no.

MR O'GRADY: No. No.

MR DAVIE: But again, I wasn't present for the discussion in June. That's why Mr Samuel was in there to try and gauge some information from that discussion.

20 **MR O'GRADY:** And there was no investigation into anything that Mr Raymond did in respect of a previous incident with Mr Samuel, was there?

25 **MR DAVIE:** Mr Samuel did not want it investigated.

MR O'GRADY: So, again, I put it to you that it was inappropriate for Mr Samuel to seek to downplay what had occurred to Mr Raymond on 5 June.

30 **MR DAVIE:** I'm not going to agree or disagree with that answer - with your statement.

MR O'GRADY: All right. Thank you. You'd agree with me that there is no place in the construction industry for death threats?

35 **MR DAVIE:** Correct.

MR O'GRADY: Threats against family?

40 **MR DAVIE:** Correct.

MR O'GRADY: Threats against having homes burnt down?

MR DAVIE: Correct.

45 **MR O'GRADY:** All right. Now, you've given - just after lunch, you were taken to the announcement by BMD to the effect that BMD had been assured that the

people involved as mentioned in the ABC article were not employed by or connected with Host. Do you recall that?

MR DAVIE: Yes.

5

MR O'GRADY: Yes. And you responded by saying, in effect, that's a bit of a stretch. Sorry, you need to answer for the purpose of the transcript.

MR DAVIE: Sorry, yes.

10

MR O'GRADY: Yes. Well, I put it to you it's more than that: it was just a straight-out lie, wasn't it?

MR DAVIE: There appeared to me to be connections, obviously. They came to site together.

15

COMMISSIONER: What was the last bit you said then, sorry?

MR DAVIE: It appears to me that there was a connection, because they came to site together.

20

MR O'GRADY: Yeah. Well, it was more than just they came onto the site. They were accompanied by Mr Samuel.

MR DAVIE: Sorry, that's what I meant, with Mr Samuel. Yep.

25

MR O'GRADY: And Mr Samuel had told Mr Pickard that the people who he was accompanying were social acquaintances?

MR DAVIE: I wasn't party to that conversation.

30

MR O'GRADY: Okay. Well, you'd agree with me that if Mr Samuel has social acquaintances who are allegedly connected with an outlaw motorcycle gang and then goes and accompanies them onto site and then he's present when there is the altercation with Mr Raymond, that it is just inaccurate and misleading to suggest that there is no connection between Host, which is owned by Mr Samuel, and the people that he's accompanying?

35

MR DAVIE: Again, I stand by my comment that it appeared to be some form of connection, because they came to site together. I don't know whether there's a social connection or what. I can't answer that.

40

MR O'GRADY: I understand. Now, subsequent to this incident, Mr Raymond reported it to the police. Are you aware of that?

45

MR DAVIE: Second-hand, yes.

MR O'GRADY: Yes. And he took sick leave because he said he was very distressed by what had occurred and what had happened to him?

5 **MR DAVIE:** He was off on extended leave for a period of time. Some of that sick leave, some of that leave without pay.

MR O'GRADY: Yes. And subsequently his employment was terminated?

10 **MR DAVIE:** The investigation was conducted and deemed that there was insufficient evidence through the issue that he raised, and we required him to come back to work because there were certain things that had been put in place, ie, Mr Samuel was no longer on site. The threats had been evaded. And he wouldn't come to site, so he was terminated through an abandonment of employment.

15 **MR O'GRADY:** Now, when you say there was insufficient evidence, you had the video evidence that showed a man in a black shirt in a very agitated way confronting Mr Raymond?

20 **MR DAVIE:** That's what the evidence shows.

MR O'GRADY: Yeah. And you had Mr Raymond's version of events about what he'd been told?

25 **MR DAVIE:** My assumption is in the investigation, yes. I wasn't party to the details of the investigation. I was given an outline of the concluding evidence or, sorry, the concluding outcome of that investigation.

30 **MR O'GRADY:** I understand. And you had knowledge as to who the individuals who had accompanied Mr Samuel were?

MR DAVIE: Assumed through Cody's comments. We had no way of knowing who they were or who they weren't.

35 **MR O'GRADY:** Well, you had the fact that they were described in the ABC article as being associated with the Comancheros?

MR DAVIE: That was well past - well past the investigation for my assumption.

40 **MR O'GRADY:** I see. All right. But at the end of the day, as a result of this incident, and because of the harm that Mr Cody had suffered, because of it, he had his employment terminated?

45 **MR DAVIE:** Not - not because of the harm, not because of - of any of that information. It was the fact that the investigation - from what I'm led to believe, with the information that I've got, the investigation concluded and found that there was no - yeah, that there was no impact to Mr Raymond beyond what he'd stated

and there was no clear conclusion to the - to the findings. Hence, he was expected to return to work, and he didn't return to work.

5 **MR O'GRADY:** And I put it to you that in making the decision to terminate his employment, Georgiou failed in its duty of care to Mr Raymond.

MR DAVIE: You'd have to look at that investigation, and from what I've seen, I disagree.

10 **MR O'GRADY:** Yes. I have no further questions, Commissioner.

COMMISSIONER: Thank you, Mr O'Grady. Is there anything arising from that, Ms Feely?

15 **MS FEELY:** No, Commissioner. If Mr Davie could be excused.

COMMISSIONER: Mr Davie, you're excused. Thank you very much for your evidence.

20 **<THE WITNESS WAS RELEASED**

COMMISSIONER: You don't need to answer this now, Mr O'Grady, and you might want to make submissions on it in due course, but just from what we've seen to date, it does look like a pretty thorough workplace investigation. There's a limit
25 to what someone without the power to summons witnesses, to compel testimony, can do in a situation like that where you've got one - you don't need to answer it at the moment, but it does - there's just a limit to what a workplace investigator can do, isn't there?

30 **MR O'GRADY:** I accept that, Commissioner, but in circumstances where, as I've indicated in the questioning, you have (a) the video, which in my submission is pretty conclusive as to what's going on, and you have that accompanied by what Mr Cody says. You have Mr Cody reporting the matter to police. In my
35 submission, there was a basis for finding that Mr Samuel was involved in what had taken place, clearly, and that there was an obligation on behalf of his employer to protect and look after Mr Raymond.

COMMISSIONER: All right. Well, you'll make those submissions in due course.

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

MS FEELY: Commissioner, Mr Gisonda has the next witness.

45 **MR GISONDA:** Commissioner, I now call Mr Quinn Murray, please.

COMMISSIONER: Is Mr Murray in the hearing room? Mr Murray, would you come forward into the witness box, please.

<QUINN WILLIAM MURRAY, AFFIRMED

<EXAMINATION BY MR GISONDA

COMMISSIONER: Mr Murray, please take a seat. Mr Gisonda.

10 **MR GISONDA:** Thank you, Commissioner. Mr Murray, could I ask you please to confirm that on 13 August 2026, you affirmed a witness statement in response to a notice from this Commission that is 25 pages long and consists of 286 paragraphs; is that right?

15 **MR MURRAY:** That is correct.

MR GISONDA: And accompanying that statement is a bundle of documents that goes for 447 pages and consists of 72 annexures; is that right?

20 **MR MURRAY:** That is correct.

MR GISONDA: And have you had an opportunity to read your statement recently?

25 **MR MURRAY:** I have.

MR GISONDA: And is your statement true and correct?

MR MURRAY: It is.

30

MR GISONDA: I tender that statement, please.

COMMISSIONER: Are there any objections? Witness statement of Quinn William Murray, 13 August 2026, 25 pages, 286 paragraphs with 72 annexures, will be exhibit QWM-1.

35

<EXHIBIT QWM-1 WITNESS STATEMENT OF QUINN WILLIAM MURRAY, 13 AUGUST 2026, 25 PAGES, 286 PARAGRAPHS WITH 72 ANNEXURES

40

MR GISONDA: Thank you, Commissioner. Mr Murray, in your statement, you talk about - well, perhaps before we go into those matters, perhaps you could just tell the Commissioner a little bit about your experience in the construction industry.

45

MR MURRAY: Yeah, sure. I graduated from the Queensland University of Technology with a bachelor of engineering specialising in civil and structural

engineering in 2012. I then worked for Laing O'Rourke for several years, both across Queensland and the United Kingdom, and for the last seven years I've been employed by Georgiou, ranging through a series of roles across both New South Wales and Queensland, most presently being the project director on the Centenary Bridge project.

