

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

WITNESS STATEMENT OF TIMOTHY MICHAEL ELLIS

I, **TIMOTHY (TIM) MICHAEL ELLIS**, Safety, Health, Environment and Quality Manager at JF Hull Holdings Pty Ltd, do solemnly and sincerely declare that:

1. I make this Statement in response to a notice issued by Stuart John Wood AM KC, the Commissioner appointed pursuant to the *Commissions of Inquiry Order* (No. 2) 2025.
2. Attached to this Statement is a bundle of documents (**Bundle**). I refer to relevant documents by reference to the page number of that Bundle.
3. I am currently employed as a Safety, Health, Environment and Quality (**SHEQ**) Manager at JF Hull Holdings Pty Ltd (**JF Hull**). I have been employed by JF Hull since August 2021.
4. I am a qualified Environmental Scientist and have worked in the construction industry for over twenty years. My qualifications are set out below:
 - (a) Bachelor of Science in Australian Environmental Studies at Griffith University (1992 to 1995);
 - (b) Graduate Diploma in Sustainable Land Management at Griffith University (1996).
5. My previous employment has encompassed the following roles:
 - (a) General Manager SHEQ – Projects Division at UGL Pty Ltd from 2018 to 2021;
 - (b) SHEQ Manager – Qld/PNG/NZ at CPB Contractors Pty Ltd (**CPB**) 2015 to 2018;
 - (c) SHEQ Manager – Qld/NT at Thiess Contractors from 2011 to 2015 (Thiess merged with Leighton Contractors in 2015 to become CPB);
 - (d) Environmental Specialist – Qld/NT at Thiess Contractors from 2009 to 2011;
 - (e) Senior Environmental Coordinator for Leighton Contractors, Boulderstone Hornibrook, Bilfinger Berger Joint Venture (LBBJV) on the Clem7 Tunnel Construction Project from 2006 to 2009;
 - (f) Environmental Services Manager – Qld at JFTA Petrochemical Services from 2004 to 2006;
 - (g) Senior Environmental Consultant at Earth Tech Australia (now AECOM) from 2001 to 2004;
 - (h) Environmental Scientist at AGC Woodward-Clyde (now AECOM) from 1996 to 2001.
6. Since 2011, I have held senior roles in tier one construction firms where I have led the SHEQ functions. Typical requirements of these roles have been to work with project and business unit teams to develop and implement strategic initiatives to improve

performance, manage and report on incidents, develop and improve systems, undertake compliance auditing, provide technical support and advice to project and business unit teams and reporting seeking improvements. In addition, I was also involved in tendering for new projects, and working with project teams to manage day to day issues and concerns involving resourcing and training.

7. Whilst my role was based within the Brisbane head offices for these companies, I would regularly travel to projects across the regions that I managed. Typically, 75% of my time is spent within the safety and health function. Approximately 20% of my time is focused on the environmental function, and about 5% of my time is focused on the quality function.
8. While employed at JF Hull, I have worked on two projects. The first project being the Inland Rail – Border to Gowrie Project, which was delivered as a Joint Venture between Bielby, JF Hull, and Q Birt (**BHQJV**) on behalf of the Federal Government. The second project is the Stage 1 Coomera Connector Central Project (**Coomera Connector Central Project**) which is currently being delivered by the Fulton Hogan, JF Hull, McIlwain Joint Venture (**FHHMJV**) on behalf of the Queensland Government. This is where I am currently based.
9. I never had any personal interactions with the CFMEU whilst working on the Inland Rail – Border to Gowrie Project. I am unaware of any interactions between the CFMEU and the BHQJV during this two-year in duration project. There were a significant number of interactions with the CFMEU on the Coomera Connector Central Project, which I address later in this statement.

Previous interactions with Unions

10. In my current role, there has been some day-to-day interactions with the relevant unions being the CFMEU, the Australian Workers Union (**AWU**) and the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (**CEPU**).
11. In my previous roles, I had limited actual day to day experience with the various unions, as these interactions were largely managed by the project team with support from our Industrial Relations Manager at head office.
12. My involvement would typically be to understand the nature of the visit (for example, visits pursuant to section 117 of the *Work Health and Safety Act 2011* (Qld)) (**WHS Act**), and to provide advice to the Project Manager and the Safety Manager with respect to any safety concerns raised by the relevant union. It was generally not possible for me to be present onsite when union interactions were occurring given my Brisbane-based location and that fact that the majority of our projects were in regions beyond South-East Queensland. It should also be noted that, during my time at CPB, many of the projects that CPB undertook were located on mining and natural gas sites, where access from outside parties was difficult due to the remoteness of the locations and the access requirements needed to be able to enter these sites. As such, many of those projects had fairly limited interactions with unions during this time.

Logan Motorway Enhancement Project – CPB

13. There were two instances during my time at CPB where I recall specific incidents involving the CFMEU. There were many other interactions, but these are the two that I remember distinctly from that time period. The first instance was on the Logan Motorway Enhancement Project at some point around 2016/2017. I happened to be on site on this

particular day when three union officials arrived at the site office located at Berrinba. The CFMEU officials were concerned about general site safety, specifically around things like safe systems of work, emergency response, and fire extinguishers being tested and tagged.

14. My recollection is that none of the three officials provided permits when asked, and when we undertook checks, their names were not on the Federal or State registers for union officials. The Logan Motorway Enhancement Project advised them that their entry was illegal and that we would not be allowing them entry to the site.
15. Shortly after they left the office, another three union officials turned up to make the same claims (roughly 45 minutes to an hour after the first group left). Again, all three were deemed an illegal entry as they did not show their permits, and their names were not on the Federal and/or State registers. This continued for some time, with at least 5 groups of three officials all making attempts to enter the site every 45 mins to an hour.
16. Whilst I do not remember the names of all the officials who attended site that day, I remember that Jade Ingham was one of the union officials who had tried to gain access to site on that day. I believe that this interaction with the CFMEU occurred at a time when the Logan Motorway Enhancement Project and/or CPB was still negotiating an enterprise agreement with their workforce.
17. In addition, to the above, as one group would be entering the site office, the previous group who had been advised that their entry was not lawful made attempts to enter the Logan Motorway Enhancement Project via one of many site gates. Each group that tried to enter the site entered via a different gate. This stretched the projects resources, as Supervisors, Safety Professionals, and Management were dealing with entries across multiple areas of the project. Site workers called the Queensland Police Service (**QPS**). Whilst I was manning one of the gates and talking to a QPS officer, he advised that he had been told that the matter was not a police matter and that they would not be intervening.
18. I was later told by someone else on this project (although, due to the passage of time, I cannot remember who) that QPS had advised them that the police had been called by the Police Union and told not to get involved in this dispute between CPB and the CFMEU.

Queensland Gas Company (QGC) Project – CPB

19. On another occasion around 2016/2017, the CFMEU visited one of QGC's Upstream Gas Projects sites being built by CPB. I was not present during their inspection, but the officials had made claims saying that the site facility air conditioners were dripping water onto the ground outside and that this could cause legionella outbreaks which could impact upon workers' health.
20. As a result, the CFMEU officials wanted the site to be shut down until sampling had been conducted to prove that legionella was not present. I provided responses back to the QGC Project team stating that legionella is generally only found in cooling towers where water is ponding and kept warm for long periods of time. Dripping water onto the ground was not necessarily a common area for legionella to be found and the workers were not digging or touching the soil in this location. I advised the project team to barricade off the wet areas where the air conditioners were dripping, but to not shut down the site.
21. Given there was no imminent safety risk, there was no need to shut the site down. In addition, I advised the team that as the site facilities were located in a farm paddock that

there was likely to be bacteria in the ground from the historical movement of cattle and livestock. As a result, any sampling conducted could be skewed by the historical nature of the site.

22. When I travelled to site (which I believe was the next day) I saw no evidence of pooled ponded water which could contribute to legionella, just wet patches on the ground where water had been absorbed into the ground which was typical of what I would expect from air conditioners. My recollections are that we went back to the CFMEU advising that we were not going to be undertaking any sampling and that the risk to workers' health was extremely low, but they continued to insist on trying to shut down the facilities. This did not happen, and the matter ultimately went away. Again, I believe that this was at or around a time when changes were being made to an enterprise agreement either on the QGC Project or across CPB.

UGL Pty Ltd

23. From 2018 through to 2021, I was employed at UGL Pty Ltd. As the General Manager for SHEQ in the Projects Division, I managed SHEQ functions across five different Business Units:
- (a) Renewables;
 - (b) Transmission Lines;
 - (c) Major Projects;
 - (d) Water Treatment;
 - (e) Electrical substations.
24. I do not recall any specific interactions with the CFMEU during this period. Most of the work conducted in my division by UGL was mechanical and electrical in nature, and as such the only interactions that I had with unions during this period was with the ETU.
25. My work with the Major Projects Business Unit included projects such as Cross River Rail, and the Metro Rail Tunnel Projects in Sydney. I did not have any oversight of the union concerns occurring on the Cross River Rail Project. Whilst UGL was in a Joint Venture Project with CPB for this project, any union disputes at Cross River Rail were dealt with and managed by CPB as the leading contractor within the joint venture.

Coomera Connector Central Project

26. The Coomera Connector Central Project is valued in excess of \$1B and will be delivered over an approximate 5-year period. FHHMJV was awarded an early works package to commence design and construct works in early 2023. Our client for the project is the Department of Transport and Main Roads (**TMR**) acting on behalf of the Queensland Government.
27. For the first twelve months or so, the Coomera Connector Central Project was primarily based at West End in Brisbane, and largely comprised of design and management teams, and some field staff who undertook geotechnical and assessment works to help facilitate the design.
28. I commenced on the Coomera Connector Central Project in early November 2023. Despite having commenced construction works under the early works contract,

FHHMJV did not receive full award of the Coomera Connector Central Project from TMR until late September 2024.

29. Shortly after I commenced on the Coomera Connector Central Project, our onsite team commenced construction of the project's main office compound at 50 Town Centre Drive at Helensvale. This land is owned by Westfield.
30. In early December 2023, the Coomera Connector Central Project commenced mobilising field staff to the compound. In either late December 2023 or January 2024, Westfield advised that they had sold the land at 50 Town Centre Drive. The project was then forced to relocate their offices to another block of land at 1 Town Centre Drive Helensvale (also owned by Westfield) (1TCD). The relocation of offices and facilities from 50 Town Centre Drive was undertaken in a staged approach, with half of the buildings being relocated first, so that they could be established and made safe for staff to work from, whilst the second half of the office facility was then relocated and established shortly afterwards. Obviously, this was a time of disruption for the construction team, but we were able to plan the works to ensure the safety of everyone during this time. Over the weeks when the offices were relocated, there were no incidents that resulted in injury to any of our staff or workforce.
31. The Coomera Connector Central Project is a challenging project from a SHEQ perspective. The project is located within a very narrow easement, with very little room in some areas for the project to operate. On the western side, the project is bounded by heavy and light rail lines, whilst on the eastern side, the project is bounded by housing, and sensitive marine and ecological environments.
32. I love the challenge of delivering a safe project that minimises environmental harm, whilst at the same time meeting local community expectations and concerns. These challenges, as well as working in a high-risk construction environment with plant operating in close proximity to people, people working in close proximity to live traffic, and people working at height and in confined spaces means that all work must be planned methodically to ensure that everyone goes home safe every day.
33. Within my SHEQ Team, I oversee a total of 17 people to help manage health and safety, environment, quality and sustainability. I report to the Project Director, and I am part of the Project Senior Management Team. My day-to-day role includes:
 - (a) developing, implementing, and maintaining SHEQ systems aligned to the Fulton Hogan Management System;
 - (b) ensuring those systems are being complied with by our project teams;
 - (c) responding to incidents and conducting investigations to ensure lessons are learnt;
 - (d) performing regular safety inspections;
 - (e) conducting site inductions;
 - (f) attending and participating in communication forums with our workforce including prestart meetings and toolbox talks;
 - (g) working with Engineering and Construction teams to plan works and to develop strategies to achieve safe and environmentally acceptable outcomes;

- (h) communicating and reporting to our Client and our Joint Venture partners;
 - (i) liaising and working with regulators, unions, and other third parties (eg: Queensland Rail, Gold Link, etc).
34. I am based on site full time during the week.
 35. Throughout the course of the project, there have been numerous interactions with the AWU who have generally been respectful. I have only had occasional interactions with the AWU, as they largely attend site to mainly liaise and talk to the workforce, not for specific health and safety concerns. When they have raised health and safety concerns they have been professional in their approach and together we have worked to achieve an acceptable outcome.
 36. An example of this interaction was on 26 November 2024 when I met with Jamie McQueen from the AWU and walked him through our Heat Management Plan. Mr McQueen was very complimentary towards the FHHMJV approach, stating that he wished other contractors had a strategy like this one in place. Mr McQueen stated that he likes our approach towards managing heat and that it had different controls in place for different sorts of activities occurring.
 37. A record of this interaction is **Annexure TE-1 at pages 2 to 7** of the Bundle.
 38. For all union interactions, FHHMJV completes a Right of Entry Record. All records are written generally on the day of the union interaction and are stored within a secure location on our Project Sharepoint. In addition, any other records associated with that visit, including voice and video recordings (where taken) are also stored in those files. All right of entry notices are then forwarded to the Project Director, who then sends those Right of Entry Records to our client, as well as the Joint Venture Steering Committee members.

CFMEU involvement on the Coomera Connector Central Project

39. Between January 2024 and August 2024, project interactions with the CFMEU (and other unions) occurred on the following dates:
 - (a) 20 February – Mr Gibson (CFMEU) and Mr Rielly (CFMEU), which is **Annexure TE-2 at pages 8 to 13** of the Bundle;
 - (b) 21 February – Mr Gibson, Mr Rielly and Alan Temporini (CEPU), which is **Annexure TE-3 at pages 14 to 20** of the Bundle ;
 - (c) 22 February – Mr Temporini (6:55am), which is **Annexure TE-4 at pages 21 to 29** of the Bundle;
 - (d) 22 February – Mr Gibson, Mr Rielly and Stephen Bravo (ETU) (10:45am), which is **Annexure TE-5 at pages 30 to 37** of the Bundle ;
 - (e) 23 February – Mr Gibson and Mr Rielly , which is **Annexure TE-6 at pages 38 to 48** of the Bundle;
 - (f) 29 February – Mr Gibson, which is **Annexure TE-7 at pages 49 to 55** of the Bundle;
 - (g) 5 March – Mr Gibson, which is **Annexure TE-8 at pages 57 to 62** of the Bundle;

- (h) 7 March – Mr Gibson, which is **Annexure TE-9 at pages 64 to 69** of the Bundle;
 - (i) 8 March – Mr Gibson, which is **Annexure TE-10 at pages 70 to 75** of the Bundle;
 - (j) 14 March – Mr Gibson, which is **Annexure TE-11 at pages 76 to 80** of the Bundle;
 - (k) 20 March – Mr Gibson, which is **Annexure TE-12 at pages 81 to 85** of the Bundle;
 - (l) 26 March – Mr Gibson, which is **Annexure TE-13 at pages 86 to 90** of the Bundle;
 - (m) 10 April – Mr Gibson, which is **Annexure TE-14 at pages 91 to 98** of the Bundle;
 - (n) 16 April – Mr Gibson, which is **Annexure TE-15 at pages 100 to 104** of the Bundle;
 - (o) 5 June – Mr Gibson and Mr Rielly, which is **Annexure TE-16 at pages 106 to 111** of the Bundle;
 - (p) 14 June – Mr Gibson, which is **Annexure TE-17 at pages 112 to 116** of the Bundle;
 - (q) 24 June - Mr Gibson and Mr Rielly, which is **Annexure TE-18 at pages 117 to 128** of the Bundle;
 - (r) 25 June – Dylan Howard (CFMEU), Hayden Turner-Davy (CFMEU) and Hoani Edwards (CFMEU), which is **Annexure TE-19 at pages 129 to 140** of the Bundle;
 - (s) 26 June – Mr Edwards and Mr Gibson, which is **Annexure TE-20 at pages 142 to 148** of the Bundle;
 - (t) 27 June – Mr Howard, which is **Annexure TE-21 at pages 150 to 155** of the Bundle;
 - (u) 2 July – Mr Gibson, which is **Annexure TE-22 at pages 156 to 160** of the Bundle;
 - (v) 9 July – Mr Gibson, which is **Annexure TE-23 at pages 161 to 166** of the Bundle;
and
 - (w) 23 July – Mr Gibson, which is **Annexure TE-24 at pages 167 to 173** of the Bundle..
40. In addition, where available, I have provided copies of the following audio, video or audio-visual recordings which were made by Project team members during these interactions:
- (a) video recording dated 29 February 2024, which is **Annexure TE-7A at page 56** of the Bundle;
 - (b) video recording dated 29 February 2024, which is **Annexure TE-7B at page 56** of the Bundle;
 - (c) video recording dated 29 February 2024 which is **Annexure TE-7C at page 56** of the Bundle
 - (d) video recording dated 29 February 2024, which is **Annexure TE-7D at page 56** of the Bundle

- (e) video recording dated 29 February 2024, which is **Annexure TE-7E at page 56** of the Bundle
- (f) video recording dated 29 February 2024, which is **Annexure TE-7F at page 56** of the Bundle
- (g) video recording dated 29 February 2024, which is **Annexure TE-7G page 56** of the Bundle;
- (h) video recording dated 29 February 2024, which is **Annexure TE-7H at page 56** of the Bundle
- (i) video recording dated 29 February 2024, which is **Annexure TE-7I at page 56** of the Bundle
- (j) video recording dated 29 February 2024, which is **Annexure TE-7J at page 56** of the Bundle
- (k) video recording dated 29 February 2024, which is **Annexure TE-7K at page 56** of the Bundle
- (l) video recording dated 29 February 2024, which is **Annexure TE-7L at page 56** of the Bundle
- (m) video recording dated 5 March 2024, which is **Annexure TE-8A at page 63** of the Bundle
- (n) video recording dated 5 March 2024, which is **Annexure TE-8B at page 63** of the Bundle;
- (o) video recording dated 5 March 2024, which is **Annexure TE-8C at page 63** of the Bundle;
- (p) audio recording dated 10 April 2024, which is **Annexure ~~TE-8D~~ at page ~~63~~** of the Bundle;
- (q) audio recording dated 16 April 2024, which is **Annexure TE-15A at page 105** of the Bundle
- (r) audio recording dated 25 June 2024 which is **Annexure TE-19A at page 141** of the Bundle;
- (s) audio recording dated 26 June 2024, which is **Annexure TE-20A at page 149** of the Bundle;
- (t) video recording dated 23 July 2024, which is **Annexure TE-24A at page 174** of the Bundle;
- (u) video recording dated 23 July 2024, which is **Annexure TE-24B at page 174** of the Bundle;
- (v) audio-visual recording dated 23 July 2024, which is **Annexure TE-24C at page 174** of the Bundle;
- (w) audio-visual recording dated 23 July 2024, which is **Annexure TE-24D at page 174** of the Bundle; and

TE-14A 99

- (x) video recording dated 23 July 2024, which is **Annexure TE-24E at page 174** of the Bundle.
41. From my perspective, there are three main categories of interactions:
- (a) disruption during construction of the 1TCD Site Office;
 - (b) disruption during the Sage Street Bridge Demolition Works;
 - (c) general site disruption.

Disruption during construction of 1TCD Site Office

42. The project's first interaction with the CFMEU occurred on 20 February 2024. On this date, both Mr Gibson and Mr Rielly attended the 1TCD Site Office. When asked for copies of their permits and paperwork, both Union officials stated that they did not need any paperwork as they have approval to attend site from Nick Forde (Fulton Hogan Senior HR Advisor). This was not the case, but both union officials continued to undertake inspections of the buildings (both inside and outside) trying to identify safety concerns. Their concerns were focused on electrical safety issues. Following their time at 1TCD, they progressed to our Pioneering Office located onsite to undertake similar inspections. This time raising concerns about plumbing and asbestos as well as other concerns.
43. The Project's General Superintendent consulted with the Project Director and they both decided to shut down the site to avoid further disruption from the CFMEU. Staff were sent home to work. Luke Gibson made a comment that he would elevate the issue to the Minister, but no reports were made to Work Health and Safety Queensland (**WHSQ**) relating to any imminent safety concerns as far as I am aware.
44. The next day, Mr Gibson and Mr Rielly arrived again to inspect the office and take photographs. They did not initially make themselves known, and drove away before FHHMJV Representatives could meet with them. They were noted entering other parts of our Project site and undertaking inspections of facilities. They then returned back to 1TCD with Mr Temporini from the CEPU (Plumbers Union) where they raised concerns that we had recommenced works without fully rectifying the concerns that they had raised the previous day. Mr Temporini did not provide any permits or notices to gain entry to the site during this visit.
45. During this conversation, Mr Rielly commenced recording a conversation with me using a body worn camera placed on the desk. At this point Mr Rielly advised that he had entered site under section 81(3) of the WHS Act and that he did not need to have a Federal Permit to enter the site under this section of the WHS Act. This was the first time in two days that any union official had entered the site stating that they were there under a provision of the WHS Act.
46. Video of this conversation was edited by or on behalf of the CFMEU and placed onto the CFMEU Facebook Qld/NT Page on 1 March 2024. I believe that the video continues to remain on their page, despite myself, and numerous other people on the project and within the JV Partners, asking Facebook to remove the video from their page.
47. A copy of this video is **Annexure TE-25 at page 175** of the Bundle.
48. Personally, I dislike the video, as it has been heavily edited to make me look inept. Once the video was posted, I received many phone calls from people that I know within the

industry checking into make sure that I was okay. There was concern for me and my family, and it was great to see others within the industry reaching out to provide support. About one year ago, the video somehow resurfaced on Facebook as a "Reel", and again, I had many people reach out to me informing me of the video and to check in on my mental wellbeing. I dislike the video due to it not being in any way a true and accurate reflection of the conversation that occurred. As such, I did have some fears for my family, given some of the comments on the Facebook page.

49. During this visit, Mr Temporini advised that he had concerns about the water tanks at 1TCD and that they did not comply with AS3500, a reference to the Australian Standards. Again, I am not aware of any complaints being raised to WHSQ as a result of this visit.
50. On 22 February 2024, Mr Temporini arrived on site at 6:55am by himself and advised that he had arrived with a notice. Mr Temporini advised that it would just be him coming onto the site that day. I showed Mr Temporini to a meeting room, and he provided a right of entry notice which did not have the correct date.
51. Mr Temporini requested to see some documents relating to the plumbing of the office facilities (namely the toilets and kitchen areas) which were in separate demountable buildings. I was unable to provide him with copies of the documents that he was seeking via his section 117 notice as they did not exist. He also asked for copies of other documents which were not included on his section 117 notice, to which I advised that I was unable to provide him something that was not requested on his notice. The meeting lasted about 10 minutes.
52. Later that morning Stephen Bravo from the ETU arrived on site with Mr Gibson and Mr Rielly. Mr Bravo provided a section 117 notice to enter site. At this time whilst Mr Bravo's permits and paperwork was being checked, Mr Gibson was observed removing yellow flagging and entering into a building area that was under construction. Mr Gibson, Mr Bravo and Mr Rielly commenced inspection of the 1TCD compound, including those areas under construction. This inspection was undertaken in the presence of Justin O'Neill (Project Safety Manager) and Scott Holmberg (Project Superintendent).
53. At one point during the inspection, Mr Gibson was observed in the toilets and urinating on the floor. Mr Gibson and Mr Bravo queried the floor drain plug next to the urinal stating that it did not meet the plumbing code. Afterwards, we had to engage our cleaners to clean the bathroom floor after Mr Gibson had relieved himself. I believe that Mr Gibson was urinating on the floor in order to demonstrate that the floor drain was not connected to the underlying sewage tank.
54. Mr O'Neill, Mr Holmberg, and I were very aware of a similar situation that occurred at Cross River Rail to a Safety Advisor by the name of Peter Cullen. Mr O'Neill and Mr Holmberg had worked at Cross River Rail when this occurred. I know Mr Cullen personally from my time at CPB.
55. In this instance, when Mr O'Neill and Mr Holmberg observed Mr Gibson urinating on the floor, they left the toilet building to ensure that they could not be accused of any behaviours like what had allegedly happened to Mr Cullen at Cross River Rail. Whilst I was not present when this event occurred at 1TCD, it was relayed to me by both Mr Holmberg and Mr O'Neill immediately after it had happened and I had no reason not to believe them. I remember the cleaner also confirming to me that she had to clean the floor following Mr Gibson's visit.

56. Following this, a meeting was held where Mr Bravo identified concerns that he considered was unsafe and that he would be calling the Electrical Safety Office to report the site. He repeatedly stated that we were to shut the site down, but I kept stating that none of the issues he observed were an imminent safety issue and that we would not be shutting the site down until we had spoken with our Electrical Contractor. This discussion went back and forth for some time, before Mr Gibson, Mr Rielly and Mr Bravo all left the site. The project is unaware of whether a report was ever made to the Electrical Safety Office, but I can confirm that no inspection from the Electrical Safety Office ever occurred following this visit.
57. Ongoing back and forth interactions occurred at 1TCD throughout the rest of February and into March, all seemingly with the aim to cause disruption and to shut down or slow down the construction of the office.
58. Following a visit to 1TCD by Mr Gibson on 23 February 2024, we received a complaint from our receptionist who stated that a Union organiser (Mr Gibson) reached over her desk and grabbed copies of the Project's policies. Mr O'Neill tried to grab the policies back, and subsequently a page was torn. Following this interaction, the receptionist took medical leave associated with this event. Upon returning from medical leave, she discussed with her manager about a change of role, as she did not want any further interactions with the CFMEU. The Project was able to transfer her to a new role on the Project, whilst also having to recruit and find another receptionist.
59. In addition, the Project increased its security by installing cameras into meeting rooms and the reception area as well as around the outside of the 1TCD Compound. A duress alarm was installed at reception, and radio frequency identification (RFID) locking of office doors and gates at 1TCD was implemented.
60. To demonstrate the types of behaviours the Project observed from Mr Gibson, a copy of a video showing Mr Gibson trespassing in the 1TCD office is **Annexure TE-26 at page 176** of the Bundle.
61. During this period, the focus appeared to me to be solely about disruption to the project with the aim of finding electrical and plumbing issues to shut down the site office. Not once during this period of time did any union official identify any issues or concerns that were of an imminent risk to health and wellbeing. Further to that, all visits during this time by WHSQ resulted in zero improvement or prohibition notices being issued or enforcement action being undertaken.

Disruption during the Sage Street Bridge Demolition Works

62. In the period of 24 June 2024 to 27 June 2024, the CFMEU became focused on works that were occurring on the Sage St Bridge at Helensvale.
63. On 24 June 2024, Mr Gibson and Mr Rielly entered site at Sage St and observed activities occurring in relation to the removal of pavement and relief slabs to the bridge. Mr Gibson and Mr Rielly became concerned that the works were demolition works and that the project did not have a specialised demolition contractor engaged to undertake these works, and therefore considered that we were in breach of the WHS Act. Luke and Dean were also concerned about the presence of respirable crystalline silica (**RCS**). They advised that they were calling WHSQ to report the matter.
64. WHSQ arrived onsite later that morning at 10:20am. Numerous discussions were had as to what the definition of demolition work was, and given that there was some dispute between WHSQ, CFMEU, and FHHMJV, a decision was not able to be made on the day

by WHSQ as to whether the works were demolition works. WHSQ agreed though that RCS concerns from the activities undertaken were not an issue.

65. The following day, three CFMEU officials all provided section 117 notices to enter the site. All 3 officials were permitted to attend site. The three officials were Dylan Howard, Hayden Turner-Davy and Hoani Edwards.
66. At 10:13am, I received a phone call from Issac Avery, a WSHQ inspector, advising that he was aware of union presence on our site and a request for WHSQ to attend site. Mr Avery confirmed that he was attending site and would be bringing with him another inspector, as well as a WHSQ engineer to provide a technical understanding on whether the works constituted demolition work.
67. The WHSQ inspectors arrived onsite at 12pm. At the conclusion of their inspection, the WHSQ engineer stated that he believed that some of the work constituted demolition work. He also stated that there was an argument that the works done to date were not demolition work. All parties left the site shortly afterwards.
68. Following ongoing discussions with WHSQ, it was agreed that FHHMJV would seek an exemption for the requirement to use a licensed demolition contractor for this work. The exemption was submitted by FHHMJV to WHSQ and granted shortly afterwards. It was also agreed that the works that had been completed up to that point were not demolition works.
69. During this time, the CFMEU also posted another Facebook post dated 27 June 2024 with incorrect information relating to the works being undertaken. I believe that the post is still present on Facebook, despite numerous people asking Facebook to remove the post due to it being non-factual.
70. A copy of this Facebook video is **Annexure TE-27 at page 177** of the Bundle.

General site disruption

71. The rest of the site visits could largely be classified as general site disruption. Largely all visits were, in my view, unlawful entries to the Coomera Connector Central Project conducted by CFMEU officials who were not permitted at both State and Federal levels, and did not provide any right of entry notices to attend site. During these visits, Mr Gibson and/or Mr Rielly would enter into the Project via our site gates and drive through the project, sometimes talking to work crews, and at other times just observing what was happening and taking photographs.
72. Whenever Mr Gibson or Mr Rielly were observed on site, we would have to stop works in that area of the site to ensure the safety of the union officials and our workers. In most instances, Mr Gibson and Mr Rielly did not:
 - (a) wear mandatory PPE (i.e.: high visibility clothing, hard hats, long sleeves) which was clearly marked on all site gates as being required;
 - (b) did not call up and utilise 2-way radio's as they came in close proximity to working machinery;
 - (c) follow site directions and were often observed driving the wrong way on haul roads and access tracks;
 - (d) did not sign into our site and undertake a visitor induction;

- (e) provide permits or any paperwork under the WHS Act for access onto the Coomera Connector Central Project.
- 73. Further they were also observed a number of times breaking road rules on public roads.
- 74. As a result of the behaviours observed and the constant need to monitor what they were doing, the Coomera Connector Central Project created a new role for a Safety Supervisor. This role was specifically created to meet and escort CFMEU officials when they arrived on site, as well as to help manage and deal with any specific concerns that they raised during their visits if the need was warranted.
- 75. In addition to the above, Mr Gibson repeatedly stated that he wanted to know where he could set up a tent, so that he could be present on site at all times when we started clearing trees. Mr Gibson also mentioned at times that he would be taking an office next to the Project Director's Office at 1TCD. On numerous occasions, Mr Gibson mentioned that the Coomera Connector Central Project was the next Cross River Rail Project for the CFMEU to target and that we would become 'Cross River Rail 2.0'. I took this to mean that we would have ongoing disruption from Mr Gibson and other officials of the CFMEU for the duration of the Coomera Connector Central Project, as well as being required to push for union delegates and CFMEU-aligned health and safety representatives to be employed on the project.

Interaction with Workplace Health and Safety Queensland

- 76. Over the years I have always encouraged my teams to maintain a positive and proactive relationships with WHSQ. My experience with WHSQ over the years has largely been positive, but I have noted that since about 2017 that WHSQ moved from a proactive and co-operative approach to a 'hard compliance' approach.
- 77. Not all of the above visits were in relation to CFMEU visits to the project. During the period of February 2024 to end of August 2024, WHSQ visited the Coomera Connector Central Project on the following occasions in relation to the CFMEU, which were recorded in the following records of visits:
 - (a) 26 February 2024, a copy of which is **Annexure TE-28 at pages 178 to 179** of the Bundle;
 - (b) 5 March 2024, a copy of which is **Annexure TE-29 at pages 180 to 181** of the Bundle;
 - (c) 19 March 2024, a copy of which is **Annexure TE-30 at pages 182 to 185** of the Bundle;
 - (d) 20 March 2024, a copy of which is **Annexure TE-31 at pages 186 to 187** of the Bundle;
 - (e) 21 May 2024, a copy of which is **Annexure TE-32 at pages 188 to 189** of the Bundle;
 - (f) 6 June 2024, a copy of which is **Annexure TE-33 at pages 190 to 192** of the Bundle;
 - (g) 24 June 2024, a copy of which is **Annexure TE-34 at pages 193 to 198** of the Bundle;

- (h) 25 June 2024, a copy of which is **Annexure TE-35 at pages 199 to 208** of the Bundle;
 - (i) 26 June 2024, a copy of which is **Annexure TE-36 at pages 209 to 214** of the Bundle;
 - (j) 23 July 2024, a copy of which is **Annexure TE-37 at pages 215 to 216** of the Bundle; and
 - (k) 7 August 2024, a copy of which is **Annexure TE-38 at pages 216 to 217** of the Bundle.
78. The Coomera Connector Central Project did not receive any improvement or prohibition notices or enforcement actions from WHSQ during this time.

Helen Burgess

79. I did not have any personal dealings with Helen Burgess from WHSQ whilst on the Coomera Connector Central Project.
80. Anecdotally I am aware of the suggestion that ^{Ms}~~Mr~~ Burgess has a personal connection to the CFMEU, but I have no direct knowledge of those matters. I understand that her personal connections to the CFMEU may have at times affected her ability to manage her obligations fully, which I believe has been to the detriment of the construction industry. I am also aware that she has been investigated by the Queensland Crime and Conduct Commission (CCC) previously, and has been, or still is under investigation by the CCC.
81. The Coomera Connector Central Project received a very abnormal attendance from WHSQ on 20 March 2024.
82. The Project received a proactive unannounced visit from the regular Gold Coast-based WHSQ inspectors on 19 March 2024. I had discussed personally a number of safety issues on site with the inspector on 19 March 2024 without any incident or requirement for follow up meetings.
83. The following day on 20 March 2024, we received an unannounced visit from Mark Schaumburg from WHSQ who said that he was from the "*Major Projects team directed by Helen Burgess*".
84. A copy of my report of this site visit is **Annexure TE-31 at pages 186 to 187** of the Bundle.
85. During the visit I asked Mr Schaumburg why the Coomera Connector Central Project was getting a further 'proactive visit' the day after we had already received a visit from a separate WHSQ team. His response was words to the effect of "*the Minister had requested that the Major Projects Team undertake Proactive weekly visits of our Project*" and that this will be the first of those weekly Proactive Visits. Mr Schaumburg advised that the Major Projects team are required to provide weekly reports to the Minister.
86. I queried who the Minister was, but Mr Schaumburg was unsure of the Minister.
87. I asked whether these visits would be done in isolation to the other WHSQ inspectors who were onsite yesterday, who have also advised in the past that they would undertake regular proactive visits.

88. Mr Schaumburg stated that the Major Projects team will log the visits into their system and that the other WHSQ Inspectors will see that those visits have been done and therefore would not be able to come to site unless they are responding to a particular issue being raised.
89. Mr Schaumburg advised that he had been directed to attend site by Helen Burgess at WHSQ.
90. Mr Schaumburg advised that he was seconded into Major Projects and that John Azcune would be the regular WHSQ inspector from Major Projects. Mr Azcune was on leave that week, so Mr Schaumburg attended site in Mr Azcune's absence.
91. I found this attendance to be unusual and highly irregular since we had just received a documented visit from WHSQ the previous day. Mr Schaumburg knew that there had been a visit and had full visibility of the fact that the site visit had occurred and there had been no safety issues raised.
92. Following Mr Schaumburg's visit to the site, he did not issue any notices or enforcement action against the Project. Mr Azcune never visited the Project.

