



**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, 8 OCTOBER 2026
AT 10.00 AM**

DAY 50

APPEARANCES

**Mr S Wood AM KC – Commissioner
Mr E Gisonda KC – Counsel Assisting
Ms I MacNicol– Counsel Assisting
Mr D de Jersey KC – Counsel for the State of Queensland
Ms M Forrest – Counsel for the State of Queensland
Mr J Ford – Counsel for CPB Contractors
Mr C O'Grady KC - Counsel for the CFMEU Administration
Ms A Hughes – Counsel for the CFMEU Administration
Mr H Clift – Counsel for CEPU and ETU Queensland
Ms S Connolly – Counsel for CEPU and ETU Queensland
Mr D O'Brien KC – Counsel for Cross River Rail Delivery Authority
Ms K Hillard – Counsel for Grace Grace MP**

<THE HEARING RESUMED AT 10.00 AM

COMMISSIONER: Deal with appearances. Mr Gisonda, you continue to appear with Ms MacNicol as counsel assisting. Mr de Jersey, you appear with Ms Forrest?

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MR DE JERSEY: I do, thank you, Commissioner.

COMMISSIONER: There she is at the back there, for the State of Queensland. Mr Ford, you continue to appear for CPB Contractors Pty Ltd.

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MR FORD: Yes, Commissioner.

COMMISSIONER: Mr O'Grady, you continue to appear with Ms Hughes?

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MR O'GRADY: Yes. She will be joining us shortly, Commissioner. She has another court commitment.

COMMISSIONER: Ms Connolly, you're appearing with Mr Clift for the CEPU and the ETU Queensland?

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MS CONNOLLY: Yes, Commissioner.

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

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MS HILLARD: Yes, thank you, Commissioner.

COMMISSIONER: Mr Gisonda.

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MR GISONDA: Thank you, Commissioner. Today we are going to call the following witnesses: first of all Mr Peter Cullen, then Mr Shane Rasmussen, Mr Jamey Purvis, Mr Rob McPherson, Mr Peter Bennett, Ms Jessica Allam and then Mr Terry O'Brien. We will need to take a break in between Mr Cullen and Mr Rasmussen to set up the audiovisual link, because the evidence of Mr Rasmussen and Mr Purvis will be given by audiovisual link. A number of witnesses have passages from their evidence redacted. That's following discussions that we've had with the respective counsel representing certain parties in order to minimise the extent of any cross-examination that's needed and also to ensure that today can be run as efficiently as possible. There is a possibility that we will not reach Mr Prior today, in which case he will be held over to the next two sitting days.

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COMMISSIONER: Mr Prior, did you say?

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MR GISONDA: Yes, Mr Terry Prior. And we will then continue the witnesses on the Tuesday and Wednesday of the next hearing week. Can I then call Mr Peter Cullen, please.

COMMISSIONER: Is Mr Cullen in the hearing room? Mr Cullen, would you come to the witness box and just remain standing for a moment.

<PETER JOSEPH CULLEN, SWORN

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<EXAMINATION BY MR GISONDA

COMMISSIONER: Please take a seat, Mr Cullen. Mr Gisonda.

10 **MR GISONDA:** Thank you, Commissioner. Mr Cullen, I'll be - I'm counsel assisting and I'll be taking your evidence this morning. Can I ask you to confirm that on 2 October 2026, you swore a statement that is nine pages long and runs for 74 paragraphs?

15 **MR CULLEN:** I did.

MR GISONDA: And annexed to that statement are 10 documents in a bundle that runs for 180 pages.

20 **MR CULLEN:** Agree, yes.

MR GISONDA: Sorry, 182 pages. Now, can I just run through a couple of matters with you, Mr Cullen, so that you're aware of how we're proceeding with your evidence today. You had originally included in your statement paragraphs 37 to 44.
25 Those paragraphs have since been redacted or taken out of your statement, so it's as though your evidence today does not include those matters. Do you understand that point?

MR CULLEN: I understand they've been taken out, but -
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MR GISONDA: Yes. And that also applies to paragraphs 47 to 49 of your statement. You'll see the redaction now appears on your screen?

MR CULLEN: I see that, yeah.
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MR GISONDA: And as a consequence of those redactions, exhibits 5 - or annexures 5 and 6 and 7 to your statement, which is pages 170 to 173 of the bundle, have also been removed, and as well, annexures 8 and 9, being pages 174 to 178, will be removed as well. So subject -
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COMMISSIONER: They're not removed - everything you've indicated today it's been removed on my copy, but annexures 8 and 9 are still here on my copy, but they should be removed?

45 **MR GISONDA:** Yes, they should. So with that formality out of the way, Mr Cullen, can I ask you whether you've had an opportunity to read your statement recently?

MR CULLEN: I have, yes.

MR GISONDA: And is it true and correct?

5 **MR CULLEN:** It is, yes.

MR GISONDA: So subject to those matters, Commissioner, I tender the statement of Mr Cullen, and that will be exhibit PJC-1.

10 **COMMISSIONER:** Are there any objections to the tender? No? Witness statement of Peter Joseph Cullen, 2 October 2026, nine pages, 74 paragraphs, with 10 annexures, with paragraphs 37 to 44 and 47 to 49 of the witness statement redacted, annexures 5, 6 and 7 redacted - sorry, annexures, 5, 6, 7, 8 and 9 redacted, will be exhibit PJC-1.

15 <**EXHIBIT PJC-1 WITNESS STATEMENT OF PETER JOSEPH CULLEN, 2/10/2026, NINE PAGES, 74 PARAGRAPHS, WITH 10 ANNEXURES, WITH PARAGRAPHS 37 TO 44 AND 47 TO 49 OF WITNESS STATEMENT REDACTED AND ANNEXURES 5, 6, 7, 8 AND 9 REDACTED**

20 **MR GISONDA:** Thank you, Commissioner. Mr Cullen, in August of 2019, you commenced work on -

25 **COMMISSIONER:** Can I just ask you, Mr Gisonda, and you can just tell me I don't need to know, but why have these things been redacted?

30 **MR GISONDA:** Because a couple of reasons. One is if those matters had remained in the statement, they would have led to an application by the ETU for cross-examination, and those matters were included in the statement essentially by way of background, not for the purpose of making any submissions or adverse findings against the ETU.

COMMISSIONER: Thank you.

35 **MR GISONDA:** Mr Cullen, you commenced work in August of 2019 on the Cross River Rail project; is that right?

MR CULLEN: Correct, yes.

40 **MR GISONDA:** And had you been an employee with CPB before you commenced that role?

45 **MR CULLEN:** I had. I'd been with CPB possibly five, six years leading up to that, yes.

MR GISONDA: And you're a safety adviser. That's your profession; is that right?

MR CULLEN: That's my role, health and safety adviser, yes.

MR GISONDA: And at paragraph 3 of your statement, you say that you've worked in the construction industry for around 23 years; is that right?

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MR CULLEN: That's correct, yes.

MR GISONDA: And has that been entirely in safety roles or have you progressed to safety roles?

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MR CULLEN: No, I - my construction started as a labourer, and then I sought to do a trade, carpentry trade, and then I sought to do - went down and a building and Cert IV in construction. Sorry, Cert III, I should say, correction, Cert III.

15 **COMMISSIONER:** Cert III in what, sorry?

MR CULLEN: Building and construction.

20 **MR GISONDA:** You say at paragraph 5 of your statement that you were the first safety adviser appointed to the Cross River Rail project, and you were on site from the very first day that the Boggo Road precinct opened; is that right?

MR CULLEN: That's correct, yes.

25 **MR GISONDA:** And at that time, there was yourself, two engineers, a site supervisor and two labour hires working on the site?

MR CULLEN: Yes.

30 **MR GISONDA:** And do you know what those two labour hires - what role they were performing?

MR CULLEN: Specifically just general manual labour.

35 **MR GISONDA:** At paragraph 6 of your statement, you say you had just set up a marquee and begun to peg the location of the tunnel station when representatives from the CFMEU arrived on the site. What did they say to you when they arrived on the site?

40 **MR CULLEN:** They arrived, keeping in mind it was just a park, and there was no sort of construction site to gain entrance. It was just a - I wasn't too sure - you know, I just seen these hats coming through, black hats. When they arrived they announced themselves that they -

45 **COMMISSIONER:** Could you just speak up a little bit, Mr Cullen. I'm having trouble hearing.

MR CULLEN: I do apologise, yeah. When they arrived on site, they announced themselves that they were officials from the CFMEU and they were here to issue us with a section 117 for a safety suspected contraventions. This was the first time I've sort of interacted with the unions on Cross River Rail, and we possibly didn't
5 understand the process of, you know, requesting permits and understanding, you know, their right of entry, because it was - it was new to us. So when I questioned the - what were the suspected safety contraventions, I believe it was access. I can't remember specifically, but I think it was access and egress, and - you know, and when I asked the questions how did we get here and why or how is this 117 being
10 issued, they said they received a phone call from their - the hotline, as they call it, that they had a complaint of safety issues.

COMMISSIONER: How could there be a safety issue on the first day?

15 **MR CULLEN:** Correct, yes. First day.

COMMISSIONER: But how could there be?

MR CULLEN: That's what I said. I said how could you - how could you get - I
20 turned to them and I said, "You got a phone call. Well, I didn't call you." And Brad Quinn was the supervisor. He said he didn't call them. And there was an engineer, Andrew Knight; he didn't call them. And there was two labour hire guys who we picked up from Milton office, had no clue where they were going. So it boggled me as to who called them. So when we explained that to them, said, "Well, there's no
25 possible way that anyone could have called you based on" - so there was a chuckle and a laugh, and they went on their merry way, I suppose.

COMMISSIONER: When you say on their merry way, what do you mean by that?

30 **MR CULLEN:** Well, they just packed up - sorry, not packed up, but just had a look around, because all we were doing was setting up a marquee and we were marking out the perimeter of the Boggo Road site for early works. No high-risk activity, no machinery, no tools and equipment, just using pegs, hammers, measuring tapes, that type of thing. So that wouldn't classify as high-risk work. But they turned up with
35 a - on a 117 with safety suspected contraventions.

COMMISSIONER: What did you think? Did you think that they were simply confused or were they lying to you?

40 **MR CULLEN:** Well, other precincts had already established and been up and running, so there was visits from the union, from the CFMEU, on suspected safety contraventions, but I didn't sort of - I thought it was strange, yes, but it was just bewildering as to why they would turn up on the first day. Now - yeah, I found it
45 strange, yeah.

MR GISONDA: You say in your evidence, paragraphs 8 to 10, that the visits from the union increased over time, and as they increased, the length or duration of their visit on site would increase as well; is that right?

5 **MR CULLEN:** Correct, yes.

MR GISONDA: And sometimes, you say at paragraph 8, you could be walking around the site for four hours, half a day?

10 **MR CULLEN:** Yep.

MR GISONDA: We'll come to the WHSQ inspectors in a moment, but just focusing on the CFMEU's - the notices that they would give you, you say at paragraph 9 that they were often couched in vague terms; is that right?

15 **MR CULLEN:** Yeah. So do you mean the CFMEU's -

MR GISONDA: The CFMEU right of entry.

20 **MR CULLEN:** - right-of-entry notices? Yes.

MR GISONDA: And an example would be -

25 **MR CULLEN:** An example would be access/egress, safe systems of work, amenities not being cleaned.

MR GISONDA: So just focusing, for example, on access and egress, what's the - as a safety professional with responsibilities on the site, what's the problem for you when you receive a notice that's expressed in such vague terms, such as access and egress?

30 **MR CULLEN:** So when someone says to me, "We've got an access problem or an egress problem," immediately what comes to mind is emergency response to get people safely in and off site if there's an issue. Also gives me an impression that
35 workers and other visitors can't get to their position of work safely. So that access and egress, you know, if someone said, "You've got an access and egress issue," for me, we need to have a specific location to where that issue is so we can address it. Well, when we get such a vague, you know, statement like "access and egress", take your pick. I'm trying to assist the unions with this issue so we can get specifics and
40 go and address that issue. But when we asked that question specifically, can we get some clarity around the access and egress, their response would be something of the view was that, "We can't give you that information because that would possibly identify the worker or workers' name who's called us in regard to these safety issues." So in fear of them getting pinpointed of raising a safety issue, they wouldn't
45 tell us specifically where this issue was.

MR GISONDA: If there's a safety issue on the site, presumably, as the senior safety adviser, you're responsible to CPB for managing and dealing with safety issues on site; is that right?

5 **MR CULLEN:** Correct, yes.

MR GISONDA: And so if there is a safety issue, you want to be able to identify it and fix it?

10 **MR CULLEN:** 100 per cent, yes.

MR GISONDA: You weren't interested in hiding safety problems?

15 **MR CULLEN:** No.

MR GISONDA: And in fact, you felt it was part of your employment responsibility to fix safety problems if there were some?

20 **MR CULLEN:** It - it certainly was my responsibility, amongst other responsibilities, to make sure that we fix safety issues. That's the role.

MR GISONDA: And if there happened to be a safety issue on site that you didn't know about, presumably you'd want to be told about it as soon as possible?

25 **MR CULLEN:** Absolutely, yes.

MR GISONDA: And so is that what you were trying to do when you enter into dialogue with the unions who are presenting you with a workplace health and - sorry, a right-of-entry notice?

30 **MR CULLEN:** Correct, yes. Yeah.

MR GISONDA: Now, you say that your evidence that in time - this is again paragraphs 8 to 10 of your evidence - that Workplace Health and Safety Queensland inspectors would arrive at the site as well?

MR CULLEN: Yes, yes.

40 **MR GISONDA:** And sometimes those inspectors were called, were they, by CPB personnel?

MR CULLEN: Sometimes we would request their assistance, yes.

45 **MR GISONDA:** And sometimes the CFMEU would request their assistance?

MR CULLEN: That's correct too, yes.

MR GISONDA: And what was your impression of the behaviour of the WHSQ inspectors who did attend on the site when you were there?

5 **MR CULLEN:** So I will - when - I have to be careful, because there was some
difference of inspectors, and when I say "difference of inspectors", we would have
inspectors very early in the stages of the project who were - would listen to both
sides of the reasons as why they were called, and we would be able to put our
position across as to why we requested their assistance and vice versa, same as the
union. And we would try and formulate a way forward to go out on site to facilitate
10 the section 117. But then inspectors became less and less, if that makes sense. Then
we would have inspectors who, when we'd call them for assistance and we would
produce - the 117 was produced with the suspected contraventions and I would pick
a topic - when I say "topic", one of the safety suspected contraventions, say access
and egress, and I would request to the inspector to say, "We need to get some detail
15 and specifics, because it's so broad."

And the argument - sorry, the position that they took was, "Well, they can't give you
too much specifics because of the identification of the person or persons making the
safety complaint." I - not disagree - I would challenge that, because we - prior to
20 getting a safety notice or having unions called or Workplace Health and Safety called
to a site, there was a five-step process that was in place to give companies like CPB
and other companies adequate time to address these issues, and CPB, in its credit,
was extremely good at this. They would enforce and empower workers: if it's unsafe,
stop. They were really good at that, and keeping in mind that anyone that came onto
25 the site would go through a full-day safety induction, empowering these conditions,
empowering their position. Safety pre-starts in the morning, again, empowering that
position and so on and so forth.

So the five-step process was if you come across a safety issue, you stop and try and
30 fix it yourself. If you couldn't do that, then you would escalate it up to the site
supervisor, and between them two, they would try and address the situation. Now, if
they couldn't resolve the matter, they would then escalate it to the HSR and the
safety committee, and if they couldn't resolve it, then it'd be escalated to the project
safety team and the project manager, and if we couldn't resolve it, then it would go to
35 the request of Workplace Health and Safety to assist us with that issue. What I was
trying to explain, and I'd get some sort of level of playing fields, if that's to the
inspectors, we seem to be jumping from a safety issue on site straight to a position of
engagement with Workplace Health and Safety. Now, we haven't been given
adequate time to, first of all, understand the safety issue, agree with it and then move
40 forward to fix it. So I was always challenged with that, to work out why that was.

Now, we - HSRs, and I've done some HSR training, have the power and position to
issue these PIN notices, a provisional improvement notice, but again, that training
requires them to go through these five steps or - I don't know the specific steps for
45 the HSRs, but with CPB, there was a five-step process, and I was of the view that
Workplace Health and Safety would have asked that question: how have we landed
here? Where was the consultation? Where was the five-step process to get us to this

position opposed to being on site? And I would also ask - in the position of time and safety, you know, could we address that? I never seemed to get a resolution to that.

5 **MR GISONDA:** And you say at paragraph 11 of your evidence - and just to recap what you said a moment ago, there were some inspectors who you believe performed their role as you would expect them to perform it, but then you say at paragraph 11 that there did appear to be some inspectors who appears to unduly favour the union's version of events.

10 **MR CULLEN:** That's correct, yes.

MR GISONDA: And you can only speak about what you observed and what you felt and your opinion at the time, but there were three inspectors in particular who stood out to you as -

15 **MR CULLEN:** Yes, there was.

MR GISONDA: How would you describe their disposition or their approach to their job?

20 **MR CULLEN:** Well, we would have a position on what the union would see as a safety breach, and we would put our case across to say - to combat that safety breach. But never did we ever get the result of now we agree with myself or the construction team that it's either not a safety breach or it is. We never got that. It was always on
25 the side of the union's opinion - sorry, not opinion, but how they seen that breach, not in the position that we would see it. There was examples, I think I've given examples to where a notice was issued to us. And there was a range of notices, and one notice I think I put in my statement was we had a thousand-litre drum of concrete curing compound. It's a chemical that you spray on concrete when it's freshly laid, and the
30 compound is to stop the concrete drying out too quickly, so it will stop it cracking.

So that cubic metre, one-thousand-litre chemical would be stored under cover under some sort of gazebo outside of direct sunlight, because it would impact the quality of the application, the dried chemical out. But when we got to the bottom of the
35 thousand-litre drum, there would be 50 or 60 mil left of compound liquid still in that drum, because the pump that was supplied by the manufacturer, the proprietary pump, didn't allow us to sit on the bottom, so there'd be residue sitting in the bottom of the thousand-litre drum. When they came across that, it was pointed out to us that we were storing chemicals incorrectly outside of the SDS. Now, clearly, it's the
40 bottom of the drum. You cannot get it out unless you tip it over, which would be ridiculous. We were issued a notice for incorrect storage of chemicals because it was inside direct sunlight.

45 Now, I - I would challenge the inspectors to say, well, the SDS talks about incorrect storage of the chemical, not because of a safety issue, because it's going to spontaneously combust. It's - that particular section was because it interfered with the integrity of the application. So we didn't get that judgment. We were still issued with

a notice, which accompanied a fine. So that's an example where I found where we didn't get a fair hearing, if that makes sense.

5 **MR GISONDA:** And who were the three inspectors who stood out to you as appearing to unduly favour the union's versions of events?

MR CULLEN: Well, we seemed to get the same inspectors to attend the site entries, which was Chris O'Donnell, John Azcune and Travis Dungey.

10 **MR GISONDA:** Could I now ask you about the events of 15 April of 2020, and do you remember that day when officials Luke Gibson, Andrew Blakeley and Matthew Parfitt attended on the Boggo Road precinct?

15 **MR CULLEN:** I do, yes.