MR GISONDA: And in January 2023, you were appointed to the position of project manager for the Centenary Bridge upgrade?

MR MURRAY: That is correct.

MR GISONDA: And could you tell the Commissioner a little bit about what that role involves?

MR MURRAY: Sure. So as project manager on Centenary Bridge, I was responsible for the operational delivery of the project, so that included managing the engineering team, the procurement functions of the team, looking after the support functions such as quality, safety and things of that nature, and finally, obviously, managing program delivery as well.

MR GISONDA: And as part of that role that you held, were you on site, were you?

MR MURRAY: Yes, full time on site.

MR GISONDA: And do you recall that - and you started - when did you start being physically on the site?

MR MURRAY: It was about April '23 that we mobilised to the project site. Prior to that we bounced between the Georgiou and BMD head offices.

MR GISONDA: And could you tell the Commissioner approximately when it was that you started to notice an increase of activity on the site by the CFMEU?

MR MURRAY: It would have probably been quarter 3, '23 that we started receiving visits both from the AWU and CFMEU. Those visits started to then I guess scale up as we walked through the remainder of 2023 but most notably picking up towards the back end of 2023 when we mobilised piling rigs and cranes to the project site.

MR GISONDA: And in your statement, you set out in quite a bit of detail some of the matters that arose on the site, particularly in the early part of 2024, as a result of the CFMEU's campaign on the project; is that right?

MR MURRAY: That is correct.

MR GISONDA: And can you tell me, being there day to day, what sort of impact did that activity have on the workers on the site?

5 **MR MURRAY:** The project site was a pretty horrible place to be, to be frank, under constant heckling and intimidation by members and/or delegates and/or organisers of the CFMEU. Their behaviour -

COMMISSIONER: You said constant something and intimidation?

10 **MR MURRAY:** Heckling, sorry.

COMMISSIONER: Heckling.

15 **MR MURRAY:** Frequent comments, conversations. Obviously the presence out the front of the site. None of that was a pleasant experience. Their behaviour was belligerent, obnoxious and sort of completely at will to do things the way they wished, despite whatever other laws and things may be in place.

20 **MR GISONDA:** So you've described it as a pretty horrible place to work at that time, and do you have any observations about the impact that it was having on some of the workers on site, whether that be through things they were telling you or things you were observing in their behaviour and reaction to this?

25 **MR MURRAY:** Yeah, sure. So every day at 2 pm I gave a briefing to the team about effectively the state of the industrial issues that we were facing. People would raise concerns about fears for their own safety, abuse that they were copping as they walked to and from their vehicles or out to lunch and things of that nature. Multiple - we have a large contingent of young female engineers on the project site, and a lot of them were receiving inappropriate comments as they
30 passed some of the encampments, and in the end we needed to organise to sort of walk them to and from their vehicles and the like to help make sure everyone felt safe enough to continue coming to work.

35 **MR GISONDA:** Would it be fair to say that as a result of the behaviour of persons associated with the CFMEU in the early parts of 2024, some of the workers on this project felt unsafe coming to work?

40 **MR MURRAY:** Yeah. When the behaviour changed and started becoming more obnoxious and more invasive onto the project site, people started, you know, walking around with their heads bowed. They wouldn't make eye contact with any of the people from the CFMEU, and that was consistent both across our white-collar and blue-collar workforces.

45 **MR GISONDA:** And it included both men and women workers on the site?

MR MURRAY: That's correct, yes.

MR GISONDA: And do you remember an incident involving Mr Dean Mattas coming into the site office, I think it was in April of 2024, and making a - I think what you described as a Paul Keating quote?

5 **MR MURRAY:** Yes, I do. He made words to the effect that he was going to do us slowly.

MR GISONDA: And can you just tell the Commissioner what you remember about that incident?

10 **MR MURRAY:** The context of that conversation was in a meeting with Mr Mattas wherein he was effectively requesting once again for the joint venture to throw out or tear up the AWU greenfields agreement that was in place for the project and sign up with the CFMEU agreement. Obviously, the project was
15 unable to commit to any action, nor were we inclined to commit to such a course of action, and as such, when we refused his request, he made the comments to that effect, and amongst others.

20 **MR GISONDA:** Do you remember what some of the other comments were that he made?

MR MURRAY: Between himself and Dylan Howard, there was a frequent reference to the Game of Thrones quote "winter is coming", which was used on
25 multiple occasions.

COMMISSIONER: Sorry, who said that?

MR MURRAY: Between both Mr Mattas and Dylan Howard, Mr Howard.

30 **MR GISONDA:** So to be clear, Mr Mattas says in that meeting that he was going to do you slowly, and either himself or Mr Howard made references to the fact that, quote unquote, winter was coming?

35 **MR MURRAY:** That is correct, yes.

MR GISONDA: And as a result of these behaviours, it became necessary, did it, to increase some of the security measures on site?

40 **MR MURRAY:** The security measures on site were primarily a function of the campaign against BMD. There was - I can't remember the exact point in the year, but obviously there was some measure of escalation of the CFMEU's campaign against BMD and particularly their executives, at which point BMD changed the approach from the site team trying to manage it, I guess, as was more typical for the industry, and progressed down a route of hardline barricading of the site, for
45 lack of a better term.

MR GISONDA: And did you know at the time, and by the time, I mean very early 2024, that the CFMEU had resolved to embark upon a coordinated campaign against BMD the company?

5 **MR MURRAY:** I did not know that it was a coordinated campaign. I simply saw the flyers and heard rumours of what happened at the Townsville Stadium.

MR GISONDA: Now, can I ask you some questions about the incident on 5 June 2024. And are you aware of the incident that I'm referring to, on 5 June?

10

MR MURRAY: Yes, I am.

MR GISONDA: And there were a number of CCTV cameras installed in and around the site at that time?

15

MR MURRAY: That is correct, yes.

MR GISONDA: And on 5 June, you were in the site office on that day, were you?

20

MR MURRAY: I was, yes.

MR GISONDA: And did you receive a visit from Mr Cody Raymond?

25 **MR MURRAY:** Yes.

MR GISONDA: And what did he say to you?

30 **MR MURRAY:** Cody came into my office quite distressed and raised or recounted an issue that had just transpired out on the active transport path in between the crossing between Abutment A and Pier 1. He recounted a series of those events. I suggested that he needed to put that into a statement. However, due to his distress and concern for both I guess his own wellbeing and that of his family, he requested if he could email or text that through, and so I granted him
35 leave to leave the project for the day and to issue that in due course when he had the opportunity.

MR GISONDA: And after he made that complaint or told you what he said had happened, did you ask someone to download any relevant CCTV footage?

40

MR MURRAY: No, I did it myself.

MR GISONDA: You did it yourself. And so does that mean that you watched the footage as part of that process?

45

MR MURRAY: Yes. I accessed the CCTV cameras, found the incident in question and then traced the path of the people involved and recorded and saved all of the copies relevant of that series of events.

5 **MR GISONDA:** So you say you located the relevant footage and then you saved the footage, did you?

MR MURRAY: Yes, that's correct.

10 **MR GISONDA:** And whereabouts did you save the footage?

MR MURRAY: I saved a couple of copies, one on the BMD Sharepoint, which was the context of my photo message to Gareth, which has been viewed in evidence already today, and I saved a copy on my own personal C drive.

15 **COMMISSIONER:** Your personal what? C drive?

MR MURRAY: Yes.

20 **MR GISONDA:** And at that stage, so as at 5 June, would you say that there was around a dozen or so people who had access to that - to any CCTV footage on the site?

MR MURRAY: That would be correct, yes.

25 **MR GISONDA:** And that was a mix of BMD and Georgiou personnel?

MR MURRAY: Yes, correct.

30 **MR GISONDA:** And obviously included yourself?

MR MURRAY: Yes.

35 **MR GISONDA:** And shortly after 5 June, did you try and access the CCTV footage again?

MR MURRAY: Yes. I can't recall how long afterwards, but it wouldn't have been too far in the aftermath of the incident, and my access had been revoked.

40 **MR GISONDA:** And you don't know why your access was revoked?

MR MURRAY: I was just told a corporate decision had been made to restrict access.

45 **MR GISONDA:** And would that have been a corporate decision made by Georgiou or BMD or perhaps a mix of the two?