Meeting with Queensland Police Service (QPS)

93. On 30 April 2024, the Project team (including our Project Director, our General Superintendent and myself) met with local senior QPS members (including an Inspector and a Senior Inspector I believe) at our 1TCD office. I am unable to find any records in my notes or on my emails relating to this meeting, but I have the following recollections.
94. The project team for the Coomera Connector Central Project wanted to clarify issues such as whether we were lawfully able to forcibly remove individuals if they were trespassing or harassing employees and whether the QPS could assist when it appeared to us that the CFMEU were engaging in unlawful behaviour.
95. The QPS Inspector advised us that we could physically interfere with the CFMEU who had unlawfully entered the site to physically guide them off the property in a proportionate way. He advised us that the QPS would be unlikely to attend to disputes on site between the CFMEU and employees due to a lack of resources, that these matters were ordinarily policed by WHSQ due to their industrial character and the matters we described being low on their priority list in that jurisdiction. The latter was raised in the context of the numerous criminal matters that had to be investigated in that jurisdiction by the QPS.

Security

96. Apart from the additional staff member being employed and the security measures that we employed to protect our employees, the Coomera Connector Central Project did not engage a specific security contractor to deal with the CFMEU organisers who were unlawfully entering our site on a regular basis.
97. The Coomera Connector Central Project already had a security company engaged to supervise the site at night because we were having issues with items being stolen, but this security was primarily for the purpose of protecting the site from break-ins and damage.

98. From FHHMJV's perspective, our primary focus was our employees. As a result, significant security measures were put in place to ensure that they were protected from the CFMEU and primarily from Mr Gibson.
99. It is my belief that if the Coomera Connector Central Project had become 'Cross River Rail 2.0' as Mr Gibson described, I believe that I would have been unable to retain the 17 employees in my SHEQ team for the duration of the project.
100. I also believe that many of our supervisory staff, and engineers would have left the project over time due to the types of tactics that likely would have been employed by the CFMEU had they been allowed to continue operating the way that they were.

I affirm the contents of this statement are true.

Signature of Deponent 

Place Helensvale Date 13/07/2026


Before me (signature of witness)

Paul Toumpas
Full name of witness (please print)



- ☒ Justice of the Peace (JP # 134553)
- ☐ Notary public
- ☐ Lawyer
- ☐ Other authorised person (specify)

Commission of Inquiry into the CFMEU

and Misconduct in the Construction Industry

Bundle of Documents to the
Statement of Tim Ellis

RIGHT OF ENTRY REPORT



COOMERA
CONNECTOR
CENTRAL

PART 1		RIGHT OF ENTRY DETAILS			
Date of entry	26 Nov 2024	Arrival time:	1:15pm	Departure time:	2:40pm
Name of union official(s)	Jamie McQueen				
Union(s) represented	Australian Workers Union				
Type of Notice	Section 481 FWA – suspected contravention of FW Act / EA	24 hours' notice provided?		No	
		If yes, who received it and when?			
	Section 484 FWA – enter to hold discussion with eligible workers	24 hours' notice provided?		No	
		If yes, who received it and when?			
	• Section 117 - Entry to investigate a suspected contravention of WHS Act				
	• Section 120 - Entry to inspect employee records or information held by another person (must provide 24 hours' notice)				
	• Section 121 – To consult and advise relevant workers on health and safety matters (must provide 24 hours' notice)				
	• Section 81(3) – To assist another person in resolving a WHS issue				
	• Other entry / union discussion or phone call Provide details: FHHMJV invited Jamie McQueen to site to discuss Heat Management.				X
Employer representative(s)	Wayne Jenkinson, Tim Ellis				
For sect 484 entry: where did the meeting / discussions take place?					
				Yes	No
Was the union official(s) asked to sign in at reception?				X	
If yes, did they sign in?					
Did the union official(s) wear appropriate PPE					N/A
Did the union official(s) take reasonable care for their own health and safety?				X	
If no, provide details:					
Did the official(s) refuse to comply with any reasonable safety or project requirement / request?					X
If yes, provide details:					

RIGHT OF ENTRY REPORT



Did the official(s) speak with any worker(s) they were not authorised to speak with? If yes, provide details:		X
Did the official(s) do anything that adversely affected the health and safety of another person? If yes, provide details:		X
Did the official(s) stop any works? If yes, provide details:		X
Did the official(s) warn any person they believed was exposed to a health and safety risk? If yes, provide details:		X
Did the project incur any costs (direct or indirect) as a result of the entry? If yes, provide details:		X
As a result of the visit, did the union official(s) call Workplace Health and Safety? If yes, did they attend site, and who attended?		X
Was the union official(s) escorted by a company representative? Name of representative(s) Wayne Jenkinson, Tim Ellis Note: there must be one company representative for each union official. Each company representative must be wearing a recording body camera.	X	
Timeline and description of the visit (set out a detailed account of the incident including who was involved, where conversations / inspections occurred, what was said etc.)	FHHMJV invited Jamie McQueen onto the Project to discuss our Heat Management Plan. Tim Ellis (TE) presented the Toolbox Talk presentation that was presented to the workforce on 25 November. The Toolbox Talk outlines FHHMJVs Heat Management Plan and that FHHMJV is undertaking a trial of the plan to ensure that it works with limited disruption to the workforce. TE committed to Jamie that we will take feedback onboard from the workforce and adjust the plan as needed should it be required. TE confirmed that FHHMJV had consulted the Heat Management Plan with the Safety Committee, the HSRs, and our independent Occupational Hygienist, and that we adopted most of the comments raised. TE also advised that FHHMJV had consulted with Workplace Health and Safety and whilst we won't get anything formal from them, that they were happy with our approach to managing heat related illnesses. Jamie McQueen was very complimentary towards the FHHMJV approach, stating that he wished other contractors had a strategy like this one in place. Jamie asked whether or not he could have a copy of the Toolbox Talk. TE advised that he would need approval from Gerard O'Connor, but that it shouldn't be an issue. TE also discussed with Jamie that he had presented the Plan to the industry via the TMR Safety Forum held earlier on 26 November. Jamie stated that he likes our approach towards managing heat and that it had different controls in place for different sorts of activities occurring. He asked about the Kestral Heat Monitors and how they worked, and whether or not the data was able to be recorded. TE confirmed that the data is downloaded and we will retain all records on file. TE also confirmed that we had trialled it over some hot days a couple of weeks ago, and that we received favourable comments back from the workforce. TE stated that we will continue to trial the Management Plan for the next few months to make sure that it is appropriate for our project. Again, Jamie was favourable with this approach.	

RIGHT OF ENTRY REPORT



COOMERA
CONNECTOR
CENTRAL

PART 2: RIGHT OF ENTRY PERMIT		Yes	No
Did the union official produce a Fair Work Act (Federal) Right of Entry Permit for inspection? Permit expiry date: Permit No: If the permit was checked by another staff member. Staff member: Note: s.494 of the Fair Work Act requires that an official must not exercise a state OHS right unless they are a Federal permit holder			X
Did the union official produce a WHS Permit for your inspection? Permit expiry date: Permit No: If the permit was checked by another staff member. Staff member Note: you can also request photographic evidence of identity.			X Neither permit requested
PART 3: WHS ENTRY			
Part 3A: Entry to Investigate a Suspected Safety Contravention (section 117) (Complete only for s117 entries – otherwise N/A)		Yes	No
Did the union official produce a WHS Right of Entry Notice which stated the alleged safety contravention(s)? Note: retain 117 notice and forward to IR Manager Name staff member who received the notice? Wayne Jenkinson			N/A
What alleged safety contravention(s) were included on the 117 Right of Entry notice? • Falls from heights • Risk assessment for traffic management			
What areas of site were inspected by the union official(s)?			
AREA	ITEMS		
	•		
	•		
	•		
Provide details of any work system, plant, substance, structure or other thing relevant to the suspected contravention that the union official inspected? (E.g. lighting tower prestart, Work at Heights SWMS)			
Did the union official make copies of any document, that elated to the suspected contravention? If 'Yes' provide details: Note: Records do not need to be provided if doing so breaches a Commonwealth or State law. Copies of employee records that are relevant to the suspected contravention, or documents that are not held by the person conducting the business or undertaking, can only be obtained after the official has provided 24 hours' written notice. Providing some records may be in breach of privacy laws (e.g. employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.			N/A
Did the union official(s) inspect anything different to what was included as a contravention(s) on the 117 Right of Entry Notice? If yes, provide details:			N/A

RIGHT OF ENTRY REPORT



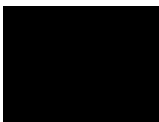
COOMERA
CONNECTOR
CENTRAL

Did the official consult with any other workers onsite, or speak with workers who did not wish to speak with them?			N/A
WHO	COMPANY	DETAILS	
Was work interrupted as a result of the entry? If yes, provided details of interruption, length of time work was interrupted and workers that were unable to undertake normal duties as a result of the interruption:			N/A
Did the official(s) contact Workplace Health & Safety Queensland to resolve a dispute?			N/A
Did the entry permit holder notify the company representative of any potential issue prior to making contact with WHSQ?			N/A
Representative(s) from WH&SQ who attended site: Please provide any other relevant details:			
Did the official discuss any matters not related to their reason for entering site?			N/A
Did the official hinder, obstruct or delay any works, or otherwise act in an improper manner? If yes, provide details:			N/A
Part 3B: Entry to inspect employee records or information held by another person (Section 120) (Complete only for s120 Entries – otherwise N/A)		Yes	No
Did the union official(s) enter the workplace under section 117 to inquire into a suspected contravention of the WH&S Act?			N/A
Did the union official(s) provide 24 hours' notice to inspect copies of employee records or documents that are directly related to the contravention (and not kept onsite or accessible by a computer onsite)? Provide details of requested documents: <i>Note: Providing some records may be in breach of privacy laws (e.g. certain employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.</i>			N/A
Part 3C: Entry to consult and advise workers (Section 121) (Complete only for s121 Entries – otherwise N/A)		Yes	No
Has an entry notice been given to the occupier of the site at least 24 hours but not more than 14 days before the entry?			N/A
Did the union official(s) consult with workers who were entitled to be represented or who wished to participate in the discussions?			N/A
Did the union official(s) warn any person they believed was exposed to a serious risk whilst onsite? If yes, provide details:			N/A

RIGHT OF ENTRY REPORT



COOMERA
CONNECTOR
CENTRAL

Part 3D: Entry to resolve an Issue (Section 81(3)) (Complete only for s81(3) Entries – otherwise N/A)			
Prior to the entry, had the issue been previously raised with FHHMJV?			
If yes, when was the issue raised?			N/A
If yes, what attempts to resolve the issue were made by FHHMJV with the affected worker/s?			
Upon entering the workplace was the official asked to provide Right of Entry permits under the Fair Work Act <u>and</u> the WHS Act?			N/A
If yes, did the official show both / one permit?			
Was the issue able to be resolved in the presence of the official?			N/A
If after reasonable efforts were made, did a Workplace Health and Safety Inspector attend site to resolve the issue?			N/A
If yes, was a Notice or other document issued to FHHMJV or their subcontractor by WHS Qld?			N/A
If yes, provide details:			
Part 4: Psychosocial Impacts as a result of the Union Entry	Yes	No	Poten t al
During the visit, did the union official(s) demonstrate behaviours which could impact upon the psychosocial wellbeing of workers or staff (bullying, intimidation, harassment etc)?		No	
If yes, please provide details below.			
As a result of the visit, did a worker or a member of staff raise a concern about being bullied, harassed, intimidated, or assaulted by a union official; or is there a potential for a staff member or worker to be impacted psychosocially by the actions of the official.		No	
If yes, please provide details:			
Immediately following the visit, did any member of staff or workforce leave work, or require immediate mental health first aid because of psychosocial health and wellbeing impact?		No	
If yes, please provide details:			
During the visit, did a FHHMJV Representative advise the union official that their behaviours were not in accordance with the Psychosocial Code of Practice?		No	
If yes, please provide response:			
Part 5: Sign Off			
Name: T Ellis	Signature: 		
Date: 26 November 2024			



Part 6: Follow up

Actions outstanding from today

- TE to send Jamie McQueen copy of Toolbox Talk presented to Workforce. TE discussed with Gerard O'Connor and Gerard provided approval to send, subject to the Toolbox Talk being watermarked with "Subject to Trial"



PART 1A	ROE DETAILS			
Type of Notice	• Section 117 - Entry to investigate a suspected contravention of the WH&S Act			
	• Section 120 - Entry to inspect employee records or information held by another person (must provide 24 hours' notice)			
	• Section 121 – To consult and advise relevant workers on health and safety matters (must provide 24 hours' notice)			
	• Other Section of the WH&S Act, provide details: Unauthorised entry		Y	
Union Represented	CFMEU			
Date ROE notice received	Nil notice received			
Date of ROE				
Name of Union Official(s)	Luke Gibson		Dean Riley	
Approx Arrival Time	8.10am	Approx Departure Time:		10.30am
Employer Representative	Neil Ferguson Radhe Dasa	Scott Holmberg John Peter	Justin O'Neill	
Notes:	8.10 am Preston Chamber first saw the union reps on site and immediately called Justin O'Neill and Neil Ferguson			
	Neil Ferguson introduced himself and then asked for copies of their paperwork.			
	Union Reps stated that CFMEU did not need paperwork and that they had called Nick Forde the previous Senior HR Advisor who advised that CFMEU did not need paperwork to enter the site. CFMEU advised that Nick had said that they could enter site at any time.			
	At 8:35am John Peter the Project People and Culture Manager arrived and walked away to called Greg Power from Draytons (FH IR Consultant). John advised Greg that CFMEU were on site and not listening anyone saying CFMEU had Nick Forde's authority to enter site.			
	The inspections by the CFMEU commenced in the Temporary building around 8.35 am.			
	8.40 am Scott Holmberg suggested John Peter call the cops but was advised that wouldn't advisable.			
	8:45am John Peter briefed Gerard O'Connor and advised that the CFMEU were on site looking at the new incomplete building next door and looking at unfinished work.			
	9:02 am John Peter called Nick Forde to state what Luke Gibson had said Nick was his mate and he could come onto site anytime. Nick stated he was not Luke's friend, and he never has said to Luke that he could come onto site when he wanted. John Peter advised Luke that this is what was said. Luke tried to call Nick but he was busy. Nick then called Luke back and confirmed what he said to John Peter.			



PART 1B : ROE PERMIT		Yes	No
Has the union official produced a WHS Permit for your inspection? Permit expiry date Permit No..... If the permit was checked by another staff member. Staff member:..... Note: you can also request photographic evidence of identity.			N
Has the union official produced a Federal Right of Entry Permit for your inspection? Permit expiry date Permit No..... If the permit was checked by another staff member. Staff member: Note: s.494 of the Fair Work Act requires that an official must not exercise a state OHS right unless they are a Federal permit holder			N
Did the union official(s) sign in at reception? If 'No', please provide details:			N
Did the union official undertake a visitor site safety induction?			N
PART 2: Entry to Investigate a Suspected Safety Contravention (section 117)		Yes	No
Was the union official being escorted by a company representative(s)? Name of representative/s: Names : Neil Ferguson, Scott Holmberg, Justin O'Neill, Radhe Dasa and John Peter Note/s: There must be one company representative for each union official. Each company representative must be wearing a recording body camera.		Y	
Did the union official produce a Notice of Entry which stated the alleged safety contravention(s)? If the Notice of Entry was checked by another staff member. Name: Note: Retain s.117 and forward to IR Manager.			N
What alleged safety contravention(s) were included on the Notice of Entry form? • (Please List all) •			
What areas of site were inspected by the union official(s)? NA			
AREA	ITEMS		
• New Building Site 1TCD Under Construction	• Lights, emergency response, water outside, mould, leaking roof, cables in plumbing pipes, test and tag out of date, RCD's out of date, Westfield switch board gate open		
• Current Building 1TCD	• Deck outside trip hazard, test and tag out of date, RCD's out of date, water tank non-return valves		
• Generator Power	• No earth cable observed, no pre start, cable on the ground, emergency stop procedure		
Provide details of any work system, plant, substance, structure or other thing relevant to the suspected contravention that the union official inspected? (E.g. lighting tower prestart, Work at Heights SWMS)			



Did the union official make copies or any document, were they directly related to the suspected contravention? If 'Yes' provide details: Note: Records do not need to be provided if this breaches a law of Commonwealth or State. Copies of any document directly related to the suspected contravention must be kept at the workplace or reasonably accessible from a computer that is kept at the workplace. Otherwise, union official(s) must submit a ROE for section 120 and provide notice. Providing some records may be in breach of privacy laws (e.g. employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.			N
Did the union official(s) inspect anything different to what was included as a contravention(s) on the Notice of Entry form? Provide Details: 			N
Did the official consult with any other workers onsite?			
WHO	COMPANY	DETAILS	
Was work interrupted as a result of the entry? If 'Yes', provided details of interruption, length of time work was interrupted and workers that were unable to undertake normal duties as a result of the interruption. • All staff in the offices were advised to leave until all inspections had been completed		Y	
Did the official(s) contact Workplace Health & Safety Queensland to resolve a dispute?			N
Did the entry permit holder notify the company representative of any potential issue prior to making contact with WHSQ?			N
Representative(s) from WH&SQ who attend site : Names : Please provide details: 			
Did the union official(s) take reasonable care for their own health and safety? If no, provide details : • Drove onsite unauthorised in a non-compliant light vehicle. • Did not wear appropriate PPE			N
Did the official: Refuse to comply with any reasonable safety or project requirement/ request?			N
Did the official: Speak to any person who was not directly related to the suspected contravention, entitled to be represented or who did not wish to speak to them?			N



Did the official: Discuss any matters not related to their reason for entering site?		N
Did the official: Hinder, obstruct or delay any person/ works, or otherwise act in an improper manner?		N
Did the official: Commit and act or omission that adversely affected the health and safety of another person?		N
Did the official: Stop any works?		N
Did the official: Warn any person they believed was exposed to a health and safety risk?		N
Did the official: Did the project incur any costs (direct or indirect) as a result of the entry?		N
Part 3: Entry to inspect employee records or information held by another person (Section 120)	Yes	No
Did the union official(s) enter the workplace under section 117 to inquire into a suspected contravention of the WH&S Act?		N
Did the union official(s) provided 24 hours' notice to inspect copies of employee records or documents that are directly related to the contravention (and not kept onsite or accessible by a computer onsite)? Provide details of requested documents: • <i>Note: Providing some records may be in breach of privacy laws (e.g. certain employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.</i>		N
Was the union official being escorted by a company representative(s)? Name of representative.....		
Part 4: Entry to consult and advise workers (Section 121)	Yes	No
Has an entry notice been given to the occupier of the site at least 24 hours but not more than 14 days before the entry?		N
Did the union official have sufficient knowledge of health and safety and suitably qualified to consult on WH&S matters?		N
Did the union official(s) consult with workers who were entitled to be represented or who wished to participate in the discussions?		N
Did the union official(s) warn any person they believed was exposed to a serious risk whilst onsite?		N
Was the union official being escorted by a company representative(s)? Name of representative.....		N
Part 5: Sign Off		
Name :	Signature :	
Date :		



Part 5: Summary of Events

Investigations into the building under construction 1TCD

- No power and therefore task lighting appeared inadequate.
- Asked for Emergency Response Plan – Justin O'Neill talked them through the emergency process.
- Concerned about water on outside of building pooling in the space between the two buildings
- The roof structure under construction between the two building is incomplete, but water was noted leaking in through the roof. Water had entered into the light fitting and mould was present.
- Concern raised with data cables being put into plumbing PVC pipes/conduits.
- Air Conditioners were out of date with test and tags.
- Switchboard outside building gate was open (Westfield) - concerned that anyone could access the switchboard. CFMEU said that they would take this up with Westfield.
- RCDs in the building electrical sub boards were not fully tested and tagged.
- Deck outside of the building has minor lifting in timbers. The ramp has flagging in place and bollards and wasn't acceptable for falls from one to another level.

Investigations into the 1TCD existing building

- Test and Tag on air cons were out of date.
- RCDs in the building were not fully test and tagged.

Investigations into the power supply Generator

- No earthing cable was observed.
- No plant pre-start recorded in the Coates Hire Book – last prestart was 2022
- Asked who was trained to do the Pre-Start.
- Noticed that the cables between the genset and batteries and the building were lying on the ground behind flagged area potential Mechanical damage and trip hazard potential believing it required additional protection.
- 3 phase connection from Genset to Battery was considered not electrically safe. CFMEU called the ETU and sent him pictures and the ETU rep said FHHMJV weren't compliant to the code and would shut the site down as believed FHHMJV weren't compliant to the code.
- Once FHHMJV shut down the Genset, CFMEU saw that power was still running from the battery to the building. CFMEU were concerned that there was no isolation. NF hit the E-Stop and the power was stopped to the building.
- Had a look at the water tanks and the connections and that the wrong piping and valves were used – no non-return valve. Need to get the water tested to confirm that there was no contamination. Food grade piping is to be used.

Returned to Investigations into the 1TCD existing building.

- They asked us to show where the building was certified as being inhabitable for office use.
- Neill Ferguson consulted with Project Director and decided to shut the site down.
- FHHMJV then asked all office staff to vacate.
- CFMEU asked if FHHMJV had defibs in the office. FHHMJV stated we had one on site and one in the Supervisors utes. No checks made.



CFMEU then moved over to the Pioneering Compound.

- Tests and Tags (RCD and Air Cons and personal electrical equipment (TMR).
- First Aid Kit was shoved in a corner but not easily accessible.
- No return valves on the water from the Toilets to the water tanks
- Haz Subs – found nothing apart from a battery.
- Demolition – Asked about Asbestos. FHHMJV stated we had a Hygienist Report showing now contamination.
- Asked about Traffic Controllers being security guards.
- Mains power – no genset issues.
- Issue raised with the number of worker seats – need to ensure that every worker has a seat to sit on should there be a need that they are recalled back to the compound for meetings, rain delays, etc.
- Fire Extinguisher out of date in the office

Neill Ferguson consulted with Project Director and decided to shut the site down.

No notices issued by the CFMEU and said that they will be back if the issues aren't resolved. CFMEU did not ask us to demonstrate that any of the actions had been closed.

Luke Gibson of the CFMEU Organiser mentioned that he would elevate the issues to the Minister.



PART 1A	ROE DETAILS			
Type of Notice	• Section 117 - Entry to investigate a suspected contravention of the WH&S Act			
	• Section 120 - Entry to inspect employee records or information held by another person (must provide 24 hours' notice)			
	• Section 121 – To consult and advise relevant workers on health and safety matters (must provide 24 hours' notice)			
	• Other Section of the WH&S Act, provide details: Unauthorised entry			Y
Union Represented	CFMEU (initially) and then Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia-Plumbing Division Queensland Divisional Branch representative arrived on site at 10:36am			
Date ROE notice received	Nil notice received			
Date of ROE				
Name of Union Official(s)	Luke Gibson (CFMEU) Dean Riley (CFMEU)		Alan Temporini (Plumbers Union)	
Approx Arrival Time	7:30am	Approx Departure Time:		11.30am Approx
Employer Representative	Scott Holmberg Justin O'Neill Preston Chambers	John Peter (at 10:30am) Tim Ellis (at 10:30am)		
Notes:	7:30am – Luke and Dean from CFMEU arrived at 1TCD Office. They were observed taking photo's. They didn't make themselves known, and drove away before any FHHMJV Representatives could meet with them.			
	7:40am – Rohan Skele (FHHMJV Supervisor) contacted Scott Holmberg (SH) advising that Dean and Luke had arrived at Gate 2. Scott called Justin O'Neill (JO) and JO attended site with SH and Preston Chambers (PC).			
	7:50am – SH, JO and PC arrived onsite and found both Dean and Luke present. Prior to SH, JO and PC arriving, Dean and Luke had forced their way onto the site by opening the closed gate. They were observed inside the Mobile Caravan making inspections of the electrical switchboard and generator.			
	8:00am – Dean and Luke began walking further onto the Haul Road and made contact with EVE Koala Spotters. Questions were asked about First Aid Kits and Snake Bite Kits. EVE advised that they had one in the car, but that they don't usually carry one on themselves. JO advised EVE workers to have one snake bite kit between them on themselves at all times. JO advised that EVE was contracted to TMR and not FHHMJV. The Union Organisers then walked away.			
	8:10am – Union Organisers walked back to main gate area and raised the concerns with JO, PC, and SH at Gate 2.			
	8:30am – Union Officials moved to Gate 1 and raised concerns.			
	9:20am – Departed site.			



	9:40am – Union Officials Arrived at 1TCD
	10:20am – Meeting held in Coombabah Meeting Room at 1TCD. JO, PC, Tim Ellis (TE), JP were present for the meeting. Union Officials present were Dean, Luke and Alan Temporini from the Plumbers Union.
	11:00am – Meeting finished.
	11:00am – Union Officials were observed walking around the 1TCD Compound undertaking inspections of the plumbing facilities. FHHMJV Representatives observed and followed the Union Officials.



PART 1B : ROE PERMIT		Yes	No
Has the union official produced a WHS Permit for your inspection? Permit expiry date Permit No..... If the permit was checked by another staff member. Staff member:..... Note: you can also request photographic evidence of identity.			N
Has the union official produced a Federal Right of Entry Permit for your inspection? Permit expiry date Permit No..... If the permit was checked by another staff member. Staff member:..... Note: s.494 of the Fair Work Act requires that an official must not exercise a state OHS right unless they are a Federal permit holder			N* *Afterwards Alan Temporini showed his permits.
Did the union official(s) sign in at reception? If 'No', please provide details:			N
Did the union official undertake a visitor site safety induction?			N
PART 2: Entry to Investigate a Suspected Safety Contravention (section 117)		Yes	No
Was the union official being escorted by a company representative(s)? Name of representative/s: Names : Scott Holmberg, Justin O'Neill, and Preston Chambers Note/s: There must be one company representative for each union official. Each company representative must be wearing a recording body camera.		Y	
Did the union official produce a Notice of Entry which stated the alleged safety contravention(s)? If the Notice of Entry was checked by another staff member. Name: Note: Retain s.117 and forward to IR Manager.			N
What alleged safety contravention(s) were included on the Notice of Entry form? • (Please List all) •			
What areas of site were inspected by the union official(s)? NA			
AREA	ITEMS		
Gate 2	• Worker Amenities, Working Alone, First Aid Kits, Long Grass		
Gate 1	• Worker Amenities, Working Aline, First Aid Kits		
1TCD Compound	• Water Tanks and Plumbing to Toilets, as well as general walk around recording issues identified yesterday.		



Provide details of any work system, plant, substance, structure or other thing relevant to the suspected contravention that the union official inspected? (E.g. lighting tower prestart, Work at Heights SWMS)

Did the union official make copies or any document, were they directly related to the suspected contravention? If 'Yes' provide details: Note: Records do not need to be provided if this breaches a law of Commonwealth or State. Copies of any document directly related to the suspected contravention must be kept at the workplace or reasonably accessible from a computer that is kept at the workplace. Otherwise, union official(s) must submit a ROE for section 120 and provide notice. Providing some records may be in breach of privacy laws (e.g. employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.			N
Did the union official(s) inspect anything different to what was included as a contravention(s) on the Notice of Entry form? Provide Details: 			N
Did the official consult with any other workers onsite?			
WHO	COMPANY	DETAILS	
Was work interrupted as a result of the entry? If 'Yes', provided details of interruption, length of time work was interrupted and workers that were unable to undertake normal duties as a result of the interruption. • Work was only disrupted for brief conversations with workers.		Y	
Did the official(s) contact Workplace Health & Safety Queensland to resolve a dispute?			N
Did the entry permit holder notify the company representative of any potential issue prior to making contact with WHSQ?			N
Representative(s) from WH&SQ who attend site : Names : Please provide details: 			
Did the union official(s) take reasonable care for their own health and safety? If no, provide details : • Drove onsite unauthorised in a non-compliant light vehicle. • Did not wear appropriate PPE			N
Did the official: Refuse to comply with any reasonable safety or project requirement/ request?			N



Did the official: Speak to any person who was not directly related to the suspected contravention, entitled to be represented or who did not wish to speak to them? Spoke to EVE, Ecosure, Vac Truck Operators, Traffic Controller	Y	
Did the official: Discuss any matters not related to their reason for entering site?		N
Did the official: Hinder, obstruct or delay any person/ works, or otherwise act in an improper manner?		N
Did the official: Commit and act or omission that adversely affected the health and safety of another person?		N
Did the official: Stop any works?		N
Did the official: Warn any person they believed was exposed to a health and safety risk?		N
Did the official: Did the project incur any costs (direct or indirect) as a result of the entry?		N
Part 3: Entry to inspect employee records or information held by another person (Section 120)	Yes	No
Did the union official(s) enter the workplace under section 117 to inquire into a suspected contravention of the WH&S Act?		N
Did the union official(s) provided 24 hours' notice to inspect copies of employee records or documents that are directly related to the contravention (and not kept onsite or accessible by a computer onsite)? Provide details of requested documents: <i>Note: Providing some records may be in breach of privacy laws (e.g. certain employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.</i>		N
Was the union official being escorted by a company representative(s)? Name of representative.....As above...	Y	
Part 4: Entry to consult and advise workers (Section 121)	Yes	No
Has an entry notice been given to the occupier of the site at least 24 hours but not more than 14 days before the entry?		N
Did the union official have sufficient knowledge of health and safety and suitably qualified to consult on WH&S matters?		N
Did the union official(s) consult with workers who were entitled to be represented or who wished to participate in the discussions?		N
Did the union official(s) warn any person they believed was exposed to a serious risk whilst onsite?		N
Was the union official being escorted by a company representative(s)? Name of representative.....		N
Part 5: Sign Off		
Name :	Signature :	
Date :		



Part 5: Summary of Events

1TCD

Luke and Dean from CFMEU arrived at 1TCD Office. They were observed taking photo's. They didn't make themselves known, and drove away before any FHHMJV Representatives could meet with them.

Gate 2

Rohan Skele (FHHMJV Supervisor) contacted Scott Holmberg (SH) advising that Dean and Luke had arrived at Gate 2. Scott called Justin O'Neill (JO) and JO attended site with SH and Preston Chambers (PC). Prior to SH, JO and PC arriving, Dean and Luke had forced their way onto the site by opening the closed gate. They were observed inside the Mobile Caravan making inspections of the electrical switchboard and generator. SH, JO and PC arrived onsite and found both Dean and Luke present.

Dean and Luke began walking further onto the Haul Road and made contact with EVE Koala Spotters. Questions were asked about First Aid Kits and Snake Bite Kits. EVE advised that they had one in the car, but that they don't usually carry one on themselves. JO advised EVE workers to have one snake bite kit between them on themselves at all times. JO advised that EVE was contracted to TMR and not FHHMJV. The Union Organisers then walked away.

Union Organisers walked back to main gate area and raised the following concerns with JO, PC, and SH at Gate 2.

- No women's toilets were provided and therefore no sanitary dispensing facilities were provided. JO and SH confirmed that the Caravan had a women's toilet, but the Union Organisers claimed that the RCD on the Caravan was out of date and therefore the toilets couldn't be used.
- No First Aid facilities were present in the Caravan.
- Long grass was present within the site area including near the Caravan.

Gate 1

Union Officials moved to Gate 1 and raised the following concerns.

- No women's toilets were present near where the workers were conducting work with a woman present working on site.

Luke started walking down Haul Road for about 1.5kms (his words) down the road. Advised that there were remote workers working alone without radios and first aid kits present.

Dean spoke to the truck operators and requested evidence of their first kits. He then undertook an inspection of the kit and found an expired bandage.

- Dean also raised the toilet facilities not being suitable for vac truck operators present in the area.
- The Union Officials both requested a copy of the Emergency Response Management Plan. JO stated that we had one, but that we don't carry it around and it was back at 1TCD.

1TCD

10:20am – Meeting held in Coombabah Meeting Room at 1TCD. JO, PC, Tim Ellis (TE), JP were present for the meeting. Union Officials present were Dean, Luke and Alan Temporini from the Plumbers Union.

- Union Officials raised concerns about the recommencement of work and believed that many of the issues identified in yesterday's visit had not been rectified. They also raised a number of issues relating to today's visit. (Gate 1 & 2)

TE advised that we would not be able to respond to their concerns until they were able to provide paperwork, including Federal Fair Work Entry Permits. Both Dean and Luke stated that they did not have these permits, and then advised that these issues were serious and that FHHMJV were not taking their safety obligations seriously.

Again TE advised that unless they provided Federal Permit, that their entry today would be considered an illegal entry and we could not legally provide any information to them.

Dean commenced recording the conversation with a body cam placed on the desk. At this point Dean advised that he had entered the site under Section 81(3) of the WHS Act. This was the first time in the past 2 days that any Union Official has entered the site under the WHS Act provisions. TE advised that this does not remove the obligation legally for them to



provide a Federal Permit. Further conversations went back and forth and TE repeatedly stated that we would not be providing any response as this was an illegal entry.

At this point Luke removed himself from the meeting room and entered Gerard O'Connor's (GO) office to advise him that TE was not willing to discuss their concerns.

GO again advised that Union was onsite illegally to which the response from Dean Riley was that as they did not have a Federal Permit therefore they were not obligated to the requirements of having one to enter under Section 81(3) of the WHS Act.

LG advised that they would continue to enter the site regardless of what we considered they were required to provide to do so.

GO acknowledged that the project was working under a AWU Agreement.

The remaining conversation in the meeting room continued until Dean advised that TE was obliged to report Dean and Luke to Fair Work for entering without a Federal Permit. He advised that if TE didn't notified Fair Work, that he would do so himself. The conversation ended shortly thereafter, with TE again reminding Dean that his visit to the site was an illegal entry.

During the entire conversation – Alan Temporini did not say anything, other than his name, and did not advise whether he had a Federal Permit or not. It was later identified via checks to the Federal Permit Register that Alan did a valid Federal and State Permit. At no time did Alan request anything from FHHMJV.

Unions left GO office and Inspected Water Tanks, Data Conduits and general areas of the 1TCD Compound area. Dean advised that Alan was a Permit Holder. JO checked that Alan was a valid permit holder at both State and Federal level.

- Alan advised that he had concerns that the 1TCD water Tanks did not comply with AS3500.

Shortly afterwards the Union Officials left site.

The Federal Permit holder did not provide any notices nor request for information.



PART 1A	ROE DETAILS		
Type of Notice	☐ Section 117 - Entry to investigate a suspected contravention of the WH&S Act		Y
	☐ Section 120 - Entry to inspect employee records or information held by another person (must provide 24 hours' notice)		
	☐ Section 121 – To consult and advise relevant workers on health and safety matters (must provide 24 hours' notice)		
	☐ Other Section of the WH&S Act, provide details: Unauthorised entry		
Union Represented	Plumbing and Pipe Trades Employees Union		
Date ROE notice received	22/02/2024 (6:55am)		
Date of ROE	22/01/2024 (note the wrong date)		
Name of Union Official(s)	Alan Temporini (Communication, Electrical, Electronic, Energy, Information, Postal, Plumbing and allied Services Union)		
Approx Arrival Time	6:55am	Approx Departure Time: 7:15am	
Employer Representative	John Peter (JP) Tim Ellis (TE)		
Notes:	6:55am - TE arrived at 1TCD Compound and noted that Alan Temporini (AT) was in the carpark writing a notice on the bonnet of his car. TE asked AT if he was here to issue us with a notice. AT stated that he was. TE asked AT if it was just him or would others be joining him today. AT responded that it was just him today. TE invited AT into the office and showed him to the Coombabah Room. TE asked AT to wait for a few minutes.		
	7:05am – Meeting commenced. AT advised that he was recording the conversation. AT provided copy of "Entry Notice – Work Health and Safety Act" Notice No: A3153		
	7:15am – Meeting finished and AT left the site shortly afterwards.		
	12:04pm – AT sent email to TE with Form 2 Notice under the Fair Work Act advising that he would be attending site on 23/02/24.		