MR GISONDA: And you deal with this at paragraphs 15 onwards of your statement. And the allegation was that in the course of their behaviour on site, those three officials were in breach of section 500 of the Fair Work Act, which provides that a permit holder exercising their rights must not intentionally hinder or obstruct any person or otherwise act in an improper manner. And do you remember that the ABCC commenced court action in relation to the events of that day?

MR CULLEN: I do, yes.

25 **MR GISONDA:** And the ABCC required you to make an affidavit to support its prosecution of the union and its officials?

MR CULLEN: That's right, yeah.

30 **MR GISONDA:** And just tell the - perhaps I'll just read out to you some of the matters that were alleged to have happened, and they were that those officials refused to provide their entry permits, despite multiple requests by you and your colleagues; is that right?

35 **MR CULLEN:** That's correct, yes.

MR GISONDA: They made patronising counter-requests for excessive descriptions of the entry permits, so we'll take an example of that. At page 9 of the bundle accompanying your statement, see there at the bottom of the page you said, "My name is Pete, what can I do for you today?" Mr Blakeley says, "We're here on some suspected contraventions." You say, "Okay, can I see your permits please? Then over the page, Mr Blakeley says, "I have four permits, which ones do you want to see?" And then you said, "I want to see the workplace health and safety permits and the permits you are authorised to show me." And then he said, "I have four permits, which ones do you want to see?" And you said, "Okay, show me all four permits." And then he said, "No, you don't get to see all four permits." And there was exchanges like that that went on for some time; is that right?

MR CULLEN: That's correct, yes.

5 **MR GISONDA:** And then the other allegations made were that they breached occupational health and safety requirements when they were on the site and particular they did not follow your directions or instructions?

MR CULLEN: That's right, yeah.

10 **MR GISONDA:** They stood in the way of a truck so as to delay it from proceeding down the road?

MR CULLEN: Yes.

15 **MR GISONDA:** They walked towards a representative of the project with their chest puffed out in an aggressive stance?

MR CULLEN: Yes.

20 **MR GISONDA:** Do you remember who they did that to?

MR CULLEN: Supervisor Matt Gallen.

25 **MR GISONDA:** And so those matters were alleged by the ABCC to have taken place, and do you remember that when it went to court, the officials admitted that they had contravened the Act? Do you remember that happening?

MR CULLEN: I - yes, I was aware of that, yes.

30 **MR GISONDA:** And so, as a result, there in fact was no court case to determine whether these allegations were proven; the court case was then only about what should the penalty be. Do you remember that?

MR CULLEN: Yes.

35 **MR GISONDA:** Now, one of the things that happened on that day, which is at paragraph 10 -

COMMISSIONER: Of which?

40 **MR GISONDA:** I apologise, page 10 of the bundle, the bottom of that page and then the top of the following page, was you had an exchange with Mr Gibson in particular; is that right? You see towards the - over on page 11.

45 **MR CULLEN:** Section number 46? Yep, I can see that.

5 **MR GISONDA:** And so at the bottom of page 10, you say, "I work in the Health and Safety Department and can I get your name?" And Mr Blakeley says, "Not until you ask for the right permits." Mr Gallen asks, "Pete has given you his name, can you give Pete your name?" And then what did Mr Gibson say as this exchange was continuing?

MR CULLEN: In response to why he didn't give his name?

10 **MR GISONDA:** Do you see there where you have Mr Gibson asking, "What permits do you want to see?" And Mr Gallen says, "Your Workplace Health and Safety and Fair Work permits." Do you see that?

MR CULLEN: Yeah.

15 **MR GISONDA:** And then Mr Gibson called you a name. Do you see that?

MR CULLEN: Oh, Mr Gibson, yeah, referred to me as Pete, Pete Pumpkin Eater.

20 **MR GISONDA:** And that led Mr Gallen to say, "Mate, no name calling. We're not calling you guys names."

MR CULLEN: That's right, yeah.

25 **MR GISONDA:** Now, what was your understanding - or at that time, what did you think the reference to Pete, Pete Pumpkin Eater meant?

30 **MR CULLEN:** Look, I didn't think much of that. I thought it was extremely childish and it was something that he could sort of conjure up at the time, Pete, Pete Pumpkin Eater. I didn't think much of it. It was -

MR GISONDA: And you're aware that there is a view or opinion that the reference to Pumpkin Eater can be a derogatory reference to a sexual act? You're aware of that now?

35 **MR CULLEN:** Well, I was made aware of it directly after that by my supervisor, by the supervisor, Matt Gallen, who - he understood that terminology. I didn't, but he did, and, you know, he didn't explain it to me in the detail that I do now know what it means, but I think that's why he took umbrage to the name-calling. Otherwise it's just - name-calling was not uncommon, so - from the union, CFMEU, so I
40 didn't - just water off a duck's back, really, I suppose.

MR GISONDA: So you were used to being called names by union officials before this point?

45 **MR CULLEN:** Yes. This was not uncommon.

MR GISONDA: And then on this occasion, Mr Gibson - and you will remember, Commissioner, Mr Gibson's the official in the video that we saw at the Coomera Connector project, storming through the offices - he refers to you as Pete, Pete Pumpkin Eater. At that time you just thought it was a childish rhyme?

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MR CULLEN: I did, yes.

MR GISONDA: Mr Gallen, who clearly takes offence to that or tries to stop it, he believed he knew what it meant and he told you about that afterwards?

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MR CULLEN: Yes, correct, yes.

MR GISONDA: In vague terms?

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MR CULLEN: Yes.

MR GISONDA: But when the matter went to court, the judge was more explicit in explaining what the judge thought the term meant?

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MR CULLEN: He did, yeah, yes, he did, yes.

MR GISONDA: And you say in your evidence that there was a point shortly after this where other workers on site would refer to you as Peter, Peter, Pumpkin Eater?

25

MR CULLEN: Yes. Yeah. I'm assuming they thought - you know, they were - as a joke, you know, these would be said to me by colleagues, you know, just sort of tricking around. But yeah, I did hear it then from people that I didn't know.

30

MR GISONDA: And I'll then ask you about another name that you were given, and then I'll ask you to comment about what your state of mind was as a result of this conduct. On 8 July 2020, that's three months after this incident, the CFMEU released a media statement that named you specifically; is that right?

35

MR CULLEN: Yes.

MR GISONDA: And if we go to page 167 of the bundle to your evidence, the first four paragraphs of this statement make comments about CPB Contractors and the Cross River Rail project generally; is that fair?

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MR CULLEN: Yep.

MR GISONDA: They say in the first paragraph that CPB is using intimidation and bully-boy tactics to try and dodge scrutiny of dangerously unsafe work practices. And then in the second paragraph, they say:

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"Union officials have been regularly threatened and obstructed by CPB employees when trying to respond to safety and other concerns."

Then there's a direct quote from the assistant secretary at the time, Mr Ingham, in the third paragraph:

- 5 "What you've got is a contractor that will do anything possible to avoid scrutiny and accountability."

And then in paragraph 4:

- 10 "Mr Ingham said CPB regularly sought to provoke union officials, and tried to engineer confrontations and spurious grievances it could then present to the ABCC in an attempt to tie unions up in costly and protracted legal action."

- 15 So just stopping there for a moment, those four paragraphs and the allegations that are contained in there, is that consistent with what you were seeing take place on the project?

MR CULLEN: No. Absolutely not.

- 20 **MR GISONDA:** And do you believe that you engaged in any of that sort of conduct that's referred to in the first four paragraphs?

MR CULLEN: No. Absolutely not.

- 25 **MR GISONDA:** Then in the fifth paragraph, they say:

- 30 "One CPB operative in particular, Peter Cullen, is ostensibly employed as a safety officer but spends more time trying to obstruct union officials and government inspectors going about their lawful business than actually enforcing anything vaguely related to 'safety'."

Was that a true statement, Mr Cullen?

- 35 **MR CULLEN:** That's not a true statement. It's, yeah, an absurd statement.

MR GISONDA: And then it says:

- 40 "Cullen is widely known around the Cross River project as Peeping Pete because of his habit of following officials into the toilets and standing over them and watching in an attempt to intimidate."

Was that a true statement, Mr Cullen?

- 45 **MR CULLEN:** Absolutely not. No.

MR GISONDA: And when did you find out that the CFMEU had released this statement?

MR CULLEN: I was on site at Boggo Road when I got a phone call from CPB's management asking if I had seen a memo from the - the statement from Facebook from CFMEU, and I said, "No, I don't follow them, I don't look at them," and they
5 said, "Oh look, it's pretty nasty what they said about you." That was possibly the day or the next day that they published it, possibly, yeah.

MR GISONDA: Did you have any inkling that something like this was coming?

10 **MR CULLEN:** No.

MR GISONDA: Had you had any discussions with anyone from the union that told you the things they were going to publish about you and asking you for a response?

15 **MR CULLEN:** No.

MR GISONDA: Then in the next paragraph, Mr Ingham - there's a quote from Mr Ingham, which is:

20 "Either Peeping Pete is deliberately trying to intimidate and threaten officials, or he has other issues that clearly need addressing. He seems to spend more time loitering around the toilet block than actually out on the site doing his job."

Then:

25 "Peeping Pete is a poster boy for CPB's low-rent approach to management."

What did you think Mr Ingham - what was he insinuating about you? What was he telling the public about you and your behaviour?

30 **MR CULLEN:** There's two things there that he's claiming. One is I obstructed Workplace Health and Safety officials, which is - in my view, he's trying to discredit my ability to address safety issues on site and trying to obstruct the officials, the Workplace Health and Safety officials, from doing their job, which is ridiculous. The
35 second thing he's obviously aligning to or claiming that I follow his officials into toilets to intimidate them and some sort of bizarre statement that I like looking at his officials going to the toilet. And there was other - you know - so I think, overarching, he was trying to discredit me personally and professionally.

40 **MR GISONDA:** Well, he's really trying to embarrass and humiliate you in the most public way, isn't he?

MR CULLEN: Absolutely. 100 per cent. And I couldn't - at the time I couldn't understand why I was being targeted like this, you know, opposed to CPB or Cross
45 River Rail. You know, like, I'm just a mere safety guy. I'm not anyone of stature. But then I sort of realised that my affidavit that I had given to the ABCC, based on the

outcome, was retaliation of my affidavit, and that's what I think was the driving force for this type of discreditation of me.

5 **MR GISONDA:** But you're just - really, in truth, you're just speculating, because no one from - well, tell me if this is correct: no one from the union at the time told you what their problem with you was?

MR CULLEN: No.

10 **MR GISONDA:** And no one from the union at that time told you what they were trying to achieve by doing this to you?

MR CULLEN: That's correct, yes.

15 **MR GISONDA:** So you're searching for some sort of reason or justification, but no one from the union ever told you?

MR CULLEN: No, no, no, I agree.

20 **MR GISONDA:** And what impact did that have, this public attempt at humiliation have on you in the workplace?

MR CULLEN: The impact was tremendous, you know, because it - that lasted, and possibly still does, for the three years I was on the project, because it never got
25 resolved. And, you know, my position as a health and safety adviser, and same with the supervisors, is that we need to be approachable for workers to come and see us and talk to us about maybe their safety concerns, other issues that, you know, as a safety professional we can assist them with. So that impacted me, and I always got the view that - it didn't assist me anyway. It didn't help. But there was - it put me in a
30 position that I had to be extremely careful and conscious of what I did and what I said, because I could be, again, targeted with such, you know, accusations.

MR GISONDA: And because, however, it was so publicly advertised, the impact wasn't felt just in the workplace, I suggest, because other people not involved, either
35 in your workplace or in the construction industry, naturally were told about this statement from the union.

MR CULLEN: So are you asking the impact it had outside of work?

40 **MR GISONDA:** Yes.

MR CULLEN: The impact outside of work was just as bad, because, you know, I - such a large project, people would know me. Because it was published on Facebook, I've got a lot of friends and relatives on Facebook, and once one "like"
45 went onto Facebook, then that got passed around. So regardless whether it's completely untrue, but there was no sort of condemnation as such, so - and because I couldn't respond to it, because I could be seen to be escalating it, there's an element

of truth to that, and I felt powerless to defend myself. So it - even today, people will still remember that. Like, I live in a suburb, and I go to the pool shop, just to get my pool cleaned, and the guys in the pool shop would refer me to that. You know, it's a joke. I can get they don't mean it insultingly, but in fear of reacting to it and bringing it up again, I just accept it, yeah.

MR GISONDA: You commenced defamation proceedings against Mr Ingham and the union as a result of what they did to you. Was that done with the support or on the advice of your employer at the time, CPB?

MR CULLEN: Both the support and the advice with CPB.

MR GISONDA: And what happened with that litigation that you commenced?

MR CULLEN: We tried to get an apology, which is - we failed to get an apology, which would have been sufficient. We didn't get an apology; we got a statement that they stood by what they said. Then there was - I don't know what the legal term is, but we put an action against them to bring them to court to remove the post and apology. So it got to a point where we had mediation to resolve it before it got to the court. Mediation failed. We didn't resolve it; they still stood by what they said. I think there was some concession in regards to - not - the removal of the post, but there was no retraction, no apology. So when mediation failed, it was heading towards - to a court to decide. And straight after that mediation, on the day, the litigation people who were supporting me, Mills Oakley, said to me in the next room that CPB was no longer going to fund my defamation case and I needed to resolve it today, and we can seek approval that, you know, CFMEU were not - I have to be careful.

The way it was unpacked in my head, I needed to resolve it today because if I let it go further without having the support of CPB financially, it would stop and it would dissolve and therefore the case would no longer be going to court, and then I then could be left paying CFMEU's litigation fees because I couldn't progress with the case. So that was put to me straight after the mediation, which - I was devastated, because I was of the view that this is what - me and the company wanted. So how it resolved, I left the room and - yeah, I can say four months down the line, I - I had - sorry, a couple of weeks after that, I had a meeting with Vince -

MR GISONDA: Sanfilippo?

MR CULLEN: - Sanfilippo. And I had been out on leave, sick leave, and the meeting was very short, you know. The meeting was - I wanted to understand where we were going. I think Mills Oakley had put on the table a Calderbank offer, which I didn't understand what that was. Well, I probably did at the time, but when I got into CPB's office to speak to Vince on trying to get this resolved and the way that we had agreed on a tripartite agreement, Vince told me straight up that they were no longer going to support the defamation case, and I said, "Why?" And he said it was a business decision. I said, "What about me?" And his response was, "Well, what

would you have me do," something to that effect, and I - I remember saying, "Facilitate the tripartite agreement." He said, "We can't do that." So it left me in a real bad position, because I didn't know which way to - which way to go. That's my memory of that, yeah.

5

MR GISONDA: And what did you then have to do with the litigation? Did you try to continue it, or what did you do?

10 **MR CULLEN:** So communication stopped with Mills Oakley, you know. I didn't get any further progress or understanding on the Calderbank offer and communication had stopped with CPB as far as the defamation case, my welfare checks, because I'd taken leave on sick, and I took a WorkCover claim on sick leave. So that stopped, and then I then took - I needed to resolve this matter, so the only way I could resolve it in fear of letting this case go to a position where I couldn't
15 facilitate, I couldn't pay for it, and then have the union come back at me seeking their expenditures and their legal fees, that's how I pictured in my head, I went and I sought my own legal advice to resolve the matter, and I engaged a litigation firm on the Gold Coast. I didn't want to take anyone from Brisbane, because every litigation company I rang, I wanted to be assured that they didn't - I know this sounds
20 strange - I didn't want to have a litigation firm that also represented the CFMEU. I just wanted to be - because I was left not trusting anyone. So I engaged a litigation firm on the Gold Coast, and we sent a letter to CPB. I think we were claiming either facilitate the tripartite agreement or we're going to sue you for breach of the tripartite agreement. That's my memory of it.

25

MR GISONDA: If Mr Ingham and his officials' objective was to cause you real harm, would you say that they succeeded?

30

MR CULLEN: Yes. Unfortunately, yes, they did.

MR GISONDA: You mentioned that you took - you found yourself - or you went on sick leave, and as you were on sick leave, you then made a WorkCover complaint. Were you mentally unwell by this stage? Was that the essence of the sickness and the claim, without going into too much detail?

35

MR CULLEN: Yeah, that's a fair assessment. It was constantly on my mind. If I went to bed, it was on my mind. If I woke up, it was on my mind. So the WorkCover conditions to stay on a WorkCover claim, you know, I was required to attend a psychiatrist once a week, which I believe was also CPB's psychiatrist or part of the claim. So because I had been out sick for such a long time, it then progressed to a psychiatrist to get evaluated to remain on sick leave, which I didn't want to be, but I wanted it resolved. So I seen a psychiatrist. Seen two, actually, which is not something that I'd ever thought I would do. And I sat with the second psychiatrist, Dr John Chalk, and explained the situation, that I don't want to be out of work; I want to
40 be back working and have purpose. And he put in his report - I remember reading the report, and I don't want to look at it again - saying this man is unwell, he's got mild
45

anxiety and depression, and the only way he could see going forward was to resolve the matters with the CFMEU and CPB to get myself back into the workforce.

And I think that letter helped a lot to resolve it, because I couldn't see a way out.

5 CPB was not coming back to me, and I reached out to the - the people in - the people who issued the WorkCover certificate, you know, asking them, "Are we any closer to resolve this with CPB, because that was my employer," and I don't know why he would say this, but he would say, "Well, CPB is referring to this not as a work injury; they're referring to it as an industrial relations matter," which was bizarre to
10 me, because I had a work - medical certificate to say I was unwell. Now, I'm not - wasn't trying to exploit that, but what I was trying to do was to get some rules. They say it's not an industrial relations matter. I want to resolve this matter. It's related to an industrial relations matter. But I couldn't seem to get resolution till I engaged a litigation team, if that makes sense, yeah.

15 **MR GISONDA:** And you say that you've - you said in your answer then that you have improved a little with your wellbeing as a consequence of what was done to you, but you say in the last paragraph of your statement that you remain to this day psychologically impacted by the union's treatment of you. Does that remain the case, sitting here today?

MR CULLEN: Unfortunately, yes. You know, I don't want to paint a bad picture of all unions and union people, and I don't want to paint a bad picture of representatives of the CFMEU, because I know a lot of good representatives and good organisers
25 from the CFMEU. But that particular element of the CFMEU and that particular branch has distorted my view and opinion of the CFMEU, which is unfortunate for me, because that's my problem now, but every time I see a CFMEU flag, sticker, T-shirt, it brings back, you know, opens up the issues that I had with them. You know, it's said pain has a memory, and that's the memory I've got, unfortunately,
30 and - yeah, so I do try and not have any interaction with them, and I try - my position now is not have any interaction with unions, so I don't have this to come back up again, because my view, it's never been resolved, and in my view it still sits there in the background, because I didn't get validation or exonerated from what they were saying. So has it impacted me? Yeah, it has impacted me. And does it still?
35 Unfortunately it does, yes.

MR GISONDA: I have no further questions, Commissioner.

40 **COMMISSIONER:** You said it's never been resolved. What sort of resolution would you want?

MR CULLEN: Well, today is a good resolution, Commissioner, to have my say, which I'm grateful for, because it gives me the opportunity to say what they said and it was totally untrue, but I would have liked to see it taken to the position where we
45 did go to court and they did openly apologise and did openly give me exoneration. That's what I really was hoping for. You know, when I look at the position that we held as safety people, we did our job extremely well, and the supervisors did their

job extremely well. But when I look and I look at the union's job and officials, they did their job extremely well. They did exactly what they were supposed to do. Whether I agreed with their job or not, but they did it well. I didn't agree with it, but they did it, and that's what they were trained to do.