MR MURRAY: The job cameras were BMD supplied, so it was all controlled through BMD Corporate.

5 **MR GISONDA:** So, in effect, when it comes to the CCTV footage, it was run through BMD infrastructure. Is that a fair way of describing it?

MR MURRAY: Yes.

10 **COMMISSIONER:** Until such point that someone who had access downloaded it onto some other system?

MR MURRAY: So I'm not sure what you - what you mean.

15 **COMMISSIONER:** Well, Mr Gisonda's question was that the footage was kept on infrastructure controlled by -

MR MURRAY: Yes, sorry, yes, until such time as I downloaded it.

20 **COMMISSIONER:** Or anyone.

MR MURRAY: Or anyone for that matter, yes.

25 **MR GISONDA:** Now, you might not be in a position to answer this question, but but for the fact that you downloaded the footage, if that's the right word, and stored it in the cloud and on your C drive, but for that fact the CCTV footage of that day might never have been disclosed?

MR MURRAY: Potentially.

30 **MR GISONDA:** Do you know whether anyone else had downloaded the footage other than yourself?

MR MURRAY: Not to my knowledge.

35 **MR GISONDA:** And was there any reason in particular why you did that?

40 **MR MURRAY:** Yes. Cody's complaint to me about what had transpired was obviously very serious in nature, and I envisaged (1) that we would be conducting an internal investigation and (2) that it may even result in a police investigation. And so I thought it was pertinent to make sure that I could gather as much contemporaneous evidence as was potentially necessary.

45 **MR GISONDA:** And was it part of your role to then undertake the investigation yourself?

MR MURRAY: No. So outside of collating evidence and trying to facilitate the statement, due to it being effectively an HR complaint, it was then passed up to our Queensland HR manager, Thom Baker, to run the investigation.

5 **MR GISONDA:** And could I just take you, please, to document 32. This is a text message exchange which you probably saw a moment ago on the screen between yourself and Mr Davie. And you say there that, first of all:

"Mate he brought in blokes in civvies."

10

Was that a reference to - who was that a reference to, the "he"?

MR MURRAY: Mr Samuel.

15 **MR GISONDA:** And then can you explain to the Commissioner what you meant in that next message?

20 **MR MURRAY:** So on construction projects, project managers are frequently involved in running safety incident investigations and the like, and so the collation of evidence and everything of that nature is familiar to me. And so my comments to Gareth there were that I was going to start going through that process in the collation of witness statements, the saving of the CCTV and any other relevant records before involving Thom Baker.

25 **MR GISONDA:** And did you consider that given the nature of what had been complained about, that it was appropriate that you hand over the investigation to Mr Baker?

30 **MR MURRAY:** Yes. I'm an engineer by trade, not an investigator.

MR GISONDA: And did Mr Baker speak to you about the investigation as it was underway?

35 **MR MURRAY:** My recollection of that period of exactly how often we spoke about it is somewhat hazy, but there were several conversations over the proceeding weeks.

40 **MR GISONDA:** But did you consider that it was appropriate that Mr Baker undertake, for want of a better word, an independent investigation according to how he saw fit to run the investigation?

MR MURRAY: Yes.

45 **MR GISONDA:** Now, when you watched the footage on that day - is that right, you watched it on the afternoon of 5 June?

MR MURRAY: Yes.

MR GISONDA: And you followed, did you, in watching the footage, the path that the men who confronted Mr Raymond had taken, starting from the shopping centre car park all the way up to the project site?

5

MR MURRAY: Yes, but in reverse. Obviously I could only locate the incident and had to follow them backwards to locate the remainder of the footage.

MR GISONDA: Yes. So you found the confrontation first, if I could put it that way?

10

MR MURRAY: Yes.

MR GISONDA: And then tracked it backwards?

15

MR MURRAY: Correct.

MR GISONDA: Can I ask you - Mr Raymond, in his complaint, says that there were in fact two confrontations, whereas there's only footage of one confrontation. Are you able to make any comment about that?

20

MR MURRAY: No, I'm not, sorry.

MR GISONDA: Is it fair to say that the only relevant footage that you were able to find was of the confrontation that we've now seen in this hearing?

25

MR MURRAY: That is correct, yes.

MR GISONDA: And if we go back to document 32, you'll see at the bottom of the page you say:

30

"Something fishy is going on."

And then we continue over the page:

35

"RP came from the same cafe 30 seconds before GS and his mates."

Are you able just to tell the Commissioner, first of all, why you formed the view that something fishy was going on?

40

MR MURRAY: Sure. When I backtracked through the footage, obviously I found that in addition to the confrontation, preceding that Mr Pickard and Mr Thomas had walked along the active transport path, and the further back the footage went, the closer the parties came, right down to the source point, being effectively what I'm inferring is the cafe, and so I thought that that was difficult to assign to coincidence.

45

MR GISONDA: Now, can I take you to document 75, please. This is a call log of the calls and text messages made on 5 June. And if we go to page 4, please, can you see there at 4.20 or 4:19:51 that Mr Pickard calls you for approximately 15 minutes?

5

MR MURRAY: Yes.

MR GISONDA: And was that usual or unusual for Mr Pickard to give you a call?

10

MR MURRAY: That was the first time Rob had called me or Mr Pickard had called me.

MR GISONDA: And in fact, when the call came through, did you recognise the number?

15

MR MURRAY: No.

MR GISONDA: And so doing the best you can, what do you recall about what Mr Pickard spoke to you about on that afternoon?

20

MR MURRAY: Mr Pickard called regarding the incident, asked for effectively a summary of Cody's complaint to me. And we discussed also Cody's comments to me around the fact that he had spoken to Mr Pickard out on the path before he'd come back and spoken to me in my office. Following that, there was a bit of conversation around the CCTV footage and what it showed and/or didn't show and was anything audible or anything of that nature. And that was probably a reasonable summary of the conversation.

25

MR GISONDA: Was there anything unusual to your mind about the conversation?

30

MR MURRAY: I suppose the demeanour of the conversation wasn't particularly alarmed.

35

MR GISONDA: Sorry, could you just repeat that, sorry.

MR MURRAY: The demeanour of the conversation. There wasn't a sense of alarm, whereas obviously I'd found the events of the day quite shocking.

40

MR GISONDA: So just so we understand what you're saying there, - you regarded the events or at least the complaint that had been made to you by Mr Raymond as alarming, and yet you felt that Mr Pickard didn't seem to share that same feeling?

45

MR MURRAY: Yes.

MR GISONDA: Could I just take you, please, to document 74, please. That's one of the men who was on site that day. Just putting to one side the footage that you viewed on the day, as someone who worked on site on a daily basis, do you remember ever seeing that man in or around the site?

5

MR MURRAY: No, I don't.

MR GISONDA: If we then go to the next page. The man on the left-hand side, do you remember ever seeing that man in or around the site?

10

MR MURRAY: No, I do not.

MR GISONDA: And then the next page. How about that man? Same question: do you recall ever seeing him in or around the site?

15

MR MURRAY: No, I do not.

MR GISONDA: Just one moment, please, Mr Murray. I have no further questions, Commissioner.

20

COMMISSIONER: Are there any applications to cross-examine?

MR O'GRADY: I haven't raised this with my learned friend previously because I wasn't sure to what extent this witness was going to be taken to the 5 June matter, but I'd seek to very briefly ask him some questions going to that.

25

COMMISSIONER: What's your attitude to that, Mr Gisonda?

MR GISONDA: No objection, Commissioner.

30

<CROSS-EXAMINATION BY MR O'GRADY

MR O'GRADY: Thank you. Now, Mr Murray as you've heard, I'm here for the administration of the CFMEU. In respect of what occurred when you were approached by Mr Raymond, as I understand it, you say that he was very distressed?

35

MR MURRAY: Yes, that's correct.

MR O'GRADY: And that he said that he had been subject to a serious threat by somebody purporting to be from the Comancheros?

40

MR MURRAY: Yes.

MR O'GRADY: Yes. And, indeed, as I understand your evidence a moment ago, you said you found the whole incident or the whole allegation very alarming?

45

MR MURRAY: Correct.

MR O'GRADY: Why didn't you report it to the police?

5 **MR MURRAY:** Cody asked me not to.

MR O'GRADY: All right. Thank you. No further questions.

10 **COMMISSIONER:** Nothing that arises? Thank you very much for your evidence, Mr Murray. You're free to go.