--	--



PART 1B : ROE PERMIT	Yes	No
Has the union official produced a WHS Permit for your inspection? Permit expiry dateN/A..... Permit No.....A3153..... If the permit was checked by another staff member. Staff member:..... Note: you can also request photographic evidence of identity.	Y	
Has the union official produced a Federal Right of Entry Permit for your inspection? Permit expiry date Permit No..... If the permit was checked by another staff member. Staff member:..... Note: s.494 of the Fair Work Act requires that an official must not exercise a state OHS right unless they are a Federal permit holder		N* Permit details were sighted on 21/02/24
Did the union official(s) sign in at reception? If 'No', please provide details:		N
Did the union official undertake a visitor site safety induction?		N
PART 2: Entry to Investigate a Suspected Safety Contravention (section 117)	Yes	No
Was the union official being escorted by a company representative(s)? Name of representative/s: Names : Tim Ellis and John Peter Note/s: There must be one company representative for each union official. Each company representative must be wearing a recording body camera.	Y	
Did the union official produce a Notice of Entry which stated the alleged safety contravention(s)? If the Notice of Entry was checked by another staff member. Name: Note: Retain s.117 and forward to IR Manager.	Y	
What alleged safety contravention(s) were included on the Notice of Entry form? ☐ Illegal Plumbing installation and backflow prevention		
What areas of site were inspected by the union official(s)? NA		
AREA	ITEMS	
	☐	
	☐	
	☐	
Provide details of any work system, plant, substance, structure or other thing relevant to the suspected contravention that the union official inspected? (E.g. lighting tower prestart, Work at Heights SWMS)		



Did the union official make copies of any document, were they directly related to the suspected contravention? If 'Yes' provide details: ☐ Note: Records do not need to be provided if this breaches a law of Commonwealth or State. Copies of any document directly related to the suspected contravention must be kept at the workplace or reasonably accessible from a computer that is kept at the work place. Otherwise, union official(s) must submit a ROE for section 120 and provide notice. Providing some records may be in breach of privacy laws (e.g. employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.			N
Did the union official(s) inspect anything different to what was included as a contravention(s) on the Notice of Entry form? Provide Details: ☐			N
Did the official consult with any other workers onsite? No			
WHO	COMPANY	DETAILS	
Was work interrupted as a result of the entry? If 'Yes', provided details of interruption, length of time work was interrupted and workers that were unable to undertake normal duties as a result of the interruption. ☐ Work was only disrupted for brief conversations with workers.			N
Did the official(s) contact Workplace Health & Safety Queensland to resolve a dispute?			N
Did the entry permit holder notify the company representative of any potential issue prior to making contact with WHSQ?			N/A
Representative(s) from WH&SQ who attend site : Names : Please provide details: ☐			
Did the union official(s) take reasonable care for their own health and safety? If no, provide details : ☐ Drove onsite unauthorised in a non-compliant light vehicle. ☐ Did not wear appropriate PPE			N/A
Did the official: Refuse to comply with any reasonable safety or project requirement/ request?			N
Did the official: Speak to any person who was not directly related to the suspected contravention, entitled to be represented or who did not wish to speak to them?			N



Did the official: Discuss any matters not related to their reason for entering site?		N
Did the official: Hinder, obstruct or delay any person/ works, or otherwise act in an improper manner?		N
Did the official: Commit and act or omission that adversely affected the health and safety of another person?		N
Did the official: Stop any works?		N
Did the official: Warn any person they believed was exposed to a health and safety risk?		N
Did the official: Did the project incur any costs (direct or indirect) as a result of the entry?		N
Part 3: Entry to inspect employee records or information held by another person (Section 120)	Yes	No
Did the union official(s) enter the workplace under section 117 to inquire into a suspected contravention of the WH&S Act?	Y	
Did the union official(s) provided 24 hours' notice to inspect copies of employee records or documents that are directly related to the contravention (and not kept onsite or accessible by a computer onsite)? Provide details of requested documents: ☐ <i>Note: Providing some records may be in breach of privacy laws (e.g. certain employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.</i>		N
Was the union official being escorted by a company representative(s)? Name of representative.....As above...	Y	
Part 4: Entry to consult and advise workers (Section 121)	Yes	No
Has an entry notice been given to the occupier of the site at least 24 hours but not more than 14 days before the entry?		N
Did the union official have sufficient knowledge of health and safety and suitably qualified to consult on WH&S matters?		N
Did the union official(s) consult with workers who were entitled to be represented or who wished to participate in the discussions?		N
Did the union official(s) warn any person they believed was exposed to a serious risk whilst onsite?		N
Was the union official being escorted by a company representative(s)? Name of representative.....		N
Part 5: Sign Off		
Name :	Signature :	
Date :		

Part 5: Summary of Events



1TCD

At commencement of meeting, AT advised that he was recording the meeting.

AT requested a copy of the Backflow Test Register (stated on Entry Notice)

- ☐ TE advised that we do not have Backflow Test Register as we do not have a non-return valve system on site. TE stated that as we do not have a Backflow system, that TE cannot provide a copy of the Test Register.

AT requested copies of the Gold Coast City Council; Certification of the water system. AT advised that Gold Coast City Council must legally sign off on all water supply systems on the Gold Coast.

- ☐ TE stated that as the request for GC Certification was not requested on the s117 Entry Notice that he would not be providing the information at this point in time.

AT requested copy of the Investigation Report we had for the water supply system.

- ☐ TE stated that as the request for the Investigation Report was not requested on the s117 Entry Notice that he would be providing a copy of the document at this point in time.

AT advised that he will be getting Gold Coast City Council onto site today to confirm that the system is an illegal system.

- ☐ TE advised that he welcomed Gold Coast City Council onto the site.

AT advised that because TE was not providing the documentation requested that he would make contact with the "Feds". AT asked for TE's email address.

- ☐ TE provided AT with his email address

AT stated that the Feds would issue TE with a notice later this afternoon.

Meeting concluded – TE walked AT to the front door of the office

No other actions were raised from the meeting.



A 3153 Entry Notice - Work Health and Safety Act

I, ALAN TEMPORINI of the Communication, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia, Plumbing Division - Queensland Branch AND the Plumbers and Gasfitters Employees Union, having been appointed as an authorised representative in accordance with the requirements of the Work Health and Safety Act, advise that as authorised by that Act I intend to enter premises as specified below. **The premises to which this entry notice applies is:**

COOMERA CONNECT SITE, Melenvale TOWN center dr.
(Insert name and address of premises)

The day on which it operates or operated is: 22/01/2024

Entry to the premises is authorised by section 117 of the Work Health and Safety Act - Entry to inquire into suspected contraventions. The Suspected contravention/s to which it relates is:

- | | |
|---|--|
| ☐ Management responsibilities | ☐ Inadequate emergency and evacuations procedures |
| ☐ Plant and equipment | ☐ Inadequate amenities |
| ☐ An unsafe work environment as a result of persons at the workplace not having the capacity or capability to respond to an accident | ☐ Health Risk due to unlicensed work |
| ☐ Unsafe plumbing equipment | ☐ Electrical |
| ☐ Unsafe Electrical Equipment | ☐ Working at heights |
| ☐ Lack of Access to drinking water | ☐ Tripping Hazards as a result of poor housekeeping |
| ☐ Inadequate emergency and evacuation lighting & signage | ☐ Work related fatigue causing health risk |
| ☐ Inadequate responses to first aid | ☐ Inadequate access & egress |
| Other <u>illegal plumbing installation and backflow prevention</u> | |

(Please Note: This report does not fully imply that all other conditions and work practices are acceptable)

Further in accordance with section 118 of the Work Health and Safety Act, I hereby require the production for inspection of documents relevant to the suspected contravention/s. These include:

- ☒ Licences for all plumbing / sprinkler fitting / mechanical plumbers / medical gas
☒ Other Backflow test register

I declare that: The above name Union is entitled to represent the industrial interests of worker at this workplace. The provision in the Union rules that entitles the Union to represent the industrial interests of workers is: Rule 2 - Constitution. The suspected contravention/s relate to the workers the Union is entitled to represent.

Signature of Permit Holder: [Redacted] Date: 22/01/24

Plumbing and Pipes Trades Employees Union
41 Peel St
PO Box 3596
South Brisbane Qld 4101
Tel (07) 3844 8433 / Fax: (07) 3844 8233
Email: office@plumbersunionqld.com

Original - Employer
Copy to Workplace Health & Safety Qld

S.144 Person must not refuse or delay entry of WHS entry permit holder
(1) A person must not, without reasonable excuse, refuse or unduly delay entry into a workplace by a WHS entry permit holder who is entitled to enter the workplace under this part.
WHS Civil penalty provision - Maximum penalty - 100 penalty units.
(2) Subsection (1) places evidential burden on the defendant to show a reasonable excuse.

S.145 Person must not hinder or obstruct WHS entry permit holder
A person must not intentionally and unreasonably hinder or obstruct a WHS entry permit holder in entering a workplace or in exercising any rights at a workplace under this part.
WHS civil penalty provision - Maximum penalty - 100 penalty units.

Form 2—Entry notice

(regulation 3.27)

Fair Work Regulations 2009, regulation 3.27

ENTRY NOTICE

I, *Alan Mark Temporini*, of the *Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia, Plumbing Division*, and having been issued an entry permit under section 512 of the *Fair Work Act 2009*, give notice that I propose to enter Coomera Connect Site at Town Center Drive, Helensvale Qld _____

on 23/02/2023.

As the entry is authorised by section 484 of the *Fair Work Act 2009* (which deals with entry to hold discussions), I declare that the *Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia, Plumbing Division*, under rule 2 of the National Council rules of the *Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia, Plumbing Division*, is entitled to represent the industrial interests of an employee or TCF outworker who performs work on the premises mentioned above.

The suspected contravention, or contraventions, to which this notice relates are: AS/NZ3500 backflow prevention and potable water services installed on site. Lack of Council certification. I request all relevant documentation regarding certification and design. Also any third party reports for this system. _____

As the entry is authorised by section 481 of the *Fair Work Act 2009* (which deals with entry to investigate suspected contraventions), I declare that:

- the *Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia, Plumbing Division*, under rule 2 of the National Council rules of the *Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia, Plumbing Division*, is entitled to represent the industrial interests of a member

Given at 12.10 pm

Dated 22 / 02 / 2024

Signature of permit holder



Do not delete this box

Obligations of permit holders, occupiers of premises and affected employers

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

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

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

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

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

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



PART 1A	ROE DETAILS			
Type of Notice	☐ Section 117 - Entry to investigate a suspected contravention of the WH&S Act			Y
	☐ Section 120 - Entry to inspect employee records or information held by another person (must provide 24 hours' notice)			
	☐ Section 121 – To consult and advise relevant workers on health and safety matters (must provide 24 hours' notice)			
	☐ Other Section of the WH&S Act, provide details: Unauthorised entry			
Union Represented	Electrical Trades Union (ETU)			
Date ROE notice received	22/02/2024 (10:45am)			
Date of ROE	22/02/2024			
Name of Union Official(s)	Stephen Bravo (ETU)		Luke Gibson (CFMEU) Dean Riley (CFMEU)	
Approx Arrival Time	10:45am	Approx Departure Time: 1:00pm		
Employer Representative	Justin O'Neill (JO) Preston Chambers (PC) Scott Holmberg (SH)			
Notes:	10:45am – Stephen Brave (SB) from ETU arrived at 1TCD by himself (after initially meeting Luke Gibson in the carpark. PC observed SB in the carpark and escorted SB to Reception. PC called JO and advised of SB's presence. 10:47am – JO arrived at reception. SB advised that he was waiting for the CFMEU Officials to arrive (Luke and Dean). After a short period of time, Luke arrived and escorted SB into building under construction. As he was going into the building, SB handed JO an "Entry Notice Work Health and Safety Act". ☐ JO asked for copies of SBs permits which were provided. JO then checked the permits to ensure that they were valid. JO confirmed with Tim Ellis that the permits were valid at both State and Federal level. As JO left to check the permits, Luke removed the yellow flagging and entered into the building under construction. Both Luke and SB went to the building to show him the data cables running in water conduits. Dean Riley arrived in the building under construction at this point in time. JO arrived and noted that Dean was present. Dean asked about the tanks and the plumbing. JO asked if Dean had permits and Right of Entry documentation. Dean stated that he did not, but that he had applied for a permit overnight but had not heard back. JO stated that he was not allowed onsite and that this was again an illegal entry to site. Dean then began recording water dripping from the roof in the area. 10:55am – SB stated that the glands running from the corrugated flexible fittings into the orange PVC conduits were not compliant with the code as they were secured by silicon. Dean mentioned the issue with the comms data cables running through the white PVC conduits. SB stated that this was not an issue. 11:00am – Luke escorted SB to the Westfield powerboard. SB stated that the powerboard was secured appropriately, but stated that there should be appropriate signage stating to keep out			



with an appropriate emergency phone number. JO confirmed to SB and Luke that this was an asset of Westfields and is not under FHHMJVs operational controls.

11:05am – Luke stated to everyone that we would look at the generator now. Luke escorted everyone to the Generator. Luke removed the orange flagging and entered the work area. Luke communicated with SB about earthing of the three-phase connection. SH arrived at this point in time. Discussion relating to earthing occurred and SB stated that the earthing was not-compliant with Section 3.7 of AS3012. SB stated that any non-compliant electrical equipment must be isolated and tagged out of service. JO stated that we have had a licensed electrical contract inspect the earthing connection and they have provide us with assurance that the equipment is safe and compliant. This discussion went back and forth for some time.

11:07am – SB questioned the servicing of the generator and noted that the service due was 14 hours over date. SB stated that we had to shut down the generator now as it is past its 500 hours service.

- ☐ SH and JO discussed the situation and got onto Coates for an immediate service.

JO stated that this was not an imminent safety risk that warranted a shut down of the site. This discussion went back and forth for a while.

SB stated that the steel wired armoured cable on the ground was not installed correctly as it was not protected. As the conversation progressed, SB stated that he see's this all the time on highways lying on the ground, but that he doesn't agree with it. All 3 Union Officials continued asking for the generator to be turned off. Video recording was taken.

11:20am – Luke and SB walked through to the toilets. Luke used the toilet and urinated on the floor. Luke and SB queried the floor drain plug next to the urinal stating that it didn't meet the plumbing code.

11:30am – Luke left area stating that he was going to Gerard's office. PC escorted Luke into the office, and he walked past Gerards office to get some drinking water. He then walked straight back to the generator.

11:35am – Dean walked into the Crib room where multiple FHHMJV staff were sitting. He then said to everyone that the water was contaminated as there was no backflow from the urinals and that they would get sick from the contamination.

11:40am - SB stated that he was calling the Electrical Safety Office (ESO) to site as we were not switching of the generator.

- ☐ JO stated that he would not be turning off the generator. This was after JO had discussed the issue with TE and Gerard. We all believed that there was no imminent safety risk as Coates had been called and were on their way to service the generator.

11:40am – SB stated that if didn't turn of the generator immediately that he would go through the office and turn off all computers as they were running on domestic powerboard not industrial rated powerboards. FHHMJV is unsure how he knew this was happening as he had not been into the office at that time.

11:42am – TE called Chris from Trafflec and advised him that the ESO was coming to site and that he would be needed to be present to answer any questions about their electrical work.

12:07pm – SB stated he was going for a walk into the office – which he did with Luke and Dean. They inspected the Reception RCD first and mentioned that there was no emergency signage on the switchboard and no wiring diagram stating where the board was fed from. They all then continued to walk through the office. SB stated that all the cabling was not compliant and stated that we needed to shut down the office as the cabling wasn't safe. SB advised that he was calling the ESO and that we had to shut down the site. JO confirmed that we are not shutting down and are awaiting the ESO to arrive to make a determination.

12:35pm – Meeting in Casurina Meeting Room. Present were SB, Luke, Dean, JO, PC, SH, TE, JP, and 3 Trafflec Employees (Chris, Louis, and 1 other). SB advised that the site was unsafe and went through his concerns. Trafflec stated that things could be improved. Dean, Luke and



SB repeatedly stated that we were to shut the site down. TE stated that we would not shut the site down until we had spoken with our electrical contractor (Trafflec). Dean kept asking TE how long that meeting would take. TE did not provide a time, but stated that he did not have authority to shut the site down, and until he had spoken to Trafflec and then senior management, that we would not be rushing or shutting down the site. This went back and forth for some time. TE asked SB if he planned to submit his report to the ESO. SB stated that yes he would. TE stated again that until we have spoken to our contractor who are the PCBU and that we would take their advice before making a decision to shut the site. SB stated that if someone was to die that it would be on FHHMJV. TE again advised that he needed to speak with the contractor.

1:00pm - The 3 Union officials became frustrated and left the site.



PART 1B : ROE PERMIT		Yes	No
Has the union official produced a WHS Permit for your inspection? Permit expiry dateN/A..... Permit No...009638 If the permit was checked by another staff member. Staff member: Tim Ellis..... Note: you can also request photographic evidence of identity.		Y	
Has the union official produced a Federal Right of Entry Permit for your inspection? Permit expiry date ...5/4/2025 (State) and 13/11/2026 (Federal) Permit No..... If the permit was checked by another staff member. Staff member: Note: s.494 of the Fair Work Act requires that an official must not exercise a state OHS right unless they are a Federal permit holder		Y	
Did the union official(s) sign in at reception? If 'No', please provide details:			N
Did the union official undertake a visitor site safety induction?			N
PART 2: Entry to Investigate a Suspected Safety Contravention (section 117)		Yes	No
Was the union official being escorted by a company representative(s)? Name of representative/s: Names : SH, JO and PC Note/s: There must be one company representative for each union official. Each company representative must be wearing a recording body camera.		Y	
Did the union official produce a Notice of Entry which stated the alleged safety contravention(s)? If the Notice of Entry was checked by another staff member. Name: Note: Retain s.117 and forward to IR Manager.		Y	
What alleged safety contravention(s) were included on the Notice of Entry form? ☐ Unsafe electrical equipment ☐ Other – Non-compliant as per AS3012 ☐ Other – Non-compliant Generator			
What areas of site were inspected by the union official(s)?			
AREA	ITEMS		
1TCD Building under construction	☐		
1TCD Generator	☐		
1TCD Toilets	☐		
1TCD operational building	☐		



Provide details of any work system, plant, substance, structure or other thing relevant to the suspected contravention that the union official inspected? (E.g. lighting tower prestart, Work at Heights SWMS)

Did the union official make copies of any document, were they directly related to the suspected contravention? If 'Yes' provide details: ☐ Note: Records do not need to be provided if this breaches a law of Commonwealth or State. Copies of any document directly related to the suspected contravention must be kept at the workplace or reasonably accessible from a computer that is kept at the workplace. Otherwise, union official(s) must submit a ROE for section 120 and provide notice. Providing some records may be in breach of privacy laws (e.g. employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.			N
Did the union official(s) inspect anything different to what was included as a contravention(s) on the Notice of Entry form? Provide Details: ☐ Toilet Blocks and Crib Rooms		Y	
Did the official consult with any other workers onsite? No			
WHO	COMPANY	DETAILS	
Was work interrupted as a result of the entry? If 'Yes', provided details of interruption, length of time work was interrupted and workers that were unable to undertake normal duties as a result of the interruption. ☐ Work was only disrupted for brief conversations with workers.			N
Did the official(s) contact Workplace Health & Safety Queensland to resolve a dispute?			N
Did the entry permit holder notify the company representative of any potential issue prior to making contact with WHSQ?			N/A
Representative(s) from WH&SQ who attend site : Names : Please provide details: ☐			
Did the union official(s) take reasonable care for their own health and safety? If no, provide details : ☐ Drove onsite unauthorised in a non-compliant light vehicle. ☐ Did not wear appropriate PPE		Y	
Did the official: Refuse to comply with any reasonable safety or project requirement/ request?			N



Did the official: Speak to any person who was not directly related to the suspected contravention, entitled to be represented or who did not wish to speak to them?		N
Did the official: Discuss any matters not related to their reason for entering site?	Y (Toilet Floor Waste Plumbing)	
Did the official: Hinder, obstruct or delay any person/ works, or otherwise act in an improper manner?		N
Did the official: Commit and act or omission that adversely affected the health and safety of another person?		N
Did the official: Stop any works?		N
Did the official: Warn any person they believed was exposed to a health and safety risk?	Y Advised Generator was unsafe and for Generator to be switched off	
Did the official: Did the project incur any costs (direct or indirect) as a result of the entry?		N
Part 3: Entry to inspect employee records or information held by another person (Section 120)	Yes	No
Did the union official(s) enter the workplace under section 117 to inquire into a suspected contravention of the WH&S Act?	Y	
Did the union official(s) provided 24 hours' notice to inspect copies of employee records or documents that are directly related to the contravention (and not kept onsite or accessible by a computer onsite)? Provide details of requested documents: ☐ <i>Note: Providing some records may be in breach of privacy laws (e.g. certain employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.</i>		N
Was the union official being escorted by a company representative(s)? Name of representative.....As above...	Y	
Part 4: Entry to consult and advise workers (Section 121)	Yes	No
Has an entry notice been given to the occupier of the site at least 24 hours but not more than 14 days before the entry?		N
Did the union official have sufficient knowledge of health and safety and suitably qualified to consult on WH&S matters?		N
Did the union official(s) consult with workers who were entitled to be represented or who wished to participate in the discussions?		N



Did the union official(s) warn any person they believed was exposed to a serious risk whilst onsite?		N
Was the union official being escorted by a company representative(s)? Name of representative.....		N

Part 5: Sign Off

Name :	Signature :
Date :	

Part 5: Summary of Events

See Above – no specific actions were raised other than above.

Generator was serviced by Coates Hire – commenced at 12:30pm.

Following the meeting – another meeting with FHHMJV and Trafflec occurred. Trafflec confirmed that their work is safe and meets the code requirements. FHHMJV showed Trafflec the office desk cabling which was raised by SB. TE instructed Trafflec to commence fitting out the office with compliant electrical wiring as per the standards to minimise the need and use of domestic powerboards in the office. They again reconfirmed that their work was compliant.

4:31pm – Chris from Trafflec rung TE and again confirmed that his senior management agreed that the work conducted to date by Trafflec was compliant with the Standards. They advised that they will improve the steel armoured cabling from lying on the ground from the genset. They advised that this would take approximately 4 hours and would require that the power to the amenities buildings would need to be switched off. Both TE and Chris agreed to undertake this work on Saturday this weekend to avoid disruption to the site as this setup of the cabling in it's existing layout was considered to be compliant.



Entry Notice Work Health and Safety Act

I, STEPHEN BROUD of the Electrical Trades Union/ CEPU having been issued a WHS entry permit in accordance with the requirements of the Work Health and Safety Act, advise that as authorised by that Act I intend to enter premises as specified below.

For this Entry Notice: **The premises to which it applies are:** Coomeru Connector,
FULTON HOBAN
TOWN CENTRE DRIVE HOBART TAS.
(Insert name and address of premises)

The day on which it operates or operated is: 22 / 02 / 24

Entry to the premises is authorised by section 117 of the Work Health and Safety Act – Entry to inquire into suspected contraventions. The Suspected contravention/s to which it relates is:

- | | |
|--|--|
| ☐ An unsafe work environment as a result of working at a workplace where the electrical (installation/plant/equipment) is being/or has been worked on by a person who is not competent to perform the work. | ☐ Lack of access to drinking water |
| ☐ An unsafe work environment as a result of persons at the workplace not having the capacity or capability to respond to an incident. | ☐ Inadequate amenities |
| ☒ Unsafe Electrical Equipment | ☐ Tripping Hazards as a result of poor housekeeping |
| ☐ Inadequate emergency and evacuation procedures | ☐ Working at heights |
| ☐ Inadequate emergency and evacuation lighting & signage | ☐ Inadequate access & egress |
| ☐ Inadequate responses to first aid | |
| ☐ Work related fatigue causing a health risk | |
| ☒ Other | |

Non-compliant As Per AS 3012
Non-compliant Generators

(Please Note: This report does not fully imply that all other conditions and work practices are acceptable.)

Further in accordance with section 118 of the Work Health and Safety Act, I hereby require the production for inspection of documents relevant to the suspected contravention/s. These include:

- | |
|--|
| ☐ Licences for all electrical workers |
| ☐ CPR and rescue certificates of competency for all workers who are required to perform, or help in performing electrical work. |
| ☐ Other |

I declare that:

- The above named Union is entitled to represent the industrial interests of workers at this workplace.
- The provision in the Union rules that entitles the Union to represent the industrial interests of workers is: Rule 2 – Constitution.
- The suspected contravention/s relate to workers the Union is entitled to represent.

Signature of Permit Holder _____ Date 22 / 02 / 24

0009638

Electrical Trades Union

Registered State Office - 41 Peel Street • PO Box 3520 South Brisbane Q 4101
P 07 3846 2477 F 07 3844 9851 E info@etu.org.au www.etu.org.au

Original: Employer/PCBU Copy: Workplace Health & Safety Qld / Electrical Safety Office

S.144 Person must not refuse or delay entry of WHS entry permit holder

(1) A person must not, without reasonable excuse, refuse or unduly delay entry into a workplace by a WHS entry permit holder who is entitled to enter the workplace under this part. WHS civil penalty provision. Maximum penalty — 100 penalty units. (2) Subsection (1) places an evidential burden on the defendant to show a reasonable excuse.

S.145 Person must not hinder or obstruct WHS entry permit holder

A person must not intentionally and unreasonably hinder or obstruct a WHS entry permit holder in entering a workplace or in exercising any rights at a workplace under this part. WHS civil penalty provision. Maximum penalty — 100 penalty units.

COM.0001.0014.3139_0008



PART 1A	ROE DETAILS			
Type of Notice	☐ Section 117 - Entry to investigate a suspected contravention of the WH&S Act			
	☐ Section 120 - Entry to inspect employee records or information held by another person (must provide 24 hours' notice)			
	☐ Section 121 – To consult and advise relevant workers on health and safety matters (must provide 24 hours' notice)			
	☐ Other Section of the WH&S Act, provide details: Unauthorised entry			
Union Represented	CFMEU			
Date ROE notice received	No ROE received			
Date of ROE				
Name of Union Official(s)	Dean Riley (CFMEU) Luke Gibson (CFMEU)			
Approx Arrival Time	10:30am	Approx Departure Time: 11:15am		
Employer Representative	Justin O'Neill Scott Holmberg			
	10:30am – Luke Gibson was observed in carpark of 1TCD. Dean Riley was also observed in the carpark at the same time. Luke Gibson was talking to 2 workers who were installing temporary fence around the Generator, and then drove off the site.			
	10:50am – Dean Riley entered the reception area. He started asking about what we have done to rectify the alleged issues raised over the past few days. JO explained that he had a legal right to request for a right of entry form. Dean stated that We know he doesn't have that shit – don't waste his time.			
	Dean explained that he had the Plumbing Union Official coming back later today and he will find out then anyway. He then started reading off his phone asking "Tell me why you aren't letting me onto site". JO again reconfirmed that there is a legal requirement for union officials to have permits and right of entry documentation prior to arriving onsite. Dean then asked if Gerard was onsite today. JO stated that he couldn't engage with Gerard unless he produced the paperwork. It went back and forth for some time.			
	10:57am – Scott Holmberg (SH) arrived and Dean starting asking SH questions about what has been done to rectify the issues raised. JO again confirmed that we couldn't respond to his requests until the required paperwork was provided. Dean then asked SH who the person was that did the pre-start on the generator this morning. Both JO and SH stated that they didn't know as they weren't there this morning when it happened. Dean said it was the guy who just walked through that area that JO had said hello to. Dean stated that he had video'd the prestart. SH stated that it was probably an Engineer. Dean stated "Ahh – Project Engineer righto – wasn't a worker".			
	11:05am – He left reception and stated that he will return later with the Luke and the Plumbing Union Official. As he left the building, Dean was observed walking over to the workers installing the temporary fencing, and had a conversation with them. JO observed this from inside the building and then went out to meet Dean. Dean stated that "these guys can do the pre-starts –			



	pay rises for these guys. Justin – take care of that.” JO stated that Dean can’t be talking to anyone, as this is an unlawful entry. SH also came out of the office at this time. 11:15am - Dean then left the site in his car, saying he will be back in an hour.
	12:15pm – Alan Temporini (AT) arrived onsite in accordance with the Form 2- Entry Notice provided yesterday. In attendance was Dean Riley from CFMEU. TE advised Dean that this was a notice issued by the Plumbers Union. As this is a matter between FHHMJV and the Plumbers Union, TE advised Dean that his presence in the meeting wasn’t required and asked for Dean to leave the meeting. Dean stated that he would stay. AT asked for the documentation that he asked for in his Form 2 Notice. ☐ TE provided copies of documentation submitted to date for 1TCD to GC Council for a Plumbing Permit. ☐ TE provided copy of Inflow Document 21 February 2022 - Coomera Connector - Water Storage Tanks Supply System AT reviewed the documentation and asked TE to confirm whether or not certification from Gold Coast Council had been received for the temporary toilets. TE stated no it had not. TE Confirmed that all documentation for 1TCD to the GCCC had been provided to him. AT stated that the current set-up was not certified therefore it was illegal and therefore it was not safe. TE disputed this stating that whilst the current setup was not certified that it did not mean that the system was illegal or unsafe. AT disputed this and the conversation continued back and forth. AT and Dean both asked repeatedly that FHHMJV must shut down the water system onsite. TE confirmed that he did not intend to do this at this point in time, as FHHMJVs advice independent advice was that the system was safe and there was no risk for backflow to occur. TE Confirmed that the issue of certification of the system is a GCCC issue and that if AT had an issue that he should contact the GCCC and get them to make a call. After bout 10mins of back and forth. JP and TE ended the discussions. TE said to AT that he needs to do what he has to do, but we will not be switching off the water until we are advised to do so by GCCC. 12:45pm – Meeting Finished. Both Dean and AT left the meeting room and walked outside.
	12:50pm – Both Dean and AT were observed heading towards the Water Tank and the toilets. TE asked JO to attend and monitor. JO asked AT if he needed a hand. AT said that he was just following up on the water tanks. Dean was walking around the area and no interactions occurred between JO and Dean at this point in time. Scott Holmberg (SH) and Preston Chambers (PC) came out to support JO and to observe the activities. After 30 mins or so, SH left the area to attend to other work.
	1:05pm – JO observed that the water had been turned off to the Crib Room at the cock behind the crib room, and that the pump had the power disconnected at the power point. JO immediately turned the water back on and checked that water was flowing to all a mmenties. TE notified Gerard that water had been switched off via text, and attended site with SH at that time.
	At this point, both union officials were on their phones seeking directions.



	1:30pm – TE asked AT what was the plan. AT advised that Workplace Health and Safety (WHS) were on their way to site. TE notified JO, SH and PC, as well as Gerard. Shortly afterwards, Dean was observed leaving the site in his vehicle. JO and TE remained on site waiting for WHS to arrive. JO and TE offered the crib room to AT which had air con running. TE also offered AT some water to drink which he declined.
	2:30pm – AT advised TE, JO and Gerard who had just arrived that WHS was not coming today and that he would see us on Monday when they arrive.



PART 1B : ROE PERMIT		Yes	No
Has the union official produced a WHS Permit for your inspection? Permit expiry dateN/A..... Permit No..... If the permit was checked by another staff member. Staff member:..... Note: you can also request photographic evidence of identity.			N
Has the union official produced a Federal Right of Entry Permit for your inspection? Permit expiry date Permit No..... If the permit was checked by another staff member. Staff member:..... Note: s.494 of the Fair Work Act requires that an official must not exercise a state OHS right unless they are a Federal permit holder			N
Did the union official(s) sign in at reception? If 'No', please provide details:			N
Did the union official undertake a visitor site safety induction?			N
PART 2: Entry to Investigate a Suspected Safety Contravention (section 117)		Yes	No
Was the union official being escorted by a company representative(s)? Name of representative/s: Names : Justin O'Neill Note/s: There must be one company representative for each union official. Each company representative must be wearing a recording body camera.		Y	
Did the union official produce a Notice of Entry which stated the alleged safety contravention(s)? If the Notice of Entry was checked by another staff member. Name: Note: Retain s.117 and forward to IR Manager.			N
What alleged safety contravention(s) were included on the Notice of Entry form? ☐			
What areas of site were inspected by the union official(s)? NA			
AREA	ITEMS		
	☐		
	☐		
	☐		
Provide details of any work system, plant, substance, structure or other thing relevant to the suspected contravention that the union official inspected? (E.g. lighting tower prestart, Work at Heights SWMS)			



Did the union official make copies of any document, were they directly related to the suspected contravention? If 'Yes' provide details: ☐ Note: Records do not need to be provided if this breaches a law of Commonwealth or State. Copies of any document directly related to the suspected contravention must be kept at the workplace or reasonably accessible from a computer that is kept at the work place. Otherwise, union official(s) must submit a ROE for section 120 and provide notice. Providing some records may be in breach of privacy laws (e.g. employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.			N
Did the union official(s) inspect anything different to what was included as a contravention(s) on the Notice of Entry form? Provide Details: ☐			N
Did the official consult with any other workers onsite? No			
WHO	COMPANY	DETAILS	
Was work interrupted as a result of the entry? If 'Yes', provided details of interruption, length of time work was interrupted and workers that were unable to undertake normal duties as a result of the interruption. ☐ Work was only disrupted for brief conversations with workers.			N
Did the official(s) contact Workplace Health & Safety Queensland to resolve a dispute?			N
Did the entry permit holder notify the company representative of any potential issue prior to making contact with WHSQ?			N/A
Representative(s) from WH&SQ who attend site : Names : Please provide details: ☐			
Did the union official(s) take reasonable care for their own health and safety? If no, provide details : ☐ Drove onsite unauthorised in a non-compliant light vehicle. ☐ Did not wear appropriate PPE		Y	
Did the official: Refuse to comply with any reasonable safety or project requirement/ request?			N
Did the official: Speak to any person who was not directly related to the suspected contravention, entitled to be represented or who did not wish to speak to them?		Y	



Did the official: Discuss any matters not related to their reason for entering site?	Y	
Did the official: Hinder, obstruct or delay any person/ works, or otherwise act in an improper manner?		N
Did the official: Commit and act or omission that adversely affected the health and safety of another person?		N
Did the official: Stop any works?		N
Did the official: Warn any person they believed was exposed to a health and safety risk?		N
Did the official: Did the project incur any costs (direct or indirect) as a result of the entry?		N
Part 3: Entry to inspect employee records or information held by another person (Section 120)	Yes	No
Did the union official(s) enter the workplace under section 117 to inquire into a suspected contravention of the WH&S Act?		N
Did the union official(s) provide 24 hours' notice to inspect copies of employee records or documents that are directly related to the contravention (and not kept onsite or accessible by a computer onsite)? Provide details of requested documents: ☐ <i>Note: Providing some records may be in breach of privacy laws (e.g. certain employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.</i>		N
Was the union official being escorted by a company representative(s)? Name of representative.....As above...	Y	
Part 4: Entry to consult and advise workers (Section 121)	Yes	No
Has an entry notice been given to the occupier of the site at least 24 hours but not more than 14 days before the entry?		N
Did the union official have sufficient knowledge of health and safety and suitably qualified to consult on WH&S matters?		N
Did the union official(s) consult with workers who were entitled to be represented or who wished to participate in the discussions?	Y	
Did the union official(s) warn any person they believed was exposed to a serious risk whilst onsite?		N
Was the union official being escorted by a company representative(s)? Name of representative.....As above...	Y	
Part 5: Sign Off		
Name :	Signature :	
Date :		

Part 5: Summary of Events



1TCD – Initial CFMEU Visit

No actions raised

1TCD – Plumbers Union Form 2 Visit

No actions raised.