5

But when I look at my company and I ask the question, "Did they do their job well? Did they do exactly what they were supposed to do?" You know, I felt that when it got to a position where I needed their support, they gave me support to a point, and then when it got too hard or it became - it appeared that the union was getting a bigger stronghold on the project, they would rather side with the union opposed to siding with me. So I felt they left me abandoned, they left me with nowhere to go, and possibly used me as a scapegoat, because I did what I was supposed to do.

10

COMMISSIONER: So your resolution: you'd like exoneration from the union?

15

MR CULLEN: Yes.

COMMISSIONER: What about from CPB?

MR CULLEN: Well, they said they would support me. They said they would support me. They said they would - and I got assurances from the people that sat here today or some time ago - Don Johnson, Vince, Graeme Silvester - I got their assurances that they were going to support me. But they didn't facilitate that support. They dropped me when things got hard for them. When issues became apparent that the union was getting a stronger foothold on the project, I could see a change and a difference where I felt unprotected, and when I asked for protection, you know, even at the later stages in 2023, from being accused of bullying and harassing the union officials I was accused of, when I asked for protection there, I was told to stay away from them. And how do you do that in a position like me? It's impossible. So I felt that they let me down massively, yes.

25

30

COMMISSIONER: Would you like an apology from Mr Johnson or Mr Sanfilippo or Mr Silvester or all of them?

35

MR CULLEN: I would. I would like an apology, yeah.

COMMISSIONER: Is there anything -

MR CULLEN: A bit late, but I still would. It would help.

40

COMMISSIONER: Is there anything else you'd like from them?

MR CULLEN: No.

45

COMMISSIONER: One thing that you can do in this process that you can't really do in a court process is recall witnesses. Mr Johnson, Mr Sanfilippo and Mr Silvester have all given evidence, but depending on what Mr Gisona and Ms MacNicol

decide, they might decide to give those gentlemen and Mr Sanfilippo the opportunity to come back to the Commission to give their version, because Mr Sanfilippo might not agree with what you say, but he might.

5 **MR CULLEN:** (Indistinct) yep.

COMMISSIONER: And he might be able to justify how he was able to go back on his word, when you'd asked for protection, to deny it to you and to justify it as a business decision, or he might be prepared to apologise. I don't know. Would that be
10 of any utility to you?

MR CULLEN: It would, yes, yeah. Commissioner, it benefits me in no way, shape or form to pull the scab off it again or open up this door again. It benefits me in no way. As a matter of fact, it's probably put me back a couple of years. And if - if they
15 wanted to reach out personally and say, "Look, we probably made a mistake here in not supporting you when we should have," I've got no issues with that. I don't need to have a public apology. But I do need acknowledgement. You know, they - as I said, when you look at the entities involved, we did our job, unions did their job, my company did my job. You know, I just think that they have not just an obligation but
20 a responsibility to make sure that they support their workers, not when it's good but when it gets hard, and it got hard. I get it. It gets hard. But so does - that's life. You've got to stand up instead of sitting down.

COMMISSIONER: The other thing that Mr Gisonda and Ms MacNicol might be
25 able to do is talk to Mr O'Grady, who appears for the administrator. Yesterday, Mr O'Grady tendered in this Commission a report that's produced every six months by the current administrator, Mr Crosby, previously Mr Irving, to the Parliament. In that report, he, in effect, apologised for some behaviour which he called "appalling" of his officials towards the AWU. There might be some opportunity for Mr Gisonda to
30 talk to Mr O'Grady to see whether or not the union under its current management might be prepared to make amends.

MR CULLEN: I certainly would appreciate that, because it would help me move forward. Look, in my position in industry, and if I choose to go back into major
35 projects and so on, it's highly likely that I will cross over with unions such as the CFMEU and ETU, and I don't want to have any bad blood with any unions. I'm not anti-union and never have. I come from a background, a culture where we're a stronghold of union people. And I think putting out an olive branch like that would certainly help me and other people to move forward, because unions have a real
40 strong place in the industry. It keeps things balanced. But when it's unbalanced, when there's an unbalance, that's when you have problems. So I support union officials and union delegates and unions on site because it keeps things nice and balanced, as I said.

45 But, you know, when it becomes - when I used to hear the CFMEU officials are exercising their fundamental rights to facilitate safety walks and so on, I had a different view on their fundamental rights. I thought probably some of these

fundamental rights was an abuse of their fundamental rights. And that's just my view at the time, but - and I want to put - I want to - not all union officials and delegates would behave in that way, and I'm sure of it, but unfortunately that's what I was exposed to and that's what I seen. On many projects before this I had dealt with the
5 CFMEU, ETU, and never, ever, ever had I had such a campaign, you know, targeting of people. And I don't know - I probably do know why it escalated, and it's highly likely because they didn't get an EBA agreement. That's the only thing I could see the difference.

10 But that's it. Got nothing to do with me, but I want to work with you and I want to work with companies to get the best outcome for people on site. So if we could have Mr O'Grady maybe put something like that, it would certainly improve my role or relationship with the CFMEU specifically, for sure.

15 **COMMISSIONER:** Mr Ingham was the author of that 8 July 2020 press release. I don't think I can say anything about his position; we just don't know what his position is. He might want to come forward to the Commission and justify it. I just don't know, in relation to him.

20 **MR CULLEN:** I wouldn't - it doesn't really matter what Mr Ingham says, whether - it doesn't - it's not something bothers me. I know what he said isn't true, and fictitious, and he had - he had - him and his organisation had ample opportunity to apologise, and they didn't. So to take an apology now would be somewhat, you know - just to justify that, you know, he - to - yeah, sorry, I'm losing my train of
25 thought, but I wouldn't take it as sincere. Yeah.

MR O'GRADY: Commissioner, there is no application, but in the light of some of the oral evidence that the witness has given that wasn't covered off in his statement, I just seek to briefly ask him a few questions.

30 **COMMISSIONER:** There's no objection?

<CROSS-EXAMINATION BY MR O'GRADY

35 **MR O'GRADY:** Yes, thank you. Mr Cullen, I'm appearing on behalf of the administration. You understand, of course, that Mr Ingham is no longer associated with the CFMEU, that he's been removed?

40 **MR CULLEN:** I'm aware of that, yes.

MR O'GRADY: Yes. And in respect of the defamation proceedings, those proceedings have been discontinued now, haven't they?

45 **MR CULLEN:** That's correct, yes.

MR O'GRADY: Yes. And they were discontinued by consent on the basis that there would be no order as to costs.

MR CULLEN: I believe so, yes.

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

5

COMMISSIONER: Thank you. Thank you very much for your evidence, Mr Cullen. You're excused.

10 **MR CULLEN:** Thank you, and I wish the Commission and both counsels all the best in making positive change, because I think you've got a real opportunity here to do so. Thank you.

COMMISSIONER: Thank you.

15 **<THE WITNESS WAS RELEASED**

COMMISSIONER: Mr Gisonda.

20 **MR GISONDA:** Yes, if we could take the morning break now.

COMMISSIONER: Come back at 11.30?

MR GISONDA: Yes.

25 **COMMISSIONER:** We'll adjourn till 11.30.

<THE HEARING ADJOURNED AT 11.18 AM

30 **<THE HEARING RESUMED AT 11.52 AM**

COMMISSIONER: Had a few tech issues, Ms MacNicol?

MS MacNICOL: We did, Commissioner.

35 **COMMISSIONER:** It's all working now?

MS MacNICOL: It seems so.

40 **COMMISSIONER:** All right.

MS MacNICOL: The next witness is Mr Shane Rasmussen, who is on the screen.

COMMISSIONER: Has Mr Rasmussen been sworn in?

45 **MS MacNICOL:** He's about to be.

COMMISSIONER: All right.

<SHANE RASMUSSEN, AFFIRMED

<EXAMINATION BY MS MacNICOL

5

COMMISSIONER: Mr Rasmussen, Ms MacNicol will now ask you some questions.

10 **MS MacNICOL:** Thank you, Commissioner. Mr Rasmussen, did you provide a statement to the Commission dated 2 October 2026?

MR RASMUSSEN: That is correct, yes.

15 **MS MacNICOL:** You originally had 95 paragraphs. Commissioner, paragraphs 20 to 42 and 84 to 91 have been redacted. As a consequence of those redactions, there are now 63 paragraphs, and the corresponding exhibits 3, 4 and 5 have been removed.

20 **COMMISSIONER:** So there's only two exhibits?

MS MacNICOL: That's right.

25 **COMMISSIONER:** Two annexures. I can't see a date on this. It seems to have been redacted, the date.

MS MacNICOL: The date of the statement, when it was affirmed, was 2 October 2026.

30 **COMMISSIONER:** Is there any objection - sorry, were you going to say something else?

MS MacNICOL: Commissioner, I tender that statement with the two annexures.

35 **COMMISSIONER:** Are there any objections? Witness statement, Shane Rasmussen, 2 October 2026, 95 paragraphs, with paragraphs 20 to 42 redacted and paragraphs 84 to 91 redacted, and with two annexures, will be exhibit SXR-1.

40 **<EXHIBIT SXR-1 WITNESS STATEMENT OF SHANE RASMUSSEN, 2/10/2026, 95 PARAGRAPHS, WITH PARAGRAPHS 20 TO 42 REDACTED AND PARAGRAPHS 84 TO 91 REDACTED, AND WITH TWO ANNEXURES**

MS MacNICOL: Mr Rasmussen, are you currently based in New South Wales at the moment?

45

MR RASMUSSEN: Correct.

MS MacNICOL: Can you tell the Commissioner what your role was at the Northern Portal in 2023?

5 **MR RASMUSSEN:** I was the electrical superintendent for the northern section of the Cross River Rail project tunnel.

MS MacNICOL: And what were your responsibilities?

10 **MR RASMUSSEN:** Responsibilities were to plan, ensure resourcing, schedule, ensure materials and the project within the northern section of the tunnel was completed in a timely fashion.

15 **MS MacNICOL:** And is it correct that at least at the Northern Portal, you were typically the most senior UGL representative that was physically present?

MR RASMUSSEN: Correct.

20 **MS MacNICOL:** Turning to the week where it commenced with the scaffolding incident at Boggo Road, we know that the Boggo Road incident occurred on 25 July 2023, which was a Tuesday. Can you tell us what happened on 26 July 2023?

25 **MR RASMUSSEN:** July the 26th, we had CFMEU members, officials, come to the Northern Portal site very nearly the morning. They instructed all workers to conduct a march in regards to the incident that happened at the Boggo Road site and the scaffolder.

MS MacNICOL: Did you hear them direct workers to partake in a march?

30 **MR RASMUSSEN:** Correct, I did.

MS MacNICOL: And how many CFMEU members were at the gate that day?

MR RASMUSSEN: Two.

35 **MS MacNICOL:** Was work completed on 26 July?

MR RASMUSSEN: No. Work was not completed.

40 **MS MacNICOL:** At around 4.48 pm on 26 July, do you recall, at least in your inbox, you received a direction from management that work was going to resume on Thursday 27 July?

45 **MR RASMUSSEN:** That is correct. I did receive an email with a message from the Cross River Rail project director.

MS MacNICOL: Do you remember what time you ended up seeing that email?

MR RASMUSSEN: I ended up seeing that email only through a secondary source, and that was via a CFMEU official once they attended site later in that evening.

MS MacNICOL: So you were at Northern Portal in the evening on 26 July?

MR RASMUSSEN: That is correct.

MS MacNICOL: And what arrangements had you discussed for workers who might arrive for the night shift on that day?

MR RASMUSSEN: There was an expectation that workers would turn up, knowing full well what the union had done on that day. I was advised by the night-shift supervisor that he was feeling unwell and that he would not be attending the night shift of that evening and that a replacement supervisor would be attending site should there be any blue-collar workers turn up for that evening's work, and we would resolve or come to an arrangement from there.

MS MacNICOL: At about 5.45 pm, you hinted at this before, but who approached you and what were you accused of doing? And looking at paragraphs 56 to 58 of your statement.

MR RASMUSSEN: There was approximately 10 CFMEU officials, and ETU official, that attended the site, stormed through the gates and making accusations to myself that I was instructing workers to conduct work of that evening, to which my response was I had no idea what they were talking about. I hadn't - hadn't instructed any workers or anyone to conduct any works, and that previous meetings throughout the day had resulted in an expectation that no work would be getting done, and the only reason the night-shift supervisor from another site was coming was should someone turn up, we could instruct them what had happened through the day and we would direct them to consult with their union delegate and proceed accordingly to his instructions.

MS MacNICOL: You identify Matthew Vonnhoff as one of the CFMEU officials; is that right?

MR RASMUSSEN: That is correct.

MS MacNICOL: You also say that he was the main person making accusations and threats. Looking at paragraph 62 of your statement, what threats were made to you?

MR RASMUSSEN: Very abrupt, very confrontational, verbal threats, approximately a foot from my face. And whilst he was making these threats, he was also being backed up by the other nine CFMEU members and the ETU official that had also attended site that evening.

MS MacNICOL: And did he say that they were coming after you?

MR RASMUSSEN: That is correct. They said they know how I get to and from work, they know that I ride a bike and what bike I ride and they will come and get me.

5 **MS MacNICOL:** Now, you mentioned that Mr Vonhoff was backed up by other members. Who was the actual individual saying that they were coming after you and that they will get you? Do you remember the identification of that person?

MR RASMUSSEN: That was Mr Vonhoff. Those were his direct words.

10

MS MacNICOL: And how did those remarks affect you?

MR RASMUSSEN: Yeah, drastically. It's not something you would expect to receive in your workplace. It shook me considerably, and I was, yeah, very
15 concerned and unsure of my, yeah, wellbeing for that evening and many days after that.

MS MacNICOL: How did that confrontation with the 10 or so CFMEU officials come to an end?

20

MR RASMUSSEN: It basically came to an end when the night-shift supervisor came from the other site, started instructing the blue-collar workers that did turn up to - to leave and go home. And then, after some considerable time being subjected to this confrontation, we advised that we were leaving and we wished them to exit the
25 premises so we could lock up and go.

MS MacNICOL: And you returned to the Northern Portal on the 27th, which was the Thursday. Can you tell me what happened when workers arrived?

30 **MR RASMUSSEN:** When workers arrived, there were CFMEU and ETU officials at the front gate talking to all the blue-collar workers and advising them to go home, telling them that no work was going to be done on that particular day as well.

MS MacNICOL: Can you recall how many CFMEU and ETU members there were
35 there?

MR RASMUSSEN: I was present at the front gate fairly early. At that point in time, the numbers grew, to my recollection, to about approximately 15 to 20 people.

40 **MS MacNICOL:** And were they dressed in any particular way?

MR RASMUSSEN: CFMEU officials had their standard sort of black jumper shirt with their CFMEU written on them. Outside of that, no particular clothing.

45 **MS MacNICOL:** So you mentioned that they were talking to the blue-collar workers. Do you recall how many workers were expected to work that day?

MR RASMUSSEN: Personally, I wasn't expecting anyone to be working that day, but we turned up to do what we could in a planning and white-collar preparation aspect, and that was going to be it. So - but, yeah, I wasn't expecting any blue collars to front up, and I believe would have been possibly six to 12 that did.

5

COMMISSIONER: What's the normal complement of blue-collar workers on a normal day?

MR RASMUSSEN: At that particular point in time, we had - I think it was approximately 80 to 100 guys on site working at that period.

10

MS MacNICOL: On this day, which was the Thursday, was it the case that you did ultimately enter site with some white-collar workers and that your vehicle was hit by some stones that were thrown by the CFMEU or ETU officials?

15

MR RASMUSSEN: I think that was on the Friday, not the Thursday. The Thursday, the CFMEU officials were outside instructing people to leave the site and not - and that no work was going to commence or happen. I think approximately about 7.30 they got a chain that they had themselves and a lock and locked the front gate.

20

MS MacNICOL: Turning to, then, the Friday, which is 28 July, what can you tell us about what happened that day?

MR RASMUSSEN: All right. On that Friday morning, yet again, I turned up quite early, expecting more confrontation from the CFMEU. A similar scenario occurred, probably a little bit more advanced and escalated, to which more CFMEU officials were involved, more ETU officials were involved, with their health and safety reps as well. Three cars were positioned in front of the front gates to prevent personnel from entering the site.

25
30

MS MacNICOL: You mentioned at paragraph 73 that some individuals were wearing balaclavas. Do you remember how many there were that were hiding their faces?

MR RASMUSSEN: To my recollection, there was at least half a dozen.

35

MS MacNICOL: How did you ultimately enter the site on this day?

MR RASMUSSEN: Where the main entrance is to the Northern Portal, there's a road that deviates slightly to the left of the main entrance. Some people knew of the entrance to our site via this way and some did not. We actually had a back gate, and that is the way I got in, and personnel that I knew that were coming to site on that morning I contacted and advised them to come in by the same way and, if they were able to, to notify me prior to them coming in, and I would be at the gate and unlocking it, letting them in.

40
45

MS MacNICOL: At around 6.30 am, you mentioned that you called Mr Jayce Emmerton. What did he tell you?

5 **MR RASMUSSEN:** Yeah, I contacted Jayce just to see what was happening, see if
any blue-collar workers turned up, what was - how much the situation may or may
not have escalated, and he told me at that point in time how many CFMEU officials
were approximately sitting outside the gate, which had grown considerably to
approximately about 35-odd personnel, and that he was instructed by the CFMEU as
10 well to leave the Northern Portal, and if he did not, that they would take whatever
action is necessary. And through that confrontation by himself with the CFMEU
officials, he advised me that he had seen that they had baseball bats, knives and were
armed.

15 **MS MacNICOL:** Did you personally see any weapons this day?

MR RASMUSSEN: No, I did not. I did see some of the CFMEU officials carrying a
baseball bat, and that's the extent of what I seen.

20 **MS MacNICOL:** Are you able to identify those officials?

MR RASMUSSEN: No, they were wearing the balaclavas.

25 **MS MacNICOL:** It was shortly after 7 am that Mr Jamey Purvis arrived at the
Northern Portal site. It's correct that the site itself was ultimately evacuated; is that
correct?

MR RASMUSSEN: Correct.

30 **MS MacNICOL:** And whose decision was it to evacuate the site?

MR RASMUSSEN: That was a decision me and Jamey had consulted with and both
agreed that it was within our best interests and the site's best interests to conclude
work for the day as soon as the front gate and access was available for us to get out
safely.

35 **MS MacNICOL:** And in terms of the workers that were on site that day whilst the
CFMEU and/or ETU officials were carrying weapons, how many individuals were
on site?

40 **MR RASMUSSEN:** There was about a dozen that came to site that morning, and it
was only white-collar staff that actually entered the physical site. I cannot recall the
number of blue collars that may have turned up.

45 **MS MacNICOL:** But there was about 12 white-collar workers on the site at the
time?

MR RASMUSSEN: Correct.

MS MacNICOL: Now, you mentioned and corrected me before that the rock-throwing occurred on the Friday. What can you say about that?

5 **MR RASMUSSEN:** Yeah, that was one or two of the officials that ultimately sort of seen how we were getting into the site and the buildings and started loitering around the rear gate. And then sort of my bike was parked on that side of the office building, so as soon as we heard loud crashes in and around the building, side walls and on roofs, we - there was not just myself, my vehicle, which is - I ride a motorcycle;
10 there was cars that were parked in and around that area as well, and we relocated them at this point because of the debris being thrown in and around the office area.