<THE WITNESS WAS RELEASED

15 **COMMISSIONER:** Who's next? You, Mr - no, Ms Feely looks like she's getting up.

MR GISONDA: The final witness will be Mr Demartini, and Ms Feely will be taking him.

20 **COMMISSIONER:** All right.

MR PAYARD: May I be excused from the Commission?

25 **COMMISSIONER:** Yes. Thank you, Mr Payard.

30 **MS FEELY:** Commissioner, by way of brief introduction, Mr Demartini is an executive project manager at SMEC Australia Pty Ltd. SMEC Australia were the contract administrator on behalf of the Department of Transport and Main Roads for the Centenary Bridge Upgrade Project. He will be giving some evidence about the costs to the State on the basis of some of the direct impact of the union activity. And with that, I'll call Mr Demartini.

35 **COMMISSIONER:** Just before you do, yesterday I asked Mr Gisonda some questions about the perhaps deliberate lack of cooperation with police. The issue seems on the evidence now to be much broader than that, and again, the evidence is at its - it's just at the beginning, and a lot of people haven't been heard, and there might be a much different complexion that's put on things when all the evidence is in. But at the moment there does seem some suggestion that the - what I might
40 call the non-provision of the CCTV, to use a neutral - TV footage, to use a neutral phrase, to the police and to this Commission might constitute separate wrongs, and the destruction of those records might itself be a wrong in itself. It's up to you, obviously, but I think I would be assisted, next time this case study comes back, to be given some indication of what you might be doing in that regard.

45 **MS FEELY:** Yes, Commissioner. It has been identified as a very important point, particularly the failure to provide the material to police. But there is some factual ambiguity, evidently, as to who may or may not have provided it or the

extent of knowledge at the time, which is why we asked for some more time to give you a more fulsome answer, and you will have one the next time this case study comes back.

5 **COMMISSIONER:** Very well. Thank you. I interrupted you. Were you in the process of calling Mr Demartini?

MS FEELY: That's correct. Thank you, Commissioner.

10 **COMMISSIONER:** Is Mr Demartini in the hearing room?

MS FEELY: Yes.

15 **COMMISSIONER:** Could you come forward into the witness box, please, Mr Demartini.

<CHRISTOPHER JOSEPH DEMARTINI, AFFIRMED

20 **<EXAMINATION BY MS FEELY**

COMMISSIONER: Mr Demartini, please take a seat. I think you might have been in the hearing room earlier when I asked Ms Feely just to speak up a little bit. I think I'm going to have to make the same request of you.

25 **MR DEMARTINI:** Certainly.

COMMISSIONER: Thank you.

30 **MS FEELY:** Mr Demartini, can you state your full name for the record?

MR DEMARTINI: Christopher Joseph Demartini.

MS FEELY: And what's your role currently?

35 **MR DEMARTINI:** I work for SMEC. We're the contract administrator, and I'm the contract administrator's representative on the project.

40 **MS FEELY:** Thank you. And Mr Operator, can I bring up on screen Mr Demartini's statement. In response to a notice issued by this Commission, you provided a statement sworn on 17 July 2026; is that correct?

MR DEMARTINI: Yes.

45 **MS FEELY:** And does that run to about 14 pages and 83 paragraphs?

MR DEMARTINI: Yes.

MS FEELY: And I understand there's an amendment you want to make to that statement, if we can have paragraph 82 highlighted. So can you explain the amendment that you wish to make to that paragraph there?

5 **MR DEMARTINI:** Yeah, there was a typo in the original statement that had the contract price at 250 million, and it's closer to 200 million.

COMMISSIONER: You have to speak up a bit, Mr Demartini, I'm sorry. I just can't hear you.

10

MR DEMARTINI: There was a typo in the original statement that had the contract price at 250 million, where it's closer to 200 million.

MS FEELY: Thank you. So the way it now appears on the screen is accurate?

15

MR DEMARTINI: That's correct, yes.

MS FEELY: And accompanying your statement was a 758-page bundle; is that correct?

20

MR DEMARTINI: Yes.

MS FEELY: And other than that amendment that's been made to paragraph 82, are you happy that the statement is otherwise true and correct?

25

MR DEMARTINI: Yes.

MS FEELY: Thank you. If I can tender that statement, together with the bundle, Commissioner.

30

COMMISSIONER: Together with -

MS FEELY: The bundle. Apologies.

35 **COMMISSIONER:** Are there any objections? Witness statement of Christopher Joseph Demartini, 17 July 2026, 14 pages, 83 paragraphs, with 33 annexures, as amended by the witness in the witness box just now at paragraph 82, will be exhibit CJD-1.

40 **<EXHIBIT CJD-1 WITNESS STATEMENT OF CHRISTOPHER JOSEPH DEMARTINI, 17/7/2026, 14 PAGES, 83 PARAGRAPHS, WITH 33 ANNEXURES, AS AMENDED BY THE WITNESS IN THE WITNESS BOX AT PARAGRAPH 82**

45 **MS FEELY:** Thank you, Commissioner. Now, Mr Demartini, I'll commence just by going through some of your background. So do you want to explain to the Commissioner your qualifications and the role that you hold at SMEC Australia?

5 **MR DEMARTINI:** Yep. I'm a civil engineer. I've got a degree in engineering and a master's in engineering. I'm called an executive project manager with SMEC. My role in the company is to work on - in construction services, which is doing contract administration and project verification for construction projects. My background is first - almost 20 years of my year was with Brisbane City Council in various engineering roles. After that I've worked as a project verifier for about 15 years for different companies on large infrastructure projects in Brisbane. The last 10 years I've been with SMEC doing verification roles and contract administrator roles on large infrastructure projects. The current one is Centenary Bridge Upgrade, which I've been working on for, oh, three and a half to four years now.

15 **MS FEELY:** And that role is still ongoing?

MR DEMARTINI: That role is ongoing, yes.

20 **MS FEELY:** So can you explain to the Commissioner a little bit more about the types of services that a contract administrator does? You effectively act for the Department of Transport?

25 **MR DEMARTINI:** We act for the Department of Transport and Main Roads. We're engaged by them. We do contract administration, which is administering the payment claims, variations, things like that. We also do construction verification. We have a small team of inspectors and engineers that inspect the construction works, release hold points and witness points, make sure it's constructed in accordance with the drawings and specifications.

30 **MS FEELY:** If we can bring up onto screen page 27 of the bundle, and we'll zoom in on that diagram. Would you say that that provides a pretty accurate or detailed summary of the types of activities that you provide as a contract administrator?

35 **MR DEMARTINI:** Yes, pretty much.

COMMISSIONER: So are you basically an auditor for the government to make sure that the invoices that the builder's sending through comply with the promises that are made in the contract in terms of what they're going to build?

40 **MR DEMARTINI:** That's one of our roles, yeah.

COMMISSIONER: Beg your pardon?

45 **MR DEMARTINI:** That's one of our roles, yes. Yes.

COMMISSIONER: Well, what else do you do in the - you sit between the government and the builder?

MR DEMARTINI: And the builder, yes.

COMMISSIONER: And check?

5

MR DEMARTINI: Yes, we have people who actually check the construction works are being built in accordance with the specifications, so being built right.

COMMISSIONER: You actually go and check the quality?

10

MR DEMARTINI: We have inspectors and engineers, yes, that actually are on site inspecting the works. There's hold points and witness points that are released by our staff at certain points to make sure everything's being done right. So we sort of have the two roles: one is the construction verifier, you could call it, and one is the contract administrator to do the progress pays and those sort of things.

15

MS FEELY: And to that extent that there's people engaged in different roles, if you go to paragraph, Mr Operator, 14 of the statement, that sets out a list of the different inspectors and engineers that are also employed by SMEC and engaged in undertaking those audit functions of the project itself?

20

MR DEMARTINI: That's correct, yes.

MS FEELY: Including the civil and structures inspectors, the marine and precast, environmental auditors, and accredited work health safety auditors?

25

MR DEMARTINI: That's correct.

MS FEELY: And you mentioned before part of the role for the contract administrator is administering the payment claims, extensions of time and variations. If we can pull up paragraph 15 of your statement, can you explain in brief terms for the Commissioner the payment claims aspect of that?

30

MR DEMARTINI: Payment claims, there's a monthly claim the contractor puts in to claim for the cost of the works to date. So that comes in as a submission. We review the submission, ensure that the work they're claiming has been constructed and make sure they're claiming the things they're claiming have been claimed in accordance with the general conditions of contract.