From: HOLMBERG, Scott
Sent: Friday, 23 February 2024 5:44:51 AM
To: FERGUSON, Neil;SPACKMAN, Warwick;ELLIS, Tim;O'NEILL, Justin
Subject: Union phone call

Morning Gentlemen

I received a phone call from Luke Gibson at exactly 5.30am this morning. He said he had met with the local greens member of parliament by the name of Jonathon (and a surname he couldn't pronounce). He said this "local member" had said EVE and FHHMJV had not handed over "certain documents" and that the "local member" would be looking to place a green ban over the entire project.

I told him I couldn't help him as EVE worked for TMR and he would need to talk to them. The phone call only lasted 1 minute. No other topics were discussed.

I believe he is actually referring to Brisbane greens party mayoral candidate, Jonathon Sriranganathan.

Regards
Scott Holmberg

Civils Superintendent - Coomera Connector Central | [Fulton Hogan Hull McIlwain Joint Venture](#)
Ground Floor 144 Montague Road, West End QLD 4101 | PO BOX 3079, Helensvale Town Centre Qld,
4212
Mobile [REDACTED] | email [REDACTED]



We acknowledge the traditional Aboriginal custodians of Country throughout Australia and pay our respect to elders past and present and to the ongoing living culture of Aboriginal people.

From: WAGHORN, Jessica
Sent: Monday, 26 February 2024 2:25:04 PM
To: ALBERTS, Shanessa
Cc: ELLIS, Tim;PETER, John
Subject: RE: Project Policies

Hi Shan,
Yes I can do that first thing tomorrow, additionally a Union member did reach over my desk and grab them, which then Justin tried to grab them back, subsequently a page was torn.

Regards,
Jessica

Jessica Waghorn | Project Administrator – Coomera Connector Central | **Fulton Hogan Hull Mcllwain Joint Venture**

Ground Floor 144 Montague Road, West End QLD 4101 | PO BOX 3079, Helensvale Town Centre Qld, 4212

Mobile [REDACTED] | email [REDACTED]



We acknowledge the traditional Aboriginal custodians of Country throughout Australia and pay our respect to elders past and present and to the ongoing living culture of Aboriginal people.

From: ALBERTS, Shanessa [REDACTED]
Sent: Monday, February 26, 2024 2:13 PM
To: WAGHORN, Jessica [REDACTED]
Cc: ELLIS, Tim [REDACTED] PETER, John [REDACTED]
Subject: RE: Project Policies

Hi Jess,

I noticed these policies I printed out are still on your desk.

We need to get these up urgently please. If you can please laminate them and put them up in the reception area?

If you can make this your first point of priority tomorrow morning, thanks.

Shanessa Alberts | Office Manager – Coomera Connector Central | **Fulton Hogan Hull Mcllwain Joint Venture**

Ground Floor 144 Montague Road, West End QLD 4101 | PO BOX 3079, Helensvale Town Centre Qld, 4212

Mobile [REDACTED] | email [REDACTED]



We acknowledge the traditional Aboriginal custodians of Country throughout Australia and pay our respect to elders past and present and to the ongoing living culture of Aboriginal people.

From: ELLIS, Tim [REDACTED]
Sent: Friday, February 16, 2024 3:05 PM
To: WAGHORN, Jessica [REDACTED] ALBERTS, Shanessa
Subject: RE: Project Policies

Shan, Jess,

Apologies for the earlier blank email – I pushed the wrong button – It's Friday – What can I say?

Can you please arrange to print out the Signed Project Policies and arrange for them to be put up on walls in the Reception areas of 1TCD and West End. Given their importance, we should get them laminated or framed – will leave this up to you to determine.

 [Signed Project Policies](#)

Cheers,

Tim

From: ELLIS, Tim
Sent: Friday, February 16, 2024 3:01 PM
To: WAGHORN, Jessica <[REDACTED]@[REDACTED]>; ALBERTS, Shanessa
Subject: Project Policies

Regards,

Tim Ellis | SHEQ Manager – Coomera Connector Central | [Fulton Hogan Hull McIlwain Joint Venture](#)

Ground Floor 144 Montague Road, West End QLD 4101 | PO BOX 3079, Helensvale Town Centre Qld,
4212

Mobile [REDACTED] | email [REDACTED]



We acknowledge the traditional Aboriginal custodians of Country throughout Australia and pay our respect to elders past and present and to the ongoing living culture of Aboriginal people.



PART 1A	ROE DETAILS			
Type of Notice	☐ Section 117 - Entry to investigate a suspected contravention of the WH&S Act			
	☐ Section 120 - Entry to inspect employee records or information held by another person (must provide 24 hours' notice)			
	☐ Section 121 – To consult and advise relevant workers on health and safety matters (must provide 24 hours' notice)			
	☐ Other Section of the WH&S Act, provide details: Unauthorised entry			
Union Represented	CFMEU			
Date ROE notice received	No ROE received			
Date of ROE				
Name of Union Official(s)	Luke Gibson (CFMEU)			
Approx Arrival Time		Approx Departure Time:		
Employer Representative	Justin O'Neill (JO)	Tim Ellis (TE)		
	Scott Holmberg (SH)	John Peter (JP)		
	9:11am – SH received call from Hayden our Surveyor that CFMEU was present on the access track at the hill, north of the Urangan Footpath inside of Gate 2. Hayden described the Union official as wearing a blue T-Shirt with a Black Ford Ranger vehicle. Hayden stated that the vehicle has turned around and headed back to Gate 2.			
	SH made contact with Neil F, TE, JO to advise of the entry			
	9:17am – SH made contact with Neil F.			
	9:20am – Hayden stated that he observed the guy in the blue shirt, break off a partly broken branch off a tree and then pulled the branch out onto the track, blocking access along the track			
	9:29am – SH found Luke driving on the site at Gate 1. SH advised that he had called up at this point (a call up point), had no response on the 2-way, and continued to drive on. At this point, he found Luke and Jamie Porter in the vehicle. Jamie said hello to SH and a short discussion occurred. SH asked Luke what was he doing on the site and Luke stated that he “was checking on the Koala’s and seeing who is representing them”. He then handed SH a CFMEU membership application form.			
	Luke and Jamie were on their way out of the site at this time, so SH did not ask for papers and turned around his vehicle and followed them out of Gate 1.			
	9:32am – SH followed Luke and Jamie to Gate 1 Exit. It was noted that the gate was closed and that Jamie had left the vehicle to open the gate so that they could depart from the site.			
	9:41am – Luke and Jamie were observed doing a drivethrough of the 1TCD carpark. They did not stop.			



9:44am – Andrew Barr (Supervisor) advised SH that Luke and Jamie had arrived at the Pioneering Compound. They were observed driving loops around the stockpile area, before then departing the site.

9:48am – Luke and Jamie observed entering Gate 3 heading north.

9:49am – Luke and Jamie observed driving straight through the Pedestrian/Bikepath crossing without stopping.

9:50am – Luke and Jamie observed stopped under Bridge 5. Luke and Jamie stated that there was a lack of security to SH. SH stated that he would not answer any questions until he has seen relevant paperwork for their site entry. Jamie looked at SH and smiled and said what sort of paper – a Paper Bag. He then proceeds to put his arm out the window with a gesture of handing SH a bag. They stated that they won't be providing any paperwork. They then proceeded up to Bridge 3 area and drove on the access tracks (fingers).

SH stopped following at this point as there is no work occurring in that area today and parked up waiting for them to come back down the access track.

10:00am – Luke and Jamie commence leaving Gate 3 area. Noted that they stopped at the Pedestrian/Bikepath crossing.

10:01am – Luke and Jamie observed following 8T Excavator towards the Gate 3 Exit. They were observed in close proximity to the Excavator within the swing zone. SH notified operator of their presence and advised the operator to pull over when safe to do so. Neither Luke nor Jamie called up their presence to the Operator over the 2-Way.

10:03am – Headed south past the Pioneering compound.

10:05am – Luke and Jamie Entered Gate 5. The gate was open, but there was a float present loading a Digger. They turned around at Coombabah Creek and then came back out and exited Gate 5.

10:13 am – Exited Gate 5 and headed South. Luke and Jamie observed turning right onto Buckler Drive in breach of the Gold Coast City Council placed Left Turn only sign posted at the exit.

Dash Cam video of the journey taken by Luke and Jamie was captured by SH for the entire entries to site from 9:26am onwards.

10:25am – Luke Gibson arrives at 1TCD. JO met Luke at Reception and asked Luke to enter the office and proceed to the meeting room. Luke stated that he did not want to talk until after he got some water. He then proceeded to walk through the office and directly to the water bottle stand ¾ of the way down the building. TE and JO escorted Luke to the water and then asked Luke to come back to the meeting room.

10:30am – TE advised Luke that the conversation was being recorded. Luke raised the following issues had been raised by a member:

- ☐ Lack of security present onsite, which allowed CFMEU to enter site without anyone stopping them.
- ☐ Potential for drownings around waterways as there is no life rings present.
- ☐ Hazardous goods stored inappropriately and that he corrected them.

He did not confirm where any of these locations were on the site and provided no other specific information.

Luke claimed that he had been provided permission from Ren Greentree and SH to be present on site.

Luke stated that we do what we have to do and that he has documented the issues on his side.



	TE asked Luke if he had a Federal Permit. Luke left the room at that point. Meeting was concluded in 2mins.
--	---



PART 1B : ROE PERMIT	Yes	No
Has the union official produced a WHS Permit for your inspection? Permit expiry dateN/A..... Permit No..... If the permit was checked by another staff member. Staff member:..... Note: you can also request photographic evidence of identity.		N
Has the union official produced a Federal Right of Entry Permit for your inspection? Permit expiry date Permit No..... If the permit was checked by another staff member. Staff member:..... Note: s.494 of the Fair Work Act requires that an official must not exercise a state OHS right unless they are a Federal permit holder		N
Did the union official(s) sign in at reception? If 'No', please provide details:		N
Did the union official undertake a visitor site safety induction?		N
PART 2: Entry to Investigate a Suspected Safety Contravention (section 117)	Yes	No
Was the union official being escorted by a company representative(s)? Name of representative/s: Names : Justin O'Neill, Scott Holmberg Note/s: There must be one company representative for each union official. Each company representative must be wearing a recording body camera.	Y	
Did the union official produce a Notice of Entry which stated the alleged safety contravention(s)? If the Notice of Entry was checked by another staff member. Name: Note: Retain s.117 and forward to IR Manager.		N
What alleged safety contravention(s) were included on the Notice of Entry form? ☐		
What areas of site were inspected by the union official(s)? NA		
AREA	ITEMS	
	☐	
	☐	
	☐	
Provide details of any work system, plant, substance, structure or other thing relevant to the suspected contravention that the union official inspected? (E.g. lighting tower prestart, Work at Heights SWMS)		



Did the union official make copies of any document, were they directly related to the suspected contravention? If 'Yes' provide details: ☐ Note: Records do not need to be provided if this breaches a law of Commonwealth or State. Copies of any document directly related to the suspected contravention must be kept at the workplace or reasonably accessible from a computer that is kept at the work place. Otherwise, union official(s) must submit a ROE for section 120 and provide notice. Providing some records may be in breach of privacy laws (e.g. employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.			N
Did the union official(s) inspect anything different to what was included as a contravention(s) on the Notice of Entry form? Provide Details: ☐			N
Did the official consult with any other workers onsite? No			
WHO	COMPANY	DETAILS	
Was work interrupted as a result of the entry? If 'Yes', provided details of interruption, length of time work was interrupted and workers that were unable to undertake normal duties as a result of the interruption. ☐ Work was only disrupted for brief conversations with workers.			N
Did the official(s) contact Workplace Health & Safety Queensland to resolve a dispute?			N
Did the entry permit holder notify the company representative of any potential issue prior to making contact with WHSQ?			N/A
Representative(s) from WH&SQ who attend site : Names : Please provide details: ☐			
Did the union official(s) take reasonable care for their own health and safety? If no, provide details : ☐ Drove onsite unauthorised in a non-compliant light vehicle. ☐ Did not wear appropriate PPE		Y	
Did the official: Refuse to comply with any reasonable safety or project requirement/ request?			N
Did the official: Speak to any person who was not directly related to the suspected contravention, entitled to be represented or who did not wish to speak to them?			N



Did the official: Discuss any matters not related to their reason for entering site?		N
Did the official: Hinder, obstruct or delay any person/ works, or otherwise act in an improper manner?		N
Did the official: Commit and act or omission that adversely affected the health and safety of another person?		N
Did the official: Stop any works?		N
Did the official: Warn any person they believed was exposed to a health and safety risk?		N
Did the official: Did the project incur any costs (direct or indirect) as a result of the entry?		N
Part 3: Entry to inspect employee records or information held by another person (Section 120)	Yes	No
Did the union official(s) enter the workplace under section 117 to inquire into a suspected contravention of the WH&S Act?		N
Did the union official(s) provide 24 hours' notice to inspect copies of employee records or documents that are directly related to the contravention (and not kept onsite or accessible by a computer onsite)? Provide details of requested documents: ☐ <i>Note: Providing some records may be in breach of privacy laws (e.g. certain employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.</i>		N
Was the union official being escorted by a company representative(s)? Name of representative.....As above...	Y	
Part 4: Entry to consult and advise workers (Section 121)	Yes	No
Has an entry notice been given to the occupier of the site at least 24 hours but not more than 14 days before the entry?		N
Did the union official have sufficient knowledge of health and safety and suitably qualified to consult on WH&S matters?		N
Did the union official(s) consult with workers who were entitled to be represented or who wished to participate in the discussions?		N
Did the union official(s) warn any person they believed was exposed to a serious risk whilst onsite?		N
Was the union official being escorted by a company representative(s)? Name of representative.....		N
Part 5: Sign Off		
Name :	Signature :	
Date :		

Part 5: Summary of Events



Actions from Today

1. Potential for Drowning Risk

- ☐ Inspection undertaken by JO. Life Rings to be placed at areas adjacent to waterways. Red Exclusion Flagging to be placed around the waterways with signage stating "Do Not Enter" - **To be completed by COB 01/03/2024**

2. Site Security

- ☐ Gates to be closed when low flow traffic is occurring. At gates with higher flows of traffic, Traffic Controller shall control the Site Gate and check all vehicles entering whether or not they are authorised to be present on site - **To be completed by 29/02/2024**
- ☐ Signage to be placed on all gates stating "No unauthorised access". - **To be completed by 29/02/2024**

3. Hazardous Chemicals

- ☐ Site wide inspection of all hazardous chemicals stored to be undertaken by H&S Team – **To be completed by 29/02/2024**

PLACEHOLDER

ANNEXURES TE-7A to TE-7L

REFER TO NATIVE FILES

- **TE-7A:** video recording dated 29 February 2024, which is **COM.0001.0014.3201;**
- **TE-7B:** video recording dated 29 February 2024, which is **COM.0001.0014.3202;**
- **TE-7C:** video recording dated 29 February 2024, which is **COM.0001.0014.3203;**
- **TE-7D:** video recording dated 29 February 2024, which is **COM.0001.0014.3204;**
- **TE-7E:** video recording dated 29 February 2024, which is **COM.0001.0014.3205;**
- **TE-7F:** video recording dated 29 February 2024, which is **COM.0001.0014.3206;**
- **TE-7G:** video recording dated 29 February 2024, which is **COM.0001.0014.3207;**
- **TE-7H:** video recording dated 29 February 2024, which is **COM.0001.0014.3208;**
- **TE-7I:** video recording dated 29 February 2024, which is **COM.0001.0014.3209;**
- **TE-7J:** video recording dated 29 February 2024, which is **COM.0001.0014.3210;**
- **TE-7K:** video recording dated 29 February 2024, which is **COM.0001.0014.3211;**
- **TE-7L:** video recording dated 29 February 2024, which is **COM.0001.0014.3212;**



PART 1A	ROE DETAILS			
Type of Notice	☐ Section 117 - Entry to investigate a suspected contravention of the WH&S Act			
	☐ Section 120 - Entry to inspect employee records or information held by another person (must provide 24 hours' notice)			
	☐ Section 121 – To consult and advise relevant workers on health and safety matters (must provide 24 hours' notice)			
	☐ Other Section of the WH&S Act, provide details: Unauthorised entry			
Union Represented	CFMEU			
Date ROE notice received	No ROE received			
Date of ROE				
Name of Union Official(s)	Luke Gibson (CFMEU)			
Approx Arrival Time		Approx Departure Time:		
Employer Representative	Justin O'Neill (JO) Scott Holmberg (SH)			
	9:22am – SH received a call from Tom (ESO Surveyor). SH missed the call as he was in a meeting with Neil F 9:24am – Tom sent text to SH stating that "Union Guy has just come into to Gate 5. He has pulled up the labourers" 9:24am – SH asked Tom which guy was present on site. 9:25am – SH notified all Supervisors on the Project through WhatsApp 9:27am – Tom responded "CFMEU – Black Ford Ranger"			
	9:33am – SH arrived on site at Gate 5 and noticed Luke Gibson was moving back to his vehicle. As SH arrived, he pulled up to Luke in the car (driver's door to driver's door). SH said Good morning. Luke responded back Good Morning. Luke then tried to speak, but SH said before you go on, do you have any permits to be here today. Luke stated he won't be providing any permits. Luke wanted to know what FHHMJV were doing with the guys who were undertaking whipper snipping works in the wet and was concerned about slips, trips and falls. SH stated that we've been through this before and that he won't be answering his questions whilst he doesn't have any permit. Luke replied, "fine, if that's your attitude towards safety, then I will be documenting that". 9:35am - The conversation then ended and Luke drove off towards the Gate 5 exit. 9:39am – Luke opened the closed gate and exited the site through Gate 5 – turning right onto Buckler Drive – even though the exit is sign posted left hand exit only. Dashcam footage of the above is available.			
	9:42am – Luke was observed entering 1 TCD by SH.			



9:45am – Luke drove past Justin O'Neill (JO) at 1TCD. He wound down his window and said – "What the fuck's going on at the other site. Your Supervisors haven't done any post rain walks of the site. You've got guys working in the rain and near bodies of water with no life rings."

JO stated that no one is working near any bodies of water today.

Luke said that was Bullshit. He then he said "You've got guys working in the mud and they are exposed to slips, trips and falls. I got a complaint from someone saying that you had the guys working in the water."

JO again confirmed that no one is working anywhere near bodies of water. JO stated that he would follow up on the post rainfall Supervisor inspections.

JO then asked Luke for a copy of his Right of Entrance Notice for today. Luke stated that he told us previously that he didn't need to provide one and then drove off.

Luke was observed exiting the 1TCD compound at approx. 9:50am.

9:52am – Luke entered into 1TCD and parked near the Reception area Ramp. JO walked over and Luke wound the window down, and asked JO if WHSQ had been to site.

JO said Yes they had.

Luke asked – Why did they come, and what did they say.

JO said that they went through a few things.

Luke said "Who made the complaint"

JO said – Not sure about all that.

Luke said – I think it was the Plumbers Union. He then asked 'what did WHSQ inspect when they were onsite'.

JO said that there were a few things that they looked at.

The conversation went back and forth a few times without providing any further information.

Luke then said, "I bet it was first aid, test and tags, security and heat."

JO didn't answer.

Luke then said "What did they end up doing?"

JO said it was all sorted.

Luke then said "all right, I'm documenting all this" and then wound up the window and drove off.

Approx. 10:00am - Luke left site



PART 1B : ROE PERMIT		Yes	No
Has the union official produced a WHS Permit for your inspection? Permit expiry dateN/A..... Permit No..... If the permit was checked by another staff member. Staff member:..... Note: you can also request photographic evidence of identity.			N
Has the union official produced a Federal Right of Entry Permit for your inspection? Permit expiry date Permit No..... If the permit was checked by another staff member. Staff member: Note: s.494 of the Fair Work Act requires that an official must not exercise a state OHS right unless they are a Federal permit holder			N
Did the union official(s) sign in at reception? If 'No', please provide details:			N
Did the union official undertake a visitor site safety induction?			N
PART 2: Entry to Investigate a Suspected Safety Contravention (section 117)		Yes	No
Was the union official being escorted by a company representative(s)? Name of representative/s: Names : Note/s: There must be one company representative for each union official. Each company representative must be wearing a recording body camera.			No
Did the union official produce a Notice of Entry which stated the alleged safety contravention(s)? If the Notice of Entry was checked by another staff member. Name: Note: Retain s.117 and forward to IR Manager.			No
What alleged safety contravention(s) were included on the Notice of Entry form? ☐			
What areas of site were inspected by the union official(s)? NA			
AREA	ITEMS		
	☐		
	☐		
	☐		
Provide details of any work system, plant, substance, structure or other thing relevant to the suspected contravention that the union official inspected? (E.g. lighting tower prestart, Work at Heights SWMS)			



Did the union official make copies of any document, were they directly related to the suspected contravention? If 'Yes' provide details: ☐ Note: Records do not need to be provided if this breaches a law of Commonwealth or State. Copies of any document directly related to the suspected contravention must be kept at the workplace or reasonably accessible from a computer that is kept at the work place. Otherwise, union official(s) must submit a ROE for section 120 and provide notice. Providing some records may be in breach of privacy laws (e.g. employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.			No
Did the union official(s) inspect anything different to what was included as a contravention(s) on the Notice of Entry form? Provide Details: ☐			NA
Did the official consult with any other workers onsite? No			
WHO	COMPANY	DETAILS	
Was work interrupted as a result of the entry? If 'Yes', provided details of interruption, length of time work was interrupted and workers that were unable to undertake normal duties as a result of the interruption. ☐ Work was only disrupted for brief conversations with workers.			NA
Did the official(s) contact Workplace Health & Safety Queensland to resolve a dispute?			No
Did the entry permit holder notify the company representative of any potential issue prior to making contact with WHSQ?			NA
Representative(s) from WH&SQ who attend site : Names : Please provide details: ☐			
Did the union official(s) take reasonable care for their own health and safety? If no, provide details :		Y	
Did the official: Refuse to comply with any reasonable safety or project requirement/ request?			NA
Did the official: Speak to any person who was not directly related to the suspected contravention, entitled to be represented or who did not wish to speak to them?		Y	



Did the official: Discuss any matters not related to their reason for entering site?		NA
Did the official: Hinder, obstruct or delay any person/ works, or otherwise act in an improper manner?		No
Did the official: Commit and act or omission that adversely affected the health and safety of another person?		No
Did the official: Stop any works?		No
Did the official: Warn any person they believed was exposed to a health and safety risk?		No
Did the official: Did the project incur any costs (direct or indirect) as a result of the entry?		No
Part 3: Entry to inspect employee records or information held by another person (Section 120)	Yes	No
Did the union official(s) enter the workplace under section 117 to inquire into a suspected contravention of the WH&S Act?		No
Did the union official(s) provide 24 hours' notice to inspect copies of employee records or documents that are directly related to the contravention (and not kept onsite or accessible by a computer onsite)? Provide details of requested documents: ☐ <i>Note: Providing some records may be in breach of privacy laws (e.g. certain employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.</i>		No
Was the union official being escorted by a company representative(s)? Name of representative.....As above...		No
Part 4: Entry to consult and advise workers (Section 121)	Yes	No
Has an entry notice been given to the occupier of the site at least 24 hours but not more than 14 days before the entry?		No
Did the union official have sufficient knowledge of health and safety and suitably qualified to consult on WH&S matters?		No
Did the union official(s) consult with workers who were entitled to be represented or who wished to participate in the discussions?		No
Did the union official(s) warn any person they believed was exposed to a serious risk whilst onsite?		No
Was the union official being escorted by a company representative(s)? Name of representative.....		No
Part 5: Sign Off		
Name :	Signature :	
Date :		

Part 5: Summary of Events



Actions from Today

☐ Nil actions raised today

PLACEHOLDER

ANNEXURES TE-8A to TE-8C

REFER TO NATIVE FILES

- **TE-8A:** video recording dated 5 March 2024, which is **COM.0001.0014.3213**;
- **TE-8B:** video recording dated 5 March 2024, which is **COM.0001.0014.3214**;
- **TE-8C:** video recording dated 5 March 2024, which is **COM.0001.0014.3215**.



PART 1A	ROE DETAILS			
Type of Notice	☐ Section 117 - Entry to investigate a suspected contravention of the WH&S Act			
	☐ Section 120 - Entry to inspect employee records or information held by another person (must provide 24 hours' notice)			
	☐ Section 121 – To consult and advise relevant workers on health and safety matters (must provide 24 hours' notice)			
	☐ Other Section of the WH&S Act, provide details: Unauthorised entry			Y
Union Represented	CFMEU			
Date ROE notice received	No ROE received			
Date of ROE				
Name of Union Official(s)	Luke Gibson (CFMEU)			
Approx Arrival Time	10.10am	Approx Departure Time:	10.20am	
Employer Representative	Tim Ellis (TE) Preston Chambers (PC)	Neil Ferguson (NF)		
	Approx. 10:10am – Luke Gibson was observed parked in the front carpark adjacent to the Reception area. PC advised TE and both TE and PC walked to reception, where Luke was already waiting. TE asked Luke what he was doing here, and Luke responded that he wanted to know Gerard's and Scott's last names as he was preparing a media release and a briefing for the Minister. TE asked which Minister and Luke said, that we should know that. TE said that there are a number of ministers, and Luke stated that it wouldn't be too hard to work it out as she was female. TE said Grace Grace and Luke said No. TE asked Luke what is the purpose of your visit. Luke said, he doesn't need to speak to TE as he is not here about safety, and that the matter is about payment of workers and BPIC. He asked that TE go and get the People and Culture Manager. TE did not respond. He again asked for Gerard's and Scott's last names. TE confirmed with Luke, Scott, and Luke responded – "I mean Neil, your General Superintendent". Luke then proceeded beyond the Reception area and into the main work area of the office. He stopped at the Photocopier and was able to record Gerard's name and phone number of the Mental Health First Aid Poster. TE tried to block Luke (but did not touch Luke), but Luke walked around TE at that point. TE advised Luke that it was not appropriate for him to be in the office. Luke then stated that "it was not appropriate to get the job done safely, it was not appropriate to follow the BPIC rules, and it's not appropriate to do a lot of things". TE again said that it was not appropriate to be in our office. Luke then responded with "I pay for this office mate", and continued on recording Gerard's details on his phone. TE again said that this is not appropriate and Luke responded "whatever mate, that's your opinion, and your welcome to your opinion." TE then said "so this is for a media release" and Luke stated that it was for part of it, and that he knows we weren't going to give him the names, so I'll get them myself".			



Luke then proceeded through the main office to Gerard's office. Gerard's door was open and he was on a phone call. At this point Neil F observed what was going on and came to support TE and PC.

Luke saw that Gerard was on the phone, offered to close his door and said to Gerard "I'll speak to you after, can you give me a call please".

Luke then continued further into the office. TE asked Luke "what are you trying to do Luke". No response was received.

TE again said to Luke that he did not have a right to be here. Luke responded "Is that right – Who says that?" TE said that this was a place of work and not a place where you can walk around and do what you like". Luke responded "Ill do whatever I want, you do what you want"

Luke continued checking posters for names, when he turned and realised that Neil F was present. He then asked Neil "Mate what's your last name". Neil F responded with "where's your paperwork."

At that point, Luke took a phone call and walked towards reception. At one point saying "I've got your last name anyway Neil, its' all sorted".

Luke stopped in reception and sanitised his hands. Luke then thanked TE, NF, and PC for their time and proceeded to his car.

Shortly afterwards, he asked PC if we are recording him. TE said yes. Luke then responded saying "Communications marked as without prejudice cannot be used as evidence in court"

Luke then started his car (after blowing into his engine immobiliser). Luke then said "Thankyou for your time – Neil, tell your workers, or don't tell your workers not to pay for them properly or stuff like that, it's all coming out now. Just so you are well aware mate. I've got all the information and all the paperwork, so get ready to rock and roll."

Approx 10:20am - Luke then said something which was not clearly audible, before exiting the site compound turning left onto TCD



PART 1B : ROE PERMIT		Yes	No
Has the union official produced a WHS Permit for your inspection? Permit expiry dateN/A..... Permit No..... If the permit was checked by another staff member. Staff member:..... Note: you can also request photographic evidence of identity.			N
Has the union official produced a Federal Right of Entry Permit for your inspection? Permit expiry date Permit No..... If the permit was checked by another staff member. Staff member: Note: s.494 of the Fair Work Act requires that an official must not exercise a state OHS right unless they are a Federal permit holder			N
Did the union official(s) sign in at reception? If 'No', please provide details:			N
Did the union official undertake a visitor site safety induction?			N
PART 2: Entry to Investigate a Suspected Safety Contravention (section 117)		Yes	No
Was the union official being escorted by a company representative(s)? Name of representative/s: Names : Note/s: There must be one company representative for each union official. Each company representative must be wearing a recording body camera.			N/A
Did the union official produce a Notice of Entry which stated the alleged safety contravention(s)? If the Notice of Entry was checked by another staff member. Name: Note: Retain s.117 and forward to IR Manager.			N/A
What alleged safety contravention(s) were included on the Notice of Entry form? ☐			
What areas of site were inspected by the union official(s)? NA			
AREA	ITEMS		
	☐		
	☐		
	☐		
Provide details of any work system, plant, substance, structure or other thing relevant to the suspected contravention that the union official inspected? (E.g. lighting tower prestart, Work at Heights SWMS)			



Did the union official make copies of any document, were they directly related to the suspected contravention? If 'Yes' provide details: ☐ Note: Records do not need to be provided if this breaches a law of Commonwealth or State. Copies of any document directly related to the suspected contravention must be kept at the workplace or reasonably accessible from a computer that is kept at the work place. Otherwise, union official(s) must submit a ROE for section 120 and provide notice. Providing some records may be in breach of privacy laws (e.g. employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.			N/A
Did the union official(s) inspect anything different to what was included as a contravention(s) on the Notice of Entry form? Provide Details: ☐			NA
Did the official consult with any other workers onsite? No			
WHO	COMPANY	DETAILS	
Was work interrupted as a result of the entry? If 'Yes', provided details of interruption, length of time work was interrupted and workers that were unable to undertake normal duties as a result of the interruption. ☐ Work was only disrupted for brief conversations with workers.			NA
Did the official(s) contact Workplace Health & Safety Queensland to resolve a dispute?			No
Did the entry permit holder notify the company representative of any potential issue prior to making contact with WHSQ?			NA
Representative(s) from WH&SQ who attend site : Names : Please provide details: ☐			
Did the union official(s) take reasonable care for their own health and safety? If no, provide details :		Y	
Did the official: Refuse to comply with any reasonable safety or project requirement/ request?		Y	
Did the official: Speak to any person who was not directly related to the suspected contravention, entitled to be represented or who did not wish to speak to them?			N



Did the official: Discuss any matters not related to their reason for entering site?		NA
Did the official: Hinder, obstruct or delay any person/ works, or otherwise act in an improper manner?		NA
Did the official: Commit and act or omission that adversely affected the health and safety of another person?		NA
Did the official: Stop any works?		NA
Did the official: Warn any person they believed was exposed to a health and safety risk?		NA
Did the official: Did the project incur any costs (direct or indirect) as a result of the entry?		NA
Part 3: Entry to inspect employee records or information held by another person (Section 120)	Yes	No
Did the union official(s) enter the workplace under section 117 to inquire into a suspected contravention of the WH&S Act?		No
Did the union official(s) provide 24 hours' notice to inspect copies of employee records or documents that are directly related to the contravention (and not kept onsite or accessible by a computer onsite)? Provide details of requested documents: ☐ <i>Note: Providing some records may be in breach of privacy laws (e.g. certain employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.</i>		No
Was the union official being escorted by a company representative(s)? Name of representative.....As above...	Yes	
Part 4: Entry to consult and advise workers (Section 121)	Yes	No
Has an entry notice been given to the occupier of the site at least 24 hours but not more than 14 days before the entry?		No
Did the union official have sufficient knowledge of health and safety and suitably qualified to consult on WH&S matters?		No
Did the union official(s) consult with workers who were entitled to be represented or who wished to participate in the discussions?		No
Did the union official(s) warn any person they believed was exposed to a serious risk whilst onsite?		No
Was the union official being escorted by a company representative(s)? Name of representative.....		No
Part 5: Sign Off		
Name :	Signature :	
Date :		

Part 5: Summary of Events



Actions from Today

☐ Nil actions raised today



PART 1A		ROE DETAILS			
Type of Notice	☐ Section 117 - Entry to investigate a suspected contravention of the WH&S Act				
	☐ Section 120 - Entry to inspect employee records or information held by another person (must provide 24 hours' notice)				
	☐ Section 121 – To consult and advise relevant workers on health and safety matters (must provide 24 hours' notice)				
	☐ Other Section of the WH&S Act, provide details: Unauthorised entry			Y	
Union Represented	CFMEU				
Date ROE notice received	No ROE received				
Date of ROE					
Name of Union Official(s)	Luke Gibson (CFMEU)				
Approx Arrival Time	Approx. 7:40am		Approx Departure Time:		8:12am
Employer Representative	Tim Ellis (TE) Preston Chambers (PC)		Neil Ferguson (NF)		
Approx 7:45am – Luke was observed driving towards the Pioneering Compound by the Safety Cadet. She rang Ren Greentree, but couldn't get a hold of him. She then rang Preston Chambers (PC) and advised him. After ringing PC, she rang Kris Orford and advised of Luke's presence in the area. He said that he was heading to the Pioneering Compound now. The Safety Cadet continued driving towards 1TCD. Upon arriving at 1TCD, she noted that Luke arrived at 1TCD within a minute or so of her arriving at the compound. She then notified PC and Neil F. Luke was not observed entering into the Pioneering Compound and based on the timing of events, it is unlikely that he entered, proceeding instead to 1TCD. 7:55am – TE, PC and NF met Luke in the 1TCD Carpark. Luke remained in his vehicle and said "Good Morning Mr. Ferguson". TE immediately asked if Luke could start by providing his Federal Permit. Luke said that he wasn't talking to TE. TE said that he has a legal requirement to ask for the permits starting with the Federal Permit. Luke ignored the question and said to NF to tell Scotty that he was going to go off and talk to EVE. He then wound up the window and drove out of the compound. 7:58am – Luke left the 1TCD Compound. TE and PC jumped in the car and followed Luke towards Gate 1 and 2 of the Project. Luke took an early right hand turn into the Helenvale Voting Centre. PC and TE followed. Luke did a turnaround and waved and smiled at TE and PC as he drove past. He then exited the Voting Centre carpark and continued to drive towards Gate 1/2. 8:05am – Luke was observed at Gate 2 entrance. The Gate was closed and Kris Orford and Rowan Skele were present. General conversation was occurring between them when TE arrived. TE approached Luke car. As TE arrived, Luke reversed out of the gate, waving for TE and PC to follow – again with a smile on his face. At this point, TE/PC were unable to follow Luke.					



8:08am – TE rung NF and advised him to be alert to Luke arriving at 1TCD and that TE and PC would go to the Pioneering compound. NF advised that he could see Luke driving towards the 1TCD compound.