MS MacNICOL: And were these officials who were throwing the rocks - were they shouting at you?

15 **MR RASMUSSEN:** They were making sarcastic comments to us and, yeah, comments that were trying to either provoke a response or anger us in nature.

MS MacNICOL: Was there any comments that were made directly to you?

20 **MR RASMUSSEN:** Yeah, there were comments made to me, all in the respect that, yeah, a disliking towards me in what I tried to do in getting workers to work on those evenings that we discussed earlier, and that basically they reinforced yet again that they were going to come and get me and that I was not safe, even though I was in the
25 building, etcetera.

MS MacNICOL: On 31 July 2023, you ended up sending an email to Jamey Purvis, and you have annexed that email to your statement, which is SXR-2. Can you articulate why you ended up sending that email? Were you told to send it? Did you
30 want a response from senior management?

MR RASMUSSEN: I did want a response from senior management. I was unsure at that point in time to what information they actually knew of what happened through those weeks or the days in that week, and I wanted them to be aware of the situation
35 that we had been put under, which was at no fault of our own, and I wanted to - if we went back to site, I wanted to know what sort of precautions or actions that would take place in order to make our work environment safe.

MS MacNICOL: So you were primarily concerned about your safety?

40 **MR RASMUSSEN:** No, not just my safety. I considered that in my role, my job is not just wholly myself. I look after the site, so therefore my intent with that was not just my safety; it was for everyone that would be working on that site's safety as well.

45 **MS MacNICOL:** And did you ultimately end up ever returning to the Northern Portal following 28 July 2023?

MR RASMUSSEN: No, I did not.

5 **MS MacNICOL:** If I can take you to another document. It is a document that was
tendered by Nicole Watson. It is exhibit 22 of her bundle. If, Mr Operator, we could
bring that up. It is on page 152. Mr Rasmussen, this is an email that you've sent. Do
you recognise it? It's dated, at least the top of that email, 9 August 2023.

10 **MR RASMUSSEN:** Correct, I do.

MS MacNICOL: And you're making a comment that you have marked in red some
amendments to a draft statement.

15 **MR RASMUSSEN:** That is correct, yep.

MS MacNICOL: If we can turn to page 155 under the title Safety Concerns. Mr
Rasmussen, do you recognise what's on the screen?

20 **MR RASMUSSEN:** Yes, I do.

MS MacNICOL: And starting from the first paragraph - there are three paragraphs
on the screen - you mention that what has happened to you started to take a toll on
your mental health. This is dated, as I mentioned, 9 August 2023. How did what
happened at the Northern Portal affect your sense of security and safety while
25 working on Cross River Rail?

MR RASMUSSEN: I - yeah, I was drastically affected by the situation. Knowing
that I ride a bike to and from work and hearing those words of what the officials
were saying, and I believe it was in their capability, I definitely had concerns, and
30 driving into work and home every day was a - a vigilant exercise in trying to assess
who was in and around me and if there was anyone that I believed was of a
suspicious nature.

MS MacNICOL: Did you change any of your patterns or habits about travelling to
35 work following what happened at the Northern Portal?

MR RASMUSSEN: Yes. If I seen a vehicle with a CFMEU sticker on or if I
believed someone was following me, if I saw a vehicle that was going the same way
as me - numerous occasions I changed my route in order to see what the vehicle may
40 do or what direction it was going, for a couple of reasons: I was concerned that I was
being followed, for a start, and second, I didn't want - if I was being followed, I
needed that confirmation and I didn't want that vehicle or person finding out
ultimately where I lived. I didn't want them to be following me all the way home.

45 **MS MacNICOL:** You state that, in this first paragraph, that you felt like you had
been singled out, along with Mr Peter Bennett and Mr Peter Cullen. You then go on
to mention at paragraph 2 that you feel like something should have been done at the

time that the Northern Portal incident happened. At this point in time, which is in August, did you feel like you hadn't received a satisfactory answer about what the company can do for your safety?

5 **MR RASMUSSEN:** That is correct. I had huge doubts that the company had commenced any sort of action in any sort of form to ensure the safety of not just myself but the other workers working at the Northern Portal.

10 **MS MacNICOL:** And in paragraph 3, you go on to re-emphasise what happened on the Wednesday night, which is that the CFMEU, accompanied by two ETU organisers, were displaying aggressive, intimidating, bullying and harassing behaviour directed towards you. You state:

15 "I was advised by one CFMEU organiser (Vonhoff) who was standing a foot away from my face that he knows who I am, he knows my bike, he knows my registration number, and that he was coming after me."

MR RASMUSSEN: Yep, that is correct.

20 **MS MacNICOL:** And you go on to say that you believe that all occurred because of the email that had been sent out by the project management?

MR RASMUSSEN: Correct. That is the first bit of information that was demonstrated to me of that evening by Vonhoff himself.

25 **MS MacNICOL:** And had you had previous interactions with Mr Vonhoff prior to the Northern Portal?

30 **MR RASMUSSEN:** I have had - not an altercation, but I have had him attending site previously to speak to blue-collar workers, even though there weren't any CFMEU workers or workers affiliated with CFMEU on our site.

MS MacNICOL: And at the time of the Northern Portal incident, were you aware of any CFMEU members that were working at the Northern Portal?

35 **MR RASMUSSEN:** No, there was not.

MS MacNICOL: Commissioner, I have no further questions for Mr Rasmussen.

40 **COMMISSIONER:** What are you doing with yourself now, Mr Rasmussen?

MR RASMUSSEN: Still working as an electrician. That's my trade. I'm an electrical fitter mechanic.

45 **COMMISSIONER:** You say in paragraph 93 of your statement you began seeing a psychiatrist and doctor from early December 2023 as a result of the incidents that

you've just given evidence about. What's been the impact of that process for the last two and a half years, almost three years?

5 **MR RASMUSSEN:** Yeah, that is correct. Through that period, December '23 to March '24, I was seeing a psychiatrist, and obviously doctor visits, in order to work through methods or providing avenues in order to reduce the stress, work through - probably not work through, but work around the stress and the - the situation I was put under. I continued to see the psychiatrist past '24, I believe, but at that point he instructed me that there was - he'd given us all the tools that he could
10 possibly give myself and we'd worked through what he was able to do, and from that point moving forward he said it was really just going to be time and using those tools throughout the time to try and get through this ordeal.

15 **COMMISSIONER:** You said in answer to one of Ms MacNicol's questions that you did not return to the Northern Portal site after the incidents of Friday 28 July 2023. Do I read it from paragraph 93 to 95 that for 18 months or so thereafter, you worked from home up until January 2025?

20 **MR RASMUSSEN:** Correct. From the - December '23 through to - sorry, March '24, I was working from home and going through visits with the psychiatrist and the doctor, and then after that, the last sort of consultation is between March and I think there may have been a couple about April, but effectively from that March point, that's when, as I stated before, the psychiatrist said we'd worked through all the tools that he could enable or give us, and that the only way moving forward was to start
25 working towards a resume-to-work program with the company, which I then did so, and in trying to negotiate that return-to-work program, try to advance further with getting through the ordeal.

30 **COMMISSIONER:** But that wasn't successful, it seems you're saying?

MR RASMUSSEN: That is correct. I proposed numerous return-to-work programs, proposed different venues or office scenarios that I could quite comfortably achieve. Obviously returning to the Northern Portal was not going to be in the best interest, but there were offices and other buildings and infrastructure around to which I could
35 work from, and obviously the return-to-work plans that I proposed, none of them were ever responded to. They were just received, and I got no feedback and basically no direction or input from CPB.

40 **COMMISSIONER:** Do you have any insight as to why you got no response, no feedback, no direction or input from your proposals?

MR RASMUSSEN: I can only surmise and provide my personal feeling on that matter. I believe that CPB were playing a strategic game and trying not to get involved with the scenario, even though they were quite involved with the
45 proceedings of the evening and obviously they were very fully aware of the situation and the precursors to that evening within the company themselves.

COMMISSIONER: You say they were trying to play a game to not get involved with the scenario. What do you mean by that?

MR RASMUSSEN: Well, not to get involved with my situation.

COMMISSIONER: And why is that?

MR RASMUSSEN: I believe they didn't want to admit any blame in the situation.

COMMISSIONER: You say your contract came to an end in January 2025. How did it come to an end?

MR RASMUSSEN: It was - it came to an end as I was advised that my services were no longer needed.

COMMISSIONER: Were you told why?

MR RASMUSSEN: The only reason I was given was that that section of the tunnel had been completed and, yeah, my services were no longer required for anything else on the project.

COMMISSIONER: Are there any applications to cross-examine Mr Rasmussen?

MS MacNICOL: No longer.

COMMISSIONER: That's a result of these redactions?

MS MacNICOL: That's so.

COMMISSIONER: Mr Rasmussen, thank you very much for your evidence. You're excused.

MR RASMUSSEN: Thank you.

<THE WITNESS WAS RELEASED

MS MacNICOL: Commissioner, the next witness has appeared on the screen. He is Travers Jamey Purvis.

COMMISSIONER: Mr Purvis, you won't be able to see the associate, but she will swear you in now.

<TRAVERS JAMEY PURVIS, AFFIRMED

<EXAMINATION BY MS MacNICOL

COMMISSIONER: Thank you, Mr Purvis. Ms MacNicol will now ask you some questions.

5 **MS MacNICOL:** Mr Purvis, did you provide a statement to the Commission dated 29 September 2026?

MR PURVIS: Yes, I did.

10 **MS MacNICOL:** And it's five pages, 49 paragraphs with one annexure?

MR PURVIS: Yes.

MS MacNICOL: Have you had a chance to review that statement?

15 **MR PURVIS:** I have reviewed that statement.

MS MacNICOL: And it's true and correct to the best of your knowledge?

20 **MR PURVIS:** To the best of my knowledge, yes.

MS MacNICOL: Commissioner, I tender that statement.

25 **COMMISSIONER:** Are there any objections? Witness statement Travers Jamey Purvis, 29 September 2026, five pages, 49 paragraphs with one annexure, will be exhibit TJP-1.

**<EXHIBIT TJP-1 WITNESS STATEMENT OF TRAVERS JAMEY PURVIS,
29/9/2026, FIVE PAGES, 49 PARAGRAPHS WITH ONE ANNEXURE**

30 **MS MacNICOL:** Mr Purvis, you currently have a physical disability that prevents you from appearing in the Commission hearing room today; is that correct?

MR PURVIS: That's correct.

35 **MS MacNICOL:** And just for completeness, your full name is Travers Jamey Purvis, but you typically go by Jamey?

MR PURVIS: Yes, I do.

40 **MS MacNICOL:** What was your role on the Cross River Rail in July of 2023?

MR PURVIS: I was the - a project manager for the M&E team or tunnels team that looked after the southern area.

45 **MS MacNICOL:** And what was your responsibility for the northern area in and around July of 2023?

MR PURVIS: I was just a fill-in around - or assisting the guys in the northern area just to undertake works or - yeah, just fill in, really.

5 **MS MacNICOL:** And the northern area project manager was Josh Sims and he had taken some leave in and around July of 2023; is that correct?

MR PURVIS: That's correct.

10 **MS MacNICOL:** And that's why you were filling in?

MR PURVIS: Yes, that's correct.

15 **MS MacNICOL:** Can you briefly describe the Northern Portal site and its access arrangements?

MR PURVIS: It was a - the furthest project on the northern end of the project itself. It was pretty secluded. There was another - a separate joint venture's office, like adjacent to the facilities, all demountable buildings, ablutions, meeting rooms, first aid, a full set-up on its own.

20 **MS MacNICOL:** And the site itself, it didn't have any turnstiles, for example, and you describe it being exposed?

25 **MR PURVIS:** Yeah, it wasn't set up like other sections of the project. There was no turnstiles for entry. It was a shared gate between our joint venture, another joint venture, and QR itself.

30 **MS MacNICOL:** All right. I want to step out each day from 25 July to 28 July 2023, starting with the Tuesday. It was the scaffolding incident. Sorry, 25 July. You were in a meeting with senior managers when you found out about that accident, weren't you?

MR PURVIS: Correct. We were meeting at the Milton office, main - head office.

35 **MS MacNICOL:** And following being notified of the incident, did you make your way to the Northern Portal?

40 **MR PURVIS:** Yes, after - after hearing about the person getting injured, the scaffolder, I wanted to talk to the staff at site and the blue-collar guys to let them know what I'd heard and, yeah, how he was going at that stage.

MS MacNICOL: And you were aware of a decision from senior management that workers would be sent home on the day shift of that day?

45 **MR PURVIS:** Correct. Towards the end of the day, yes.

MS MacNICOL: Turning then to the 26th, which is the Wednesday, did you attend site that day?

MR PURVIS: Yes.

5

MS MacNICOL: And what did you see in?

MR PURVIS: Gates were locked. All of the Northern Portal staff were locked into the demountable offices area. There was - there was cleaners on site as well,
10 subcontract cleaners, which just cleaned the demountable buildings, ablutions, so on and so forth. Yeah, and there was people outside the gate.

MS MacNICOL: So when you say workers were locked on site, are you talking about, for the most part, white-collar workers?

15

MR PURVIS: Yes, staff.

MS MacNICOL: And -

20 **MR PURVIS:** Purely just staff.

MS MacNICOL: And the blue-collar workforce, do you know how many approximately weren't able to work that day?

25 **MR PURVIS:** Oh, it would have been in excess of a hundred, and a hundred to 150, even with the other site or the other joint venture.

MS MacNICOL: And on that same day, the Wednesday, what happened when the nightshift crew showed up?

30

MR PURVIS: The nightshift crew were turned around. They turned up to site and then they were turned around and relieved for the day or for the night shift, sorry.

35 **MS MacNICOL:** And looking at paragraph 18 of your statement, you mention that you were told that Shane Rasmussen, the superintendent, was involved in managing the situation on the site for the night shift.

MR PURVIS: Correct. He was.

40 **MS MacNICOL:** Then turning to the Thursday, 27 July, are you aware if workers showed up to work and/or were able to work that day?

MR PURVIS: No, no blue-collar workers could enter site.

45 **MS MacNICOL:** Did you go to the site that day?

MR PURVIS: I did go to the site that day. Once again, it was only staff that day.

MS MacNICOL: And what did you observe outside the site in front of the gates?

5 **MR PURVIS:** Similar, just people milling out the front, like union organisers or delegates milling out the front, front gate. Yeah, once again, the staff were locked inside, like, inside the premise.

10 **MS MacNICOL:** At paragraph 22 of your statement, you make the point that site management was caught in the middle. Are you able to expand on that?

MR PURVIS: Yeah, because we - the site was - we were told by upper management that the site was open and work was available, which made things very confusing. Got the blue-collar workforce and site management, including Shane, Peter, other supervisors on site. It was hard to relay a hard message that there was - either work
15 was available or not available.

MS MacNICOL: You said that you were caught in the middle. Do you mean the middle being you were being directed by upper management that the site was open, but in reality workers weren't able to work?
20

MR PURVIS: Yes, they couldn't even get to - get to site, and that wasn't - that wasn't just the Northern Portal.

25 **MS MacNICOL:** And that was across the project?

MR PURVIS: Yes.

MS MacNICOL: So the tension point was the middle management, those that were on site?
30

MR PURVIS: Yes. We had to manage what was going on out on - out at the gates and in the gates.

35 **MS MacNICOL:** Now, following the scaffolding incident, from the Wednesday to the Thursday, and we'll come to the Friday in a moment, but what kind of reports were made to you by workers about what they were observing on sites?

40 **MR PURVIS:** Aggression. There was, yeah, talk of weapons and - yeah, it just was not a normal construction site, let's say. There were - you know, the gates were blocked, cars were parked in front of the gates, guys couldn't - yeah, no one could enter site, apart from maybe our staff. We went through a separate gate.

45 **MS MacNICOL:** I'm interested in your comment about the weapons. So putting aside the Friday, so on the Wednesday/Thursday, you were receiving reports of there being some weapons in and around the project?

MR PURVIS: Yeah, the personnel had seen weapons in the mornings, yeah, around the site. So I never saw those weapons, but that was comments of multiple people.

MS MacNICOL: So multiple workers made comments of them seeing weapons?

MR PURVIS: Yes. Yes.

MS MacNICOL: Turning to, then, the morning of Friday 28 July, where were you when Mr Rasmussen and Mr Bennett contacted you?

MR PURVIS: I was at the Milton office, the head office, and when I spoke to Mr Rasmussen, we decided - I decided to go straight to site then. It was approximately 8 o'clock. Yeah, just about the situation at the Northern Portal on the Friday.

MS MacNICOL: What did they tell you on the phone before you arrived?

MR PURVIS: Yeah, that the - the front - the front of site, the front gate, was locked and being picketed again by more people this time. There were many, you know, with balaclavas on - some of them wearing balaclavas, I should say - at the front gate, and some of those men were armed.

MS MacNICOL: So you then attended site. What did you personally see yourself?

MR PURVIS: It was guys at the front gate. There was cars blocking the gate, and there was the same - our - our staff was inside the facility with the gates locked.

MS MacNICOL: And did you make any observation of the individuals that were standing in front of the gate?

MR PURVIS: Not really, apart from - apart from what I saw when I drove in.

MS MacNICOL: Now, you've entered the site and then you've had essentially a conference call with Jayce Emmerton, and that was facilitated by Shane Rasmussen and Peter Bennett. Do you recall what he told you?

MR PURVIS: Yeah, he just - he pretty much confirmed with me the other comments people had made over the previous few days about, you know, weapons, being knives, chains and potentially a gun that were spotted around the Northern Portal. So, yeah, look, we took - I took that in pretty bad light. You know, we were told there was people hiding in the bushes, and in the crowd were - there were people with those weapons. I believe it was a tactic to scare the work crew from turning up to work.

COMMISSIONER: Sorry, I just missed that. You were told that they were people lying in the bushes. Is that what you said?

MR PURVIS: Yeah, there was people in bushes, apparently, outside the gate.

COMMISSIONER: And you said -

MR PURVIS: As well as people -

5

COMMISSIONER: Sorry, you go.

MR PURVIS: Sorry, mate. I just - I was just going to say there were people noted being behind the bushes and outside the gate as well.

10

COMMISSIONER: And you said you were told that some of them were people from out of state. Who said that to you, and what did they say?

MR PURVIS: Oh, there was a couple of people that mentioned that, but I can't remember who - who it was. It was a pretty chaotic time, mate.

15

COMMISSIONER: If you look at paragraph 28, do you recall what was said?

MR PURVIS: Yes. Yeah, the call was mercenaries.

20

COMMISSIONER: But you can't remember who told you that?

MR PURVIS: Not off the top of my head, mate.

COMMISSIONER: But you do recall that they - it was told to you they were mercenaries who had come from Victoria?

25

MR PURVIS: Yes. By multiple people. By two or three.

MS MacNICOL: What steps did you take to attempt to contact senior management once you realised the severity of the situation?

30

MR PURVIS: Well, I tried to contact my - my upper management, my upper construction manager or director, sorry. That was Mr Anthony Zervaas, and he was unable to answer my call, because all the upper management, the joint venture were having a safety reset with the unions at CPB head office.

35

MS MacNICOL: So the same day that there were allegedly at least one firearm at the Northern Portal was the same day of the safety reset meeting?

40

MR PURVIS: Yes.

MS MacNICOL: What led you to decide that the site should be evacuated?