35

MS FEELY: And with the extensions of time, how does that differ from the payment claims?

40

MR DEMARTINI: Extension of time. If they get a delay to the works - it can be through wet weather, it can be caused by a principal cause delay, those sort of things - they apply for an extension of time to the contract. We assess that. If their claim's valid in accordance with the contract, we'll award them a certain number of days' extension of time to the contract.

45

MS FEELY: And how do the variations - it's probably a pretty broad catch-all for a number of different situations.

5 **MR DEMARTINI:** Yeah, variations, if there's anything that comes up during the works that wasn't expected, I suppose you would say, if there is a latent condition, if the design wasn't quite correct, those sort of things, and something changes that they weren't aware of at the time of tender, they can - we can either pay the variation or they can request a variation and we'll assess that, and if it's valid we'll
10 assess an amount and agree an amount and that's what they'll get paid over and above the contract price.

MS FEELY: Now, the majority of your statement deals with a number of those claims that were made by the joint venture, which are directly connected to
15 CFMEU activity or disruption on the project. Before I take you through each of them, I'm going to confirm that you were in a site-based role?

MR DEMARTINI: Yes, we're full time on site.

20 **MS FEELY:** And so you were present when much of this disruption happened on site?

MR DEMARTINI: Yes. Yes.

25 **MS FEELY:** So the first - and if we can pull up paragraph 28 of Mr Demartini's statement, when we're talking about claims in this connected to the CFMEU activity, the definition that's set out in that paragraph is what the claims have been captured by?

30 **MR DEMARTINI:** Yes. Yes.

MS FEELY: So the first claim that you deal with was an extension of time, which was labelled as EOT-16 and this is at paragraph 29 of your statement. In explaining the process as we start looking at each of these, is it fair to say that the
35 contractor, so the joint venture here, submits an extension of time, it's reviewed and considered by SMEC Australia, and then a decision is made?

MR DEMARTINI: Yes.

40 **MS FEELY:** Is there any input from DTMR as the client in this, or do they usually leave it up to you to make the determination and decision?

MR DEMARTINI: It's for us to determine the decision. We do - before we award it, we do go to TMR, and I think there's a number in the contract where we
45 have to - I think it's above \$100,000 - we have to confer with them before we make a final decision, I suppose you'd say.

COMMISSIONER: Sorry to keep you asking this, Mr Demartini, but I just can't hear you.

5 **MR DEMARTINI:** Sorry. We do make the decision, but prior to awarding it, we do confer with TMR, and there's a value in the contract - I think it might be \$100,000 - where we're obliged to confer with them before we do actually award it. But they are - their team is site-based as well, so they're involved in the process. They're copied in to pretty much all the correspondence, so they're aware of the issue as it goes along.

10 **MS FEELY:** And so the first-in-time claim that was identified was at that paragraph 29, and is it fair to say that in summary was for union disruption between 23 February 2024 and 15 May 2024?

15 **MR DEMARTINI:** Yes.

MS FEELY: And if we go to page 250 of the bundle, as a part of the submission that was made to SMEC, the joint venture set out a detailed chronology, which was taken into account in what was considered direct union disruption for the purpose of this claim. Is that correct?

MR DEMARTINI: Yes.

25 **MS FEELY:** And in determining this claim, the cost that was calculated was some \$3,410,933. Is that correct?

MR DEMARTINI: That was the delay cost, I believe, yes.

30 **COMMISSIONER:** That was the what cost?

MR DEMARTINI: The delay cost. There were additional costs I think in another claim for, I think, for direct disruption, which are costs to the contractor for being disrupted but it hasn't actually delayed his finish date.

35 **MS FEELY:** And so when we look at that figure, that's based on the extension of time delay?

MR DEMARTINI: Yes.

40 **MS FEELY:** Which was calculated at 37 days. And you had to come up with an agreed daily cost figure, and this document doesn't appear in your statement, but your representative has very helpfully provided it to us. But if I can pull up doc 91, this is a letter from you to the joint venture confirming that the agreed daily rate is \$92,189; is that correct?

45 **MR DEMARTINI:** Yes.

MS FEELY: And that was applied across all claims or in this particular claim?

MR DEMARTINI: In this particular instance. It depends what plant and equipment and people they had on site at the time as how much their daily costs were. But for this period of the contract, that was the rate agreed, yes.

COMMISSIONER: I can't see the 3 million. Where do I see the 3 million?

MS FEELY: I'll take you back to that.

COMMISSIONER: So basically the steel - we've seen the steel trucks being disrupted, the deliveries, and we've seen the evidence of - at least by video and some oral - and some witness evidence of the concrete trucks being prevented from completing the concrete pour on 14 May. And those things and some other - those interferences, I should say, and some other more minor interferences during that period, 27 February to 14 May, caused 70 days' delay. Is that how I read this, your statement?

MR DEMARTINI: This one in particular was 37 days, I think.

COMMISSIONER: 37.

MR DEMARTINI: And this was just for the steel, delay in the temporary steelworks, because that activity was on the critical path. So every day they were delayed in getting the steel delivered meant that added an extra day to the contract time.

COMMISSIONER: 37 days at 92,000 a day gets you to the 3 million.

MR DEMARTINI: I think so, yeah. Yeah.

MS FEELY: Commissioner, I'll pull up page 336 of the bundle. That was the determination - that letter is the determination of the 37 working days; is that correct?

MR DEMARTINI: Yes, you're correct, actually. Yes.

MS FEELY: And so that was the figure that was agreed for that initial extension of time?

MR DEMARTINI: So it did - yes, sorry, the 17 days was for the steelwork, yes, the 19 for the pile cap, and the one day for another separate day. Sorry.

COMMISSIONER: We're not talking about the concrete pour on this claim?

MR DEMARTINI: Sorry, yes, we are, actually, for the total 37.

COMMISSIONER: Right.

MR DEMARTINI: It includes those three dot points there. And the concrete is the pier 1 pile cap pour.

5

COMMISSIONER: I see, from 15 May to 14 June.

MR DEMARTINI: Yes. Yes.

10 **COMMISSIONER:** All right.

MR DEMARTINI: So although it was only one day that the concrete didn't come, it delayed us 19 days to finish that pile cap.

15 **COMMISSIONER:** I see. All right.

MS FEELY: And so taking the 37 days, which was determined for the extension of time number 16 - and, Commissioner, I'll go back to that letter, doc 91, which I just brought up, to tender, which has - this doesn't appear in Mr Demartini's statement. It was not included in the annexures at the time. But that has the agreed daily rate on it, which results in the 3.4-odd million figure. So if I can tender that letter from Mr Demartini to Mr James Smith dated 23 September 2024.

20 **COMMISSIONER:** Is there any objection to that? Do I have a copy of it in hard copy?

MS FEELY: You should, Commissioner.

COMMISSIONER: In this - do you know where?

30 **MS FEELY:** If there's a tab 91, it should be behind that.

COMMISSIONER: Thank you. Are there any objections? Letter 23 September 2024 from Chris Joseph Demartini to Mr James Smith will be CBU -

35 **MS FEELY:** 88, I think, at this point.

COMMISSIONER: - 88.

40 **<EXHIBIT CBU-88 LETTER 23/9/2024 FROM CHRIS JOSEPH DEMARTINI TO MR JAMES SMITH**

MS FEELY: Now, the next variation that you deal with in your statement, which is at paragraph 32, relates to the security and IR - industrial relations costs to the project. Is that -

45

5 **COMMISSIONER:** Just so I understand where all this is going, at the end you get to a figure of \$12 million total. These particular incidents you've just talked about, which are the steel trucks being prevented from entry and also the concrete pour being disrupted and a couple of other minor events, you've got delay costs of three and a half, let's say. So then we've got another eight and a half to go. You haven't added disruption costs in - you haven't seen that yet. That's coming?

MR DEMARTINI: Yep.

10 **COMMISSIONER:** Can you just give me very broadly how that other eight and a half is made up?

MR DEMARTINI: The security costs are a big - a large portion of it.

15 **COMMISSIONER:** How much?

MR DEMARTINI: Oh, I can't remember. 4 or 5 is it, or 6?

20 **COMMISSIONER:** Sorry?

MR DEMARTINI: 4 or 5 million.

COMMISSIONER: Okay. So a big amount. Yep.