Luke then entered the compound, stopped, opened his window and tolled GOC that it was rude not to return his call. GOC advise LG that what he was doing was also considered rude. LG then drove on through 1TCD, winding down his window and saying to NF “Mr. Ferguson” and then kept driving out the exit. NF advised that Luke was heading in the towards the roundabout and that he was turning left towards the GC Highway.

At this point TE and PC were waiting at the traffic lights on the other side of the Gold Coast Highway and observed Luke was driving west on the GC Highway towards the M1, taking the M1 Onramp exit.



PART 1B : ROE PERMIT	Yes	No
Has the union official produced a WHS Permit for your inspection? Permit expiry dateN/A..... Permit No..... If the permit was checked by another staff member. Staff member:..... Note: you can also request photographic evidence of identity.		N
Has the union official produced a Federal Right of Entry Permit for your inspection? Permit expiry date Permit No..... If the permit was checked by another staff member. Staff member:..... Note: s.494 of the Fair Work Act requires that an official must not exercise a state OHS right unless they are a Federal permit holder		N
Did the union official(s) sign in at reception? If 'No', please provide details:		N/A
Did the union official undertake a visitor site safety induction?		N/A
PART 2: Entry to Investigate a Suspected Safety Contravention (section 117)	Yes	No
Was the union official being escorted by a company representative(s)? Name of representative/s: Names : Note/s: There must be one company representative for each union official. Each company representative must be wearing a recording body camera.		N/A
Did the union official produce a Notice of Entry which stated the alleged safety contravention(s)? If the Notice of Entry was checked by another staff member. Name: Note: Retain s.117 and forward to IR Manager.		N/A
What alleged safety contravention(s) were included on the Notice of Entry form? ☐		
What areas of site were inspected by the union official(s)? NA		
AREA	ITEMS	
	☐	
	☐	
	☐	
Provide details of any work system, plant, substance, structure or other thing relevant to the suspected contravention that the union official inspected? (E.g. lighting tower prestart, Work at Heights SWMS)		



Did the union official make copies of any document, were they directly related to the suspected contravention? If 'Yes' provide details: ☐ Note: Records do not need to be provided if this breaches a law of Commonwealth or State. Copies of any document directly related to the suspected contravention must be kept at the workplace or reasonably accessible from a computer that is kept at the work place. Otherwise, union official(s) must submit a ROE for section 120 and provide notice. Providing some records may be in breach of privacy laws (e.g. employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.			N/A
Did the union official(s) inspect anything different to what was included as a contravention(s) on the Notice of Entry form? Provide Details: ☐			NA
Did the official consult with any other workers onsite? No			
WHO	COMPANY	DETAILS	
Was work interrupted as a result of the entry? If 'Yes', provided details of interruption, length of time work was interrupted and workers that were unable to undertake normal duties as a result of the interruption. ☐ Work was only disrupted for brief conversations with workers.			NA
Did the official(s) contact Workplace Health & Safety Queensland to resolve a dispute?			No
Did the entry permit holder notify the company representative of any potential issue prior to making contact with WHSQ?			NA
Representative(s) from WH&SQ who attend site : Names : Please provide details: ☐			
Did the union official(s) take reasonable care for their own health and safety? If no, provide details :		Y	
Did the official: Refuse to comply with any reasonable safety or project requirement/ request?		Y	
Did the official: Speak to any person who was not directly related to the suspected contravention, entitled to be represented or who did not wish to speak to them?			NA



Did the official: Discuss any matters not related to their reason for entering site?		NA
Did the official: Hinder, obstruct or delay any person/ works, or otherwise act in an improper manner?		NA
Did the official: Commit and act or omission that adversely affected the health and safety of another person?		NA
Did the official: Stop any works?		NA
Did the official: Warn any person they believed was exposed to a health and safety risk?		NA
Did the official: Did the project incur any costs (direct or indirect) as a result of the entry?		NA
Part 3: Entry to inspect employee records or information held by another person (Section 120)	Yes	No
Did the union official(s) enter the workplace under section 117 to inquire into a suspected contravention of the WH&S Act?		No
Did the union official(s) provide 24 hours' notice to inspect copies of employee records or documents that are directly related to the contravention (and not kept onsite or accessible by a computer onsite)? Provide details of requested documents: ☐ Note: Providing some records may be in breach of privacy laws (e.g. certain employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.		No
Was the union official being escorted by a company representative(s)? Name of representative.....As above...		No
Part 4: Entry to consult and advise workers (Section 121)	Yes	No
Has an entry notice been given to the occupier of the site at least 24 hours but not more than 14 days before the entry?		No
Did the union official have sufficient knowledge of health and safety and suitably qualified to consult on WH&S matters?		No
Did the union official(s) consult with workers who were entitled to be represented or who wished to participate in the discussions?		No
Did the union official(s) warn any person they believed was exposed to a serious risk whilst onsite?		No
Was the union official being escorted by a company representative(s)? Name of representative.....		No
Part 5: Sign Off		
Name :	Signature :	
Date :		

Part 5: Summary of Events



Actions from Today

☐ Nil actions raised today



PART 1A	ROE DETAILS			
Type of Notice	☐ Section 117 - Entry to investigate a suspected contravention of the WH&S Act			
	☐ Section 120 - Entry to inspect employee records or information held by another person (must provide 24 hours' notice)			
	☐ Section 121 – To consult and advise relevant workers on health and safety matters (must provide 24 hours' notice)			
	☐ Other Section of the WH&S Act, provide details: Unauthorised entry		Yes	
Union Represented	CFMEU			
Date ROE notice received	No Notice Received			
Date of ROE	N/A			
Name of Union Official(s)	Luke Gibson			
Approx Arrival Time	9:45am	Approx Departure Time:	9:48am	
Where did the Meeting Take Place	1 TCD			
Did the Union Official(s) sign in at Reception and/or undertake a visitor site safety induction?			No	
Did the Union Official(s) wear appropriate PPE			N/A	
Did the union official(s) take reasonable care for their own health and safety? If no, provide details :				Yes
Did the official: Refuse to comply with any reasonable safety or project requirement / request? If Yes, provide details:			No	
Did the official: Speak to any worker? If Yes, provide details:			No	
Did the official: Commit an act or omission that adversely affected the health and safety of another person?			No	
Did the official: Stop any works?			No	
Did the official: Warn any person they believed was exposed to a health and safety risk?			No	
Did the project incur any costs (direct or indirect) as a result of the entry?			No	
As a result of the visit, did the Union Official call Workplace Health and Safety and if yes, did they attend site?			No	
Employer Representative	Scott Holmberg (SH) Justin O'Neill (JO)	Tim Ellis (TE) Neil Ferguson (NF)	John Peter (JP)	
Timeline and Description of the Visit	9:04am – SH received a phone call from Luke Gibson. Luke stated that he was on his way down to the Project to see if we were working in the rain.			



	SH advised that we were working as it was not raining on our Project site. Luke implied that it was raining at the Acciona Site in the north. Luke then stated that there was a media article coming out tomorrow and that he had left SHs name out of the article. Luke stated that it was about FHMMJV not complying with BPIC and that he had an some unnamed emails dictating how we are trying to avoid BPIC and that Gerard O'Connor's fingerprints were all over it. He then said that now that he knows this, that he won't be forgetting about Gerard in the future. He mentioned that he had received copies of emails that had been sent to contractors. Call ended after approximately 3 mins. 9:08am – SH sent WhatsApp notification to supervisor Group advising them of Luke's likely presence.
	Approx. 9:45am – Luke drove through 1TCD compound. JO, NF, TE and JP were waiting in carpark. Luke drove past without stopping and left the Compound. He then drove around and back into the compound from TCD and went to the rear of the office area (Gold Coast Highway side), where lifting works were being undertaken using a Franna Crane. Luke was observed by workers in the area taking a photo of the work from inside of his car, before then driving off and out of the compound again. Luke was observed heading north towards Gates 1 and 2. 9:48am – Luke left 1TCD compound 9:49am - TE rang SH and advised him of Luke's likely presence at Gates 1 and 2. SH confirmed that he would head to that area.
	Approx 11:55am – Luke observed parked on nature strip in front of the Pioneering Compound. He did not enter the site, or leave his vehicle. Approx 12:20pm – Luke was observed driving away from the front of the Pioneering Compound, heading south towards Eggabout Roundabout. No further sighting of Luke observed.

PART 1B : ROE PERMIT	Yes	No
Has the union official produced a WHS Permit for your inspection? Permit expiry dateN/A..... Permit No..... If the permit was checked by another staff member. Staff member:..... Note: you can also request photographic evidence of identity.		No
Has the union official produced a Federal Right of Entry Permit for your inspection? Permit expiry date Permit No..... If the permit was checked by another staff member. Staff member: Note: s.494 of the Fair Work Act requires that an official must not exercise a state OHS right unless they are a Federal permit holder		N
PART 2: Entry to Investigate a Suspected Safety Contravention (section 117) (Complete only for s117 Entries – otherwise N/A)	Yes	No
Was the union official being escorted by a company representative(s)? Name of representative/s: Names : Note/s: There must be one company representative for each union official. Each company representative must be wearing a recording body camera.		N/A
Did the union official produce a Notice of Entry which stated the alleged safety contravention(s)?		N/A



If the Notice of Entry was checked by another staff member. Name:			
Note: Retain s.117 and forward to IR Manager.			
What alleged safety contravention(s) were included on the Notice of Entry form? ☐			
What areas of site were inspected by the union official(s)?			
AREA	ITEMS		
	☐		
	☐		
	☐		
Provide details of any work system, plant, substance, structure or other thing relevant to the suspected contravention that the union official inspected? (E.g. lighting tower prestart, Work at Heights SWMS)			
Did the union official make copies of any document, were they directly related to the suspected contravention? If 'Yes' provide details: ☐ Note: Records do not need to be provided if this breaches a law of Commonwealth or State. Copies of any document directly related to the suspected contravention must be kept at the workplace or reasonably accessible from a computer that is kept at the work place. Otherwise, union official(s) must submit a ROE for section 120 and provide notice. Providing some records may be in breach of privacy laws (e.g. employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.			N/A
Did the union official(s) inspect anything different to what was included as a contravention(s) on the Notice of Entry form? Provide Details: ☐			N/A
Did the official consult with any other workers onsite? No			
WHO	COMPANY	DETAILS	
Was work interrupted as a result of the entry? If 'Yes', provided details of interruption, length of time work was interrupted and workers that were unable to undertake normal duties as a result of the interruption. ☐ Work was only disrupted for brief conversations with workers.			N/A



Did the official(s) contact Workplace Health & Safety Queensland to resolve a dispute?		N/A
Did the entry permit holder notify the company representative of any potential issue prior to making contact with WHSQ?		N/A
Representative(s) from WH&SQ who attend site : Names : Please provide details: ☐		
Did the official: Speak to any person who was not directly related to the suspected contravention, entitled to be represented or who did not wish to speak to them?		N/A
Did the official: Discuss any matters not related to their reason for entering site?		N/A
Did the official: Hinder, obstruct or delay any person/ works, or otherwise act in an improper manner?		N/A
Part 3: Entry to inspect employee records or information held by another person (Section 120) (Complete only for s120 Entries – otherwise N/A)	Yes	No
Did the union official(s) enter the workplace under section 117 to inquire into a suspected contravention of the WH&S Act?		N/A
Did the union official(s) provide 24 hours' notice to inspect copies of employee records or documents that are directly related to the contravention (and not kept onsite or accessible by a computer onsite)? Provide details of requested documents: ☐ Note: Providing some records may be in breach of privacy laws (e.g. certain employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.		N/A
Was the union official being escorted by a company representative(s)? Name of representative.....		N/A
Part 4: Entry to consult and advise workers (Section 121) (Complete only for s121 Entries – otherwise N/A)	Yes	No
Has an entry notice been given to the occupier of the site at least 24 hours but not more than 14 days before the entry?		N/A
Did the union official have sufficient knowledge of health and safety and suitably qualified to consult on WH&S matters?		N/A
Did the union official(s) consult with workers who were entitled to be represented or who wished to participate in the discussions?		N/A
Did the union official(s) warn any person they believed was exposed to a serious risk whilst onsite?		N/A
Was the union official being escorted by a company representative(s)? Name of Representative.....		N/A
Part 5: Entry to resolve an Issue (Section 81(3)) (Complete only for s81(3) Entries – otherwise N/A)		
Prior to the Entry, had the issue been previously raised with FHHMJV?		N/A



If yes, when was the issue raised?			
If yes, what attempts to resolve the issue were made by FHHMJV with the affected worker/s?			
Upon entering the workplace was the Union Official asked to provide a Federal Permit under the Fair Work Act? If Yes, did the Union Official show their Federal Permit?			N/A
Was the issue able to be resolved in the presence of the Union Official?			N/A
If after reasonable efforts were made, did a Workplace Health and Safety Inspector attend site to resolve the issue? If yes, was a Notice issued to FHHMJV or their subcontractor?			N/A
Part 6: Psychosocial Impacts as a result of the Union Entry	Yes	No	Potential
During the visit, did the Union Official demonstrate behaviours which could impact upon the psychosocial wellbeing of workers or staff? If yes, please provide details below. ☐ Veiled threat made to SH about Gerard O'Connor.	Yes		
As a result of the visit, did a worker or a member of staff raise a concern about being bullied, harassed, intimidated, or assaulted by a Union Official; or is there a potential for a staff member or worker to be impacted psychosocially by the actions of the Union Official. If yes, please provide details below... ☐ Potential concern for wellbeing of SH and Gerard O'Connor			Yes
Immediately following the visit, did any member of staff or workforce leave work, or require immediate mental health first aid because of psychosocial health and wellbeing impact? If yes, please provide details below ☐		No	
During the visit, did a FHHMJV Representative advise the Union Official that their behaviours were not in accordance with the Psychosocial Code of Practice? If yes, please provide response below. ☐		No	
Part 7: Sign Off			
Name :	Signature :		
Date :			

Part 8: Summary of Events
<u>Actions from Today</u> ☐ TE to follow up with Gerard and Scott once within 24 hours to understand if there is any psychosocial impact; and then follow up again within 5 business days.



PART 1A	ROE DETAILS		
Type of Notice	☐ Section 117 - Entry to investigate a suspected contravention of the WH&S Act		
	☐ Section 120 - Entry to inspect employee records or information held by another person (must provide 24 hours' notice)		
	☐ Section 121 – To consult and advise relevant workers on health and safety matters (must provide 24 hours' notice)		
	☐ Other Section of the WH&S Act, provide details: Unauthorised entry		Yes
Union Represented	CFMEU		
Date ROE notice received	No Notice Received		
Date of ROE	N/A		
Name of Union Official(s)	Luke Gibson		
Approx Arrival Time	11:10am	Approx Departure Time:	11:15am
Where did the Meeting Take Place	1 TCD		
Did the Union Official(s) sign in at Reception and/or undertake a visitor site safety induction?	No		
Did the Union Official(s) wear appropriate PPE	N/A		
Did the union official(s) take reasonable care for their own health and safety? If no, provide details :			Yes
Did the official: Refuse to comply with any reasonable safety or project requirement / request? If Yes, provide details:	No		
Did the official: Speak to any worker? If Yes, provide details:	No		
Did the official: Commit an act or omission that adversely affected the health and safety of another person?	No		
Did the official: Stop any works?	No		
Did the official: Warn any person they believed was exposed to a health and safety risk?	No		
Did the project incur any costs (direct or indirect) as a result of the entry?	No		
As a result of the visit, did the Union Official call Workplace Health and Safety and if yes, did they attend site?	No		
Employer Representative	Nil		
Timeline and Description of the Visit	Approx 11:10am – Luke Gibson was observed driving into the 1TCD Compound. Luke parked his vehicle in the driveway between the inbound and outbound gates. Luke did not leave his vehicle and was not observed to have talked to anyone. Approx 11:15am – Luke was observed driving out of the 1TCD Compound heading north		



TE contacted Scott Holmberg (SH) and advised that Luke was heading towards the Northern Gates – Gates 1 and 2. Scott advised that both gates were closed.

Approx. 12:00pm – TE contacted SH to see if Luke had been up to the site or anywhere else. SH advised that Luke had not been observed since the earlier drive through at 1TCD.

PART 1B : ROE PERMIT		Yes	No
Has the union official produced a WHS Permit for your inspection? Permit expiry dateN/A..... Permit No..... If the permit was checked by another staff member. Staff member:..... Note: you can also request photographic evidence of identity.			No
Has the union official produced a Federal Right of Entry Permit for your inspection? Permit expiry date Permit No..... If the permit was checked by another staff member. Staff member: Note: s.494 of the Fair Work Act requires that an official must not exercise a state OHS right unless they are a Federal permit holder			No
PART 2: Entry to Investigate a Suspected Safety Contravention (section 117) (Complete only for s117 Entries – otherwise N/A)		Yes	No
Was the union official being escorted by a company representative(s)? Name of representative/s: Names : Note/s: There must be one company representative for each union official. Each company representative must be wearing a recording body camera.			N/A
Did the union official produce a Notice of Entry which stated the alleged safety contravention(s)? If the Notice of Entry was checked by another staff member. Name: Note: Retain s.117 and forward to IR Manager.			N/A
What alleged safety contravention(s) were included on the Notice of Entry form? ☐			
What areas of site were inspected by the union official(s)?			
AREA	ITEMS		
	☐		
	☐		
	☐		
Provide details of any work system, plant, substance, structure or other thing relevant to the suspected contravention that the union official inspected? (E.g. lighting tower prestart, Work at Heights SWMS)			



Did the union official make copies of any document, were they directly related to the suspected contravention? If 'Yes' provide details: ☐ Note: Records do not need to be provided if this breaches a law of Commonwealth or State. Copies of any document directly related to the suspected contravention must be kept at the workplace or reasonably accessible from a computer that is kept at the workplace. Otherwise, union official(s) must submit a ROE for section 120 and provide notice. Providing some records may be in breach of privacy laws (e.g. employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.			N/A
Did the union official(s) inspect anything different to what was included as a contravention(s) on the Notice of Entry form? Provide Details: ☐			N/A
Did the official consult with any other workers onsite? No			
WHO	COMPANY	DETAILS	
Was work interrupted as a result of the entry? If 'Yes', provided details of interruption, length of time work was interrupted and workers that were unable to undertake normal duties as a result of the interruption. ☐ Work was only disrupted for brief conversations with workers.			N/A
Did the official(s) contact Workplace Health & Safety Queensland to resolve a dispute?			N/A
Did the entry permit holder notify the company representative of any potential issue prior to making contact with WHSQ?			N/A
Representative(s) from WH&SQ who attend site : Names : Please provide details: ☐			
Did the official: Speak to any person who was not directly related to the suspected contravention, entitled to be represented or who did not wish to speak to them?			N/A
Did the official: Discuss any matters not related to their reason for entering site?			N/A
Did the official: Hinder, obstruct or delay any person/ works, or otherwise act in an improper manner?			N/A
Part 3: Entry to inspect employee records or information held by another person (Section 120) (Complete only for s120 Entries – otherwise N/A)		Yes	No



Did the union official(s) enter the workplace under section 117 to inquire into a suspected contravention of the WH&S Act?		N/A	
Did the union official(s) provide 24 hours' notice to inspect copies of employee records or documents that are directly related to the contravention (and not kept onsite or accessible by a computer onsite)? Provide details of requested documents: ☐ Note: Providing some records may be in breach of privacy laws (e.g. certain employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.		N/A	
Was the union official being escorted by a company representative(s)? Name of representative.....		N/A	
Part 4: Entry to consult and advise workers (Section 121) (Complete only for s121 Entries – otherwise N/A)	Yes	No	
Has an entry notice been given to the occupier of the site at least 24 hours but not more than 14 days before the entry?		N/A	
Did the union official have sufficient knowledge of health and safety and suitably qualified to consult on WH&S matters?		N/A	
Did the union official(s) consult with workers who were entitled to be represented or who wished to participate in the discussions?		N/A	
Did the union official(s) warn any person they believed was exposed to a serious risk whilst onsite?		N/A	
Was the union official being escorted by a company representative(s)? Name of Representative.....		N/A	
Part 5: Entry to resolve an Issue (Section 81(3)) (Complete only for s81(3) Entries – otherwise N/A)			
Prior to the Entry, had the issue been previously raised with FHHMJV? If yes, when was the issue raised? If yes, what attempts to resolve the issue were made by FHHMJV with the affected worker/s?		N/A	
Upon entering the workplace was the Union Official asked to provide a Federal Permit under the Fair Work Act? If Yes, did the Union Official show their Federal Permit?		N/A	
Was the issue able to be resolved in the presence of the Union Official?		N/A	
If after reasonable efforts were made, did a Workplace Health and Safety Inspector attend site to resolve the issue? If yes, was a Notice issued to FHHMJV or their subcontractor?		N/A	
Part 6: Psychosocial Impacts as a result of the Union Entry	Yes	No	Potential
During the visit, did the Union Official demonstrate behaviours which could impact upon the psychosocial wellbeing of workers or staff? If yes, please provide details below.		No	



As a result of the visit, did a worker or a member of staff raise a concern about being bullied, harassed, intimidated, or assaulted by a Union Official; or is there a potential for a staff member or worker to be impacted psychosocially by the actions of the Union Official. If yes, please provide details below...		No	
Immediately following the visit, did any member of staff or workforce leave work, or require immediate mental health first aid because of psychosocial health and wellbeing impact? If yes, please provide details below ☐		No	
During the visit, did a FHHMJV Representative advise the Union Official that their behaviours were not in accordance with the Psychosocial Code of Practice? If yes, please provide response below. ☐		No	
Part 7: Sign Off			
Name :	Signature :		
Date :			

Part 8: Summary of Events
<u>Actions from Today</u> ☐ Nil Actions from today.



PART 1A	ROE DETAILS			
Type of Notice	☐ Section 117 - Entry to investigate a suspected contravention of the WH&S Act			
	☐ Section 120 - Entry to inspect employee records or information held by another person (must provide 24 hours' notice)			
	☐ Section 121 – To consult and advise relevant workers on health and safety matters (must provide 24 hours' notice)			
	☐ Other Section of the WH&S Act, provide details: Unauthorised entry			Yes
Union Represented	CFMEU			
Date ROE notice received	No Notice Received			
Date of ROE	N/A			
Name of Union Official(s)	Luke Gibson			
Approx Arrival Time	Approx. 8:55am	Approx Departure Time:	Approx. 9:05am (1TCD)	
Where did the Meeting Take Place		Luke was observed at 1 TCD, and in vicinity of Gates 1 and 2		
Did the Union Official(s) sign in at Reception and/or undertake a visitor site safety induction?			No	
Did the Union Official(s) wear appropriate PPE			N/A	
Did the union official(s) take reasonable care for their own health and safety? If no, provide details :				Yes
Did the official: Refuse to comply with any reasonable safety or project requirement / request? If Yes, provide details:			No	
Did the official: Speak to any worker? If Yes, provide details:			No	
Did the official: Commit an act or omission that adversely affected the health and safety of another person?			No	
Did the official: Stop any works?			No	
Did the official: Warn any person they believed was exposed to a health and safety risk?			No	
Did the project incur any costs (direct or indirect) as a result of the entry?			No	
As a result of the visit, did the Union Official call Workplace Health and Safety and if yes, did they attend site?			No	
Employer Representative	Nil			
Timeline and Description of the Visit	Approx 8:55am – Luke Gibson was observed in the 1TCD carpark in his vehicle. Luke did not leave his vehicle but stopped in the carpark (Town Centre Drive side of building) and appeared to take photographs with his phone of the general area, and of one of the labourers walking in the area.			



	He then drove further into the compound and stopped adjacent to Reception for a short moment, before then proceeding out of the compound towards the North. Approx. 9:05am – Luke exited the 1TCD Compound.
	Approx. 9:15am – Luke was observed parked up at the Ridgevale Shopping Centre carpark (on western side of QR Bridge). Justin O'Neill (JO) and Preston Chambers (PC) drove past Luke to check on Gates 1 and 2. Both Gates were locked and secured appropriately. JO and PC then drove past Luke and noticed that he was still there. JO and PC continued driving as there was no works occurring on the site due to rain. JO and PC confirmed all other site gates were locked and secured before returning back to 1TCD.

PART 1B : ROE PERMIT		Yes	No
Has the union official produced a WHS Permit for your inspection? Permit expiry dateN/A..... Permit No..... If the permit was checked by another staff member. Staff member:..... <i>Note: you can also request photographic evidence of identity.</i>			No
Has the union official produced a Federal Right of Entry Permit for your inspection? Permit expiry date Permit No..... If the permit was checked by another staff member. Staff member: <i>Note: s.494 of the Fair Work Act requires that an official must not exercise a state OHS right unless they are a Federal permit holder</i>			No
PART 2: Entry to Investigate a Suspected Safety Contravention (section 117) (Complete only for s117 Entries – otherwise N/A)		Yes	No
Was the union official being escorted by a company representative(s)? Name of representative/s: Names : <i>Note/s: There must be one company representative for each union official. Each company representative must be wearing a recording body camera.</i>			N/A
Did the union official produce a Notice of Entry which stated the alleged safety contravention(s)? If the Notice of Entry was checked by another staff member. Name: <i>Note: Retain s.117 and forward to IR Manager.</i>			N/A
What alleged safety contravention(s) were included on the Notice of Entry form? ☐			
What areas of site were inspected by the union official(s)?			
AREA	ITEMS		
	☐		
	☐		
	☐		



Provide details of any work system, plant, substance, structure or other thing relevant to the suspected contravention that the union official inspected? (E.g. lighting tower prestart, Work at Heights SWMS)		
Did the union official make copies of any document, were they directly related to the suspected contravention? If 'Yes' provide details: ☐ Note: Records do not need to be provided if this breaches a law of Commonwealth or State. Copies of any document directly related to the suspected contravention must be kept at the workplace or reasonably accessible from a computer that is kept at the workplace. Otherwise, union official(s) must submit a ROE for section 120 and provide notice. Providing some records may be in breach of privacy laws (e.g. employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.		N/A
Did the union official(s) inspect anything different to what was included as a contravention(s) on the Notice of Entry form? Provide Details: ☐		N/A
Did the official consult with any other workers onsite? No		
WHO	COMPANY	DETAILS
Was work interrupted as a result of the entry? If 'Yes', provided details of interruption, length of time work was interrupted and workers that were unable to undertake normal duties as a result of the interruption. ☐ Work was only disrupted for brief conversations with workers.		
Did the official(s) contact Workplace Health & Safety Queensland to resolve a dispute?		N/A
Did the entry permit holder notify the company representative of any potential issue prior to making contact with WHSQ?		N/A
Representative(s) from WH&SQ who attend site : Names : Please provide details: ☐		
Did the official: Speak to any person who was not directly related to the suspected contravention, entitled to be represented or who did not wish to speak to them?		N/A
Did the official: Discuss any matters not related to their reason for entering site?		N/A
Did the official: Hinder, obstruct or delay any person/ works, or otherwise act in an improper manner?		N/A



Part 3: Entry to inspect employee records or information held by another person (Section 120) (Complete only for s120 Entries – otherwise N/A)		Yes	No	
Did the union official(s) enter the workplace under section 117 to inquire into a suspected contravention of the WH&S Act?			N/A	
Did the union official(s) provide 24 hours' notice to inspect copies of employee records or documents that are directly related to the contravention (and not kept onsite or accessible by a computer onsite)? Provide details of requested documents: ☐			N/A	
Note: Providing some records may be in breach of privacy laws (e.g. certain employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.				
Was the union official being escorted by a company representative(s)?			N/A	
Name of representative.....				
Part 4: Entry to consult and advise workers (Section 121) (Complete only for s121 Entries – otherwise N/A)		Yes	No	
Has an entry notice been given to the occupier of the site at least 24 hours but not more than 14 days before the entry?			N/A	
Did the union official have sufficient knowledge of health and safety and suitably qualified to consult on WH&S matters?			N/A	
Did the union official(s) consult with workers who were entitled to be represented or who wished to participate in the discussions?			N/A	
Did the union official(s) warn any person they believed was exposed to a serious risk whilst onsite?			N/A	
Was the union official being escorted by a company representative(s)?			N/A	
Name of Representative.....				
Part 5: Entry to resolve an Issue (Section 81(3)) (Complete only for s81(3) Entries – otherwise N/A)				
Prior to the Entry, had the issue been previously raised with FHHMJV?				
If yes, when was the issue raised?			N/A	
If yes, what attempts to resolve the issue were made by FHHMJV with the affected worker/s?				
Upon entering the workplace was the Union Official asked to provide a Federal Permit under the Fair Work Act?				
If Yes, did the Union Official show their Federal Permit?			N/A	
Was the issue able to be resolved in the presence of the Union Official?			N/A	
If after reasonable efforts were made, did a Workplace Health and Safety Inspector attend site to resolve the issue?				
If yes, was a Notice issued to FHHMJV or their subcontractor?			N/A	
Part 6: Psychosocial Impacts as a result of the Union Entry		Yes	No	Potential
During the visit, did the Union Official demonstrate behaviours which could impact upon the psychosocial wellbeing of workers or staff?				Yes



If yes, please provide details below. ☐ Luke was observed taking Photo's of a worker on his phone. It's unknown how many photo's were taken, or which other workers had their photo's taken.			
As a result of the visit, did a worker or a member of staff raise a concern about being bullied, harassed, intimidated, or assaulted by a Union Official; or is there a potential for a staff member or worker to be impacted psychosocially by the actions of the Union Official. If yes, please provide details below...		No	
Immediately following the visit, did any member of staff or workforce leave work, or require immediate mental health first aid because of psychosocial health and wellbeing impact? If yes, please provide details below ☐		No	
During the visit, did a FHHMJV Representative advise the Union Official that their behaviours were not in accordance with the Psychosocial Code of Practice? If yes, please provide response below. ☐		No	
Part 7: Sign Off			
Name :	Signature :		
Date :			

Part 8: Summary of Events	
<u>Actions from Today</u>	
☐ Nil Actions from today.	



PART 1A	ROE DETAILS		
Type of Notice	☐ Section 117 - Entry to investigate a suspected contravention of the WH&S Act		
	☐ Section 120 - Entry to inspect employee records or information held by another person (must provide 24 hours' notice)		
	☐ Section 121 – To consult and advise relevant workers on health and safety matters (must provide 24 hours' notice)		
	☐ Other Section of the WH&S Act, provide details: Unauthorised entry		Yes
Union Represented	CFMEU		
Date ROE notice received	No Notice Received		
Date of ROE	N/A		
Name of Union Official(s)	Luke Gibson		
Approx Arrival Time	Approx. 8:18am	Approx Departure Time:	Approx. 8:36am (1TCD)
Where did the Meeting Take Place	Luke was present at 1 TCD – He did not enter the office (remained in the Car Park)		
Did the Union Official(s) sign in at Reception and/or undertake a visitor site safety induction?	No		
Did the Union Official(s) wear appropriate PPE	N/A		
Did the union official(s) take reasonable care for their own health and safety? If no, provide details :			Yes
Did the official: Refuse to comply with any reasonable safety or project requirement / request? If Yes, provide details:	No		
Did the official: Speak to any worker? If Yes, provide details: Luke Gibson initially called Scott Holmberg and then followed it up with a text message. Scott proceeded out to the car park and met with Luke in the car park of 1TCD Compound.			Yes
Did the official: Commit an act or omission that adversely affected the health and safety of another person?	No		
Did the official: Stop any works?	No		
Did the official: Warn any person they believed was exposed to a health and safety risk?	No		
Did the project incur any costs (direct or indirect) as a result of the entry?	No		
As a result of the visit, did the Union Official call Workplace Health and Safety and if yes, did they attend site?	No		
Employer Representative	Nil		
	8:18am – Luke Gibson rung Scott Holmberg (SH) who was in a meeting at the time. SH did not take the call and text replied with a generic response saying "I'm in a meeting, please text if		



Timeline and Description of the Visit	urgent". Luke then followed up with a text message stating "I'm out by your ute. Just need to calmly discuss something with u." SH sent text back saying "give me a minute" and Luke responded with a thumbs up emoji. SH then left his meeting and proceeded to Justin O'Neil (JO) and showed him the text message. JO stated that he would come out with SH. Whilst JO was getting ready, it was agreed that there was no need for JO to attend, and SH would go alone as Luke stated that he was there for a calm discussion as per his text message. Prior to leaving the office, SH switched on his voice recording device. Approx 8:23am – SH met Luke in carpark and discussion commenced. Discussion was recorded for about 3mins or so, before the recording devices battery ran out of charge. 8:21am – JO advised Tim Ellis (TE) that Luke was present at 1TCD. TE went to toilet block of 1TCD to observe the conversation and to be able to respond as needed. JO met TE shortly afterwards. Approx 8:23am – TE sent text message to Gerard O'Connor (GOC) advising of CFMEU presence at 1TCD Compound. Approx 8:24am - TE sent photo of car park interaction between Luke and SH to GOC Approx. 8:30am – JO contacted Kris Orford and advised him of Luke's presence and to ensure gates were closed. The discussion between Luke and SH involved the following: ☐ Next Level labour hire workers were not being paid in accordance with Project requirements and that this was illegal. Luke was aware that they are getting back paid all entitlements this Friday back to September last year. Luke did not seem to have any particular concerns with this. ☐ Luke mentioned that a number of the CFMEU members have had radio silence and that if they want any help then they have told by Jamie McQueen from the AWU that the CFMEU can't help them and that they need to be part of the AWU. ☐ Luke stated that Jamie McQueen from AWU has been saying that the AWU is trying to cut the CFMEU out of the project. Luke reminded SH that the CFMEU has members on site who are entitled to representation. Luke believes that the AWU has threatened CFMEU workers that they won't be looked after here. ☐ The CFMEU has done asset searches on Next Level. It's run through a separate guy and that their pay system and the way it is set up is highly illegal. ☐ Luke threatened to get Next Level's labour hire license cancelled because they aren't paying their workers legally and are outside of the award. He stated that he had enough evidence to make this happen. ☐ Luke stated that Neil Fergusson (NF) has told FHHMJV employed workers to keep their mouths shut to workers employed by labour hire companies because they are paid different rates than them. ☐ SH confirmed that all workers will be back paid all of their entitlements, going back to September. ☐ Luke then started discussing the cost blowouts on the Snow Hydro 2 Project, and was motioning towards the office and saying that the boss on Snowy Hydro is the same boss as the boss here on this project and that there will be larger cost blow outs on this job than on Snowy Hydro. ☐ Luke asked SH about tree clearing and asked where he could set up his tent to watch the tree clearing. Luke then asked where are we clearing, and SH said we are just clearing one tree at a time. Luke then laughed. SH stated that we have had a few hold ups with the tree clearing and that we are only clearing for Koala fence.
--	---



	Approx 8:35am – Conversation ended and Luke got into his car. 8:36am – Luke left the 1TCD Compound.
	9:55am – Luke was observed driving and parking up at the 1TCD Compound. Luke parked up behind the Training Room and adjacent to where a staff BBQ was about to commence. Luke remained in his vehicle. 10:00am – BBQ commenced being moved to the inside Kitchen of the 1 TCD compound. 10:06am – Luke drove away and exited the 1TCD Compound. AT no time did Luke approach or speak to any staff or worker. No FHHMJV staff member approached Luke during this visit.