MR PURVIS: Well, I considered it to be pretty unstable in that situation, you know, confirmation that there was potentially real weapons on site. There was that antagonism from the unions, out the front of the picket line, the - like - and, yeah, as

45

it sort of was conveyed to me, after talking with Shane and Peter, that I should shut site, evacuate all site from the Northern Portal and shut up the site for the full day and the weekend.

5 **MS MacNICOL:** And then you've driven to the main office. Why did you do that?

MR PURVIS: I drove to see my construction director, just to inform him about what we did and what I saw, or what I was told, and what I saw on site as well. Yeah, and I waited there for five hours, because he was in that safety meeting.

10

MS MacNICOL: When you were on site that day, and realising the potential of there being mercenaries from Victoria, of there being weapons and at least a firearm, leading you obviously to evacuate the site, what steps or what decision-making was there in relation to calling the police?

15

MR PURVIS: We didn't call the police, because we were actually told not to call the police, a couple of days prior to that.

MS MacNICOL: And who told you that?

20

MR PURVIS: Upper management.

MS MacNICOL: Now, on 31 July 2023, work recommenced at the Northern Portal and you conducted a meeting with all the unions. Who told you to do that?

25

MR PURVIS: Upper management. We had to - yeah, we had to meet at site and - after the safety reset and go through the process of opening up the sites again, following the safety reset advice.

30 **MS MacNICOL:** So you returned to the Northern Portal, but do you know whether Shane Rasmussen or Peter Bennett returned to the Northern Portal?

MR PURVIS: No, both Shane and Peter did not return. They went back to the main office for administration works.

35

MS MacNICOL: And do you know why they didn't -

40 **MR PURVIS:** Just felt - felt a bit - sorry, yeah. We felt it was - it was not - it was not a good place for them to be, and yeah, there was too much hostility towards both of those men at the time, and, yeah, just it wasn't - it wasn't safe for them to be on site.

MS MacNICOL: At paragraph 46 of your statement, you describe working in the construction industry with the CFMEU as a career low. Can you tell us about that?

45

MR PURVIS: Yeah, well, look, it - 30 years in the game, I'd never seen something like - like this occur in my career. You know, we've had - we've always had, you

know, some arguments with unions, but never of this escalation of chaos. It almost felt like being at war at times.

5 **MS MacNICOL:** How did these events affect you, and how did they compare to your previous experience of managing industrial issues?

10 **MR PURVIS:** Look, it was pretty disappointing to have deal with that, but I was more - I was more concerned for the feelings of my staff and blue-collar guys, to be quite honest. You know, as a manager, we had - I have - I had a duty of care for them, and - yeah, it just seems that - that the disconnect between upper management and site management, you know, was conflicting at times.

MS MacNICOL: Thank you, Mr Purvis. Commissioner, I have no further questions.

15 **COMMISSIONER:** Who did you report to back then in July 2023, Mr Purvis?

MR PURVIS: At that point, I - I reported to a senior project manager named Dave Ryder.

20 **COMMISSIONER:** Dave Roe?

MR PURVIS: He was (indistinct). Ryder. R-y-d-e-r.

25 **COMMISSIONER:** Why -

MR PURVIS: Ryder.

COMMISSIONER: Ryder, Dave Ryder.

30 **MR PURVIS:** Yes. Yep, sorry, mate.

COMMISSIONER: And who did Mr Ryder report to?

35 **MR PURVIS:** Mr Anthony Zervaas.

COMMISSIONER: And Mr Zervaas is the person that you went and met on that day, 28 July, and waited for five hours for him to get out of his safety reset meeting?

40 **MR PURVIS:** Yes.

COMMISSIONER: So when you say that upper management told you not to involve the police, are you talking about Mr Ryder or Mr Zervaas?

45 **MR PURVIS:** No, no, it was HR.

COMMISSIONER: HR. Who from HR?

MR PURVIS: I believe it was the director, HR director.

COMMISSIONER: Is that Mr Silvester?

5 **MR PURVIS:** No, Mr Chris Butler.

COMMISSIONER: Chris Butler. Is there any application to cross-examine Mr Purvis?

10 **MS MacNICOL:** No, Commissioner.

COMMISSIONER: Thank you very much for your evidence, Mr Purvis. You're excused.

15 **MR PURVIS:** Thank you.

<THE WITNESS WAS RELEASED

20 **COMMISSIONER:** I think I'm confusing Mr Silvester with Mr Butler, because they're different sides of the joint venture. Is that how I'm getting that wrong?

MR GISONDA: No, Mr Silvester was safety.

25 **COMMISSIONER:** Safety, not HR. Sorry.

MR GISONDA: Commissioner, we'll have to disengage the AVL set-up, and it's also round lunchtime. We've got three witnesses to go. I wonder whether we might return at quarter to 2, if that's possible?

30 **COMMISSIONER:** Of course. We'll adjourn till 1.45.

<THE HEARING ADJOURNED AT 12.56 PM

<THE HEARING RESUMED AT 1.45 PM

35

COMMISSIONER: Mr Gisonda.

40 **MR GISONDA:** Thank you, Commissioner. We now call Mr McPherson as our next witness.

COMMISSIONER: Is Mr McPherson in the hearing room? Please come to the witness box, Mr McPherson.

45

<ROBERT JOHN McPHERSON, SWORN

<EXAMINATION BY MR GISONDA

COMMISSIONER: Please take a seat, Mr McPherson.

MR GISONDA: Mr McPherson, can I ask you to confirm whether on 21 September 2026 you swore a statement on notice from this Commission?

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MR McPHERSON: That's correct.

MR GISONDA: And that statement goes for 12 pages and is 107 paragraphs long?

10

MR McPHERSON: That's correct.

MR GISONDA: Now, can I just inform you of a couple of excisions that we've made to your statement. The first is that on page 9, paragraphs 74 to 77 have now been redacted. Do you see that?

15

MR McPHERSON: I see it on the screen.

MR GISONDA: And then at page 11, paragraphs 100 to 102 have also been redacted. Can you see that now?

20

MR McPHERSON: I see that on the screen.

MR GISONDA: Now, putting those paragraphs to one side, have you had an opportunity to read your statement recently?

25

MR McPHERSON: Yes.

MR GISONDA: And is it true and correct?

30

MR McPHERSON: Yes.

MR GISONDA: I tender that statement, Commissioner.

COMMISSIONER: At the back of the statement, I've got a couple of pages of handwritten notes which look like -

35

MR GISONDA: Yes, I'll tender those in the course of this evidence.

COMMISSIONER: Oh, they're not part of the statement. Are there any objections? Witness statement of Robert John McPherson, 21 September 2026, 12 pages, 107 paragraphs, with paragraphs 74 to 77 and paragraphs 100 to 102 excised, will be exhibit RJM-1.

40

45

<EXHIBIT RJM-1 WITNESS STATEMENT OF ROBERT JOHN MCPHERSON, 21/9/2026, 12 PAGES, 107 PARAGRAPHS, WITH PARAGRAPHS 74 TO 77 AND PARAGRAPHS 100 TO 102 EXCISED

MR GISONDA: Thank you, Commissioner. Mr McPherson, would you accept the characterisation of you being an industrial relations expert?

MR McPHERSON: Yes.

5

MR GISONDA: And you've worked in the field for more than 30 years; is that right?

MR McPHERSON: That's correct.

10

MR GISONDA: Could you tell the Commissioner, please, a bit about the experience and background that you've had in this area?

MR McPHERSON: Well, initially my career was in employer associations, and at Australian Industry Group, I moved into construction, and then into roles with Bechtel, Thiess, BHP Iron Ore Major Projects, a number of different consulting arrangements over a great many years, including in not just construction but mining and resources and a range of industries dealing with all of the major unions in and around the construction sector.

20

MR GISONDA: As part of that long and extensive history, you also had a role, didn't you, from July 2018 until June 2019 with the Cross River Rail Delivery Authority?

MR McPHERSON: That's correct. I was engaged by the Delivery Authority as the director of training and workplace relations.

MR GISONDA: And how did you get the role with the Delivery Authority?

MR McPHERSON: From recollection, I, through common colleagues, I think Graeme Newton, the then CEO or the CEO, reached out, or I was contacted for that role. I had had limited but some minor dealings with Graeme on the Burnett dam project up near Childers.

MR GISONDA: And could you just tell the Commissioner, at least initially, what your role with the Delivery Authority involved?

MR McPHERSON: During that time, the project was in its early stages; we were in tender. So the role was a fixed-term contract primarily directed at supporting the Delivery Authority with the tender and guidance around what was required from the Delivery Authority as part of that procurement process. So - and also the training element. The government had a determination that there would be a significant training and apprenticeship achievement from the project, and so the second limb of the role pertained to training and wanting to stand up a proper effort through the consortia that was successful around training and apprentices.

45

MR GISONDA: At paragraph 22 of your statement, which is on page 3, you make reference to the fact that you were part of the bid assessment team, and that involved - part of that involved, did it, the assessment of the industrial relations components of the bids; is that right?

5

MR McPHERSON: That's correct.

MR GISONDA: What did that involve?

10 **MR McPHERSON:** Yeah, so the - all of the bidders had to put in a bunch of materials around their approach to industrial relations, what industrial instrument strategy they would have, what - you know, what their approach to attracting and retaining labour would be, what are the IR risks were that they foresaw, the mitigations of those risks, you know, who they would use for external legal support,
15 a range of industrial relations matters like that were part of what they had to provide to the Delivery Authority as part of that tender and procurement process.

MR GISONDA: Now, do you recall whether your assessment of the bids from the industrial relations perspective involved from the outset assessing those bids through
20 the lens of the government's best practice principles, or was that something that was introduced midway through your assessment of the bids?

MR McPHERSON: There was a change. So certainly the Delivery Authority had cognisance that the best practice principles as a subinstrument to the higher-level
25 Queensland Procurement Policy - the DA had an appreciation that those best practice principles were in development, but in the first tranche of reviews of bids, there was no consideration at that stage of the best practice principles, because they hadn't properly been - they hadn't been developed, they hadn't been provided. That's my recollection of the timing of it. And so there had to be a second tranche, from my
30 role's perspective, of reviewing all of the bids against the then-released best practice principles.

MR GISONDA: We'll come back to the best practice principles in a moment. I just want to cover off quickly two other topics. You reference in paragraph 23 of your
35 statement the Tunnelling and Underground Construction Academy. Are you able to tell the Commissioner, what is that academy? What was - the integers of that?

MR McPHERSON: My knowledge of it is very limited.

40 **MR GISONDA:** Right.

MR McPHERSON: It was a concept or an entity that was described to me in my role, that people within the Delivery Authority were aware that in the UK there had been this idea of an academy, like a centre of excellence established, because there
45 was, I think, at that time, a lot of tunnelling going on in London. And so, you know, the idea was that a concept like that could be developed for Cross River Rail and there was an interest in understanding and exploring that.

MR GISONDA: Okay. The other topic, then, before we get to best practice principles, I'm sure you're more familiar with, and that's the industrial relations context of the project itself, which you deal with at paragraphs 37 to 33. Just looking at paragraph 28 in the first instance, you say that the coverage position of the AWU and the CFMEU was important to understanding the CFMEU's approach to the project. Could you just explain that to the Commissioner.

MR McPHERSON: Certainly. So obviously the union's rules and the coverage rules of the unions determines what they can appropriately be able to bargain for and to have coverage of on a project. And in this instance, for this project, it was predominantly - not exclusively - a tunnelling project, so the lion's share of coverage resided with the AWU. Now, certainly, the unions' rules of coverage are complex, but I think it was tolerably clear that the AWU had coverage of the lion's share of the project, and certainly, commercially and from a construction scope perspective, they had the biggest part of coverage of the project. And that was important because, as I say in my statement, the consortia that would eventually be successful and go on to build the project, you would want to know from them as a Delivery Authority that they were thinking about coverage rules and contemplating that in their approach to the industrial instrument and the strategy, you know, and their approach to the project.

MR GISONDA: At paragraph 29, you say that because of what you've just said about the AWU's tolerably clear coverage in relation to tunnels, tunnelling works, you say "the CFMEU, by contrast, required assistance or leverage". Could you just explain that concept in a little more detail, please.

MR McPHERSON: At this time, I can recall conversations within the Delivery Authority, including with the roles that I reported to, about why the CFMEU, from very early on in my tenure, were agitating through government into the Delivery Authority for engagement, quite so aggressively, engagement and involvement in the project, because for the reasons I just described, you would expect that a union that had confidence in its coverage could be patient and wait for the time to emerge for them to be party to negotiations for the agreement. And so, as I say, at this time, there was queries from within the project and the Delivery Authority why the CFMEU are being so on animated so early in the process, and the answer to that question is because they didn't have coverage, and because they didn't have coverage, my view and guidance to the Delivery Authority was that they would be seeking the assistance of the government, the then government, to shoehorn them into the project, into the negotiations.

MR GISONDA: In paragraph 30, where you say in the last sentence that you considered that an agreement that sought to give the CFMEU coverage of work outside its rules could be vulnerable to challenge in the Commission, do you mean there vulnerable to challenge ostensibly by the AWU?

MR McPHERSON: Correct.

5 **MR GISONDA:** And tell me if your previous answer has already answered this next question, which is that at paragraph 31 you talk about the guidance that you gave to Mr Newton about the CFMEU pressing the government and the Delivery Authority to include it in the project's industrial arrangements. Have you already answered the question, which is to explain that concept in a little more detail?

10 **MR McPHERSON:** So just dealing with paragraph 31, as I was saying earlier, certainly Mr Newton and others were inquiring of my role about the conduct of the CFMEU so early in the process, and I can distinctly recall explaining this coverage issue and that being something of a revelation to people within the Delivery Authority and that it explained why - or the political context of what was occurring external to the DA.

15 **MR GISONDA:** Turning then to the best practice principles, do you remember on about 18 July 2018, which is an incident that you give evidence about at paragraph 34 of your statement, which is at the bottom of page 4 and the top of page 5, do you remember what occurred on or around that day when a woman attended the Delivery Authority's office and met with you and Mr Newton and Mr Martyn-Jones?

20 **MR McPHERSON:** That's correct.

MR GISONDA: Can you tell the Commissioner what happened on or around that day?

25 **MR McPHERSON:** Certainly. I recall the date or I anchor the date by reference to the copy that we received - and I made a record - a copy of that document. It was at that stage a draft or pending final approval of the best practice principles. So by recollection, that was the first time we'd actually seen what was pretty close to the final version, and I distinctly recall the meeting because the comment that was made to us was that because we were in the family of government, "I can tell you that this document's hot off the desk of the CFMEU". So I was quite struck by that at the time. It's the sort of comment that stays with you, and I was struck by it because to my mind it reflected the extent to which the CFMEU were able to, or, on the face of
30 that comment, influencing the government around its procurement policies.
35

MR GISONDA: You can't recall where this woman said she worked?

40 **MR McPHERSON:** I - I don't recall, no. I've checked my records and my notebook from that period, but I don't - I don't have a record of that.

MR GISONDA: Now, at paragraph 39, you say that your initial advice, and presumably that's your initial advice to the Delivery Authority, was that the best practice principles were manageable. Can you explain to the Commissioner why you
45 had that view, at least initially?

MR McPHERSON: Certainly. So if you look at the best practice principles document at that stage, that iteration of them, it was relatively high level in its expression of those principles, and my reading of them and my guidance to the Delivery Authority was that the tier 1 contractors that we were dealing with should
5 be able to adequately, in their submissions to us, address and deal with and comply with those best practice principles as they were articulated at that stage. Because, as I say, they were expressed in relatively high-level terms, they didn't get into detail about the form of industrial instrument that a contractor should have. They were genuinely, I felt, an articulation of government policy around
10 principles - procurement principles.

MR GISONDA: Can I ask you this question, then, focusing on paragraph 41 of your statement: you've already said just then that you believe tier 1 contractors would be able to readily manage these best practice principles, which were framed at a
15 high-level abstraction, let's put it that way, but then you say at end of this paragraph that:

"The consortia issued multiple requests for clarification about the intended operation of the best practice principles and their consequences for the consortia's
20 industrial-instrument strategies."

Does that suggest that in fact they were having some difficulty managing those best practice principles?

MR McPHERSON: I certainly recollect that there were a number of RFCs, requests for clarifications, that had to be responded to, and from memory we also ran a number of interactive meetings with the consortia and industrial relations were obviously part of those interactives. And it's fair to say, consistent with the proposition you put to me, that the consortia were concerned to make sure that they
30 understood exactly the direction that the Delivery Authority was going and the government was going with these principles.

MR GISONDA: Now, at paragraph 44, which is over the page at page 6, you say that you considered that the best practice principles did not require the Delivery
35 Authority to prescribe wage rates or negotiate a project-wide enterprise agreement with the unions, and presumably that's just a matter of looking at what the best practice principles were saying at the time, initially. But you then go on and say that in your view, "requiring the Delivery Authority to do those things would have been commercially unsound and inconsistent with achieving value for taxpayers". Why do
40 you have that view, that such an approach would be commercially unsound and inconsistent with achieving value for taxpayers?

MR McPHERSON: Well, I didn't consider then, and still don't, that it's an appropriate role for the Delivery Authority or a government entity to be involved in
45 giving that level of direction to commercial bidders. At that stage, the project was a five-and-a-half-billion-dollar project. A big part of it was a PPP. So these entities are involved in a commercial tender, they're taking commercial risk, and I felt it was

commercially unsound and just not consistent with what a taxpayer in Queensland would expect that - a level of specificity or direction on what the rates should be is - would be appropriate or inappropriate. That wouldn't be appropriate.

5 **COMMISSIONER:** Why isn't that appropriate and why would a taxpayer not expect that?

MR McPHERSON: Sorry, Commissioner?

10 **COMMISSIONER:** Why isn't it appropriate for the government to determine the industrial terms for the future contractors?

MR McPHERSON: Because contractually you say to the contractors, "Industrial relations and the management of it is your risk. By the way, oh, these are the rates we want you to pay." Now, I'm sure Mr Gisonda will take us in due course to
15 correspondence, but it's not appropriate, in my view, for a government or a government entity to get involved in giving that level of granular direction and guidance to commercial entities who contractually are taking that risk. That's not in the interests of the Queensland taxpayer.

20 **MR GISONDA:** Could I bring up - on the topic of correspondence, could I bring up, if it's possible, Mr Operator, a document from Mr Newton's bundle of documents, and in particular page 405 of that bundle accompanying Mr Graeme Newton's statement. Thank you. This is a letter, which you can see on the screen, I hope, Mr
25 McPherson, dated 1 February 2019 from the then Deputy Premier, who had ministerial responsibility for the project at the time, to the chairman of the Delivery Authority, Mr Lucas. Now, you were provided with a copy of this letter in February of 2019; is that right?

30 **MR McPHERSON:** Correct.

MR GISONDA: Before you received that letter, were you - did you have suspicions or views about what the best practice principles might really be trying to achieve?

35 **MR McPHERSON:** I certainly did. I think there was a view within the industrial relations community and the construction sector that Queens Wharf, which was a significant building construction project which was on foot, there certainly was - people were alive to the distinct possibility that government might mean, by
40 the best practice principles, Queens Wharf.