25 **MR DEMARTINI:** The disruption is a million or so, from memory. Don't quote me.

COMMISSIONER: Sorry?

30 **MR DEMARTINI:** It was a million or so, from memory.

COMMISSIONER: Yes.

35 **MR DEMARTINI:** And then there were some consequential delays and mitigation costs for a follow-on from the pile cap concrete disruption.

COMMISSIONER: Consequential delays and what did you call it?

40 **MR DEMARTINI:** And mitigation costs.

COMMISSIONER: Mitigation.

MR DEMARTINI: Mitigating future delays.

45 **COMMISSIONER:** I understand what security costs are; I understand what disruption costs are. What are consequential delays?

MR DEMARTINI: Basically because the project was delayed, it's stacked up a whole lot of activities much closer together, because the nature of the job was very linear, and we just had a certain number of - one big barge and crane in the river. It couldn't do all the work at once. It was originally programmed to do it
5 consequentially, but because the program got closed up so much, it made that work slower, I suppose. So it's difficult to quantify consequential delays, but -

COMMISSIONER: But they're real.

10 **MR DEMARTINI:** They're real.

COMMISSIONER: And there's 2 to 3 million in that?

MR DEMARTINI: Yeah, a couple of million in that, yeah.
15

COMMISSIONER: That gets us to about 8 million.

MR DEMARTINI: All up.

20 **COMMISSIONER:** 12 million all up.

MR DEMARTINI: Yep. Yep.

MS FEELY: Commissioner, I'll take you through each of those now. Having
25 dealt with the extension of time, number 16 identified in your statement, which had the cost of 3.4 million, if we move on to the next claim that was -

COMMISSIONER: Which paragraphs were they?

30 **MS FEELY:** That was at paragraphs 29 to 31.

COMMISSIONER: Yep, 3.4 mil.

MS FEELY: 3.4 mil. And it's also captured by paragraphs 42 and 43 where it
35 sets out that daily delay rate of 92,000-odd per day.

COMMISSIONER: I understand.

MS FEELY: Which is where I tendered the additional letter.
40

COMMISSIONER: I understand.

MS FEELY: Going back to paragraph 32 of your statement, is it fair to say that
45 Variation 053 related to the engagement of security and industrial relations support on site?

MR DEMARTINI: Yes.

MS FEELY: And part of that was a requirement on the part of the joint venture to comply with a legislative requirement, the managing of psychosocial hazards on site?

5

MR DEMARTINI: Yes.

MS FEELY: And can you explain the types - and this is set out in each of those subparagraphs in your statement, but the psychosocial hazards really were trespasses on site; the theft and interference with the property; hostile, unlawful, disruptive actions by the CFMEU; and the public visible nature of the site making it more vulnerable and requiring increased security. Is that correct?

MR DEMARTINI: Correct, yes.

15

MS FEELY: And so if we go to page 269 of the bundle, this is a copy of the letter that the joint venture submitted to SMEC to consider as part of this Variation 053 claim; is that correct?

MR DEMARTINI: Yes.

20

MS FEELY: Which sets out the basis for the claim?

MR DEMARTINI: Yes.

25

MS FEELY: And as part of that claim, they set out the measures that were taken by the joint venture, which is from page 274 onwards. And so if you go over to 275, it describes that since 23 April 2024, the contractor had deployed approximately 40 security guards?

30

MR DEMARTINI: Yes.

MS FEELY: And so this was considered as part of the Variation 053 claim that was made?

35

MR DEMARTINI: Yes.

MS FEELY: And when you were determining that claim, you ended up at - if we go to page 338 of the bundle, this is a copy of the letter that you wrote in response to that claim for Variation 053, which related to the security and industrial relation measures. Is that fair?

40

MR DEMARTINI: Yes.

MS FEELY: And you can see in the second line the quantification there of 3.133 million-odd for the period until the end of December 2024.

45

MR DEMARTINI: Yes.

5 **MS FEELY:** And the breakdown there for each of the security personnel, the travel and accommodation, the laundry and meals which were provided, industrial relation consultants and additional security cameras which were installed on site?

MR DEMARTINI: Yes.

10 **MS FEELY:** And it's noted that the costs will be ongoing into 2025 at the end of that letter, albeit at a reduced quantum. Can you let us say what the cost has been ongoing into 2025 and 2026 and how that's been calculated?

15 **MR DEMARTINI:** It's calculated on the same basis this was. It's mainly now just security personnel. They're all local now because of the reduced risk. And there's probably another couple of million dollars we paid since then in security costs, and it's - it's wound down as we've gone along, as the perceived risk has dropped.

20 **MS FEELY:** And is it fair to say that since that initial claim of - since December 2024, the security/industrial relations cost has been paid as part of the monthly progress certificates instead of as a lump sum claim?

25 **MR DEMARTINI:** Yes, been paid progressively every - I think it was probably every couple of months they put in a claim for us to assess.

MS FEELY: And so if we go to paragraph 44 of your statement, it sets out there that figure of the 3.133 million until the end of December 2024.

30 **MR DEMARTINI:** Yes.

MS FEELY: And the further calculation, based on those monthly progress certificates, until the end of May 2026 was 1.2-odd or 1.27 million.

35 **MR DEMARTINI:** Yeah.

COMMISSIONER: So another 4.4 for security?

MS FEELY: Yes, Commissioner.

40 **MR DEMARTINI:** Yes, that'd be correct.

45 **MS FEELY:** Now, moving on to the next variation, which was variation 54, if we pull up page 277 of the bundle - Commissioner, I'll start with paragraph 35 of the statement. Can you explain to the Commissioner how this variation differed from the extension of time that was originally submitted?

5 **MR DEMARTINI:** The extension of time was just for the delay costs, so the daily delay costs. This part of the - this variation is for the actual direct disruption costs, so not costs of delay but actually disrupting costs for actually disrupting work. They didn't cause a delay to the finish date of the contract, but they cost the contractor money, such as when they - when they stood under a crane that was servicing the piling rigs, the piling rig had to stand down for a day, and that doesn't come for free. So the piling subcontractor charges the contractor for their stand-down costs, and so that's an additional cost they've incurred that they wouldn't have otherwise incurred. So they're the direct disruption costs.

10 **MS FEELY:** And I'm going to take you to that page 277 of the bundle. This document here sets out the basis of the claim that was made by the joint venture in relation to this variation; is that right? If we can just go up to see the date, which is 6 June 2024.

15 **MR DEMARTINI:** Yeah, I think that letter includes quite a lot of subjects.

MS FEELY: And if we go over to page 283 of the bundle, this sets out the impact that the CFMEU has had in terms of the disruption costs?

20 **MR DEMARTINI:** Yeah, it goes through delays and disruptions, that letter, I think.

MS FEELY: That was - that were claimed by the joint venture?

25 **MR DEMARTINI:** Yeah.

MS FEELY: And one of the measures that the joint venture did in mitigation, you referred to the pile cap, the pier 1 pile cap.

30 **MR DEMARTINI:** Yes.

MS FEELY: And some of the storage costs and issues there.

35 **MR DEMARTINI:** Yes.

MS FEELY: Are you able to tell the Commissioner just some of the factual detail behind what had to change in terms of the site planning and progress that led to this - or part of this variation?

40 **MR DEMARTINI:** There was a number of parts to it. The delay in the steelwork meant that they had to store that steelwork off site for several months longer, so that was a large part of these costs, from memory. So there was both the big steel girders and the piles as well had to get stored offsite for a long time.
45 There was - I think there was a day's disruption from one of the union members standing underneath the crane stopping that work from happening. I can't recall what the other - others were.

MS FEELY: And so the - when you say the cost of him standing under a crane, that's the needing to get the crane back and all those kind of consequential effects?

5 **MR DEMARTINI:** They've got to stand the crane - they had to close the site, I think, from memory on that day, so the crane and all the subcontractor's plant had to get stood down for the day, which they -

10 **MS FEELY:** If we go to paragraph 46 of your statement, Variation 054 relates to that extension of time 16.

MR DEMARTINI: Yep.

15 **MS FEELY:** Which included an additional 338,000 in direct disruption costs?

MR DEMARTINI: Yes.

MS FEELY: And the part payment of the 100,000 towards additional storage?

20 **MR DEMARTINI:** Yes.