PART 1B : ROE PERMIT		Yes	No
Has the union official produced a WHS Permit for your inspection? Permit expiry dateN/A..... Permit No..... If the permit was checked by another staff member. Staff member:..... Note: you can also request photographic evidence of identity.			No
Has the union official produced a Federal Right of Entry Permit for your inspection? Permit expiry date Permit No..... If the permit was checked by another staff member. Staff member: Note: s.494 of the Fair Work Act requires that an official must not exercise a state OHS right unless they are a Federal permit holder			No
PART 2: Entry to Investigate a Suspected Safety Contravention (section 117) (Complete only for s117 Entries – otherwise N/A)		Yes	No
Was the union official being escorted by a company representative(s)? Name of representative/s: Names : Note/s: There must be one company representative for each union official. Each company representative must be wearing a recording body camera.			N/A
Did the union official produce a Notice of Entry which stated the alleged safety contravention(s)? If the Notice of Entry was checked by another staff member. Name: Note: Retain s.117 and forward to IR Manager.			N/A
What alleged safety contravention(s) were included on the Notice of Entry form? ☐			
What areas of site were inspected by the union official(s)?			
AREA	ITEMS		
	☐		
	☐		
	☐		



Provide details of any work system, plant, substance, structure or other thing relevant to the suspected contravention that the union official inspected? (E.g. lighting tower prestart, Work at Heights SWMS)		
Did the union official make copies of any document, were they directly related to the suspected contravention? If 'Yes' provide details: ☐ Note: Records do not need to be provided if this breaches a law of Commonwealth or State. Copies of any document directly related to the suspected contravention must be kept at the workplace or reasonably accessible from a computer that is kept at the workplace. Otherwise, union official(s) must submit a ROE for section 120 and provide notice. Providing some records may be in breach of privacy laws (e.g. employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.		N/A
Did the union official(s) inspect anything different to what was included as a contravention(s) on the Notice of Entry form? Provide Details: ☐		N/A
Did the official consult with any other workers onsite? No		
WHO	COMPANY	DETAILS
Was work interrupted as a result of the entry? If 'Yes', provided details of interruption, length of time work was interrupted and workers that were unable to undertake normal duties as a result of the interruption. ☐		
Did the official(s) contact Workplace Health & Safety Queensland to resolve a dispute?		N/A
Did the entry permit holder notify the company representative of any potential issue prior to making contact with WHSQ?		N/A
Representative(s) from WH&SQ who attend site : Names : Please provide details: ☐		
Did the official: Speak to any person who was not directly related to the suspected contravention, entitled to be represented or who did not wish to speak to them?		N/A
Did the official: Discuss any matters not related to their reason for entering site?		N/A
Did the official: Hinder, obstruct or delay any person/ works, or otherwise act in an improper manner?		N/A



Part 3: Entry to inspect employee records or information held by another person (Section 120) (Complete only for s120 Entries – otherwise N/A)		Yes	No	
Did the union official(s) enter the workplace under section 117 to inquire into a suspected contravention of the WH&S Act?			N/A	
Did the union official(s) provide 24 hours' notice to inspect copies of employee records or documents that are directly related to the contravention (and not kept onsite or accessible by a computer onsite)? Provide details of requested documents: ☐ <i>Note: Providing some records may be in breach of privacy laws (e.g. certain employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.</i>			N/A	
Was the union official being escorted by a company representative(s)? Name of representative.....			N/A	
Part 4: Entry to consult and advise workers (Section 121) (Complete only for s121 Entries – otherwise N/A)		Yes	No	
Has an entry notice been given to the occupier of the site at least 24 hours but not more than 14 days before the entry?			N/A	
Did the union official have sufficient knowledge of health and safety and suitably qualified to consult on WH&S matters?			N/A	
Did the union official(s) consult with workers who were entitled to be represented or who wished to participate in the discussions?			N/A	
Did the union official(s) warn any person they believed was exposed to a serious risk whilst onsite?			N/A	
Was the union official being escorted by a company representative(s)? Name of Representative.....			N/A	
Part 5: Entry to resolve an Issue (Section 81(3)) (Complete only for s81(3) Entries – otherwise N/A)				
Prior to the Entry, had the issue been previously raised with FHHMJV? If yes, when was the issue raised? If yes, what attempts to resolve the issue were made by FHHMJV with the affected worker/s?			N/A	
Upon entering the workplace was the Union Official asked to provide a Federal Permit under the Fair Work Act? If Yes, did the Union Official show their Federal Permit?			N/A	
Was the issue able to be resolved in the presence of the Union Official?			N/A	
If after reasonable efforts were made, did a Workplace Health and Safety Inspector attend site to resolve the issue? If yes, was a Notice issued to FHHMJV or their subcontractor?			N/A	
Part 6: Psychosocial Impacts as a result of the Union Entry		Yes	No	Potential
During the visit, did the Union Official demonstrate behaviours which could impact upon the psychosocial wellbeing of workers or staff?			No	

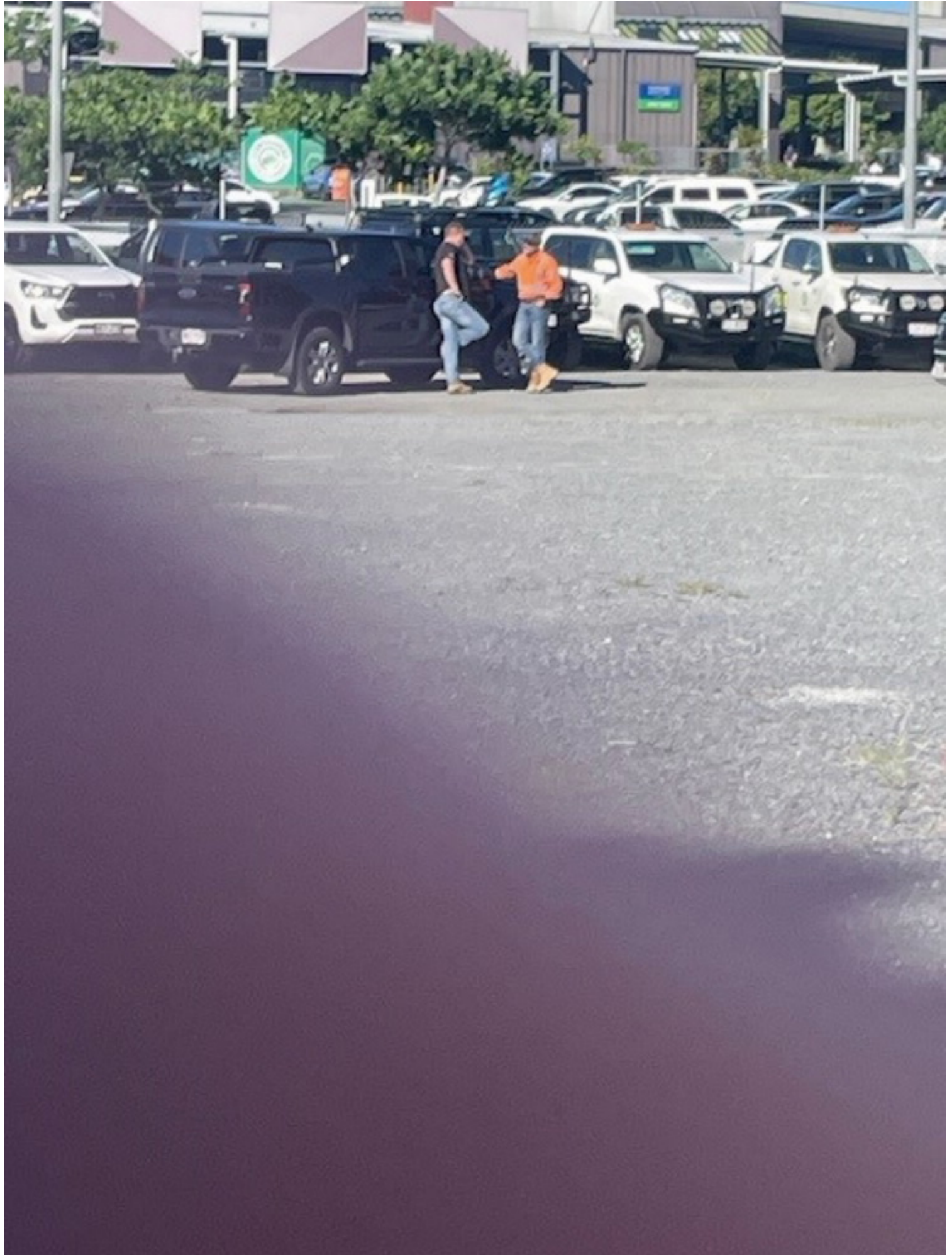


If yes, please provide details below.....			
As a result of the visit, did a worker or a member of staff raise a concern about being bullied, harassed, intimidated, or assaulted by a Union Official; or is there a potential for a staff member or worker to be impacted psychosocially by the actions of the Union Official. If yes, please provide details below...		No	
Immediately following the visit, did any member of staff or workforce leave work, or require immediate mental health first aid because of psychosocial health and wellbeing impact? If yes, please provide details below ☐		No	
During the visit, did a FHHMJV Representative advise the Union Official that their behaviours were not in accordance with the Psychosocial Code of Practice? If yes, please provide response below. ☐		No	
Part 7: Sign Off			
Name :	Signature :		
Date :			

Part 8: Summary of Events	
<u>Actions from Today</u> ☐ Nil Actions from today.	



COM.0001.0014.3102_0007



COM.0001.0014.3102_0008

PLACEHOLDER

ANNEXURE TE-14A

REFER TO NATIVE FILES

- **TE-14A:** audio recording dated 10 April 2024, which is **COM.0001.0014.3197**.



PART 1A	ROE DETAILS		
Type of Notice	☐ Section 484 FWA – to hold discussions with eligible workers		
	☐ Section 481 FWA – suspected contraventions of the FWA		
	☐ Section 117 - Entry to investigate a suspected contravention of the WH&S Act		
	☐ Section 120 - Entry to inspect employee records or information held by another person (must provide 24 hours' notice)		
	☐ Section 121 – To consult and advise relevant workers on health and safety matters (must provide 24 hours' notice)		
	☐ Other entry / union discussion or phone call Provide details: Phone call from Luke Gibson to Scott Holmberg. No entry to premises. Details of conversation as per description on page two.		X
Union Represented	CFMMEU		
Date ROE notice received	N/A. Note: phone call only; no entry to premises		
Date of ROE	16 April 2024		
Name of Union Official(s)	Luke Gibson		
Approx Arrival Time	12.17pm	Approx departure time	12.22pm
Where did the Meeting Take Place	Phone call to Scott Holmberg		
Did the Union Official(s) sign in at Reception and/or undertake a visitor site safety induction?			N
Did the Union Official(s) wear appropriate PPE			N/A
Did the union official(s) take reasonable care for their own health and safety? If no, provide details :			N/A
Did the official: Refuse to comply with any reasonable safety or project requirement / request? If Yes, provide details:			N
Did the official: Speak to any worker? If Yes, provide details: members and eligible AWU members			N
Did the official: Commit an act or omission that adversely affected the health and safety of another person?			N
Did the official: Stop any works?			N
Did the official: Warn any person they believed was exposed to a health and safety risk?			N
Did the project incur any costs (direct or indirect) as a result of the entry?			N
As a result of the visit, did the Union Official call Workplace Health and Safety and if yes, did they attend site?			N



Employer Representative	Scott Holmberg (SH)			
Timeline and Description of the Visit	At approx. 12.17pm SH received a mobile phone call from CFMMEU organiser Luke Gibson. Gibson briefly spoke about the outstanding payments owing to a number of workers. SH assured him the back payments were being sorted and would be paid in the near future. Gibson primarily called to inquire about the project's approach to PFAS (perfluoroalkyl and polyfluoroalkyl substances) contamination. He stated he intended at some stage to visit the project to discuss PFAS contamination generally to ensure workers were not exposed to same. He asked if PFAS tracing had been undertaken and was advised by SH that we know where our contaminated areas are they will be dealt with in due course. Gibson advised he had been told that some workers might have been exposed to some 'higher levels' of PFAS. When asked, SH advised that there had been no test drilling conducted at this time. Gibson confirmed it was his intention to remain focussed on the project and joked that he would potentially set up camp / gazebo on the project in due course. The conversation was recorded by SH.			
PART 1B : ROE PERMIT			Yes	No
Has the union official produced a WHS Permit for your inspection? Permit expiry datePermit No If the permit was checked by another staff member. Staff member Note: you can also request photographic evidence of identity.				X
Has the union official produced a Federal Right of Entry Permit for your inspection? Permit expiry date 5/02/2027 Permit No: RE2023/1077 If the permit was checked by another staff member. Staff member: John Peter Note: s.494 of the Fair Work Act requires that an official must not exercise a state OHS right unless they are a Federal permit holder				X
PART 2: Entry to Investigate a Suspected Safety Contravention (section 117) (Complete only for s117 Entries – otherwise N/A)			Yes	No
Was the union official being escorted by a company representative(s)? Name of representative/s: Names : Note/s: There must be one company representative for each union official. Each company representative must be wearing a recording body camera.				N/A
Did the union official produce a Notice of Entry which stated the alleged safety contravention(s)? If the Notice of Entry was checked by another staff member. Name: Note: Retain s.117 and forward to IR Manager.				N/A
What alleged safety contravention(s) were included on the Notice of Entry form? ☐				
What areas of site were inspected by the union official(s)?				
AREA		ITEMS		



	☐	
	☐	
	☐	
Provide details of any work system, plant, substance, structure or other thing relevant to the suspected contravention that the union official inspected? (E.g. lighting tower prestart, Work at Heights SWMS)		
Did the union official make copies of any document, were they directly related to the suspected contravention? If 'Yes' provide details: ☐ Note: Records do not need to be provided if this breaches a law of Commonwealth or State. Copies of any document directly related to the suspected contravention must be kept at the workplace or reasonably accessible from a computer that is kept at the workplace. Otherwise, union official(s) must submit a ROE for section 120 and provide notice. Providing some records may be in breach of privacy laws (e.g. employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.		N/A
Did the union official(s) inspect anything different to what was included as a contravention(s) on the Notice of Entry form? Provide Details: ☐		N/A
Did the official consult with any other workers onsite? Yes		
WHO	COMPANY	DETAILS
Was work interrupted as a result of the entry? If 'Yes', provided details of interruption, length of time work was interrupted and workers that were unable to undertake normal duties as a result of the interruption. ☐		N/A
Did the official(s) contact Workplace Health & Safety Queensland to resolve a dispute?		N/A
Did the entry permit holder notify the company representative of any potential issue prior to making contact with WHSQ?		N/A
Representative(s) from WH&SQ who attend site : Names : Please provide details: ☐		



Did the official: Speak to any person who was not directly related to the suspected contravention, entitled to be represented or who did not wish to speak to them?		N/A
Did the official: Discuss any matters not related to their reason for entering site?		N/A
Did the official: Hinder, obstruct or delay any person/ works, or otherwise act in an improper manner?		N/A
Part 3: Entry to inspect employee records or information held by another person (Section 120) (Complete only for s120 Entries – otherwise N/A)	Yes	No
Did the union official(s) enter the workplace under section 117 to inquire into a suspected contravention of the WH&S Act?		N/A
Did the union official(s) provide 24 hours' notice to inspect copies of employee records or documents that are directly related to the contravention (and not kept onsite or accessible by a computer onsite)? Provide details of requested documents: ☐ Note: Providing some records may be in breach of privacy laws (e.g. certain employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.		N/A
Was the union official being escorted by a company representative(s)? Name of representative.....		N/A
Part 4: Entry to consult and advise workers (Section 121) (Complete only for s121 Entries – otherwise N/A)	Yes	No
Has an entry notice been given to the occupier of the site at least 24 hours but not more than 14 days before the entry?		N/A
Did the union official have sufficient knowledge of health and safety and suitably qualified to consult on WH&S matters?		N/A
Did the union official(s) consult with workers who were entitled to be represented or who wished to participate in the discussions?		N/A
Did the union official(s) warn any person they believed was exposed to a serious risk whilst onsite?		N/A
Was the union official being escorted by a company representative(s)? Name of Representative.....		N/A
Part 5: Entry to resolve an Issue (Section 81(3)) (Complete only for s81(3) Entries – otherwise N/A)		
Prior to the Entry, had the issue been previously raised with FHHMJV? If yes, when was the issue raised? If yes, what attempts to resolve the issue were made by FHHMJV with the affected worker/s?		N/A
Upon entering the workplace was the Union Official asked to provide a Federal Permit under the Fair Work Act? If Yes, did the Union Official show their Federal Permit?		N/A
Was the issue able to be resolved in the presence of the Union Official?		N/A



If after reasonable efforts were made, did a Workplace Health and Safety Inspector attend site to resolve the issue?			N/A
If yes, was a Notice issued to FHHMJV or their subcontractor?			
Part 6: Psychosocial Impacts as a result of the Union Entry	Yes	No	Potential
During the visit, did the Union Official demonstrate behaviours which could impact upon the psychosocial wellbeing of workers or staff? If yes, please provide details below.		No	
As a result of the visit, did a worker or a member of staff raise a concern about being bullied, harassed, intimidated, or assaulted by a Union Official; or is there a potential for a staff member or worker to be impacted psychosocially by the actions of the Union Official. If yes, please provide details below ...		No	
Immediately following the visit, did any member of staff or workforce leave work, or require immediate mental health first aid because of psychosocial health and wellbeing impact? If yes, please provide details below		No	
During the visit, did a FHHMJV Representative advise the Union Official that their behaviours were not in accordance with the Psychosocial Code of Practice? If yes, please provide response below.		No	
Part 7: Sign Off			
Name : W Jenkinson	Signature :		
Date : 1 May 2024			

Part 8: Summary of Events
<u>Actions from Today</u>
☐ Nil follow up required.

PLACEHOLDER

ANNEXURE TE-15A

REFER TO NATIVE FILES

- **TE-15A:** audio recording dated 16 April 2024, which is **COM.0001.0014.3199**.

RIGHT OF ENTRY REPORT



PART 1		RIGHT OF ENTRY DETAILS			
Date of entry	05 June 2024	Arrival time:	Approx 9:00am	Departure time:	Approx. 9:45am
Name of union official(s)		Luke Gibson – CFMEU Dean Rielly - CFMEU			
Union(s) represented		CFMEU			
Type of Notice		Section 481 FWA – suspected contravention of FW Act / EA	24 hours' notice provided?	Yes	No
			If yes, who received it and when?		
		Section 484 FWA – enter to hold discussion with eligible workers	24 hours' notice provided?	Yes	No
			If yes, who received it and when?		
		☐ Section 117 - Entry to investigate a suspected contravention of WHS Act			No
		☐ Section 120 - Entry to inspect employee records or information held by another person (must provide 24 hours' notice)			No
		☐ Section 121 – To consult and advise relevant workers on health and safety matters (must provide 24 hours' notice)			No
		☐ Section 81(3) – To assist another person in resolving a WHS issue			No
		☐ Other entry / union discussion or phone call Provide details: Dean and Luke entered site illegally and without providing any permits when asked.			Yes
Employer representative(s)					
For sect 484 entry: where did the meeting / discussions take place?					
				Yes	No
Was the union official(s) asked to sign in at reception?					No
If yes, did they sign in?					
Did the union official(s) wear appropriate PPE				Yes – Dean Rielly	No – Luke Gibson
Did the union official(s) take reasonable care for their own health and safety?				Yes	
If no, provide details:					

RIGHT OF ENTRY REPORT



Did the official(s) refuse to comply with any reasonable safety or project requirement / request? If yes, provide details:		N/A
Did the official(s) speak with any worker(s) they were not authorised to speak with? If yes, provide details:		No
Did the official(s) do anything that adversely affected the health and safety of another person? If yes, provide details:		No
Did the official(s) stop any works? If yes, provide details:		No
Did the official(s) warn any person they believed was exposed to a health and safety risk? If yes, provide details:		No
Did the project incur any costs (direct or indirect) as a result of the entry? If yes, provide details:		No
As a result of the visit, did the union official(s) call Workplace Health and Safety? If yes, did they attend site, and who attended?		No
Was the union official(s) escorted by a company representative? Name of representative(s) Note: there must be one company representative for each union official. Each company representative must be wearing a recording body camera.		No
Timeline and description of the visit (set out a detailed account of the incident including who was involved, where conversations / inspections occurred, what was said etc.)	8:55am – 3x Missed calls all within 1 minute from Luke Gibson to Scott Holmberg (SH) 8:57am – SH responded by text back to Luke with “Give me ten and I’ll call you back” 8:59am – Luke responded back by text stating “I’m just here with Mark looking at the Monday Koala”. SH asked Ren Greentree (RG) where Mark was working and RG stated that he was at Gate 2. SH then advised Neil Ferguson (NF) and Tim Ellis (TE) of Luke’s presence at Gate 2. TE notified Gerard O’Connor (GOC) by text message, and Wayne Jenkinson (WJ) and Justin O’Neill (JON) in person. SH drove to site. RG arrived at site approximately 2 mins before SH arrived. Approx 9:10am - On Ren’s arrival, RG asked Luke and Dean for copies of their permits. Luke and Dean confirmed that they did not have any permits. On arrival at site, SH noted that Luke and Dean had entered onto the site. They entered the site through the Gate 2 panels which had been closed at the time. In addition, they had opened the gates for the temporary Koala fencing. Both Dean and Luke were found approximately 150m south of Gate 2 on the Haul Road in Luke’s vehicle. Dean’s vehicle was left parked up at the front gate in the light vehicle area. On SH’s arrival with Luke and Dean, SH asked how their permit situation was, to which Luke responded that “it’s not good man”. Luke stated (conversation was recorded) that: ☐ He’d been checking on our works and noted we hadn’t been making any progress. ☐ Luke again stated that he was looking for a camping spot for when we commence tree clearing. SH stated that he wasn’t sure how that would	

RIGHT OF ENTRY REPORT



	work out for Luke. Luke confirmed that he had a snake kit with him and that he was ready to go. ☐ He then asked about our works and noted that we were running in roadbase down the southern end. He asked about when the tree's would be removed. SH stated that he was not aware as his works were down the other end. ☐ Luke asked about where Neil Ferguson and John Peter were. SH stated that both were busy and working in the office. ☐ Luke asked about the Koala removal process and confirmed that he was familiar with the process as he had been through it at the other end of the Project (North Project). ☐ SH confirmed not much was happening. ☐ Luke confirmed that he was getting lots of phone calls from over the border and that he was getting information from the inside of our Project around who we were engaging and the subbies we were using weren't local. Luke mentioned that he was concerned about it and that he would ring the Project Director about it. ☐ Dean asked who was building the bridges – Hully's? SH confirmed it dependent, some would be self perform, some would be subcontracted. ☐ Dean asked when the project would be finished – 2027-2028. SH stated that he wasn't sure. ☐ SH asked what had they come to look at today – Dean said "Koala's". ☐ SH asked if we had found PFAS. SH said no comment. Dean said it all comes out in the end and SH responded "Not from me mate". ☐ Luke took a phone call from the General Superintendent at the Light Rail Project. During the call he asked who Kris Orford was. SH advised that he was another Super on our Project. SH then advised RG to get our workers nearby to move their vehicles and to head off to an early smoko, thinking that Luke would need to turn his vehicle around to allow the workers to pass. Instead, Luke was able to deviate off the track to allow the workers to pass. This then provided Luke with an avenue to continue to drive down the access track to the end near Urangan Footpath. SH confirmed with RG that no other workers or work activities were occurring south of that location, and chose not follow Luke and Dean south as there was nothing to see down there. It is unknown how far they progressed before turning around to come back towards Gate 2. In the mean time, SH and RG walked back to Gate 2 and waited for Luke and Dean to arrive. Approx 5 mins later, Luke and Dean arrived back at the Temporary Koala Fence Gate before they then both drove off leaving Dean's car behind. SH followed Luke and Dean to the Westfield at Helensvale where they stopped for a break. SH did not continue to follow them. Approx 9:45am – Luke and Dean left site. 11:30am – RG confirmed that Dean's car was no longer present at Gate 2.
--	--

PART 2: RIGHT OF ENTRY PERMIT	Yes	No
Did the union official produce a Fair Work Act (Federal) Right of Entry Permit for inspection? Permit expiry date: Permit No: If the permit was checked by another staff member. Staff member: <i>Note: s.494 of the Fair Work Act requires that an official must not exercise a state OHS right unless they are a Federal permit holder</i>		No
Did the union official produce a WHS Permit for your inspection?		No

RIGHT OF ENTRY REPORT



**COOMERA
CONNECTOR
CENTRAL**

Permit expiry date:		Permit No:			
If the permit was checked by another staff member. Staff member					
Note: you can also request photographic evidence of identity.					
PART 3: WHS ENTRY					
Part 3A: Entry to Investigate a Suspected Safety Contravention (section 117) (Complete only for s117 entries – otherwise N/A)				Yes	No
Did the union official produce a WHS Right of Entry Notice which stated the alleged safety contravention(s)? Note: retain 117 notice and forward to IR Manager					NO
Name staff member who received the notice?					
What alleged safety contravention(s) were included on the 117 Right of Entry notice? ☐					
What areas of site were inspected by the union official(s)?					
AREA		ITEMS			
		☐			
		☐			
		☐			
Provide details of any work system, plant, substance, structure or other thing relevant to the suspected contravention that the union official inspected? (E.g. lighting tower prestart, Work at Heights SWMS)					
Did the union official make copies of any document, that related to the suspected contravention? If 'Yes' provide details: Note: Records do not need to be provided if doing so breaches a Commonwealth or State law. Copies of employee records that are relevant to the suspected contravention, or documents that are not held by the person conducting the business or undertaking, can only be obtained after the official has provided 24 hours' written notice. Providing some records may be in breach of privacy laws (e.g. employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.					
Did the union official(s) inspect anything different to what was included as a contravention(s) on the 117 Right of Entry Notice? If yes, provide details:					
Did the official consult with any other workers onsite, or speak with workers who did not wish to speak with them?					
WHO	COMPANY	DETAILS			
Was work interrupted as a result of the entry? If yes, provided details of interruption, length of time work was interrupted and workers that were unable to undertake normal duties as a result of the interruption:					

RIGHT OF ENTRY REPORT



Did the official(s) contact Workplace Health & Safety Queensland to resolve a dispute?		
Did the entry permit holder notify the company representative of any potential issue prior to making contact with WHSQ?		
Representative(s) from WH&SQ who attended site: Please provide any other relevant details:		
Did the official discuss any matters not related to their reason for entering site?		
Did the official hinder, obstruct or delay any works, or otherwise act in an improper manner? If yes, provide details:		
Part 3B: Entry to inspect employee records or information held by another person (Section 120) (Complete only for s120 Entries – otherwise N/A)	Yes	No
Did the union official(s) enter the workplace under section 117 to inquire into a suspected contravention of the WH&S Act?		N/A
Did the union official(s) provide 24 hours' notice to inspect copies of employee records or documents that are directly related to the contravention (and not kept onsite or accessible by a computer onsite)? Provide details of requested documents: <i>Note: Providing some records may be in breach of privacy laws (e.g. certain employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.</i>		N/A
Part 3C: Entry to consult and advise workers (Section 121) (Complete only for s121 Entries – otherwise N/A)	Yes	No
Has an entry notice been given to the occupier of the site at least 24 hours but not more than 14 days before the entry?		N/A
Did the union official(s) consult with workers who were entitled to be represented or who wished to participate in the discussions?		N/A
Did the union official(s) warn any person they believed was exposed to a serious risk whilst onsite? If yes, provide details:		N/A
Part 3D: Entry to resolve an Issue (Section 81(3)) (Complete only for s81(3) Entries – otherwise N/A)		
Prior to the entry, had the issue been previously raised with FHHMJV? If yes, when was the issue raised? If yes, what attempts to resolve the issue were made by FHHMJV with the affected worker/s?		N/A
Upon entering the workplace was the official asked to provide Right of Entry permits under the Fair Work Act <u>and</u> the WHS Act? If yes, did the official show both / one permit?		N/A

RIGHT OF ENTRY REPORT



COOMERA
CONNECTOR
CENTRAL

Was the issue able to be resolved in the presence of the official?		N/A	
If after reasonable efforts were made, did a Workplace Health and Safety Inspector attend site to resolve the issue?		N/A	
If yes, was a Notice or other document issued to FHHMJV or their subcontractor by WHS Qld?		N/A	
If yes, provide details:			
Part 4: Psychosocial Impacts as a result of the Union Entry	Yes	No	Potential
During the visit, did the union official(s) demonstrate behaviours which could impact upon the psychosocial wellbeing of workers or staff (bullying, intimidation, harassment etc)? If yes, please provide details below.		No	
As a result of the visit, did a worker or a member of staff raise a concern about being bullied, harassed, intimidated, or assaulted by a union official; or is there a potential for a staff member or worker to be impacted psychosocially by the actions of the official. If yes, please provide details:		No	
Immediately following the visit, did any member of staff or workforce leave work, or require immediate mental health first aid because of psychosocial health and wellbeing impact? If yes, please provide details:		No	
During the visit, did a FHHMJV Representative advise the union official that their behaviours were not in accordance with the Psychosocial Code of Practice? If yes, please provide response:		No	
Part 5: Sign Off			
Name: Tim Ellis	Signature:		
Date: 5 June 2024			
Part 6: Follow up			
<u>Actions outstanding from today</u>			
☐ Nil Actions for follow-up			

RIGHT OF ENTRY REPORT



PART 1		RIGHT OF ENTRY DETAILS			
Date of entry	14 June 2024	Arrival time:	N/A	Departure time:	N/A
Name of union official(s)	Luke Gibson – CFMEU				
Union(s) represented	CFMEU				
Type of Notice	Section 481 FWA – suspected contravention of FW Act / EA	24 hours' notice provided?	Yes	No	
		If yes, who received it and when?			
	Section 484 FWA – enter to hold discussion with eligible workers	24 hours' notice provided?	Yes	No	
		If yes, who received it and when?			
	☐ Section 117 - Entry to investigate a suspected contravention of WHS Act			No	
	☐ Section 120 - Entry to inspect employee records or information held by another person (must provide 24 hours' notice)			No	
	☐ Section 121 – To consult and advise relevant workers on health and safety matters (must provide 24 hours' notice)			No	
	☐ Section 81(3) – To assist another person in resolving a WHS issue			No	
	☐ Other entry / union discussion or phone call Provide details: Dean and Luke entered site illegally and without providing any permits when asked.			Yes Phone Call	
Employer representative(s)					
For sect 484 entry: where did the meeting / discussions take place?					
			Yes	No	
Was the union official(s) asked to sign in at reception?				N/A	
If yes, did they sign in?					
Did the union official(s) wear appropriate PPE				N/A	
Did the union official(s) take reasonable care for their own health and safety?			Yes		
If no, provide details:					
Did the official(s) refuse to comply with any reasonable safety or project requirement / request?				N/A	

RIGHT OF ENTRY REPORT



If yes, provide details:			
Did the official(s) speak with any worker(s) they were not authorised to speak with? If yes, provide details:			No
Did the official(s) do anything that adversely affected the health and safety of another person? If yes, provide details:			No
Did the official(s) stop any works? If yes, provide details:			No
Did the official(s) warn any person they believed was exposed to a health and safety risk? If yes, provide details:			No
Did the project incur any costs (direct or indirect) as a result of the entry? If yes, provide details:			No
As a result of the visit, did the union official(s) call Workplace Health and Safety? If yes, did they attend site, and who attended?			No
Was the union official(s) escorted by a company representative? Name of representative(s) Note: there must be one company representative for each union official. Each company representative must be wearing a recording body camera.			No
Timeline and description of the visit (set out a detailed account of the incident including who was involved, where conversations / inspections occurred, what was said etc.)	12:33pm – Luke Gibson rung Scott Holmberg (SH) and advised Scott that a couple of CFMEU members had reached out to him about a person found hanging in a tree on the Project. SH advised Luke that a member of the public had been found deceased hanging in a tree on the Project. SH advised that 2 workers found the individual and that a small group of staff attended the scene. SH advised that all staff and workforce involved were provided with counselling. SH advised that no other workers had observed the individual. Luke enquired what the police said and SH responded stating that the Police had been searching for the individual given he had made threats of self-harm to this family. SH stated that the police managed the situation. SH stated that Luke was calling from a loud and noisy environment. SH was unable to record the conversation given he was driving at the time. Phone call ended shortly afterwards – total call duration 2-2.5mins.		
PART 2: RIGHT OF ENTRY PERMIT		Yes	No
Did the union official produce a Fair Work Act (Federal) Right of Entry Permit for inspection? Permit expiry date: Permit No: If the permit was checked by another staff member. Staff member: Note: s.494 of the Fair Work Act requires that an official must not exercise a state OHS right unless they are a Federal permit holder			N/A
Did the union official produce a WHS Permit for your inspection? Permit expiry date: Permit No: If the permit was checked by another staff member. Staff member Note: you can also request photographic evidence of identity.			N/A

RIGHT OF ENTRY REPORT



COOMERA
CONNECTOR
CENTRAL

PART 3: WHS ENTRY			
Part 3A: Entry to Investigate a Suspected Safety Contravention (section 117) (Complete only for s117 entries – otherwise N/A)		Yes	No
Did the union official produce a WHS Right of Entry Notice which stated the alleged safety contravention(s)? <i>Note: retain 117 notice and forward to IR Manager</i>			N/A
Name staff member who received the notice?			
What alleged safety contravention(s) were included on the 117 Right of Entry notice?			
☐			
What areas of site were inspected by the union official(s)?			
AREA	ITEMS		
	☐		
	☐		
	☐		
Provide details of any work system, plant, substance, structure or other thing relevant to the suspected contravention that the union official inspected? (E.g. lighting tower prestart, Work at Heights SWMS)			
Did the union official make copies of any document, that related to the suspected contravention? If 'Yes' provide details:			
<i>Note: Records do not need to be provided if doing so breaches a Commonwealth or State law. Copies of employee records that are relevant to the suspected contravention, or documents that are not held by the person conducting the business or undertaking, can only be obtained after the official has provided 24 hours' written notice.</i> <i>Providing some records may be in breach of privacy laws (e.g. employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.</i>			
Did the union official(s) inspect anything different to what was included as a contravention(s) on the 117 Right of Entry Notice? If yes, provide details:			
Did the official consult with any other workers onsite, or speak with workers who did not wish to speak with them?			
WHO	COMPANY	DETAILS	
Was work interrupted as a result of the entry? If yes, provided details of interruption, length of time work was interrupted and workers that were unable to undertake normal duties as a result of the interruption:			
Did the official(s) contact Workplace Health & Safety Queensland to resolve a dispute?			