MR GISONDA: And so when you received this letter, not addressed to you, but you were given a copy, did it confirm your suspicions, did it surprise you in how far it went? Tell the Commissioner what your reaction was at the time when you saw this letter.
45

MR McPHERSON: Well, as I say, I certainly did see it at the time in question, and if the operator can take us to the second page, from memory there's at least one if not

two mentions of Queens Wharf. Stop there. There's two mentions of Queens Wharf in this letter. Now, as I was saying earlier, it's an entirely different thing to have a set of best practice principles that articulate procurement principles about how the government expected the Delivery Authority to go about the procurement of the project. That's appropriate, not unreasonable. But this letter goes further than that, in my view. Certainly, it mentions Queens Wharf at least twice. It mentions some other projects as well. But in my view, this letter is capable of creating the inference - and I think it did in fact create the inference within the Delivery Authority - that what was expected was Queens Wharf wages and conditions.

COMMISSIONER: That's the message, reading in between lines, isn't it? This is a message from government. It doesn't say directly, "You must impose the Queens Wharf development," but it's giving lots of clues to that effect.

MR McPHERSON: I consider the letter unambiguous in that regard. The context is important. In December, there had been a meeting with the unions, and the evidence that this inquiry has already heard is how heated that meeting was from the unions' side of the table. I wasn't at that meeting, but that's the evidence the inquiry has heard. The Deputy Premier undertook to write to the Delivery Authority. This is that letter, following that meeting. The letter doesn't say, "These are the best practice principles. Please make sure you comply with the best practice principles." In my view, it goes further than that. Yes, it mentions other agreements and other projects beyond Queens Wharf, but it collides with the articulation of the policy position in the best practice principles by giving that level of specificity.

MR GISONDA: And if we just scroll down a little so we can see. Thank you. See the second reference to Queens Wharf project, which is highlighted, and then there's a paragraph under that that says:

"These examples in South East Queensland provide guidance in relation to the types of approaches to industrial relations and wages that the Government considers meet the expectations identified above."

That has to be understood in the context where, at that meeting, it was understood that the CFMEU were identifying the Queens Wharf project as the type of approach that they expected to be had on the Cross River Rail project.

MR McPHERSON: That's correct. I stand to be corrected, but I believe the evidence that the inquiry has heard from the people at the DA who were at that meeting was that it was very clearly the first time that expressly from the unions, Queens Wharf was pushed as the relevant industrial instrument. And if you can bear with an IR nerd for a moment, Queens Wharf is not a relevant comparator to Cross River Rail. The rail project, Cross River Rail, is predominantly a civil, driven-tunnel project. Queens Wharf is a CBD building project. In addition to that, the Queens Wharf agreement had a number of very restrictive provisions that absolutely collide with what was necessary in terms of flexibility for a project in a rail corridor, as Cross River Rail was and is.

COMMISSIONER: Why weren't you at these meetings that you've heard about by following what's happening in this Commission? You were the senior industrial relations expert in the Delivery Authority.

5

MR McPHERSON: Well, I - as you are aware from previous evidence before the inquiry, I was sidelined from meetings with the unions at the request of the unions. The chronology of events there, to my understanding, is that the unions made a complaint to the Deputy Premier's office. The CEO of the Delivery Authority,
10 Graeme Newton, told me that he had been requested to attend a meeting with the Deputy Premier, Jackie Trad, about these issues, and in due course, as these meetings later in the year started to commence, I was not required to attend them. And at or around that time, a consultant was engaged, Paul Inches, and my understanding - I don't know, because I wasn't at the meetings - is that Mr Inches attended those
15 meetings.

COMMISSIONER: Why is Mr Inches being engaged when the Delivery Authority has already got you?

20 **MR McPHERSON:** Well, my understanding - and again, I think this has been the subject of evidence before this inquiry - is that he was to act as a conduit, and he was put up to the unions as a conduit between them and the Delivery Authority. That was - it was put to me, when I enquired about Mr Inches and his employment, it was put to me that he was just going to be doing training, and, you know, I - I took issue
25 with that immediately, because I knew of Paul and his background and career, and as I say, I think, and what ultimately has been the subject of evidence before the inquiry, is that Mr Inches was put to the unions as a conduit between them and the DA and to avoid - I think the language was antagonism of the unions.

30 **COMMISSIONER:** When you say or describe you knew his background, what do you mean by that?

MR McPHERSON: I had at that time a copy of Mr Inches' CV, and it's not a criticism of him, but it's a fact that he had a long career at that time in and around the
35 union movement, I think predominantly, not exclusively, with the Miscellaneous Workers' Union, the LHMU, in several states and territories of the country, and he also had a career, I believe, in and around government and being policy adviser to government ministers here in the State of Queensland. As I say, none of that's a criticism; he's entitled to his career. But none of that CV on its face of it showed any
40 history or background in construction, and the view that I've just expressed to you is the view that I expressed to the people I reported to at the time.

COMMISSIONER: To Mr Newton and Mr Martyn-Jones?

45 **MR McPHERSON:** Certainly to Matt Martyn-Jones, and yes, and also to Mr Newton, yeah.

COMMISSIONER: What did you say to them?

5 **MR McPHERSON:** Pretty much what I've just said, Commissioner, that I know who Paul Inches is. He will be a cipher to the unions. He doesn't know about construction, and that's why he's here. Yeah. And it was put to me that I didn't need to concern myself; it's going to be okay. "Once Paul starts, we'll get him on side with the cash, you know, he'll see it our way," and I expressed the view to them that that was naive, in my view, because, you know, Paul's career speaks for itself.

10 **COMMISSIONER:** You said he was employed as a conduit between the Delivery Authority and the unions, but that was your job. You were the conduit between -

MR McPHERSON: Well, I could have been. Yeah, that was my role.

15 **MR GISONDA:** And on that point, however, you say in your statement that shortly after you commenced, you were asked to contact -

COMMISSIONER: This is paragraph 52?

20 **MR GISONDA:** Yes. You were asked to contact the relevant state union secretaries and commence a dialogue, and you telephoned the relevant unions, and do I take it that you didn't have any difficulty establishing a dialogue with the then secretary of the AWU, Mr Baker?

25 **MR McPHERSON:** That's correct, yeah.

MR GISONDA: But you did have difficulty with the other state secretaries; is that right?

30 **MR McPHERSON:** That's correct, yeah.

MR GISONDA: And you were told by Mr Rohan Webb from the AMWU - or he had a conversation with you about the attitude of some of the other unions to your engagement. Can you tell the Commissioner what you remember him saying to you?
35

MR McPHERSON: Certainly. So, as you've indicated, I was directed by Matt Martyn-Jones to make contact with the state secretaries. I did that. Other than the AWU, the only state secretary who returned my call was Rohan Webb. I knew all of the state secretaries from my career in Queensland, and Rohan called me back and
40 said, "Mate, so you know, we've all been talking. We know you're calling us all. No one's calling you back. We don't know how you got the job. We're pissed off you've got the job, and we want you out of the job." I was like, "Oh, thanks, Rohan. Good to know."

45 **MR GISONDA:** And did he give you a reason?

MR McPHERSON: I asked him, and he referred to some dispute that had occurred - I'd been away from about 2010 to 2017 in WA, so I hadn't had any interactions with these guys.

5 **COMMISSIONER:** That was BHP Iron Ore, was it?

MR McPHERSON: BHP Iron Ore Major Projects. That's why I relocated. I wasn't with them for all of that time, Commissioner. But yeah, Rohan had some - a reference to some previous interaction that we'd had, and I said, "Oh, mate, yeah, I
10 don't recall. Whatever." And so, yeah, it was clear that his mind was set.

MR GISONDA: And do I take it, then, that apart from that conversation with Mr Webb, you didn't get a call back from the other state secretaries beyond Mr Baker?

15 **MR McPHERSON:** That's correct.

MR GISONDA: Could I ask you, in paragraph 57, the evidence you give about preparing guidance for the Delivery Authority about personnel meeting with union officials and that your advice was that staff should not meet with union
20 representatives concerning procure minute or industrial matters without prior approval and appropriate controls, why was that your view?

MR McPHERSON: So, yeah, there was a bunch of training and information sessions provided to staff, particularly more senior staff at the DA and those that
25 were involved and may ultimately be involved with consortia and assessing of bids, and the guidance to them was, "Don't meet with the unions." And the reason for that, in coming directly to your question, is that, you know, there's probity issues. Something that you say that might be quite innocent and absent of any real content they will misrepresent, and you just don't want to be placing yourself in a position
30 where a union official can say, "Oh yeah, I had a coffee with Fred from the DA the other day and he told me this," you know, so -

MR GISONDA: Had anything happened that caused you to give this advice, or did you just think it was something that was good to tell your colleagues at the Delivery
35 Authority?

MR McPHERSON: I don't recall that there's any specific incident. I think it was just general guidance in the role to the project team.

40 **MR GISONDA:** Now, on 30 July 2018, this is at paragraph 60 of your statement, there was a meeting between representatives of the Delivery Authority and the CFMEU that you were not present at, but you understood, did you, from later discussions and records, that the CFMEU had communicated a proposal to those in the meeting at that time, and the proposal was, first of all, that the Delivery Authority
45 make an enterprise agreement directly with the relevant unions, including the CFMEU, or, in the alternative, the Delivery Authority establish an industrial

framework that would apply to the contractors who were engaged to perform work on the project. Is that what you understood the CFMEU were positing?

5 **MR McPHERSON:** Correct, yeah, absolutely. From the earliest time I started, and this is within a month of starting, it was clear that the CFMEU wanted the DA to come to some sort of arrangement that would then be secured by the commercial contract.

10 **COMMISSIONER:** Do I take it because you're not at this meeting - you started on the 2nd, this is the 30th, it's exactly four weeks - already by that stage you'd been excluded?

15 **MR McPHERSON:** Yeah, I - I don't know whether there'd been an active decision to exclude me or whether it was a meeting that was occurring with some of the political - I just - I couldn't tell you. I think the point of this paragraph from my perspective was to say, very early on, it was very clear the CFMEU were pursuing: "Do an agreement with us. Put it on the contractors."

20 **MR GISONDA:** And at paragraph 61, you say that you were informed that the Deputy Premier's office had also advised that the CFMEU was demanding that the Delivery Authority either make an enterprise agreement itself or have a framework agreement in place.

25 **MR McPHERSON:** Correct.

MR GISONDA: Yeah, an industrial framework apply to the project. So is that support for your proposition that the CFMEU were targeting or pursuing the Delivery Authority directly but also through the government as well?

30 **MR McPHERSON:** Absolutely. That's - that's precisely what I'm saying in that paragraph, is that I became aware from early in my time with the DA that the DA were getting messages from government that the union wanted the DA to enter into an industrial instrument or some sort of framework that could then be cascaded commercially as an obligation on the contractors.

35 **MR GISONDA:** And that request or demand or position of the CFMEU, looking now at paragraph 64 of your statement, was taken very seriously by the Delivery Authority, to your observation; is that right?

40 **MR McPHERSON:** Absolutely.

45 **MR GISONDA:** And, in fact, advice was sought from not only King & Wood Mallesons but then a peer review, as you've described it in paragraph 65, from Herbert Smith Freehills as well to really interrogate whether there was some way that this agreement or framework could be implemented. Is that fair?

MR McPHERSON: There's a couple of elements to what you put in that proposition. It's certainly true that the DA took it seriously, which is understandable, you know, a stakeholder like the unions, through the government, making this demand. And it's certainly true that we sought external advice from Mallesys and peer review from Freehills. I don't think the seeking of the advice and the questions that were asked - they were not directed at trying to find a way to comply with that request, but I certainly started to become concerned that it could play out that the Delivery Authority would be required to try to find a way to comply with that request.

Now, if we rewind the tape to the previous questions about letters from the minister, this is - the final version of their advice I think is November. This issue first is agitated in July. The letter's in February. So this matter was live and substantially alive within the Delivery Authority for an extended period of time, and the Commission - this inquiry has heard evidence about what then transpired after contract award, getting to - and this is past my employment, to be really clear, but, you know, getting to financial close, trying to get the agreement executed, you know, this - the advice was prescient, right; it was necessary to have that advice.

MR GISONDA: And so is that why at paragraph 66 you say that you became concerned that a matter that you regarded as relatively straightforward was taking so long, and you began to form the view that part of the process involved exploring whether the government could find a way to accommodate or acquiesce to the CFMEU's demand. You're drawing a distinction there, are you, between the Delivery Authority on the one hand and the State Government on the other?

MR McPHERSON: I think the Delivery Authority is an extension, it's an arm of the State Government. So I'm not drawing that distinction, because the government would require the Delivery Authority to bring about whatever it was seeking to achieve, yeah? I guess what I was saying in paragraph 66 is public sector can sometimes take a long time to come to an obvious conclusion. You can't do what's being asked. It took from July until November for that formal version of words to be settled. That's a long time to point out the bleedingly obvious.

MR GISONDA: Looking at paragraph 67, and you've already told the Commissioner a bit about this already, but on 30 October 2018, you say Mr Martyn-Jones came to your desk and told you about the engagement of Mr Paul Inches. What do you recall about what Mr Martyn-Jones said to you that day?

MR McPHERSON: I made a contemporaneous note at the time. In fact, I made two notes on that day about the conversations that occurred that day. So my recollection, as in this paragraph, is that Matt said, "Look, don't ask how this has arisen, but we've met with Paul Inches. We're going to be using him as a consultant to work with the unions on training. We need you to work with this, make life easier." So yeah, I was, again, as I think I said earlier, quite struck by these conversations.

MR GISONDA: If perhaps we bring up the document titled Contemporaneous Notes of Mr McPherson dated 30 October 2018.

MR McPHERSON: Might struggle to read these.

5

MR GISONDA: And if we go to the second page first, that's a note, is it, of you saying that you were at your desk and Mr Martyn-Jones said, first, "Don't ask how this has arisen, but we have met with Paul Inches." And then on it goes, making a record of the conversation. Is that how we read these notes?

10

MR McPHERSON: Correct.

MR GISONDA: And you made these notes when?

15

MR McPHERSON: That day. The page above, I think, is the note that I made literally straight after the conversation. Because I was so concerned about Mr Inches' engagement, I later that day met again with Matt Martyn-Jones at my request, and ahead of that, I made a more substantial note, because I wanted to be sure of, you know, my recollection of what had been said in the morning, and - yeah.

20

MR GISONDA: If we look at that first page, please, and on the right-hand side, do you see there "Paul Inches" underlined? Is this the note that you made immediately once Mr Martyn-Jones left your desk?

25

MR McPHERSON: That's correct.

MR GISONDA: And so you see a reference there "IR bloke". And then under that it says "Unions via DP office". What's that note a reference to?

30

MR McPHERSON: I inquired at the time, because I knew the name Paul Inches, "How has this bloke - has this come about?" And was told that he's come via the unions via the Deputy Premier's office.

COMMISSIONER: Inquired of whom? Who did you make inquiries of?

35

MR McPHERSON: About?

COMMISSIONER: Mr Inches. You said you inquired.

40

MR McPHERSON: I inquired of Matt Martyn-Jones, who was talking to me, saying, "Hey, this bloke Paul Inches is going to start," and I asked, "How has this come about?" Because I knew the name Paul Inches, right.

COMMISSIONER: And he told you the unions via the Deputy Premier's office?

45

MR McPHERSON: Correct.

COMMISSIONER: What did you think of him when he said, "Don't ask how this has arisen"?

5 **MR McPHERSON:** Well, that's what - well, I didn't accept it, but I asked, "How has this come about, Matt?" And knowing Paul Inches - when I say "knowing", I knew the name - I could well guess how it had come about.

10 **MR GISONDA:** Now, at paragraph 71 of your statement, page 8, you say you were "deeply concerned by that explanation". Why were you deeply concerned?

MR McPHERSON: Because we were in tender. The unions were prosecuting an argument for an agreement that should be done with them by the DA. The optics of someone - if I knew Paul Inches was, the industrial relations managers at these tier 1 contractors, they would know who Paul Inches was, and I thought the optics of that were dreadful for the Delivery Authority. The organisation spent a lot of time on external consultants around probity, and I just thought this is - this has got hairs all over it that this bloke's lobbed into the middle of it.

20 **MR GISONDA:** And paragraph 72, that's what you said to the Commissioner earlier, is it, which is that you expressed that exact concern to Mr Newton and Mr Martyn-Jones, and what you said was that he would operate as a conduit for the CFMEU, but they disagreed and said that his role would be controlled: in effect, being employed by the Delivery Authority, he'd be on the Delivery Authority's side, not the union's side. That was the effect of their response, was it?

25 **MR McPHERSON:** That's exactly right. And there was a subsequent meeting, which you probably will take us to, where I prepared a document, like a discussion paper, where I was trying to -

30 **MR GISONDA:** I might stop you there if that's okay.

MR McPHERSON: Getting ahead of you. My apologies.

35 **MR GISONDA:** No, that's okay. Then you say at paragraph 81 of your statement, which is on page 9, that Mr Newton, at about this time, called you into his office and told you that he'd been summoned to meet with Minister Trad. Can you tell the Commissioner what you recall about that meeting?

40 **MR McPHERSON:** I distinctly recall it, because it was so - such a stark sort of conversation. Graeme called me into his office, and he said "Mate, I've got a problem. It's with you and your employment. I've got to go and see Jackie Trad about you. Sorry, mate, but I have to let you go. I have to let you go." So, you know, my contract was fixed term, so I took some comfort in the fact that I'd probably be paid out the balance in any event, but we then proceeded to discuss, and I put to him,
45 "Well, this is concerning, Graeme, because this is not what you have a Delivery Authority for. It's there for the express point of bringing in people from the private sector with expertise, in industrial relations in my instance, to assist the Delivery

Authority." Graeme was, you know, similarly, on the one hand at least, you know, similarly of the same view as myself about all of that, you know, the idea that the Delivery Authority needed to have that external expertise within it.

5 **MR GISONDA:** And you say at paragraph 83 that you responded with, "This is how governance problems began." What do you mean by that proposition?

10 **MR McPHERSON:** Well, if - if - if the unions, because they don't like the director of industrial relations, can reach through the Deputy Premier's office, as it was put to me, and request my removal, or create an issue with my employment, then that's - to my mind, that's a governance problem, because the right response to that, surely, is to say, "It's not a matter at all for the unions who's employed by the Delivery Authority to fulfil the role of the director of workplace relations."

15 **MR GISONDA:** Now, at paragraph 87, you talk about what happened after that meeting, which you were not at, between Mr Newton and the Deputy Premier. What were you told by Mr Newton after that meeting about what had happened?

20 **MR McPHERSON:** I can remember being concerned, asking Graeme to tell me as soon as he knew the outcome. I can't tell you the dates of these conversations; my apologies. But Graeme asked me into his office shortly after he had met with the Deputy Premier and said, "Mate, you've survived," right? So there was nothing more beyond "you've survived" in substance. There was no direction or guidance to me that my role would be, you know, varied or constrained in any way, just, "Yeah,
25 you've survived."

MR GISONDA: Now, can I ask that this next document be brought up on the screen. It's again returning to Mr Graeme Newton's evidence, the bundle of documents accompanying his evidence, page 69, please. Now, this email is already
30 in evidence, but you understood by this point, did you, that the CFMEU had said that it would not meet with the Delivery Authority if you attended future meetings. Is that correct?

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

MR GISONDA: And do you recall who had communicated that position to you?

40 **MR McPHERSON:** I - I don't recall specifically who said that. It was just something that I had become aware of in the period immediately prior to sending this email, and the context again is important, because at that time, meetings with the unions were not far off, if they hadn't already started to occur. And so I was becoming aware of that, I was aware of Mr Inches, and so I had become aware that I wasn't going to be needed for those meetings.