25 **MS FEELY:** And if I just take to you the letter that you sent on 9 January 2026 approving this claim, which is at page 339 of the bundle. Just because this letter deals with both Variation 054 and Variation 111, in that second bullet point there about the storage cost, where it says "less 100,000 previously paid", is that the 100,000 you refer to in paragraph -

30 **MR DEMARTINI:** That's the 100,000, yes. It was very difficult to try and assess the additional storage costs, so we only paid a small amount on account to start with and then tried to resolve it with the contractor what the actual cost was, and that was the outcome.

35 **MS FEELY:** And so the storage cost at the end of it, though, was allowed for the 796,000 figure there?

MR DEMARTINI: Yes.

40 **MS FEELY:** That's in the second bullet point. And the other aspect of this letter I want to take you to, which moves us on to Variation 111, is the Maeve Anne barge costs. And can you just describe -

COMMISSIONER: So what's the number for Variation 054?

45 **MS FEELY:** Adding them together, Commissioner, if you take the 338,076, which was identified in paragraph 46 in relation to direct costs, and then the 796,000 that's in that letter at page 339 -

COMMISSIONER: So about 1.1 or so?

MS FEELY: Yes.

5 **COMMISSIONER:** When I asked Mr Demartini before, he said about a million. It's 1.1, so he was pretty close.

MS FEELY: And so can you explain to the Commissioner the Maeve Anne barge and why it ended up being used on the Centenary Bridge project?

10 **MR DEMARTINI:** This is to do with avoiding the consequential delays, and so it was mitigation costs. So it was agreed between ourselves and TMR and the contractor that it would be in everyone's interests to mitigate these consequential delays, and the best way to do that was get an additional barge and crane onto site
15 so that separate tasks could be done separately, not have to be done by the one barge, because when you do - when you have a barge, you've got a - it takes a long time to move the barge from one place to the other, so to do it with one piece of equipment takes a long time.

20 So it was agreed to get the additional barge and crane to site for a number of months, and there was - we originally paid I think for - for a portion of those costs, just so they could bring it to site, and then we finally agreed on the ultimate cost that TMR should pay or the portion TMR should pay, and that was the 1.297 million. So it was really the - it was the cost to mitigate the potential
25 consequential delays.

MS FEELY: And with the use of the Maeve Anne barge, it's correct to say that one of - the factor that influenced its use was the fact that the pier 1 pile cap concrete pour had been disrupted by the union activity, which meant that the
30 concrete pour could not conclude?

MR DEMARTINI: Yeah, the concrete couldn't conclude, which meant - you can't just stop it and then start again. We had to get designers in to look at it, see what needed to be done. There had to be extra reinforcing put in, a construction
35 joint made. So it took several weeks for that, and I think it's in the next variation, possibly, we had to actually - the TMR durability experts wanted us to paint the pile cap, because once you put in a construction joint in it, it makes it less durable. So to do that, you have to wait till the concrete goes off for a number of days, then wait for the paint to cure, so that caused further delays, which just made these
40 consequential delays even more likely.

MS FEELY: And you just mentioned the next variation. So that Maeve Anne figure formed part of Variation 111, which you've just identified as the final one we'll deal with today.
45

MR DEMARTINI: Yes.

MS FEELY: And the other aspect of those costs was 15 days' delay. Can you explain to the Commissioner what the basis for that was? Was it that pier 1 pile cap waterproofing issue?

5 **MR DEMARTINI:** It was the waterproofing issue. So to do that, we had to wait I think 7 or 14 days for the concrete to cure before we were allowed to apply that, and then you have to wait a number of days for that paint to cure before you can move on with the works, and all the pile cap works and the backfilling of the pile cap were all on the critical path. So each day of delay caused by that delayed the
10 contract that number of days.

MS FEELY: So if we go over to 340, this is where the delay cost for that is set out. And so you'll see that figure of 1.38 million sitting in the middle of the page.

15 **MR DEMARTINI:** Yes.

MS FEELY: So that's the delay cost that was attributed through this variation?

MR DEMARTINI: Yes.
20

MS FEELY: And the Maeve Anne barge costs here are said to be the 420,000-odd, but in the previous letter which was sent after this one, it was allowed at the 1.2 million for the Maeve Anne barge cost; is that correct?

25 **MR DEMARTINI:** Yeah, we initially agreed to pay half, and that was - a lot of that was just to make sure they did get it on site and were happy to do that, and then there was further discussions between TMR, ourselves and the contractor on what portion should be paid by TMR.

30 **MS FEELY:** So when we go to paragraph 82 of your statement, which is the figure the Commissioner identified earlier of that \$12 million relating to a relevant claim, if we step back, we'll deal first with the monetary cost, not the time delay. But if we take the first figure, which was the 3.4-odd figure that related to Extension of Time 16, with Variation 053, if we take - which related to the
35 security/industrial relations, the 3.133 figure, for the costs up until the end of December 2024, and then the additional costs up until the end of May 2026 at a figure of 1.27, and then move on to Variation 054, which had the direct disruption costs and the additional storage costs, which was that 1.1 figure the Commissioner identified earlier, and the Variation 111 costs of the Maeve Anne barge and the
40 delay costs that were agreed at the 92,000 figure, that ends up at a figure of \$11.6 million approximately, and so approximately 12 million.

MR DEMARTINI: Yes.

45 **MS FEELY:** Is it fair to say that's the basis for that figure in paragraph 82?

MR DEMARTINI: That's the basis for the figure, yes.

MS FEELY: And just to - I won't hold everyone up much longer, Commissioner. Just to go back to the impact of relevant activity on the project, which you identified from paragraph 79 onwards of your statement, you talk about your involvement over your career in a large number of comparable public infrastructure projects, that you have total variations to the contract price usually between 10 and 15 per cent, and that's said to be an industry rule of thumb. And do you think that's a fair assessment of that or fair use of that figure?

MR DEMARTINI: I think so, yeah. That's generally what I've used in the past, yeah.

MS FEELY: And so if we go over to paragraph 82, where you've set out now that the contract price was \$200 million, and of that, the total variations to date of \$43 million, which - some are unrelated to any of the union activity, which is why that \$12 million figure, it ends up being about a quarter.

MR DEMARTINI: Yeah, correct.

MS FEELY: Would it be fair that is directly attributable to union activity?

MR DEMARTINI: Yes.

MS FEELY: Is that a fair assessment?

MR DEMARTINI: That's a fair assessment.

MS FEELY: And turns to the delay claims themselves in terms of the time that's been added, that 52 figure is based on the variation in Extension of Time 16, which was the 37 days, and then at Variation 111, the 15 days.

MR DEMARTINI: Yep.

MS FEELY: Is that correct to say?

MR DEMARTINI: Yes.

MS FEELY: Commissioner, that's all the questions I have for this witness. I understand Mr O'Grady had an application to cross-examine, but he may -

COMMISSIONER: Could I just ask this witness a couple of questions. At paragraph 82, you say the total - the contract price for the project - excluding variations; there might be something in that phrase that I don't understand - the evidence that Mr Gisonda introduced last week was there was about \$20 million spent by the State Government, I think last week, or was it two weeks ago?

MR GISONDA: Two weeks ago.

COMMISSIONER: Two weeks ago. About 20 million spent by the State Government on a scoping study, then about 224 or 225, I can't remember which it was, half to be paid by the Federal Government, half by the State Government, which gets us to 245 or 244, 245. Then there was another figure of I think 54 million, which was the - I think the BPIC additions, which got us to about 298, maybe two hundred and ninety-eight and a half million, just under the 300 million threshold. I don't understand where you get your \$200-million contract price, given that other evidence which seemed to start at, at least on the material I've seen, even before the BPIC increase, that 224, if you don't include the 20-million scoping study.

MR DEMARTINI: Yep. That's - the contract price itself for the actual work is about 150-something million. Then there's the envelope 3, which is the BPIC stuff, is about 21, 22 million, and they were given a principal supplied uplift prior to award because of how long it took -

COMMISSIONER: Say that last bit.

MR DEMARTINI: A principal supplied uplift, which was an amount TMR awarded to them because of how long it was between tendering and award of the contract, and that was about 23 million, I think, and that takes you up to around the 200 million. So the actual cost of the works themselves by the contractor is around 200 million.

COMMISSIONER: That's right, there's another 100 million in -

MR DEMARTINI: In TMR's costs and -

COMMISSIONER: Yes, the departmental costs.