RIGHT OF ENTRY REPORT



COOMERA
CONNECTOR
CENTRAL

Did the entry permit holder notify the company representative of any potential issue prior to making contact with WHSQ?		
Representative(s) from WH&SQ who attended site: Please provide any other relevant details:		
Did the official discuss any matters not related to their reason for entering site?		
Did the official hinder, obstruct or delay any works, or otherwise act in an improper manner? If yes, provide details:		
Part 3B: Entry to inspect employee records or information held by another person (Section 120) (Complete only for s120 Entries – otherwise N/A)		
Did the union official(s) enter the workplace under section 117 to inquire into a suspected contravention of the WH&S Act?	Yes	No
Did the union official(s) provide 24 hours' notice to inspect copies of employee records or documents that are directly related to the contravention (and not kept onsite or accessible by a computer onsite)? Provide details of requested documents: <i>Note: Providing some records may be in breach of privacy laws (e.g. certain employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.</i>		N/A
Part 3C: Entry to consult and advise workers (Section 121) (Complete only for s121 Entries – otherwise N/A)		
Has an entry notice been given to the occupier of the site at least 24 hours but not more than 14 days before the entry?	Yes	No
Did the union official(s) consult with workers who were entitled to be represented or who wished to participate in the discussions?		N/A
Did the union official(s) warn any person they believed was exposed to a serious risk whilst onsite? If yes, provide details:		N/A
Part 3D: Entry to resolve an Issue (Section 81(3)) (Complete only for s81(3) Entries – otherwise N/A)		
Prior to the entry, had the issue been previously raised with FHHMJV? If yes, when was the issue raised? If yes, what attempts to resolve the issue were made by FHHMJV with the affected worker/s?		N/A
Upon entering the workplace was the official asked to provide Right of Entry permits under the Fair Work Act <u>and</u> the WHS Act? If yes, did the official show both / one permit?		N/A
Was the issue able to be resolved in the presence of the official?		N/A

RIGHT OF ENTRY REPORT



**COOMERA
CONNECTOR
CENTRAL**

If after reasonable efforts were made, did a Workplace Health and Safety Inspector attend site to resolve the issue?			N/A			
If yes, was a Notice or other document issued to FHHMJV or their subcontractor by WHS Qld?			N/A			
If yes, provide details:						
Part 4: Psychosocial Impacts as a result of the Union Entry	Yes	No	Potential			
During the visit, did the union official(s) demonstrate behaviours which could impact upon the psychosocial wellbeing of workers or staff (bullying, intimidation, harassment etc)? If yes, please provide details below.		No				
As a result of the visit, did a worker or a member of staff raise a concern about being bullied, harassed, intimidated, or assaulted by a union official; or is there a potential for a staff member or worker to be impacted psychosocially by the actions of the official. If yes, please provide details:		No				
Immediately following the visit, did any member of staff or workforce leave work, or require immediate mental health first aid because of psychosocial health and wellbeing impact? If yes, please provide details:		No				
During the visit, did a FHHMJV Representative advise the union official that their behaviours were not in accordance with the Psychosocial Code of Practice? If yes, please provide response:		No				
Part 5: Sign Off						
Name: Tim Ellis	Signature:					
Date: 10 June 2024						
Part 6: Follow up						
<u>Actions outstanding from today:</u> ☐ Nil Actions for follow-up						

RIGHT OF ENTRY REPORT



PART 1		RIGHT OF ENTRY DETAILS			
Date of entry	24 June 2024	Arrival time:	8:06am	Departure time:	2:05pm
Name of union official(s)	Luke Gibson – CFMEU Dean Reilly - CFMEU				
Union(s) represented	CFMEU				
Type of Notice	Section 481 FWA – suspected contravention of FW Act / EA	24 hours' notice provided?	Yes	No	
		If yes, who received it and when?			
	Section 484 FWA – enter to hold discussion with eligible workers	24 hours' notice provided?	Yes	No	
		If yes, who received it and when?			
	☐ Section 117 - Entry to investigate a suspected contravention of WHS Act				No
	☐ Section 120 - Entry to inspect employee records or information held by another person (must provide 24 hours' notice)				No
	☐ Section 121 – To consult and advise relevant workers on health and safety matters (must provide 24 hours' notice)				No
	☐ Section 81(3) – To assist another person in resolving a WHS issue				No
	☐ Other entry / union discussion or phone call Provide details: Dean Reilly and Luke Gibson entered site without providing any permits when asked. During the visit, when asked for Permits none were provided. At the conclusion of the visit, Luke and Dean disclosed to WHSQ that they were present under S81(3) of the Act. No paperwork was observed to have been provided to WHSQ.				No Permits Provided
Employer representative(s)					
For sect 484 entry: where did the meeting / discussions take place?					
			Yes	No	
Was the union official(s) asked to sign in at reception?				N/A	
If yes, did they sign in?					
Did the union official(s) wear appropriate PPE			No - His Vis vests, Boots, and Hard Hats – No Safety Glasses were worn		
Did the union official(s) take reasonable care for their own health and safety?				No	
If no, provide details: A number of times Dean and Luke were asked to move away from machinery when they were walking into swing paths of the Excavator. They did not move, and the excavator was unable to commence work. They were also observed to be kicking up dry concrete slurry with their feet and creating clouds of dust that potentially contained RCS.					

RIGHT OF ENTRY REPORT



**COOMERA
CONNECTOR
CENTRAL**

Did the official(s) refuse to comply with any reasonable safety or project requirement / request? If yes, provide details: A number of times they stood in the path of machinery to prevent the machinery from operating. When asked to move out of the swing paths, they ignored the requests.	Yes	
Did the official(s) speak with any worker(s) they were not authorised to speak with? If yes, provide details: Luke and Dean were observed talking to Rachael Forrester (Protech Trainee) and Blake Jarmin (Labourer) and a Traffic Controller on the Sage Street gate (B02 Gate). FHHMJV personnel were not privy to the conversations.	Yes	
Did the official(s) do anything that adversely affected the health and safety of another person? If yes, provide details: They were observed to be driving on site without lights flashing through GD01 (former Gate 2). They drove a section of corridor from GD01 and exited at BO1 (former Gate 3).	Yes	
Did the official(s) stop any works? If yes, provide details: Whilst not verbally directing the stoppage of works, they did position themselves in unsafe positions (i.e.: within swing path of Excavator) to prevent works from commencing.	Yes	
Did the official(s) warn any person they believed was exposed to a health and safety risk? If yes, provide details: After chatting to Blake and Rachael, Luke advised that Rachael that she should not be going anywhere near the RCS as she was not competently trained to know how to manage it.	Yes	
Did the project incur any costs (direct or indirect) as a result of the entry? If yes, provide details: Costs will be provided. Lost time from D B Farrells, Baden Plant Hire, plus also time lost by Kris, Justin and Tonga managing the interaction.	Yes	
As a result of the visit, did the union official(s) call Workplace Health and Safety? If yes, did they attend site, and who attended? ☐ Michael Hill - Inspector No: 2266 ☐ Issac Avery – Inspector No: 2263 Both arrived at 1 Town Centre at 10:20am for an initial meeting, before proceeding to site.	Yes	
Was the union official(s) escorted by a company representative? Name of representative(s) ☐ Kris Orford, ☐ Justin O'Neill, and ☐ Tonga Leaaetoa. Note: there must be one company representative for each union official. Each company representative must be wearing a recording body camera.	Yes	

RIGHT OF ENTRY REPORT



Timeline and description of the visit

(set out a detailed account of the incident including who was involved, where conversations / inspections occurred, what was said etc.)

8:06am

- Kris Orford (KO) received a message from Rohan Skele (FHHMJV Supervisor) that a Black Ranger was observed inside gate GD01 (former Gate 2). KO left a meeting and drove to site.

8:09am

- Ben Steel (FHHMJV Supervisor) called KO to notify that the Black Ranger was at the staging Compound driving around the site.
- Justin O'Neill (JON) received a phone call from Scott Homberg (SH) saying that CFEMU was on site. Black ute observed driving onsite.

8:13am

- As KO approached Gate B02 (Pioneering Compound), he observed the black Ranger Ute leaving the site. KO spoke to Traffic Controller who apologised for not alerting the Supervisors earlier but stated that he was in the toilet when they had entered into the site.

8:14am

- KO called Stuart Bell (FHHMJV Supervisor) and advised that the Black Ranger Ute was heading to gate B05 and the Sage St Closure.
- KO arrived at Sage St shortly afterwards and noted that Luke and Dean were at the gate talking to the Traffic Controller. KO walked up to both Luke and Dean as they went through the gate. They stopped inside the gates and KO introduced himself and asked for their permits and reasoning for being onsite. Dean replied "You know we don't have permits". They then proceeded up the closed road and into the work area, so KP signalled to the operator of the 25T Excavator (Baden Plant Hire) to stop what he was doing until the CFMEU Officials were clear. Luke and Dean stopped on top of the Bridge, so KP gave the 25T Operator the Ok to finish what he was doing. Given how close the union officials were to the earthmoving activities, KO asked his Supervisors Stuart and Greg to stand down the workers.
- Conversations on the Sage St Bridge went as follows:
 - Luke Gibson - where is gate 3.
 - KO - which gate three there are currently a couple.
 - Gibson - the one where the guy hung himself
 - KO - can't confirm what you're talking about or where.
- Dissatisfied with this question range he went around in circles once more with similar results.

8:31am

- JON arrives on site at Sage Street Bridge site. JON noted that the Black Ute was on Sage St, but was parked up on the outside of our site gates. JON noticed that Luke Gibson and Dean Reilly were present on the site, standing up on the bridge. JON observed that they were there with Kris Orford (KO), Greg Green (GG), and Dave from Baden (Plant Operator).
- JON approached the 2 Union officials and asked if they had any right of entry forms to provide. They both responded stating that they didn't need any of that. When asked again, they stated that they can't give what they don't have. They then started asking questions about silica, and JON stated that he was not authorised to talk to them unless they provided the correct right of entry forms and permits. It was then back and forth with Luke and/or Dean asking questions with JON continually stating that he can't answer their questions as the visit was not legal.
- They then started asking for copies of the SWMS for the area. JON again stated that he could not provide any paperwork until they provided the correct right of entry permits and paperwork. Luke and Dean then started asking about Demolition and asking if Baden Plant Hire were Demolition Contractors. JON did not respond.
- They walked around the area taking video's and photo's of the works.

Approx 8:50am

RIGHT OF ENTRY REPORT



- KO went and had another conversation with the site team. Said that whilst the CFMEU are walking around in the plant work area we will hold until smoko and if they hadn't left that we'd confirm with Neil and management how they would like us to approach works.

9:02am

- Dean and Luke approached the Preacher Box and started taking photo's of the documents (Work Pack and JHA). JON walked over and advised them that as they had not provided any appropriate paperwork for right of entry, that they weren't authorised to look through any documentation or to take photographs of any documentation. Dean stated that he had already been all over that (regarding right of entry paperwork) and he continued to take photo's.
- Luke and Dean continued to make a number of phone calls and walked around the site. They didn't directly advise that they were calling Workplace Health and Safety Queensland, but Dean and Luke started to mention that WHSQ were on their way to site.
- JON noted that both Dean and Luke had signed onto the JHA in the Preacher Box.

10:05am

- Tonga Leaaetoa (TL) arrived on site to provide support to KO and JON.

10:06am

- KO had conversation with Neil Ferguson (NF). NF advised to continue works as long as safe. KO followed this conversation up with Stuart, GG and Dave (Baden's Plant Operator). Plan was to continue works after smoko as follows:
 - TL and KO to work on ensuring that the CFMEU organisers would stay out of the work areas or the plant would be notified to pause works when unsafe due to plant/personnel proximity.
 - Survey cut points on road and bridge.
 - Get water cart up to wet down site to commence works.
 - Load out road base on road for clear access.
 - Start removal of footpath and stripping of verge on the north side.

10:15am

- Dave (Baden) came up and confirmed that they can start. I reaffirmed that we are proceeding with the plan but Stuart Bell had to sort out the surveyor and we were waiting for the water cart to wet down slab and contain potential 'silica dust from previous works. GG hosed down bridge and water cart followed up with sprayers used on slab and roadbase back to the AC road. Dean made multiple comments that we were only doing works now due to them raising the issue. I did not provide response as this had been communicated earlier in the day. Luke stated that he would stay onsite all day and night if required and stood on the sawcut relieving slab so that these works could not be completed. (we had anticipated this and made plans to work around this disruption)

10:20am

- WHSQ arrived at 1TCD. Tim Ellis (TE) called JON and advised him to come back to 1TCD. WSHQ Officials were:
 - Michael Hill – Inspector Number 2266
 - Issac Avery – Inspector Number 2263
- TE, JON and WHSQ Held an opening meeting. WHSQ advised that they had received a complaint regarding Silica and Bridge demolition works. They advised that they were there as a reactionary visit. TE provided an overview of the Project.

10:28am - JON arrived at meeting with WHSQ. JON provided overview of the work and the issues raised by the CFMEU.

10:48am

- Shane Llewlyn (SL) – Structures SPE arrived to discuss the works. SL provided details of the scope of work to be conducted, as well as provided 2x drawings of the temp relieving slab in question and how it is attached to the bridge structure. Michael Hill took photo's of the drawings on his phone. TE stated that they could have the drawings if they needed them. Issac Avery took the drawings – no notices were issued by WHSQ requesting any paperwork. TE showed

RIGHT OF ENTRY REPORT



a photo of the bridge from Google Earth pre- light rail times (approx. 2017) which shows that the bridge was once a standalone structure with no on or off ramps.

11:03am

- Meeting completed and JON escorted inspectors to site.

11:20am

- Inspectors arrive on site. JON showed them the Preacher Box and explained how the new sandwich board signs work. They requested to look at the SWMS for the activity. JON opened the Work Pack and they had a look at the JHA. Michael Hill looked through the documentation and grabbed a copy of the Fulton Hogan SWMS that was present. He had some comments around certain controls for RCS. JON was able to provide responses back relating to training.

11:40am

- Comments from Dean towards Gibson but loud enough to ensure that KO was in earshot were around.
 - Neil - nicknamed captain corruption and having him here will make the project snowy 3.0.
 - FH - Fucking Hopeless, cannot make money on any job down south even though they are a preferred contractor.
 - Coomera connector has already asked the taxpayers for an extra billion dollars after this job was won at \$685million.
 - Luke - Tax payers are having to fund corruption. Civil construction is full of corruption
 - Dean again - imagine buying a house and then this happens. Gesturing at the works we are doing and the road corridor. 'bloody highway in your backyard, how do you sell now?'
 - Something inaudible about Koalas...
 - Something inaudible about Tim Ellis
 - Something inaudible about Gerard O'Connor
 - Best part about this is everyone on the job will come around.
- Dean and Luke started to walk down and introduced themselves to the WHSQ Inspectors. They walked away with WHSQ and had a conversation. Dean stated that he used to build bridges for a living and that this is definitely demolition work, and that Baden Civil doesn't have a Demolition License. JON stated that that this work is not demolition work as discussed at 1TCD with SL that the only work being undertaken is the removal of the relief slab which is not load bearing. Luke stated that all this could be stopped if FHHMJV just engaged a licensed Demolition Contractor and suggested that he had the names of a few companies we could use.
- Issac then made a series of phone calls.

11:50am

- Issac (WHSQ) mentions to Dean that the slab is founded on earth, so not part of the structure and not demolition. Dean pushed the wording and added that it is tied into the structure at the joint above the abutment. He added to this with additional comments and attempting to have the inspector look over fence on the retaining wall as he did to take a photo.
- After another phone call, Issac stated that he had received advice that it was a grey situation and that it was not straight forward. But his current feeling was that it is not Demolition work.
- Then more phone conversations occurred. Issac then stated that he had been provided advice that it was a structure and that it would be considered as Demolition Work. Luke then got involved and stated that it was definitely demolition work. Issac then read out definitions from the Regulation stating that a structure includes a roadway or pathway. JON asked does this mean that if we were pulling up a road or a concrete path that we would be required to have a demolition contractor undertake that work, to which Issac stated that it appears so.
- The conversation went back and forth for some time.

Approx 12:10pm

- - conversations occur around SWMS, PCBU and Silica, adjacent to excavator up near bridge.
- Luke raised RCS concerns with WHSQ. The Inspectors asked for a copy of the SWMS again. JON got the Baden Excavator Operator and asked him to show the Inspectors how he accesses his SWMS via a QR Code. The Inspector's questioned the SWMS as it wasn't the one in the Preacher Box. JON explained that Baden is the PCBU who undertakes the works and it is up to them to have current SWMS in place. The Inspectors reviewed the SWMS and accepted that the SWMS was ok. Luke stated that the workers need training in the Code of Practice requirements. Inspectors noted that the SWMS mentioned the Code of Practice and didn't have specific controls for the works being undertaken. Dean tried to make a big deal of this, but TL stated have you read the first part. The Inspector reviewed the SWMS closely and was satisfied that they were ok and met the requirements of the Act. JON stated that they only needed training in the relevant

RIGHT OF ENTRY REPORT



controls for RCS and mentioned that we provide this via our Project Induction. JON provided copies of the 2 slides from the Induction pack to the Inspectors to view. They spoke to the Operator and asked him a number of questions what he would do if... There was dust, etc. The Operator was able to provide responses back to the Inspectors which were satisfactory.

Approx 12:30pm

- Conversations continue though at the preacher box.

Approx 12:40pm

- Dean approached 2 workers getting out of a vehicle, Rachael Forrester (Protech Trainee) and Blake Jarmin (Labourer), when KO got down to them questioning was around if they knew what they had signed in the SWMS for works around silica. Conversations ceased when I got close. Rachael went to leave and gestured to me to ensure it was ok to which I said, you are free to go back to work. Luke then came down to follow up that what we are doing is wrong and that they need to be trained. This was uttered multiple times before conversations all ceased and we went to leave.

Approx 12:50pm

- - conversation with Dean and Luke along with the Traffic Controller at the Sage St Gate.
- Dean stated "Schramm owner is corrupt as they get, we've got him previously for not paying his guys." Shortly after this remark JON got the attention of the traffic controller at the gate by tooting his horn. Luke and Dean then hoped in their vehicle. I went into site, turned around and then followed them back to the yard to ensure that they were not going elsewhere.
- Everyone walked down towards the gate entrance and at that stage Luke was present in this location and mentioned that we were leaving to go back to the office to discuss the demolition query. JON asked if the inspectors were going back to 1TCD for a discussion on demolition works and how would this apply to the CFMEU officials given that they had not provided us with any permits or paperwork for the visit, and that in his opinion the visit was an illegal entry. Issac stated that they don't rule on unlawful entry anymore. JON explained that there was a history of these 2 individuals walking through the office and intimidating staff in the compound. As JON and the Inspectors were getting into the car, Dean asked what was happening with the RCS. A discussion went back and forth and then ended. As they were leaving, the CFMEU officials stated that they were present under 81(3) of the Act and that they were entitled to be present at the meeting back at 1TCD. JON stated to both Dean and Luke that they had not provided any indication previously that they were present on an s81(3) and no paperwork had been provided.
- JON and WHSQ jumped into a car and on the way back to 1TCD drove under the bridge to allow WHSQ to take some photographs from under the bridge

1:00pm

- Luke and Dean arrive at 1TCD Compound and remain in car park

1:30pm

- JON and WHSQ arrive at 1TCD.

1:45pm

- JON continued to have discussions with WHSQ about the presence of CFMEU. After much back and forth, it was agreed that WHSQ and CFMEU could meet in the Accacia Room of our compound for their own meeting, but that FHHMJV will not be present and will seek a separate close out with WHSQ.

1:40pm

- Luke discussed with KO:
 - BPIC and best practice principals not being enforced.
 - cost of the project blowing out and not being a result of BPIC as we are not paying it and neither are our subcontractors. Including Baden which KO corrected him. Luke followed with I don't believe that. BJT and Next level were bought up numerous times as well as backpay to November that he fought for.
 - FH and BMD are the last targets of CFMEU to get them in line with the other major contractors.

- ☐ Nick Ford and Draytons not wanting to negotiate with the CFMEU. Read out emails 'from himself' and the secretary of the CFMEU.
- ☐ Claims he has voicemails from Nick Ford and Draytons regarding token effort in bargaining.

1:45pm – 2:00pm

- ☐ WHSQ held meeting with Luke and Dean – no FHHMJV presence.

2:05pm

- ☐ Meeting held at 1TCD in Casuarina Room with WHSQ and TE, JON, NF, Rory Giles were present to discuss the outcomes of the visit.
- ☐ WHSQ advised that they had concerns about the definition of demolition works, acknowledging that there is a discrepancy between the Regulation and the Code of Practice. The Regulation definition for demolition is as follows:

demolition work means work to demolish or dismantle a structure, or part of a structure that is load-bearing or otherwise related to the physical integrity of the structure, but does not include—

- (a) the dismantling of formwork, falsework, or other structures designed or used to provide support, access or containment during construction work; or
- (b) the removal of power, light or telecommunication poles.

- ☐ The definition of Structure under the Regulation is defined as follows:

290 Meaning of structure

- (1) In this chapter, *structure* has the same meaning as it has in the *Act*.

Examples—

- a roadway or pathway
- a ship or submarine
- foundations, earth retention works and other earthworks, including river works and sea defence works
- formwork, falsework or any other structure designed or used to provide support, access or containment during construction work
- an airfield
- a dock, harbour, channel, bridge, viaduct, lagoon or dam
- a sewer or sewerage or drainage works

- ☐ The definition of Demolition under the Code of Practice is as follows:

1.1 What is demolition work?

Demolition work means work to demolish or dismantle a structure or part of a structure that is load-bearing or otherwise related to the physical integrity of the structure, but does not include:

- the dismantling of formwork, falsework, scaffolding or other structures designed or used to provide support, access or containment during construction work, or
- the removal of power, light or telecommunication poles.

A structure is anything that is constructed, whether fixed or moveable, temporary or permanent, and includes buildings, sheds, towers, chimney stacks, silos, storage tanks. Demolition work is a type of 'construction work'. Therefore, when carrying out demolition work, the requirements relating to construction work must also be complied with.

Demolition work is also 'high risk construction work' if it involves demolition of an element of a structure that is load-bearing or otherwise related to the physical integrity of the structure. A Safe Work Method Statement (SWMS) must be prepared before the high risk construction work starts. Further guidance on SWMS is available in [section 3.4](#) of this Code.

Other key terms relating to demolition work are listed in [Appendix A](#).

- ☐ WHSQ Concern is that the Regulation definition has a comma after the word structure and are strictly interpreting it to mean "work to demolish or dismantle a structure" – with structure meaning roadway or pathway. They stated that the second part is of the demolition definition under the regulation applies to partial dismantling. The Code of Practice doesn't have the comma.
- ☐ WHSQ stated that they were waiting on a ruling from their legal compliance team and until then they won't be issuing any notices to us. They stated that the works did not pose any potential or imminent safety risk to workers and that the worst that they could issue FHHMJV would be an Improvement Notice. TE advised that any notice received will be appealed by FHHMJV as we do not believe that this work is Demolition Work.

RIGHT OF ENTRY REPORT



☐ The Inspectors confirmed that if FHHMJV were undertaking demolition works by hand then they would not require a licensed Demolition contractor. Rory and TE advised that we were undertaking works by hand, and that the excavator was only being used to move the concrete blocks once cut into a truck to be removed from the site. TE advised that the use of an excavator means that we are complying with the hazardous manual tasks code of practice by eliminating the need for people to manually lift the blocks. The Inspectors did not deem this work to be hand work – they agreed that the cutting by saw was hand work, but the use of the excavator was still mechanical means, and therefore demolition work strictly in accordance with the Regulation definition.

☐ WHSQ Inspectors confirmed that there were no issues with the RCS and that they won't be providing any notices for the RCS on today's visit.

☐ TE also advised that today had cost a lot of time and money and that the Minister responsible for our project will no doubt hear about these costs.

☐ WHSQ waited to receive a call from their legal and licensing team, but this did not come. After an hour or so, they ended the meeting stating that they would call us with a decision once known.

3:05pm

☐ Meeting finished.

5:30pm

☐ No response had been provided by WHSQ.

PART 2: RIGHT OF ENTRY PERMIT		Yes	No
Did the union official produce a Fair Work Act (Federal) Right of Entry Permit for inspection? Permit expiry date: Permit No: If the permit was checked by another staff member. Staff member: Note: s.494 of the Fair Work Act requires that an official must not exercise a state OHS right unless they are a Federal permit holder			No
Did the union official produce a WHS Permit for your inspection? Permit expiry date: Permit No: If the permit was checked by another staff member. Staff member Note: you can also request photographic evidence of identity.			No
PART 3: WHS ENTRY			
Part 3A: Entry to Investigate a Suspected Safety Contravention (section 117) (Complete only for s117 entries – otherwise N/A)		Yes	No
Did the union official produce a WHS Right of Entry Notice which stated the alleged safety contravention(s)? Note: retain 117 notice and forward to IR Manager Name staff member who received the notice?			N/A
What alleged safety contravention(s) were included on the 117 Right of Entry notice? ☐			
What areas of site were inspected by the union official(s)?			
AREA	ITEMS		
	☐		
	☐		

RIGHT OF ENTRY REPORT



COOMERA
CONNECTOR
CENTRAL

Provide details of any work system, plant, substance, structure or other thing relevant to the suspected contravention that the union official inspected? (E.g. lighting tower prestart, Work at Heights SWMS)

RIGHT OF ENTRY REPORT



COOMERA
CONNECTOR
CENTRAL

Did the union official make copies of any document, that elated to the suspected contravention? If 'Yes' provide details: Note: Records do not need to be provided if doing so breaches a Commonwealth or State law. Copies of employee records that are relevant to the suspected contravention, or documents that are not held by the person conducting the business or undertaking, can only be obtained after the official has provided 24 hours' written notice. Providing some records may be in breach of privacy laws (e.g. employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.			
Did the union official(s) inspect anything different to what was included as a contravention(s) on the 117 Right of Entry Notice? If yes, provide details:			
Did the official consult with any other workers onsite, or speak with workers who did not wish to speak with them?			
WHO	COMPANY	DETAILS	
Was work interrupted as a result of the entry? If yes, provided details of interruption, length of time work was interrupted and workers that were unable to undertake normal duties as a result of the interruption :			
Did the official(s) contact Workplace Health & Safety Queensland to resolve a dispute?			
Did the entry permit holder notify the company representative of any potential issue prior to making contact with WHSQ?			
Representative(s) from WH&SQ who attended site: Please provide any other relevant details:			
Did the official discuss any matters not related to their reason for entering site?			
Did the official hinder, obstruct or delay any works, or otherwise act in an improper manner? If yes, provide details:			
Part 3B: Entry to inspect employee records or information held by another person (Section 120) (Complete only for s120 Entries – otherwise N/A)		Yes	No
Did the union official(s) enter the workplace under section 117 to inquire into a suspected contravention of the WH&S Act?			N/A
Did the union official(s) provide 24 hours' notice to inspect copies of employee records or documents that are directly related to the contravention (and not kept onsite or accessible by a computer onsite)? Provide details of requested documents: Note: Providing some records may be in breach of privacy laws (e.g. certain employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.			N/A

RIGHT OF ENTRY REPORT



Part 3C: Entry to consult and advise workers (Section 121) (Complete only for s121 Entries – otherwise N/A)	Yes	No	
Has an entry notice been given to the occupier of the site at least 24 hours but not more than 14 days before the entry?		N/A	
Did the union official(s) consult with workers who were entitled to be represented or who wished to participate in the discussions?		N/A	
Did the union official(s) warn any person they believed was exposed to a serious risk whilst onsite? If yes, provide details:		N/A	
Part 3D: Entry to resolve an Issue (Section 81(3)) (Complete only for s81(3) Entries – otherwise N/A)			
Prior to the entry, had the issue been previously raised with FHHMJV? If yes, when was the issue raised? If yes, what attempts to resolve the issue were made by FHHMJV with the affected worker/s?		No	
Upon entering the workplace was the official asked to provide Right of Entry permits under the Fair Work Act <u>and</u> the WHS Act? If yes, did the official show both / one permit? No permits were provided. No mention of s81(3) was discussed between Union officials and FHHMJV. Union Officials advised WHSQ at the end of their visit onsite that they were present under s81(3). No paperwork was observed to be provided to WHSQ.	Yes		
Was the issue able to be resolved in the presence of the official?		No	
If after reasonable efforts were made, did a Workplace Health and Safety Inspector attend site to resolve the issue?	Yes		
If yes, was a Notice or other document issued to FHHMJV or their subcontractor by WHS Qld?		No	
If yes, provide details:			
*** The CFMEU officials did not provide any Right of Entrance permits or documentation for the entry. At the end of the visit, they advised WHSQ that they were present on site under a s81(3). No permits or paperwork were observed to be provided to WHSQ by the CFMEU officials. ***			
Part 4: Psychosocial Impacts as a result of the Union Entry	Yes	No	Potential
During the visit, did the union official(s) demonstrate behaviours which could impact upon the psychosocial wellbeing of workers or staff (bullying, intimidation, harassment etc)? If yes, please provide details below. Dean Reilly spoke to Rachael Forrester. Rachael approached Justin asking if she had to talk to the Union Officials. Kris Orford had a conversation with Rachael afterwards and she said that she was ok. Both Justin and Tonga experienced aggressive behaviours from Luke Gibson.	Yes		
As a result of the visit, did a worker or a member of staff raise a concern about being bullied, harassed, intimidated, or assaulted by a union official; or is there a potential for a staff member or worker to be impacted psychosocially by the actions of the official. If yes, please provide details:		No	

RIGHT OF ENTRY
REPORT



COOMERA
CONNECTOR
CENTRAL

Immediately following the visit, did any member of staff or workforce leave work, or require immediate mental health first aid because of psychosocial health and wellbeing impact? If yes, please provide details:		No	
During the visit, did a FHHMJV Representative advise the union official that their behaviours were not in accordance with the Psychosocial Code of Practice? If yes, please provide response:		No	
Part 5: Sign Off			
Name: Tim Ellis	Signature:		
Date: 24 June 2024			
Part 6: Follow up			
<u>Actions outstanding from today:</u> ☐ Nil Actions for follow-up			

RIGHT OF ENTRY REPORT



PART 1		RIGHT OF ENTRY DETAILS			
Date of entry	25 June 2024	Arrival time:	8:04am	Departure time:	Approx. 2:00pm
Name of union official(s)	Dylan Howard Hayden Turner-Davey Hoani Edwards				
Union(s) represented	CFMEU				
Type of Notice	Section 481 FWA – suspected contravention of FW Act / EA	24 hours' notice provided?	Yes	No	
		If yes, who received it and when?			
	Section 484 FWA – enter to hold discussion with eligible workers	24 hours' notice provided?	Yes	No	
		If yes, who received it and when?			
	☐ Section 117 - Entry to investigate a suspected contravention of WHS Act				YES
	☐ Section 120 - Entry to inspect employee records or information held by another person (must provide 24 hours' notice)				No
	☐ Section 121 – To consult and advise relevant workers on health and safety matters (must provide 24 hours' notice)				No
	☐ Section 81(3) – To assist another person in resolving a WHS issue				No
	☐ Other entry / union discussion or phone call Provide details:				
Employer representative(s)					
For sect 484 entry: where did the meeting / discussions take place?					
			Yes	No	
Was the union official(s) asked to sign in at reception?				N/A	
If yes, did they sign in?					
Did the union official(s) wear appropriate PPE		No - His Vis vests, Boots, and Hard Hats – No Safety Glasses were worn			
Did the union official(s) take reasonable care for their own health and safety? If no, provide details:			Yes		
Did the official(s) refuse to comply with any reasonable safety or project requirement / request? If yes, provide details:				No	
Did the official(s) speak with any worker(s) they were not authorised to speak with?			Yes		

RIGHT OF ENTRY REPORT



**COOMERA
CONNECTOR
CENTRAL**

If yes, provide details: Traffic Controller at Sage St Work Area, Ben Gardner-Smith (Labourer) at 1TCD		
Did the official(s) do anything that adversely affected the health and safety of another person? If yes, provide details:		No
Did the official(s) stop any works? If yes, provide details:		No
Did the official(s) warn any person they believed was exposed to a health and safety risk? If yes, provide details:		No
Did the project incur any costs (direct or indirect) as a result of the entry? If yes, provide details: **** Rory to provide costs ****	Yes	
As a result of the visit, did the union official(s) call Workplace Health and Safety? If yes, did they attend site, and who attended? ☐ Issac Avery – Inspector No: 2263 ☐ Mark Schaumberg – Inspector No: 2259 ☐ Stuart Davis – Inspector No: 405 All arrived at 1 Town Centre at 12:00pm for an initial meeting, before proceeding to site.	Yes	
Was the union official(s) escorted by a company representative? Name of representative(s) ☐ Justin O'Neill, ☐ Neil Ferguson, and ☐ Tonga Leaaetoa. Note: there must be one company representative for each union official. Each company representative must be wearing a recording body camera.	Yes	

Timeline and description of the visit

(set out a detailed account of the incident including who was involved, where conversations / inspections occurred, what was said etc.)

8:04am

- 3x CFMEU Officials arrived at 1TCD. All 3 provided S117 Notices. All 3 officials were guided to the Acacia Room and asked to stay until FHHMJV could check all the permits provided.

8:06am

- Tim Ellis (TE) called Wayne Jenkinson (WJ) and advised that CFMEU were present onsite and that we required his assistance to check permits provided by the Officials. TE and WJ discussed the permit requirements surrounding S117 notices. WJ then attended meeting with CFMEU officials.
- A few minutes later, Justin O'Neill (JON) and WJ commenced copying the permits. WJ confirmed that all three union officials permits were valid and that they all had both State and Federal Permits.
- JON and WJ (along with Neil Ferguson (NF), and Tonga Leaaetoea (TL) were present). Discussions commenced regarding the permit requirements.
- JON confirmed with all 3 Union Officials that the S117 Notices were specific to the alleged demolition works occurring at Bridge 07 (Sage St). All three union officials agreed.
- Notices required the following information to be provided:
 - All relevant documents regarding structural integrity of demolition work
 - First Aid Rooms, procedures, emergency evacuation.
 - Plant Maintenance Records.
 - Managing Noise and Preventing Hearing Loss Code of Practice compliance.
 - Information, instruction and supervision provided to workers around safe systems of work.
 - Workplace Amenities.
- JON left the meeting room to commence putting documentation together.

Approx 8:30am

- As JON was collecting documentation in relation to the visit, Hayden Turner-Davey raised a concern with NF relating to the test and tag of the RCDs in the Acacia Room, saying that the contractor we used to test the RCDs (Jim's Test and Tag) were not a qualified electrician and therefore was unable to do RCD Testing.

Approx 8:40am

- JON returned back to the Acacia Meeting Room, and observed the discussion relating to the test and tag concerns. JON expressed to the Officials that we had engaged Jim's Test and Tag as they had advised that they were qualified and competent to undertake all aspects of test and tagging for the site. The conversation went back and forth about the requirements for a period of time. JON stated that he would follow up the issue. JON then left to deal with the electrical issue. JON discussed with the issue with Preston Chambers (PC) and directed Preston to discuss the matter with Jim's Test and Tag.
- At that stage, JON and PC range Jim's Test and Tag. The contractor advised that he was able to test RCDs as he uses a specialist testing device that removed the need to open a switchboard and access live cabling. JON confirmed that that was ok for the power circuit, but what about the lighting circuit. He responded stating that he does push button testing on the lighting circuit, but not the live timed test. He confirmed that he could do it all. He stated that he knew this would be an issue, but that I'm getting an Electrician working for me know so that he can do it going forward. The conversation ended at this point.

Approx 9:15am

- JON and PC started to liaise with Trafflec for assistance. JON started making phone calls to various electrical contractors for assistance. Soon afterwards, NF advised that we could get Downer Electrical onto site imminently to do the RCD testing and tagging.
- JON kept touching base back with the Officials to advise that we were progressing with the documentation requested.
- PC and JON presented drawings to the Officials which showed the works required on the Bridge. The Officials didn't agree with the works and stated that it was clearly Demolition Work.