45 **MR GISONDA:** And can I ask you about paragraph 94 of your statement, which is at page 11. You say that you'd had informal discussions with Mr Newton and Mr Martyn-Jones before sending that email, in which you'd said that refusing to meet

with a particular management representative was a common union tactic and that the Delivery Authority should stand its ground. Just tell the Commissioner a bit more about your reasoning there in what you were saying to Mr Newton and Mr Martyn-Jones.

5

MR McPHERSON: Well, as I was saying before, I was beginning to comprehend that there was this prospect that I would not be involved in the meetings, and I can recall saying to both Graeme and Matt, "Look, guys, this is as common as muck that the unions will say 'We're not coming if that bloke's there,'" right. And my guidance to them was the golden rule: it's your project, right? They will come. Because first of all the CFMEU need to be there to be engaged and involved; they don't have rules of coverage. And secondly, they won't want meetings to occur with the AWU that they're not at, right. So don't blink, keep going, and they'll come to heel, right. It's not your problem; it's their problem. That was my guidance.

15

MR GISONDA: But in fact, did you end up attending any meetings where the CFMEU or any union representative was present after that time?

MR McPHERSON: I - I'll answer that question this way: I don't recollect being in meetings with the CFMEU, yeah.

20

MR GISONDA: Commissioner, those handwritten notes of Mr McPherson, I tender those two pages of notes, being notes of Mr McPherson dated 30 October 2018.

COMMISSIONER: Just tell me about the second page. Do I take it, Mr McPherson, up to the fifth line or the fifth dash is your record of what Mr Martyn-Jones said to you at approximately 9.30 on 30 October, and then the next six dashes are with R Mac. That's, in effect, your prep for the 2.30 meeting; is that right?

25

MR McPHERSON: I think the three bullet points on the far left are what -

30

COMMISSIONER: Are we looking at the same page?

MR McPHERSON: Yes, we are. I think the three bullet points at the extreme left are everything from there down to Discussion Topics 2730, Mayne Yard room, I think that's my notes of what occurred at 9.30, yeah.

35

COMMISSIONER: So tell me where it starts and where it finishes.

MR McPHERSON: It finishes at:

40

"Nothing to do yet on training".

COMMISSIONER: They're all your notes of what happened at 9.30?

45

MR McPHERSON: I made these after the conversation at 9.30, but this is what I say occurred in the conversation at 9.30.

COMMISSIONER: You made them that morning?

MR McPHERSON: Yes, it would have been that morning I made this note, yeah.

COMMISSIONER: And then tell me about the 2.30, what's the - you might need to bring it up, Mr Operator.

MR McPHERSON: Just scroll down. Then at 2.30, these are the topics that got traversed: clarification re his role, reporting, involvement with my role, how will these two roles work together, position description, scope of works. I'd had the course of the day to start to turn my mind to how I would address my concern that we would have control and specificity of scope of what Paul Inches' role would be.

COMMISSIONER: What's the reference there to "protect our arses"? What's that about?

MR McPHERSON: Well, as I said in earlier answer to questions from Mr Gisonda, I felt that the optics of the engagement with Mr Inches was not great. I thought other people would know who Paul Inches was and may raise an eyebrow about that, and there was subsequently a document that I prepared and guidance I provided that we should do a position description, scope of works, have him report to me, not go to meetings without me, you know, and that - that "protect our arses" is reference to me starting to articulate that thinking to Matt.

MR GISONDA: Can I just ask you just on these notes, just further up on the page, see where it says:

"Need you to work with us on this. Make life easier for all of us."

That's Mr Martyn-Jones saying that to you; is that right?

MR McPHERSON: Correct.

MR GISONDA: And is that because you were expressing, from the very outset, your concerns about this development?

MR McPHERSON: Yeah. I - yes, absolutely. Matt put it to me, "We're getting this guy on board. He's just going to do training, mate." I said, "I know who Paul Inches is, Matt, and he's not going to be training. He's going to be a conduit to the unions. That's what he's going to be." And Matt was taken aback by that, right: "Oh shit, this bloke knows who Inches is." Right? That's what occurred.

COMMISSIONER: Are there any objections? Notes, two pages of notes of - two pages of contemporaneous notes of Robert McPherson, 30 October 2018, of discussion with Matthew Martyn-Jones will be exhibit -

MR GISONDA: RJM-2.

COMMISSIONER: RJM-2.

5 **<EXHIBIT RJM-2 TWO PAGES OF CONTEMPORANEOUS NOTES OF
ROBERT MCPHERSON, 30/10/2018, OF DISCUSSION WITH MATTHEW
MARTYN-JONES**

MR GISONDA: I have no further questions, Commissioner.

10

COMMISSIONER: There was another person who has come up in the evidence, a Mr Gartrell, who comes up. I think you finished - you lasted a year, 12 July 2018 to 28 June 2019. It seems from your statement you were sort of sidelined from a fairly early stage in terms of meetings with the unions, and certainly from what you said
15 today. I thought Mr Scott Gartrell came to be engaged as a consultant, as well as Mr Inches, with the Delivery Authority. Have I got that wrong?

MR GISONDA: June, late June. Sorry, yeah, late June 2019 is Mr Gartrell.

20 **COMMISSIONER:** And who's Mr Gartrell, McPherson?

MR McPHERSON: Well, again, I know of Scott Gartrell by name. Relevantly, his work was after my period. There may be - there may have been an overlap of a week or something of that nature. He was engaged, as I understand it, and from the
25 evidence as I've understood it before the inquiry, to - to assist the negotiations. There seemed to be some - in the evidence there seems to be some difference about whether or not Mr Gartrell was to be active in negotiations or just to assist, attend negotiations. But yeah, so - I mean, as I understood it, there was a battalion of external experts, Evan Moorhead, Scott Gartrell, Paul Inches, you know, all assisting
30 the Delivery Authority in their interactions with CPB.

COMMISSIONER: And given your 30 years of experience as an expert in industrial relations, particularly in the construction side, what are your thoughts about the engagement of those three gentlemen as advisers or consultants to the
35 Delivery Authority?

MR McPHERSON: Well, I mean, it makes sense to employ someone who knows about industrial relations. They're entitled to staunch up, you know, that person with other sources of advice. That's, to my mind, uncontroversial. But I think the evidence
40 that the inquiry has received is that, you know, commercially, the contract had been awarded, and it was being formalised. We were - the project was getting towards financial close, wanting to get to financial close. CPB were wanting to get an agreement. That's their evidence. And I thought, you know, listening - following that evidence - and again, I emphasise this is after my time - I thought people, whether
45 they be employees or consultant from the Delivery Authority, attending negotiations was irregular. You wouldn't, as a client, normally want to straddle that

commercial/industrial fence, for obvious reasons. And I think the evidence that the inquiry has received is that it created a level of confusion within CPB.

5 So, you know, it's a different thing entirely for those consultants to assist the
Delivery Authority by having meetings with CPB before they go to bargaining and
after they come back from bargaining and to keep, you know, working and
discussing and understanding that. The government was pressuring - understandably,
financial close, the industrial instrument, the certainty that you want around all of
that. But it's distinguishable from actually having people in the negotiation room.
10 That's, to my mind, irregular.

COMMISSIONER: I seem to recall from Mr Newton's evidence - it might have
been that email you brought up before, Mr Gisonda - that you had said something in
writing that warned of a route that was going to be traversed that you said shouldn't
15 be traversed, and you were proved right. Is that the email?

MR McPHERSON: That's - that's correct. So once I was seized that I was going to
be excluded, I wrote this email, yeah? And, look, the email is pretty clear in its
meaning on its face, and the context, Commissioner, you've just heard. The broader
20 context, we had the Townsville Stadium on foot. It was the matter of public record
that the Townsville Stadium had had a significant increase in its cost as a result of
union influence on that project. So hence I wrote this email and said, you know, my
guidance to you is don't - this is how it starts. Don't blink at this early juncture in
your interactions with the unions.
25

COMMISSIONER: And were you given the opportunity to further discuss and
understand the approach?

MR McPHERSON: In response to this email?
30

COMMISSIONER: Yes.

MR McPHERSON: There was - to the best of my recollection, there was a meeting
that occurred - this is Sunday, 9 December that's written.
35

MR GISONDA: Could I just stop Mr McPherson there. Certainly, you can require
him to answer it, but I suspect if he then answers it, Mr O'Brien might want to
commence some cross-examination about the meeting. So I thought I'd just let you
know that, Commissioner, before you decide whether you want -
40

COMMISSIONER: It is part of the stuff that you've redacted -

MR GISONDA: Yes.

45 **COMMISSIONER:** Right, that I've blundered into.

MR GISONDA: Yes.

COMMISSIONER: I'll stop blundering.

MR GISONDA: That's my -

5

MR McPHERSON: Curiosity killed the cat and Commissioner.

MR GISONDA: My role is to assist you, Commissioner.

10 **COMMISSIONER:** Well, I won't require you to answer that question, Mr McPherson. Is there any application to cross-examine Mr McPherson?

15 **MR O'BRIEN:** There was, but in light of the agreement between counsel assisting and myself, in an endeavour to try and shorten the time Mr McPherson's in the witness box, conscious of the (indistinct) Commission, certain arrangements were made and agreements about certain paragraphs that were redacted. As a result, we don't require to cross-examine Mr McPherson. Can we also state, Commissioner (indistinct) and I didn't interrupt any of the questions that you asked, Commissioner, Mr McPherson frankly conceded when he was at the authority and when he wasn't, 20 and a number of times he's given answers where he has recounted his reading or perhaps watching of various evidence that's been given before this Commission. Obviously the evidence that was actually given is what will guide this Commission. I didn't seek to interrupt you, Commissioner, and you're obviously aware of that, but we would just not want it to be thought that necessarily all the summaries or 25 description of what the evidence that was given was, in fact, correct. The evidence of Mr Newton, the evidence of CPB, Mr Johnson, Mr Sanfilippo as to what occurred and their attitudes about why it occurred is before the Commission and stands as it is.

30 **COMMISSIONER:** I understand that. It's not this witness's opinion of what was said in this Commission but in fact what was said that's important.

MR O'BRIEN: Yes. Yes, that's right. Thank you, Commissioner.

35 **COMMISSIONER:** Mr McPherson, thank you very much for your evidence, and you're excused.

<THE WITNESS WAS RELEASED

40 **MR GISONDA:** Commissioner, Ms MacNicol will take the next witness, Mr Bennett.

<PETER DAMIAN BENNETT, SWORN

<EXAMINATION BY MS MacNICOL

45

MS MacNICOL: Thank you, Commissioner. Mr Bennett, have you provided a statement to the Commission dated 2 October 2026?

MR BENNETT: Yes, I did.

5 **MS MacNICOL:** That statement was originally 113 paragraphs with two annexures. Commissioner, there are a number of redactions. Paragraphs 24 to 25, a portion of paragraph 26, paragraphs 27 to 35, 38 to 49 and 101 to 110 have been redacted. But for those redactions, have you had a chance to review your statement?

10 **MR BENNETT:** Yes.

MS MacNICOL: Commissioner, I tender the statement sworn on 2 October 2026, 11 pages, with now one annexure following those redactions.

15 **COMMISSIONER:** Are there any objections? Witness statement of Peter Damian Bennett, 2 October 2026, 11 pages, 113 paragraphs with one annexure, with redactions at paragraphs 24 to 25, part of paragraph 26, 27 to 35, 38 to 49 and paragraphs 101 to 110, will be exhibit PDB-1.

20 **<EXHIBIT PDB-1 WITNESS STATEMENT OF PETER DAMIAN BENNETT, 2/10/2026, 11 PAGES, 113 PARAGRAPHS WITH ONE ANNEXURE, WITH REDACTIONS AT PARAGRAPHS 24 TO 25, PART OF PARAGRAPH 26, 27 TO 35, 38 TO 49 AND PARAGRAPHS 101 TO 110**

25 **MS MacNICOL:** Mr Bennett, you commenced on the Cross River Rail in May of 2022 at the Northern Portal. What was your role there?

MR BENNETT: My role was a senior site supervisor, looking after craft or blue-collar workers.

30 **MS MacNICOL:** Was your specialty in the electrical?

MR BENNETT: Yeah, my field of expertise is electrical.

35 **MS MacNICOL:** What were your principal responsibilities as the senior electrical supervisor?

MR BENNETT: So mechanical and electrical installation of rail infrastructure to the tunnel from Northern Portal to Albert Street.

40 **MS MacNICOL:** And what or which perhaps unions did you principally deal with at the Northern Portal?

MR BENNETT: So ETU, AMWU and, towards the end, CFMEU.

45 **MS MacNICOL:** At paragraph 18 of your statement, you say that during rights of entries, when initial discussions with the union couldn't be resolved, they would

quickly escalate. Appreciating that you dealt with - you've listed three unions, can you expand on that point a bit?

MR BENNETT: Yeah, sorry, CEPU, the Plumbers Union, as well.

5

MS MacNICOL: Four unions.

MR BENNETT: Four unions. Yeah, so over my 30-year experience, I've had a few dealings with unions. One notable time was 2012 at the Victorian desal project, which was quite well known for the - a similar sort of tenure that we're talking about now. But in my experience, the initial discussions that happened is a right of entry is sought. That right of entry is usually reviewed by management, IR specialists, IR management. Discussions are had to inform the site personnel, site supervision, site managers that this type of permit is coming along and what to expect: 117, a safety issue, or discussions with craft about EBA-type situations. So that particularly is not the expertise of a site supervisor; it's more of an IR supervisor, industrial relations expert. Then that is coupled with a site supervisor that's familiar with the site to work out what the issue is, which way we're going to go with it. Is it a safety issue? Is it an IR issue, meaning related to EBA discussions? Is it along those lines, similar to what Peter Cullen said.

20

MS MacNICOL: And at the Northern Portal, would you typically go for - in terms of a right of entry, you would participate in the walk-throughs or addressing any safety issues with - is it Ben Loakes?

25

MR BENNETT: Yeah, Ben Loakes was an IR supervisor that would frequently support IR interactions with the unions and would be the first point of contact, and myself or the other supervisors would come along with those walks if needed.

MS MacNICOL: Now, I'm going to talk about July of 2023, but context for July was that during a period in 2023, there was some disputes going on where a small period of approximately two weeks, there was a substantial part of the workforce that was present at the Northern Portal but that wasn't able to perform ordinary duties. That's at paragraph 26 of your statement. Following that period, did you perceive that you were becoming targeted by unions?

35

MR BENNETT: So that period was a very difficult period. It was a targeted period surrounding the UGL EBA as it came to its end of its agreement, and sort of IR or union representation coming onto site to discuss, you know, the upcoming negotiations. Those negotiations went from bad to worse really quick. We had two weeks of 14-hour days with the unions going through everything and anything and to subsequently work through those difficult times quickly, to not have the workforce paid for that time that they sat on the grass. That, I believe, was a pivotal moment for Shane and I to be targeted, because we worked through those problems, and the particular unions had to stand up in front of their members and accept that we'd - there was no payment for any of these issues that they raised.

45

MS MacNICOL: So this period of dispute is the context that leads us into July of 2023. I want to take you straight to 27 July. So there's the Boggo Road incident that's happened on the Tuesday - sorry, and then there's the Wednesday the 26th, where no work was performed, but going to the 27th, the Thursday, what kind of behaviour did you observe on site that day?

MR BENNETT: So came to work. Shane was already at work. I came quite early. Experienced roughly, you know, 20, 20 to 15-odd people, front gates locked, like Shane and Jamey and everyone confirmed. The only difference, I had our HSR, Jayce Emmerton, come up to the car and let me know that there's some colourful characters around and said it's okay, and I proceeded to walk through the front gate. There was no hostilities. There was a little bit of presence, but no real - what I would perceive as aggression, just people with, you know, union flags, ETU, CFMEU, CEPU, just supporting the no-work stand-down. Later that day, things became more hostile. That's when rocks were thrown at the crib rooms. Rocks were thrown at Mr Rasmussen's bike. I grabbed my car and I brought my car into the back gate, and we - we heard, you know - well, I witnessed some union members with CFMEU screaming out that "You've got blood on your hands. We know where you live. We're gonna follow you home."

Yeah, that sort of - there was a heightened sense of fear. One of our female engineers started crying. There was young, culturally diverse engineers that didn't know what to expect. Shane and I consoling them, letting them know to just go home early. Walked people to their cars, made sure that they got home early so that they weren't witness to further threats or - you know, you could visibly feel the tension.

MS MacNICOL: So this is on the Thursday. You mentioned that as the day progressed it got more hostile.

MR BENNETT: Yeah.

MS MacNICOL: Do you - can you think why?

MR BENNETT: So there must have been - I mean, I wasn't out there watching, but there's a physical barrier between - a fence, shade cloth fence with, you know, Cross River Rail written all over it. Cars were in front of the main two gates, big, you know, three-and-a-half-metre gates at the front with cars. It looked like to me, once walking our staff out to their cars, that the crowd had gone from 10 to 15 to 20 to 30. So more people have been brought in and it's amplified. So they wanted - to my mind, it looked like they're trying make a statement.

MS MacNICOL: And we understood from Mr Purvis' evidence, was that staff were able to work somewhat that day but the blue-collar workforce were not able to enter the site.

MR BENNETT: Definitely no blue-collar, but we were able to come in in the morning, under a reasonable amount of safety, with Shane letting the gates in, Shane

texting people, me helping out texting people, us going out and meeting them at the gates or at their cars, coming to work. Yeah, it all seemed okay up until the midday mark, where it amplified.

5 **MS MacNICOL:** So you've got an amplified situation on Thursday afternoon. How did that then change on Friday morning?

10 **MR BENNETT:** Oh, it - so again, I came in early, probably - I think Shane was in there at 4 o'clock again. That 20 to 30 was 30 to 40. Jayce - I parked the car, which was - there is a little car park up near that Victoria Park area where we were. He came running over to the car. He said, "Pete, there's some really bad people here. Look up there." And we looked up towards the front of Victoria Road, and there's - there were six men standing there, and they were big men, and I perceived - I know Jayce, I know the sorts of circles that he hangs around, and I
15 perceived those guys up there to be not the same guys down on the fence. The guys up there looked like bikies. They looked like they were, you know, arms crossed, shaking their head, you know, just - they were the serious characters. So Jayce proceeded to tell me that those guys have got weapons and it's serious. Don't go in.

20 **MS MacNICOL:** You said that you were about 50 to 60 metres away from those six men. You also go on at paragraph 69 to describe some characteristics of them, including black clothing, extensive tattoos, balaclavas, and one individual who was wearing a long coat, that they were physically large and appeared to be intimidating. Those factors, you say, separate that group of six men from the main group of union
25 members at the front gate?

MR BENNETT: 100 per cent. In stature, they're a lot bigger. They're either - they fit the stereotypical bokie look. They're on steroid. They're big. They're - they're -

30 **MS MacNICOL:** It's understood that there was a conversation going around at this time that there were individuals flown from Victoria.

MR BENNETT: Yep.

35 **MS MacNICOL:** Was that a conversation that you had heard from someone?

MR BENNETT: We heard that conversation some five to six weeks later, that members of the Comancheros had been flown up from Victoria to support the situation, and members of other outlaw motorcycle gang in the Gold Coast had come
40 up to help as well.

MS MacNICOL: So you've seen these individuals. Mr Jayce Emmerton has spoken to you. What have you done after that?