MR DEMARTINI: Yes, funding costs and all that sort of thing. So the actual contractor's amount, excluding variations, is around 200 million.

COMMISSIONER: So the 54 million I had in my head as the BPIC increase is not that. The BPIC increase was only about 21 million.

MR DEMARTINI: That's probably the BPIC plus the principal supplied uplift.

COMMISSIONER: And the IR uplift is really inflation, is it?

MR DEMARTINI: It's - yeah, because there was a couple of years between them tendering and award, and it was that period when inflation was out of control a little bit. They were actually given an extra 23-odd million on top of their tendered price.

COMMISSIONER: One of the things you say that you've calculated is the costs of dealing with the psychosocial hazards, but there's nothing in your report that actually tries to put some cost upon the impact of the employees who had to deal with this conduct, apart from the fact that security was employed to try and
5 minimise it. We've had a lot of witnesses come forward. The one that just came forward said it was horrible working there, that people walked around with their heads bowed, they didn't make eye contact. The first witness we had said I think he'd lost his relationship because of working there.

10 **MR DEMARTINI:** Yes.

COMMISSIONER: You haven't costed any of those impacts - and this is no criticism of you - on individual employees as part of this process?

15 **MR DEMARTINI:** No, no, no. These are only purely contractual costs. Those sorts of costs, yeah, haven't been considered, but -

COMMISSIONER: Sorry, say that again.

20 **MR DEMARTINI:** Those sort of costs haven't been considered by us, but they're definitely - those things did happen, yes.

COMMISSIONER: What were you saying about Mr O'Grady, Ms Feely?

25 **MS FEELY:** Mr O'Grady has made an application to cross-examine, but I understand it may no longer be.

-

30 **MR O'GRADY:** That's the case, Commissioner. So we made an application at the time that this witness was first going to be called some weeks ago, but in the light of his evidence, I don't need to press that application.

COMMISSIONER: Thank you.

35 **MS HILLARD:** Commissioner, further to what Mr Duffy raised on 30 July, in light of the BPIC costs and other information that might (indistinct).

COMMISSIONER: Yes.

40 **MS HILLARD:** If I could use his words, we might reserve our position on cross-examination until we know the position about those additional documents.

COMMISSIONER: Just remind me about those additional documents. I've just got a lot going on in my head and I can't -
45

MS HILLARD: That's quite all right. It's costs about the additional costs connected to the BPIC policy, and also some exchanges with your counsel

assisting concerning what the government might have known and the possibility about getting some Cabinet documents.

5 **COMMISSIONER:** Sure. No, I understand that point. And maybe Mr de Jersey and Mr Gisonda can tell me where that's up to, that there's some attempt to find out who knew what when about any likely impact of the BPIC policy, and I can understand how that might be of relevance to your client. But that's really the information coming up from the public service as it trickles up the public - trickle might not be the right word - as it percolates up the public service to get to the
10 ministerial level. I don't know where we are in relation to this, but I'm not sure this witness would have much impact on that, would he?

MS HILLARD: The only other potential area, as was discussed at the previous sittings, was around the Productivity Commission may be providing a report,
15 which we don't have at this point in time.

COMMISSIONER: I think that's a slightly different issue. So Mr Gisonda might be able to tell me I'm wrong about all these things, and he'll jump up and tell me I'm wrong, and I'm happy to be told that. There's an issue - and I don't really
20 know much about it, and you'll have to ask Mr Gisonda and Mr de Jersey about who knew what when about the BPIC costs, and I think there are some claims being made about Cabinet confidentiality. Or they might not be being made; I just don't know. That's one train of inquiry.

25 There's another train of inquiry about the utility of the imposition of, in effect, a state building code and a state regulator. Mr McLean put some submissions in, I think, on 1 or 2 July, recommending the imposition of such a code and such a regulator at a state level. One of the bases upon which he moved was the fact that the code and the regulator would have the effect of extinguishing any legacy BPIC
30 conditions. I'm saying that in a very broad sense; I don't mean extinguishing it as a legal right, but as a procurement tool, and I'm trying to summarise a long submission.

In relation to that issue, as I understand it, various parties have sought, because Mr
35 McLean moved on the final version of the Queensland Productivity Commission's report into the building industry something we are required to have regard to, there was a request made to obtain the underlying documents upon which the Queensland Productivity Commission formed its views. None of the parties represented were able to do that themselves and relied upon the Commission to
40 request those documents or obtain them or whatever happened. As I understand it, those documents have been obtained, at least to some extent - and again, Mr Gisonda will jump up and tell me I'm wrong about all this - and have been provided to the parties that requested them.

45 I don't know whether your client was one of the persons who requested them, but if your client requests them - I can't speak for Mr Gisonda or Mr Wheelahan or Mr

McLean or whoever's dealing with this case study, but I would be hard pressed to see why your client shouldn't have them.

5 **MS HILLARD:** I might engage in some discussions with counsel assisting on some of those issues, and thank you, Commissioner, for providing that additional information.

10 **COMMISSIONER:** But I'm not sure that this witness, recalling this witness - well, it's really up to you. I shouldn't prevent you from making whatever application you might want to make once you've had all the material, so perhaps I just leave it at that.

15 **MR O'GRADY:** Commissioner, can I just correct one of the things you said a moment ago.

COMMISSIONER: Please.

20 **MR O'GRADY:** We have requested the documents underlying the Productivity Commission's report. At this juncture we haven't received them.

COMMISSIONER: All right. I thought - well, there you go. I told you what I told you would probably be wrong.

25 **MR O'GRADY:** Well, yes, and I had to get up before Mr Gisonda got up. But we did - notwithstanding, we did file submissions in response to what Mr McLean had filed, but we've in effect foreshadowed that we may have to put in additional submissions when we get the documents.

30 **COMMISSIONER:** I thought you had them - maybe you're about to get them.

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

COMMISSIONER: Do you want to say anything about that, Mr Feely?

35 **MS FEELY:** No, Commissioner, only to the extent that some of the issues you raised about those additional components of the BPIC uplift and the delay uplift will be addressed by Mr Jack Ryan, who's being called and part of this case study as well - was one of the witnesses we didn't get to this week. So if Mr Demartini could be excused.

40 **COMMISSIONER:** Thank you very much for your evidence, Mr Demartini. You're excused.

45 **<THE WITNESS WAS RELEASED**

COMMISSIONER: Just dealing with Mr Ryan and Mr Power - and I think those were the only two that weren't reached this week - is there any capacity, Ms Feely

or Mr Gisonda, of calling those witnesses next week? I know - well, I don't know; again, I say this on the same basis I said it previously. I have the - I'm under the impression that the cross-examination that's planned for next week might not go as long as it was planned, because not everyone who was going to cross-examine the witnesses next week is intending to cross-examine them. But I could be wrong about all that also.

MR GISONDA: So, Commissioner, that concludes the hearings for this week. Next week, Tuesday and Wednesday have been set aside for the - first of all, the cross-examination of Ms Stacey Schinnerl and Ms Jacqueline King on Tuesday. That may not go all day; it might go for only some of the day. As I understand the position at the moment, the only party that has made an application to cross-examine those two witnesses is the administrator of the union, Mr O'Grady's client. Then, on the Wednesday, Mr Irving will return to continue his evidence. Again, that's probably unlikely to go for the whole day, but we'll see how long that evidence-in-chief goes for and whether anyone wishes to make an application to cross-examine him.

That would then leave the Thursday, maybe some of the Wednesday as well. We will fill those days with other witnesses. We'll endeavour to write to the parties, probably tomorrow, with information about who will be called on those days, but as you've observed, there are still some witnesses that we didn't get to this week.

COMMISSIONER: Thank you. The other thing, too, while I think about it, is I'm not sure that we've given the parties any notice of the hearing dates that are proposed for next year, and I know that, because of the quality of the advocates that are appearing for the parties, their diaries will be starting to get filled for next year and that we should try to tell them as soon as we can.

MR GISONDA: Yes, I understand, and we're trying to make the necessary administrative arrangements, at least to have dates earmarked. I mean, some of those dates might fall away as we get closer to them, but at least earmark the dates that hearings are anticipated for next year.

COMMISSIONER: Is there anything else you want to say?

MR GISONDA: Not from me, Commissioner.

COMMISSIONER: Anyone else? Thank you. We'll adjourn till next Tuesday.

<THE HEARING ADJOURNED AT 3.57 PM