45 **MR BENNETT:** I reversed my car and went straight to the back gate, drove my car in, grabbed Shane, said, "Listen, this is serious. There's people out there with guns, knives and what I can presume is weapons." And Shane said, "Well, you know, we

should call Jamey." So we called Jamey and let him know. Jamey came to site. We jumped in the meeting room and called Jayce, and Jayce confirmed that he'd seen a sawn-off shotgun, he'd seen a machete, seen, you know, two baseball bats. He'd seen guys with knuckle dusters. He said they're known - known to him to be part of a
5 bikie group. So, yeah, he hung up the conference call, and I said to Jamey, "Let's call the police." He said, "No, just wait." And he made - he made a phone call to Milton, and then he came back and he said, "Everyone's to go home."

10 **MS MacNICOL:** And how was that practically, shutting down the site? Did you have to escort people out?

MR BENNETT: Yeah, so we looked after the - everyone else that was there first. Jamie took some people to their car. I took other engineers to their car. I think I gave one of the engineers a lift to the station. We got everyone out and then closed down
15 generators, fridges. We didn't know how long this was going to go on for. Yeah, we just shut everything down and locked everything up.

MS MacNICOL: And on that Friday, how would you describe the atmosphere?

20 **MR BENNETT:** Yeah, terrifying. If you - if normal people that don't know what that sort of arena is like are crying and beside themselves, and that physical fear in our staff's eyes, that's - yeah, that's - that's enough for me to say this is a serious criminal offence. We need help. It's gone past workplace. It's - we're in fear.

25 **MS MacNICOL:** And did you personally see any weapons that day?

MR BENNETT: Not me, no. But, again, Jayce isn't a person to lie about this. He was visibly shaken up himself, because he was the HSR for the AMWU, and he has got serious pressure put onto him, that day, that he was going to get bashed if he
30 didn't jump over. When I say bashed, he - he was visibly scared. Like, he'd been crying. So they'd grabbed him and shaken him up that much that -

MS MacNICOL: What do you mean, "jump over"?

35 **MR BENNETT:** Well, as - as spoken about before, about the AMWU having the tunnel, CFMEU had no place on the job, because we were still tunnelling. So they were trying to get a stronghold onto the job through getting rid of the AMWU and being the primary union on site. And AMWU had the presence of all the tunnelling team still on site. Members.

40 **MS MacNICOL:** Now, did you ever report - sorry, did you ever return to the Northern Portal after 28 July?

MR BENNETT: No.
45

MS MacNICOL: And why is that?

MR BENNETT: I was told that we can't go back there.

MS MacNICOL: And who told you that?

5 **MR BENNETT:** Jamey told us that. He didn't give us a reason why. We were just asked to go to Milton. So we went to Milton. We stayed there for a week or two. We wanted to know what our position is on the project, where are we going, what are we doing, what's the plan for us, and we had nothing. So we - when I say "we", Shane and I were literally in an office together. No contact, no IR managers, HR managers,
10 shared services, contact at all: "Look, are you okay? We acknowledge what's happened. We hear this has happened." Nothing.

MS MacNICOL: In terms of your safety, when you were at the Northern Portal, you mentioned that there were threats, that there were things said across the fence that
15 they knew where you lived.

MR BENNETT: Yeah.

MS MacNICOL: Was that a threat that was directed at you as well?
20

MR BENNETT: Yeah, they said, "We know where you live," and it was 16 such and such, Gold Coast.

MS MacNICOL: How did you feel about that, after hearing they knew your
25 address?

MR BENNETT: I said, "Come down. Come down." But that's me. That's my reaction, but for people like Shane and everyone else, I know it's just a - a threat to try and disrupt your emotions. But for other people, it was very serious. You didn't
30 know whether it was going to be played out or it wasn't. There's multiple people that had their kids' names mentioned, kids' schools mentioned. Like, how they got this information is very serious and should be taken serious. That's why I couldn't understand why there was no support from our company to protect employees from this type of harassment.

35 **MS MacNICOL:** And after a period of time, you ended up moving to the Roma Street site; is that right?

MR BENNETT: Yeah, so three months we spent in Milton. We begged and - HR,
40 we wrote witness statements of the situations, we asked what our positions was. We asked senior management, Dave Ryder, can you please tell us where we are. We had multiple emails from the shared services director, Chris Butler, to Chris Credaro to Dave Ryder. Where are we going? What are we doing? So Shane and I, because there was no contact, we - we went on - he went on medical leave. I went and seen
45 WorkCover and a psychiatrist to discuss, I suppose, the feelings of abandonment and protection and threats and - which I took quite seriously. You know, I spoke to a psychiatrist for about six months and then in March of '24 asked to go back to work.

I wrote my own return-to-work plan, because no one would approve it or acknowledge or talk to us, and so, yeah, I managed to talk to Dave Ryder to say, "Just get me back to work. I'll stay at the Roma office and I'll work from there."

5 **MS MacNICOL:** And it was at Roma Street that you were able to focus more on the technical and supervisory duties?

MR BENNETT: Yeah. Yeah. There was no involvement with the union, because I was taken - that was taken away from the situation, and I was put more into a
10 technical reporting aspect.

MS MacNICOL: Thank you, Mr Bennett. Commissioner, I have no further questions for Mr Bennett.

15 **COMMISSIONER:** We've had some evidence from Mr Rasmussen today. I don't know if you were in the hearing room.

MR BENNETT: Yeah, I was, yeah.

20 **COMMISSIONER:** And you heard it as well. I'm just trying to work out what the response of the senior management from CPB was to you and Mr Rasmussen, having heard what you said, after this incident of 30 April 2024. Why do you think you and Mr Rasmussen were treated the way you were, the way you've just described?

25 **MR BENNETT:** All I can surmise in my personal view is that we were told informally that we were - Shane Rasmussen, Peter Cullen and myself were - one of the stipulations of the reset, you heard that senior leaders all went and sat down with the unions and came up with a list of reset agreements. I believe that we were
30 number 13 or number 14 on that list to be removed from site. That was quite evident through, you know, discussions that I'd heard from Ben Loakes, who'd obviously heard from Terry Prior, who'd obviously heard from Chris Butler, shared services director, that I believe that was the real reason, and the lack of contact is - if there's no dialogue, there's no - it never happened, kind of scenario.

35 So this was quite a real situation for us, and I was - you know, I've worked for CPB on other projects and I've worked for some quite large tier 1 infrastructure companies, and this is the first time I've ever seen something that was so - so inept of responsibility. And I still can't believe it. I still can't believe we're sitting here talking about it, because it's - you know, we've got codes of conduct, we've got
40 responsibilities that we have under the Act that we're supposed to adhere to, and to fundamentally, like, not even acknowledge that is - well, it's - it's disgusting, for the people. You've seen the state of, you know, Shane and Pete. That's just a myriad of the treatment of some of the people that worked on the project. It's crazy.

45 **COMMISSIONER:** I mean, the evidence isn't complete, and obviously the relevant management of CPB will be given an opportunity to be heard upon any final

findings, but it just seems extraordinary the way that you and Mr Cullen and Mr Rasmussen were abandoned.

5 **MR BENNETT:** It's - you know, we - we fly the flag with the utmost integrity. I'll use the three key words that CPB live by: integrity, honesty and - I've just forgotten it now - and accountability. So all those three were ignored by the senior leaders to us. And that's their motto.

10 **COMMISSIONER:** Are there any applications to cross-examine Mr Bennett?

MS MacNICOL: No, Commissioner.

15 **COMMISSIONER:** Thank you very much for your evidence, Mr Bennett. You're excused.

MR BENNETT: Thank you.

<THE WITNESS WAS RELEASED

20 **MS MacNICOL:** Commissioner, there is one more witness.

COMMISSIONER: Just before the last witness is called, I wonder whether I can just raise something with Mr O'Grady and Mr Clift about the proposal of counsel assisting, Mr McLean, for the reintroduction of a code and a regulator. Mr McLean
25 put some submissions in based on evidence upon which he relied, I think, 2 July, 3 July, around then, and there's been submissions now received, evidence in. I won't go through all the chronology from your client, Mr O'Grady, and I think your client, Mr Clift.

30 **MR CLIFT:** Yes.

COMMISSIONER: And that evidence includes expert evidence. Mr McLean tells me that he doesn't need to cross-examine your witnesses.

35 **MR O'GRADY:** That's what we understand.

COMMISSIONER: You've been told that. So tomorrow was going to be set aside for cross-examination of your witnesses. Mr McLean doesn't want to cross-examine them. So that leaves me with writing an interim report, making some decision one
40 way or another during this month. As I started that process, I wondered whether you might want your submissions and the evidence upon which you rely marked and made public so - I mean, some of it is frankly high quality; I don't mean that in sort of any disrespectful way about anyone else's material - to see when any report comes out, so the public can see the material you put in. Now, I'm not asking you that that
45 has to be - I'm not telling you it has to be that way. You can keep it not - it can be received in evidence and not put on the website, but I just wonder whether you want it public.

5 **MR O'GRADY:** Well, I'm speaking without instructions, Commissioner, but for my part, I would have thought the initial submissions that we filed could and should be made public. The difficulty in respect of the supplementary submissions and the expert material is that that - those submissions and the expert reports had regard to material that was relied upon by the Queensland Productivity Commission, and that material is currently subject to a non-publication order.

10 **COMMISSIONER:** That order can probably be amended.

MR O'GRADY: Yes.

15 **COMMISSIONER:** Just from my knowledge of the material, I can't see that would prevent the publication of - it shouldn't prevent the publication of that material, having regard to it.

20 **MR O'GRADY:** Well, if the Commission is minded to amend that order, then I would have thought my client would have no problem with all of our submissions and the expert report upon which the supplementary submissions is based being published on the Commission's webpage.

25 **COMMISSIONER:** And you don't have to give me a final answer today, you can speak to Mr McLean or get your solicitors to speak to Mr Gardner about this, but I thought that might be your response. What do you want to do, Mr Clift?

MR CLIFT: Likewise, Commissioner, I don't have instructions, but it seems appropriate in the circumstances that that material be made available to the public. We can write to solicitors assisting and confirm that position.

30 **COMMISSIONER:** Well, I'll make the amendments to the non-publication order, subject to Mr McLean telling me that I shouldn't, but I'm sure he will be fine with that, and then if you speak to Mr McLean or your solicitors speak to Mr Gardner, we can receive that material and put it on the website.

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

MR CLIFT: Thank you, Commissioner.

40 **COMMISSIONER:** Ms MacNicol.

MS MacNICOL: The next witness, Commissioner, is Jessica Allam.

COMMISSIONER: Ms Allam, will you come forward into the witness box, please.

45 **<JESSICA DALAUIDAO ALLAM, AFFIRMED**

<EXAMINATION BY MS MacNICOL

COMMISSIONER: Please take a seat, Ms Allam.

5 **MS MacNICOL:** Ms Allam, have you provided a statement to the Commission dated 23 September 2026 that is seven pages, 35 paragraphs and three annexures?

MS ALLAM: Yes, I did.

10 **MS MacNICOL:** Have you had a chance to review that statement?

MS ALLAM: Yes, I did.

MS MacNICOL: And do you have any amendments that you'd want to make?

15 **MS ALLAM:** Yes. On number 17 -

MS MacNICOL: Is it the quote?

20 **MS ALLAM:** On the last paragraph.

MS MacNICOL: And what would you like it to read?

25 **MS ALLAM:** So that one, just the last bit of that paragraph, "He's an East Coast employee and not a CPB worker so fuck off. You got nothing to do with it." I would - I did not hear the fuck off bit. It's just go away. As on my annexure, on - yeah.

MS MacNICOL: So it should read "not a CPB worker, go away".

30 **MS ALLAM:** Yep, "got nothing to do with it".

MS MacNICOL: So removing the words "So fuck off"?

35 **MS ALLAM:** Yes.

MS MacNICOL: With that amendment, Commissioner, I tender the statement and the corresponding annexures.

40 **COMMISSIONER:** You've got four annexures; is that right?

MS MacNICOL: Sorry, Commissioner, three annexures.

COMMISSIONER: Three? I've got four here.

45 **MS MacNICOL:** I apologise, Commissioner. That's my miscount. Four annexures.

COMMISSIONER: Are there any objections? Witness statement of Jessica Dalauidao -

MS ALLAM: Dalauidao, your Honour.

5

COMMISSIONER: Thank you - Allam, 23 September 2026, seven pages, 35 paragraphs, with four annexures as amended just now by Ms Allam in the witness box at paragraph 17 will be exhibit JDA-1.

10 **<EXHIBIT JDA-1 WITNESS STATEMENT OF JESSICA DALAUIDAO ALLAM, 23/9/2026, SEVEN PAGES, 35 PARAGRAPHS, WITH FOUR ANNEXURES AS AMENDED BY MS ALLAM IN WITNESS BOX AT PARAGRAPH 17**

15 **MS MacNICOL:** Ms Allam, on the project, you held two positions, one being the shared services administrator between January of 2021 and January of 2025, and then is it correct that you moved into the industrial relations adviser role between January 2025 and March 2026?

20 **MS ALLAM:** Correct.

MS MacNICOL: What is the main difference between those roles?

25 **MS ALLAM:** Being a shared services, I do exactly what I do with IR, except I'm more involved, in addition to what I do as an IR is the people development training as well as redundancy and redeployment process.

MS MacNICOL: And you reported to Mr Terry Prior in both of those roles?

30 **MS ALLAM:** Yes.

MS MacNICOL: In your role as a shared services administrator, what were your responsibilities with managing union right of entries? And I'm looking at paragraph 7 of your statement.

35

MS ALLAM: Yeah. Oh, yes, I - I check the right of entry in our right-of-entry inbox, and I check the validity of the form that's given to us.

40 **MS MacNICOL:** And then if there's anything that's deficient, you then seek that further information?

MS ALLAM: Yes.

MS MacNICOL: Were you ever on site dealing with right of entries?

45

MS ALLAM: Yes.

MS MacNICOL: And in what role was that?

MS ALLAM: In IR, IR role.

5 **MS MacNICOL:** As the industrial relations adviser?

MS ALLAM: That's right, yeah.

10 **MS MacNICOL:** So at paragraph 7, you have outlined the general approach to right of entries when it comes to unions. Paragraph 8, you make a distinction, though, when you dealt with the CFMEU. Can you comment on that?

15 **MS ALLAM:** Yes. My experience in relation to right of entry exercises with the CFMEU, sometimes they do give right of entry almost daily or sometimes twice or three times a week, but sometimes nothing at all. So they - they - and sometimes they do give multiple entries in different site at the same time.

20 **MS MacNICOL:** And so sometimes they would provide a right of entry to all the sites at the same time?

MS ALLAM: Yes.

MS MacNICOL: You mention in paragraph 8(a) that it stretched the IR resources.

25 **MS ALLAM:** That's true.

MS MacNICOL: Was it a common experience?

30 **MS ALLAM:** Not really, no.

MS MacNICOL: In paragraph 8(c)(iv), you describe aggressive behaviour. Did you personally experience any aggressive behaviour?

35 **MS ALLAM:** Yes. In one of those entries that I encountered, they are pretty much on your space and too close on your face, but, like, I - I just keep saying to myself, you know, you don't - you don't respond to those aggression that they are trying to show, so I do defuse the situation sometimes by making some lighter jokes like, you know, "Say it, don't spray it," or, "Personal space, please," that kind of thing.

40 **MS MacNICOL:** So when they would come close to your face or they physically positioned themselves close to you, you would try to defuse the aggression out of the situation?

45 **MS ALLAM:** Yes, just to steam it down.

MS MacNICOL: And you found that that did work?

MS ALLAM: It did, sometimes.

MS MacNICOL: When you say "sometimes", what do you mean?

5 **MS ALLAM:** Well, like I said, not all right of entries I do, but those ones that I do encounter, that even - you defuse some situation, but some situation, you don't. You just can't do it.

10 **MS MacNICOL:** Moving on from the right of entries onto the next topic, which is the protected action ballot in April of 2024. Now, the order that was made states that the ballot was to be held between 8 April to 12 April 2024. What happened, though, on 8 April? And I'm looking at paragraphs 23 to 27 of your statement.

15 **MS ALLAM:** Yes. Shane Bradley, which is the superintendent of Roma Street, approached me that he was approached by two employees. They felt like they'd been targeted to - by the CFMEU HSR on site to vote, and these two employees would like to make a formal complaint against it.

20 **MS MacNICOL:** And so you assisted in the taking of, in fact, two individuals' statements?

MS ALLAM: Correct, yeah.

25 **MS MacNICOL:** And you provided an affidavit in further proceedings and you attached the deidentified statements of those individuals?

MS ALLAM: Yes, correct.

30 **MS MacNICOL:** Now, ultimately the results of the ballot were made public, and the CFMEU did undertake some protected industrial action, commencing on 30 April, and as the Commission is aware, the Dutton Park brawl occurred within this period on 1 May 2024. From your perspective, during industrial action, what did you personally observe about the effect that it had on the morale of workers?

35 **MS ALLAM:** Well, yeah, you could tell that the morale across site is - is really bad. I mean, people lost some work time, and that's their income, of course, and also the fear of some workers to actually go to work is there. You can - you can feel it. I, for myself, I - that doesn't stop me. I still go to site. Being the white collar, we can easily cross the picket line. But for the blue collar, they get harassed to go in.

40

MS MacNICOL: Thank you, Ms Allam. Commissioner, I have no further questions.

COMMISSIONER: Are there any applications to cross-examine Ms Allam?

45 **MS MacNICOL:** No, there are not.

COMMISSIONER: Ms Allam, thank you very much for your evidence. You're excused.

<THE WITNESS WAS RELEASED

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MR CLIFT: Commissioner, apropos your previous question, I have instructions that my clients would be very pleased to have the materials on the website made public. For the record, those materials are the expert report of Professor O'Brien dated 6 August 2026, submissions dated 14 August 2026 -

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COMMISSIONER: Give me that second - sorry, which date? Submissions dated -

15

MR CLIFT: 14 August 2026. A supplementary expert report of Professor O'Brien dated 16 September 2026. An expert report of Professor Walters dated 21 September 2026.

COMMISSIONER: Sorry, give me the date of the supplementary report of Professor O'Brien?

20

MR CLIFT: Sorry, Commissioner. It's 16 September 2026.

COMMISSIONER: 16 September.

25

MR CLIFT: An expert report of Professor Walters -

COMMISSIONER: 21 September.

30

MR CLIFT: - 21 September, and the supplementary submissions dated 25 September 2026.

COMMISSIONER: Thank you, Mr Clift.

MR CLIFT: Thank you, Commissioner.

35

MR GISONDA: Commissioner, we next have the courtroom available on 27 October, and we will continue with our remaining 10 or so witnesses on the 27th and 28th, before hearing from some expert evidence on the 29th.

40

COMMISSIONER: Very well.

45

MR O'GRADY: Before we rise, Commissioner, could I just bring to your attention an issue or potential issue with some of the QPC data that is referred to in our supplementary submissions and the expert report in that some of that material was apparently provided to the QPC on a confidential basis. Now, obviously it's a matter for the Commission as to whether that impedes the publication, but I just thought I should bring that to your attention.

COMMISSIONER: Thank you. I'll leave that particular wrinkle in the hands of Mr McLean.

MR O'GRADY: Yes.

5

COMMISSIONER: Are there any other applications this afternoon? We'll adjourn till 10 am on 27 October.

<THE HEARING ADJOURNED AT 3.45 PM

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