9:35am

- JON was advised by the Officials that they had called WHSQ, and that WHSQ were on their way to the Project. The Officials primarily called WHSQ because of the electrical issue, and because they believed that the work was Demolition Work.
- At this stage, the only documentation provided was the Drawings and no other information. Drawing No's: provided:
 - S012
 - 952129A
- Back and forth communication continued about the definition of Demolition and RCDs and testing and tagging requirement.
- They then asked about First Aid Rooms being present on the site. JON discussed that what we have in place around First Aid, including that we have under 100 workers on site and there is no requirement for a First Aid Room. Advised that we had first aiders and trauma kits. Hayden asked a second question regarding 1TCD site. Again JON provided information around management of First Aid on 1TCD.
- Conversation then went back and for the about First Aid.
- At this point, the conversation ended. The Officials made phone calls and went to the car park, whilst waiting for the WHSQ Inspectors to arrive.
- Whilst the Officials were outside of the Acacia Room, JON observed them taking photo's of construction workers in the undercover area working on the beams. At this stage, the workers were carrying roofing sheets into the work area. They were not using the Platform Ladders which were present in the area. Hayden asked who was installing the sheets, and JON stated that he didn't know, but he thought it was through Stratco.

10:11am

- TE received phone call from Kym Tollenaere (WHSQ) advising that she was aware of the union presence and request for WHSQ to attend site. Kym confirmed that she was sending a WHSQ Engineer to the site to provide a technical understanding around the works being undertaken and whether or not the works constituted Demolition Work.

10:13am

- TE received phone call from Issac Avery (WHSQ) advising that he was aware of the union presence and request for WHSQ to attend site. Issac confirmed that he was attending site and that he would be bringing with him a different Inspector (named Trent) and a WHSQ Engineer to the site to provide a technical understanding around the works being undertaken and whether or not the works constituted Demolition Work.

11:30am

- Hoani was observed leaving the site. Whilst it cannot be confirmed, it is suspected that Hoani was picked up by Luke Gibson as he was observed leaving site in a Black Ranger Ute.

12:00pm

- WHSQ Inspectors arrived at 1TCD Compound. All three Inspectors signed in at Reception and were shown to the Melaleuca Room. Before they went into the meeting room, JON had a discussion with the Inspectors stating that he didn't want to have the Union Officials present for this meeting as we had concerns with the Union from a Psychosocial aspect. Agreed for WHSQ and FHHMJV to discuss the issue and then meet the Union Officials out on site. WHSQ Inspectors who attended site were:
 - Issac Avery – Inspector No: 2263
 - Mark Schaumberg – Inspector No: 2259
 - Stuart Davis – Inspector No: 405 (Engineer)
- Stuart advised that he was not there to determine whether a safe system of work is in place, but only to determine if it is or isn't demolition work in his opinion, and that he was not there to specifically rule and make a decision against the legislation. He advised that he was there as a technical expert in structural elements in order to provide advice back to the Inspectors to enable a decision to be made.
- Shane Llewlyn (SL) provided drawings and photos of Sage St Bridge and explained to WHSQ why we understand it is not considered demolition.
- Stuart (WHSQ Engineer) said you can argue that the road COULD be a load bearing structure but doesn't see it as "high risk".
- Stuart explained that the definition in the WHS Regulations re: Structures is very broad however it "is what it is".

RIGHT OF ENTRY REPORT



- TE advised the widespread implications across the construction industry, should this be considered Demolition Work, and that this would have a major impact on how construction work is done going forward across the entire industry.

12:15pm

- Stuart mentioned he is believing it to be demolition work after looking at the drawings, however he wanted to see the bridge in person prior to making a judgement call.
- Stuart mentioned he will provide his advice after the site walk to Jo Sutherland (WHSQ Demolition and Licensing Manager) who will make the ultimate judgement decision.

12:30pm

- All parties including CFMEU Officials arrive at Sage St.
- Stuart began investigating the bridge from above and referencing photo's that Issac had taken on the day prior.
- Stuart then said that he needed to make some phone calls to WHSQ. Stuart was on the phone for almost 30mins.

12:42pm

- Hayden (CFMEU) asked JON about how workers have access to water on top of Sage St
- JON explained the large portable water container at the sign-on box is filled up every day.
- Hayden insisted cups must be provided in case workers do not have a drink bottle.
- JON disagreed but organised with Scott (Superintendent) for cups to be brought out anyway.

12:53pm

- Hayden asked JON if we use the trailer mounted water cart.
- JON advised we don't and instead had a water cart attend site to wet down the work area.

1:00pm

- Stuart advised to the group that he believed that the work is demolition work specifically the works in and around the abutment wall, as the wall is load bearing. He also advised that there's an argument there that works done on the relieving slab are not demolition.
- CFMEU Official began recording video's on his mobile saying things like we fixed everything.
- A discussion was held with regards to works that can continue. Dylan was pushing for works to stop and for the area to be excluded. Following discussions with Work Health and Safety, FHHMJV agreed to not allow any works to continue until WHSQ made a decision, which we were advised would happen back at 1TCD straight after the site visit. WHSQ Inspectors advised that they needed to speak to Kym Tollenaere and Johanna Sutherland, as both Kym and Johanna would be making the final decision.
- All parties left site and headed back to 1TCD.

1:15pm

- TE rang Kym T from WHSQ to ask for clarity on this ruling. TE advised that if this decision was to be made that this work was demolition, that it would have big implications on the entire industry. Kym T agreed and asked if I would be able to have a chat with herself and Johanna S at 1:45pm. TE agreed to do this via Teams in the presence of Gerard O'Connor (GOC).

1:45pm

- TE, GOC, Kym T, Johanna S and Alanna Metcalfe from WHSQ on Teams.
- Johanna S stated that she was reliant upon the advice of her Engineer. She advised that she wanted to find a solution that works the best for everyone.
- GOC explained our works and that our Designers who have had involvement in this work, were confident that the work is not load bearing or demolition work.
- Johanna S stated that there were essentially three steps that could be taken:
 - Engage a Demolition Contractor
 - Get a Demolition License ourselves
 - Look at obtaining an Exemption for the works.
- Following some discussion, the following was agreed:

RIGHT OF ENTRY REPORT



- That a 24hour period of no works would continue in order for FHHMJV to provide further information to WHSQ to demonstrate that the works are not Demolition Work. During that time, WHSQ would issue no notices. This would expire at 2:00pm on 26 June.
- During that time, FHHMJV would engage their Designer to provide an RPEQ statement confirming that the works were not load bearing or demolition work.
- In parallel with the RPEQ statement, FHHMJV would develop an Exemption Request for WHSQ to consider in lieu of requiring a Demolition license for this work.
- Kym T confirmed that she would call Issac and advise him of the 24 hour period.

Approx 2:00pm

- Union Officials left site. On departure, they advised that they would be returning in the morning to discuss any notices issued and what rectification works are required.

Approx 2:15pm

- Inspectors receive phone call from Kym T (FHHMJV were not present during this discussion).

Approx 2:30pm

- From a Demolition point of view, Issac confirmed that nothing else will happen until tomorrow when someone else within WHSQ will make a decision.
- In relation to the testing and tagging, FHHMJV provided copies of the initial testing and certification of the building dated April 2024. Issac (only WHSQ Inspector present) reviewed these certificates. JON advised that the compound was not a construction site and therefore was not to be held to the same standard as testing. Issac agreed and confirmed by reviewing the legislation which requires testing of office facilities once every five years.
- No notices were issued for any of the concerns raised today or in the S117 Notices.

2:45pm

- Issac departed site.

PART 2: RIGHT OF ENTRY PERMIT		Yes	No
Did the union official produce a Fair Work Act (Federal) Right of Entry Permit for inspection? Permit expiry date: Permit No: If the permit was checked by another staff member. Staff member: Note: s.494 of the Fair Work Act requires that an official must not exercise a state OHS right unless they are a Federal permit holder			No
Did the union official produce a WHS Permit for your inspection? Permit expiry date: Permit No: If the permit was checked by another staff member. Staff member Note: you can also request photographic evidence of identity.		YES	
PART 3: WHS ENTRY			
Part 3A: Entry to Investigate a Suspected Safety Contravention (section 117) (Complete only for s117 entries – otherwise N/A)		Yes	No
Did the union official produce a WHS Right of Entry Notice which stated the alleged safety contravention(s)? Note: retain 117 notice and forward to IR Manager Name staff member who received the notice? Justin O'Neill		YES	
What alleged safety contravention(s) were included on the 117 Right of Entry notice?			

RIGHT OF ENTRY REPORT



☐ All relevant documents regarding structural integrity of demolition work ☐ First Aid Rooms, procedures, emergency evacuation. ☐ Plant Maintenance Records. ☐ Managing Noise and Preventing Hearing Loss Code of Practice compliance. ☐ Information, instruction and supervision provided to workers around safe systems of work. ☐ Workplace Amenities.		
What areas of site were inspected by the union official(s)?		
AREA	ITEMS	
Sage St Compound (Bridge 7)	☐ N/A	
Provide details of any work system, plant, substance, structure or other thing relevant to the suspected contravention that the union official inspected? (E.g. lighting tower prestart, Work at Heights SWMS)		
Did the union official make copies of any document, that related to the suspected contravention? If 'Yes' provide details: Note: Records do not need to be provided if doing so breaches a Commonwealth or State law. Copies of employee records that are relevant to the suspected contravention, or documents that are not held by the person conducting the business or undertaking, can only be obtained after the official has provided 24 hours' written notice. Providing some records may be in breach of privacy laws (e.g. employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.		NO
Did the union official(s) inspect anything different to what was included as a contravention(s) on the 117 Right of Entry Notice? If yes, provide details: RCD Test and Tags as per above	YES	
Did the official consult with any other workers onsite, or speak with workers who did not wish to speak with them?		
WHO	COMPANY	DETAILS
Was work interrupted as a result of the entry?	YES	
If yes, provided details of interruption, length of time work was interrupted and workers that were unable to undertake normal duties as a result of the interruption :		
Did the official(s) contact Workplace Health & Safety Queensland to resolve a dispute?	YES	
Did the entry permit holder notify the company representative of any potential issue prior to making contact with WHSQ?	YES	
Representative(s) from WH&SQ who attended site: Please provide any other relevant details: ☐ Iassac Avery – Inspector No: 2263 ☐ Mark Schaumberg – Inspector No: 2259 ☐ Stuart Davis – Inspector No: 405 (Engineer)		

RIGHT OF ENTRY REPORT



COOMERA
CONNECTOR
CENTRAL

Did the official discuss any matters not related to their reason for entering site?	YES	
Did the official hinder, obstruct or delay any works, or otherwise act in an improper manner? If yes, provide details:		NO
Part 3B: Entry to inspect employee records or information held by another person (Section 120) (Complete only for s120 Entries – otherwise N/A)	Yes	No
Did the union official(s) enter the workplace under section 117 to inquire into a suspected contravention of the WH&S Act?		N/A
Did the union official(s) provide 24 hours' notice to inspect copies of employee records or documents that are directly related to the contravention (and not kept onsite or accessible by a computer onsite)? Provide details of requested documents: <i>Note: Providing some records may be in breach of privacy laws (e.g. certain employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.</i>		N/A

Part 3C: Entry to consult and advise workers (Section 121) (Complete only for s121 Entries – otherwise N/A)	Yes		
Has an entry notice been given to the occupier of the site at least 24 hours but not more than 14 days before the entry?		N/A	
Did the union official(s) consult with workers who were entitled to be represented or who wished to participate in the discussions?		N/A	
Did the union official(s) warn any person they believed was exposed to a serious risk whilst onsite? If yes, provide details:		N/A	
Part 3D: Entry to resolve an Issue (Section 81(3)) (Complete only for s81(3) Entries – otherwise N/A)			
Prior to the entry, had the issue been previously raised with FHHMJV? If yes, when was the issue raised? If yes, what attempts to resolve the issue were made by FHHMJV with the affected worker/s?		N/A	
Upon entering the workplace was the official asked to provide Right of Entry permits under the Fair Work Act <u>and</u> the WHS Act? If yes, did the official show both / one permit?		N/A	
Was the issue able to be resolved in the presence of the official?		N/A	
If after reasonable efforts were made, did a Workplace Health and Safety Inspector attend site to resolve the issue?		N/A	
If yes, was a Notice or other document issued to FHHMJV or their subcontractor by WHS Qld?		N/A	
If yes, provide details:			
Part 4: Psychosocial Impacts as a result of the Union Entry	Yes	No	Potential

RIGHT OF ENTRY REPORT



**COOMERA
CONNECTOR
CENTRAL**

During the visit, did the union official(s) demonstrate behaviours which could impact upon the psychosocial wellbeing of workers or staff (bullying, intimidation, harassment etc)? If yes, please provide details below.		No	
As a result of the visit, did a worker or a member of staff raise a concern about being bullied, harassed, intimidated, or assaulted by a union official; or is there a potential for a staff member or worker to be impacted psychosocially by the actions of the official. If yes, please provide details:		No	
Immediately following the visit, did any member of staff or workforce leave work, or require immediate mental health first aid because of psychosocial health and wellbeing impact? If yes, please provide details:		No	
During the visit, did a FHHMJV Representative advise the union official that their behaviours were not in accordance with the Psychosocial Code of Practice? If yes, please provide response:		No	
Part 5: Sign Off			
Name: Tim Ellis	Signature:		
Date: 25 June 2024			
Part 6: Follow up			
<u>Actions outstanding from today:</u> ☐ Develop response to WHSQ from RPEQ around the removal of the relieving slab, as well as provide response regarding future works associated with Bridge07. ☐ Develop Exemption for the Demolition License Requirements should WHSQ rule that the works do require a Demolition License.			

WHS Entry Permit Holder NOTICE OF ENTRY

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

Full Name of Entry Permit Holder: Mayden Turner - Henry

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

Name and Address of Workplace being entered: Fellon byers Corporate Connector

Date of Entry or Proposed Entry: 25.6.24

PURPOSE OF ENTRY:

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

Additional – for entry under section 117

Details of the suspected contravention to which this notice relates:

- WHS Act 19(2)
(Sec 142 Reg), written notice to the reg - Notice
of demolition work
- Managing noise & preventing hearing loss Code of
Practice - WHS 1.1 Sec 1-5
- First aid room/Procedures/emergency evacuation
- Plant maintenance records, work place amenities
- Information, instruction, training & Supervision provided
to workers regarding Safe System of Work

Additional – for entry under section 120

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

Declaration:

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

WHS Entry Permit Holder's Signature

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

No. H 11512

WHS Entry Permit Holder NOTICE OF ENTRY

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

Full Name of Entry Permit Holder: Heani Edwards

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

Name and Address of Workplace being entered: Fulton Hogan Seamer
Connector

Date of Entry or Proposed Entry: 28.6.24

PURPOSE OF ENTRY:

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

Additional – for entry under section 117

Details of the suspected contravention to which this notice relates:

WHS act sec 19 (3)
Sec 142 Regs (notice of demo)
All relevant documents regarding
Structural integrity of bridge demo
First aid rooms/procedures, emergency
evacuation... plant maintenance records
Information instruction training and
Supervision provided to workers
around safe systems of work

Additional – for entry under section 120

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

Declaration:

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

.....
WHS Entry Permit Holder's Signature

Penalties
Who fails to comply with 5.18 (1) (d) that is to inspect, make copies of, or document directly relevant to the suspected contravention. (100 penalty units)
Who must not refuse or delay entry of WHS entry permit holder. (100 penalty units)
- 5.145 Persons must not hinder or obstruct WHS entry holder. (100 penalty units)

No. H 11149

WHS Entry Permit Holder NOTICE OF ENTRY

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

Full Name of Entry Permit Holder: Dylan Howard

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

Name and Address of Workplace being entered: Fulton Hogan Coomera
Connector

Date of Entry or Proposed Entry: 25.6.24

PURPOSE OF ENTRY:

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

Additional – for entry under section 117

Details of the suspected contravention to which this notice relates:

WHS Act sec 19 (3)
Sec 142 Regs (notice of demo)
All relevant documents regarding structural integrity
of bridge demo.
first aid room / Procedures / emergency evacuation.
Work Place amenities.
Plant and maintenance Records
Information, Instruction, training and supervision
provided to workers around safe systems of work

Additional – for entry under section 120

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

Declaration:

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

WHS Entry Permit Holder's Signature

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

No. H 11148

PLACEHOLDER

ANNEXURE TE-19A

REFER TO NATIVE FILES

- **TE-19A:** audio recording dated 25 June 2024, which is **COM.0001.0014.3198**.

RIGHT OF ENTRY REPORT



PART 1		RIGHT OF ENTRY DETAILS			
Date of entry	26 June 2024	Arrival time:		Departure time:	
Name of union official(s)	Hoani Edwards (s117 visit to 1TCD Compound) Luke Gibson (illegal site entry to Sage St Bridge area)				
Union(s) represented	CFMEU				
Type of Notice	Section 481 FWA – suspected contravention of FW Act / EA	24 hours' notice provided?	Yes	No	
		If yes, who received it and when?			
	Section 484 FWA – enter to hold discussion with eligible workers	24 hours' notice provided?	Yes	No	
		If yes, who received it and when?			
	☐ Section 117 - Entry to investigate a suspected contravention of WHS Act			YES	
	☐ Section 120 - Entry to inspect employee records or information held by another person (must provide 24 hours' notice)			No	
	☐ Section 121 – To consult and advise relevant workers on health and safety matters (must provide 24 hours' notice)			No	
	☐ Section 81(3) – To assist another person in resolving a WHS issue			No	
	☐ Other entry / union discussion or phone call Provide details:			YES Illegal Site Entry	
Employer representative(s)					
For sect 484 entry: where did the meeting / discussions take place?					
			Yes	No	
Was the union official(s) asked to sign in at reception?				N/A	
If yes, did they sign in?					
Did the union official(s) wear appropriate PPE				N/A	
Did the union official(s) take reasonable care for their own health and safety? If no, provide details:			Yes		
Did the official(s) refuse to comply with any reasonable safety or project requirement / request? If yes, provide details:				No	
Did the official(s) speak with any worker(s) they were not authorised to speak with? If yes, provide details:				No	

RIGHT OF ENTRY REPORT



**COOMERA
CONNECTOR
CENTRAL**

Traffic Controller at Sage St Work Area, Ben Gardner-Smith (Labourer) at 1TCD		
Did the official(s) do anything that adversely affected the health and safety of another person? If yes, provide details:		No
Did the official(s) stop any works? If yes, provide details:		No
Did the official(s) warn any person they believed was exposed to a health and safety risk? If yes, provide details:		No
Did the project incur any costs (direct or indirect) as a result of the entry? If yes, provide details:		No
As a result of the visit, did the union official(s) call Workplace Health and Safety? If yes, did they attend site, and who attended?		No
Was the union official(s) escorted by a company representative? Name of representative(s) For Hoani Edwards visit: Scott Homberg, Justin O'Neill, and Tonga Leaaetoea For Luke Gibson visit: Nil Note: there must be one company representative for each union official. Each company representative must be wearing a recording body camera.	Yes	
Timeline and description of the visit (set out a detailed account of the incident including who was involved, where conversations / inspections occurred, what was said etc.) 8:10am □ Hoani Edwards arrived at 1TCD Compound and provided S117 Notice to Justin O'Neill (JON). S117 Notice stated that the reason for the visit was in relation to "non-compliant workplace amenities". Hoani was shown to the Acacia Room where a meeting took place in the presence of JON, Tonga Leaaetoea (TL) and Scott Holmberg (SH). □ Hoani enquired about whether or not FHHMJV had received notices from WHSQ yesterday. JON was able to advise that the matter was still with WHSQ and that no notices had been issued to FHHMJV. □ JON advised that in relation to the electrical matter raised yesterday, that the WHSQ Inspector did not raise a Notice as he stated that the 1TCD compound was not a construction workplace. Hoani queried this further with JON and stated that as we were doing inductions on the site, that the compound is a construction workplace. JON advised that this was the decision that had been made by the Inspector. □ Hoani explained that he was just doing the initial checkup and that he lived local. JON then thanked Hoani for raising the concern, as we were using Jim's Test and Tag in good faith, and that as a project we would rather do it right, then continue to use Jim's Test and Tag. Hoani explained that this happens on a lot of jobs and you get a bloke who goes and gets his initial ticket to test and tag without stopping when they should. □ SH asked what region Hoani worked in for the CFMEU. He mentioned that his area covers Surfers Paradise north to the Port of Brisbane. □ The meeting concluded, and JON, TL, and SH walked Hoani to his car. 8:15am		

RIGHT OF ENTRY REPORT



☐ Haoni left site.

11:12am

- ☐ TL approached Gate B03, and the Traffic Controller opened the gate. As TL entered, he noticed a black Ford Ranger Registration Plate 457 FU9. TL pulled into the designated car park as the Ford Ranger passed him. He noticed the vehicle was travelling at a reasonable speed and the vehicle stopped by the Sage St Bridge near an excavator (which was operational along with an EWP).
- ☐ As TL walked towards the bridge the Ford Ranger Ute travelled towards TL and he waved to the driver to stop. The vehicle stopped and TL was then able to identify the driver as CFMEU official Luke Gibson.

11:15am

- ☐ TL called JON and JON stated that he was getting ready to attend site.
- ☐ Luke wound his window down and TL then asked him, 'what is going on mate?'. Luke was on the phone. TL waited approximately two minutes for Luke to finish his conversation. Luke then said, 'they should not be working on the bridge' and TL replied, 'they are not working on the disputed area of works, and that the issue surrounding Demolition was yet to be clarified with WHSQ and that maybe he should talk to your boss'. Luke says that he has, and he warned about us doing any work and that he will be back. TL said, 'you have no warning lights (on the vehicle) and gave no warning either that you were entering site. He then drove off and left the site before the conversation was ended.

11:20am

- ☐ Luke Gibson left site.

PART 2: RIGHT OF ENTRY PERMIT		Yes	No
Did the union official produce a Fair Work Act (Federal) Right of Entry Permit for inspection? Permit expiry date: Permit No: If the permit was checked by another staff member. Staff member: Note: s.494 of the Fair Work Act requires that an official must not exercise a state OHS right unless they are a Federal permit holder			No
Did the union official produce a WHS Permit for your inspection? Permit expiry date: Permit No: If the permit was checked by another staff member. Staff member Note: you can also request photographic evidence of identity.		YES	
PART 3: WHS ENTRY			
Part 3A: Entry to Investigate a Suspected Safety Contravention (section 117) (Complete only for s117 entries – otherwise N/A)		Yes	No
Did the union official produce a WHS Right of Entry Notice which stated the alleged safety contravention(s)? Note: retain 117 notice and forward to IR Manager Name staff member who received the notice? Justin O'Neill		YES	
What alleged safety contravention(s) were included on the 117 Right of Entry notice? ☐ Non-compliant workplace amenities			
What areas of site were inspected by the union official(s)?			
AREA	ITEMS		
Not specified	☐ N/A		

RIGHT OF ENTRY REPORT



Provide details of any work system, plant, substance, structure or other thing relevant to the suspected contravention that the union official inspected? (E.g. lighting tower prestart, Work at Heights SWMS)		
Did the union official make copies of any document, that related to the suspected contravention? If 'Yes' provide details: Note: Records do not need to be provided if doing so breaches a Commonwealth or State law. Copies of employee records that are relevant to the suspected contravention, or documents that are not held by the person conducting the business or undertaking, can only be obtained after the official has provided 24 hours' written notice. Providing some records may be in breach of privacy laws (e.g. employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.		NO
Did the union official(s) inspect anything different to what was included as a contravention(s) on the 117 Right of Entry Notice? If yes, provide details:		NO
Did the official consult with any other workers onsite, or speak with workers who did not wish to speak with them?		NO
WHO	COMPANY	DETAILS
Was work interrupted as a result of the entry? If yes, provided details of interruption, length of time work was interrupted and workers that were unable to undertake normal duties as a result of the interruption :		NO
Did the official(s) contact Workplace Health & Safety Queensland to resolve a dispute?		NO
Did the entry permit holder notify the company representative of any potential issue prior to making contact with WHSQ?		NO
Representative(s) from WH&SQ who attended site: Please provide any other relevant details: ☐		
Did the official discuss any matters not related to their reason for entering site?	YES	
Did the official hinder, obstruct or delay any works, or otherwise act in an improper manner? If yes, provide details:		NO
Part 3B: Entry to inspect employee records or information held by another person (Section 120) (Complete only for s120 Entries – otherwise N/A)	Yes	No
Did the union official(s) enter the workplace under section 117 to inquire into a suspected contravention of the WH&S Act?		N/A
Did the union official(s) provide 24 hours' notice to inspect copies of employee records or documents that are directly related to the contravention (and not kept onsite or accessible by a computer onsite)? Provide details of requested documents: Note: Providing some records may be in breach of privacy laws (e.g. certain employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.		N/A

RIGHT OF ENTRY REPORT



**COOMERA
CONNECTOR
CENTRAL**

Part 3C: Entry to consult and advise workers (Section 121) (Complete only for s121 Entries – otherwise N/A)		Yes	
Has an entry notice been given to the occupier of the site at least 24 hours but not more than 14 days before the entry?			N/A
Did the union official(s) consult with workers who were entitled to be represented or who wished to participate in the discussions?			N/A
Did the union official(s) warn any person they believed was exposed to a serious risk whilst onsite? If yes, provide details:			N/A
Part 3D: Entry to resolve an Issue (Section 81(3)) (Complete only for s81(3) Entries – otherwise N/A)			
Prior to the entry, had the issue been previously raised with FHHMJV? If yes, when was the issue raised? If yes, what attempts to resolve the issue were made by FHHMJV with the affected worker/s?			N/A
Upon entering the workplace was the official asked to provide Right of Entry permits under the Fair Work Act <u>and</u> the WHS Act? If yes, did the official show both / one permit?			N/A
Was the issue able to be resolved in the presence of the official?			N/A
If after reasonable efforts were made, did a Workplace Health and Safety Inspector attend site to resolve the issue?			N/A
If yes, was a Notice or other document issued to FHHMJV or their subcontractor by WHS Qld?			N/A
If yes, provide details:			
Part 4: Psychosocial Impacts as a result of the Union Entry	Yes	No	Potential
During the visit, did the union official(s) demonstrate behaviours which could impact upon the psychosocial wellbeing of workers or staff (bullying, intimidation, harassment etc)? If yes, please provide details below.		No	
As a result of the visit, did a worker or a member of staff raise a concern about being bullied, harassed, intimidated, or assaulted by a union official; or is there a potential for a staff member or worker to be impacted psychosocially by the actions of the official. If yes, please provide details:		No	
Immediately following the visit, did any member of staff or workforce leave work, or require immediate mental health first aid because of psychosocial health and wellbeing impact? If yes, please provide details:		No	
During the visit, did a FHHMJV Representative advise the union official that their behaviours were not in accordance with the Psychosocial Code of Practice? If yes, please provide response:		No	

RIGHT OF ENTRY
REPORT



COOMERA
CONNECTOR
CENTRAL

Part 5: Sign Off	
Name: Tim Ellis	Signature:
Date: 26 June 2024	
Part 6: Follow up	
<u>Actions outstanding from today:</u>	
☐ Nil Actions from today's visit	

WHS Entry Permit Holder

NOTICE OF ENTRY

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

Full Name of Entry Permit Holder: Hoani Edwards

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

Name and Address of Workplace being entered: Camera Connector
Central Town Centre Drive

Date of Entry or Proposed Entry: 26/6/24

PURPOSE OF ENTRY:

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

Additional – for entry under section 117

Details of the suspected contravention to which this notice relates:

WHS act sec 19(3)

Non compliant workplace amenities

Additional – for entry under section 120

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

Declaration:

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

WHS Entry Permit Holder's Signature

Penalties

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

No. H 11560

PLACEHOLDER

ANNEXURE TE-20A

REFER TO NATIVE FILES

- **TE-20A:** audio recording dated 26 June 2024, which is **COM.0001.0014.3200.**

RIGHT OF ENTRY REPORT



PART 1		RIGHT OF ENTRY DETAILS			
Date of entry	27 June 2024	Arrival time:		Departure time:	
Name of union official(s)	Dylan Howard				
Union(s) represented	CFMEU				
Type of Notice	Section 481 FWA – suspected contravention of FW Act / EA	24 hours' notice provided?	Yes	No	
		If yes, who received it and when?			
	Section 484 FWA – enter to hold discussion with eligible workers	24 hours' notice provided?	Yes	No	
		If yes, who received it and when?			
	☐ Section 117 - Entry to investigate a suspected contravention of WHS Act			No	
	☐ Section 120 - Entry to inspect employee records or information held by another person (must provide 24 hours' notice)			No	
	☐ Section 121 – To consult and advise relevant workers on health and safety matters (must provide 24 hours' notice)			No	
	☐ Section 81(3) – To assist another person in resolving a WHS issue			No	
	☐ Other entry / union discussion or phone call Provide details:			Non-site Entry	
Employer representative(s)					
For sect 484 entry: where did the meeting / discussions take place?					
			Yes	No	
Was the union official(s) asked to sign in at reception?				N/A	
If yes, did they sign in?					
Did the union official(s) wear appropriate PPE				N/A	
Did the union official(s) take reasonable care for their own health and safety?				N/A	
If no, provide details:					
Did the official(s) refuse to comply with any reasonable safety or project requirement / request?				N/A	
If yes, provide details:					
Did the official(s) speak with any worker(s) they were not authorised to speak with?				N/A	
If yes, provide details:					
Traffic Controller at Sage St Work Area, Ben Gardner-Smith (Labourer) at 1TCD					

RIGHT OF ENTRY REPORT



Did the official(s) do anything that adversely affected the health and safety of another person? If yes, provide details:		No
Did the official(s) stop any works? If yes, provide details:		No
Did the official(s) warn any person they believed was exposed to a health and safety risk? If yes, provide details:		No
Did the project incur any costs (direct or indirect) as a result of the entry? If yes, provide details:		No
As a result of the visit, did the union official(s) call Workplace Health and Safety? If yes, did they attend site, and who attended?		No
Was the union official(s) escorted by a company representative? Name of representative(s) Note: there must be one company representative for each union official. Each company representative must be wearing a recording body camera.		N/A
Timeline and description of the visit (set out a detailed account of the incident including who was involved, where conversations / inspections occurred, what was said etc.) 8:52am □ Tonga Leaaetoa (TL) was driving past Sage Street Entry Gate when he noticed a black dual cab ute (Registration No: 375KD9). The person in the ute had not got out of the ute, so TL notified the Traffic Controller by UHF radio. TL could not identify the person in the vehicle. □ TL then notified Justin O'Neill (JON) and Scott Holmberg (SH) and parked at Gate B03 and proceeded to walk up the Sage St Bridge. At this point the Ute drove off. □ Shortly afterwards, TL noticed the same black Ute parked up on the other side of Sage St (Western side). TL was due to take signage pictures of the gate there, so walked up to the vehicle. □ As TL pull up, he noticed that it was Dylan Howard in the Ute, and he was smiling, so TL approached him. □ They shook hands and Dylan said "They sent you over quick smart didn't they?" and TL responded "no I was due to take pictures of this gate". □ Dylan stated that "I just had to take a video of the works you are doing on the bridge". TL stated that "we are not doing works on the bridge, but rather conducting works around it". □ Dylan then asked "have you heard any news yet? Isn't some of it deemed demolition?". TL responded "I haven't been updated on any of it and they are probably still discussing the area of works, maybe you should call your boss?" He then laughed and said, "look I'll get of your hair for the day." TL said "Ok, do you have a card?". Dylan then provided TL with a card and he said "Send me a text and then I've got your number". □ The conversation then turned to the previous night's State of Origin game, and Dylan telling TL that the CFMEU is currently training their delegates". □ At no time during the visit did Dylan enter the Project site. 9:19am □ Dylan drove away from Sage St.		

RIGHT OF ENTRY REPORT



Approx 4:00pm

☐ CFMEU released a video to their Facebook site providing false information to their members relating to the previous day's interactions with FHHMJV over the Sage St Bridge.

<https://www.facebook.com/share/v/gBqo7YFzv8gFWPZD/>

PART 2: RIGHT OF ENTRY PERMIT		Yes	No						
Did the union official produce a Fair Work Act (Federal) Right of Entry Permit for inspection? Permit expiry date: Permit No: If the permit was checked by another staff member. Staff member: Note: s.494 of the Fair Work Act requires that an official must not exercise a state OHS right unless they are a Federal permit holder			N/A						
Did the union official produce a WHS Permit for your inspection? Permit expiry date: Permit No: If the permit was checked by another staff member. Staff member Note: you can also request photographic evidence of identity.			N/A						
PART 3: WHS ENTRY									
Part 3A: Entry to Investigate a Suspected Safety Contravention (section 117) (Complete only for s117 entries – otherwise N/A)		Yes	No						
Did the union official produce a WHS Right of Entry Notice which stated the alleged safety contravention(s)? Note: retain 117 notice and forward to IR Manager Name staff member who received the notice? Justin O'Neill			N/A						
What alleged safety contravention(s) were included on the 117 Right of Entry notice? ☐									
What areas of site were inspected by the union official(s)? <table border="1" style="width:100%"> <thead> <tr> <th style="width:30%">AREA</th> <th>ITEMS</th> </tr> </thead> <tbody> <tr> <td>Not specified</td> <td>☐ N/A</td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>				AREA	ITEMS	Not specified	☐ N/A		
AREA	ITEMS								
Not specified	☐ N/A								
Provide details of any work system, plant, substance, structure or other thing relevant to the suspected contravention that the union official inspected? (E.g. lighting tower prestart, Work at Heights SWMS)									
Did the union official make copies of any document, that elated to the suspected contravention? If 'Yes' provide details: Note: Records do not need to be provided if doing so breaches a Commonwealth or State law. Copies of employee records that are relevant to the suspected contravention, or documents that are not held by the person conducting the business or undertaking, can only be obtained after the official has provided 24 hours' written notice. Providing some records may be in breach of privacy laws (e.g. employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.			N/A						
Did the union official(s) inspect anything different to what was included as a contravention(s) on the 117 Right of Entry Notice?			N/A						

RIGHT OF ENTRY REPORT



**COOMERA
CONNECTOR
CENTRAL**

If yes, provide details:			
Did the official consult with any other workers onsite, or speak with workers who did not wish to speak with them?			N/A
WHO	COMPANY	DETAILS	
Was work interrupted as a result of the entry? If yes, provided details of interruption, length of time work was interrupted and workers that were unable to undertake normal duties as a result of the interruption :			N/A
Did the official(s) contact Workplace Health & Safety Queensland to resolve a dispute?			N/A
Did the entry permit holder notify the company representative of any potential issue prior to making contact with WHSQ?			N/A
Representative(s) from WH&SQ who attended site: Please provide any other relevant details: □			
Did the official discuss any matters not related to their reason for entering site?			N/A
Did the official hinder, obstruct or delay any works, or otherwise act in an improper manner? If yes, provide details:			N/A
Part 3B: Entry to inspect employee records or information held by another person (Section 120) (Complete only for s120 Entries – otherwise N/A)		Yes	No
Did the union official(s) enter the workplace under section 117 to inquire into a suspected contravention of the WH&S Act?			N/A
Did the union official(s) provide 24 hours' notice to inspect copies of employee records or documents that are directly related to the contravention (and not kept onsite or accessible by a computer onsite)? Provide details of requested documents: <i>Note: Providing some records may be in breach of privacy laws (e.g. certain employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.</i>			N/A

Part 3C: Entry to consult and advise workers (Section 121) (Complete only for s121 Entries – otherwise N/A)		Yes	
Has an entry notice been given to the occupier of the site at least 24 hours but not more than 14 days before the entry?			N/A
Did the union official(s) consult with workers who were entitled to be represented or who wished to participate in the discussions?			N/A
Did the union official(s) warn any person they believed was exposed to a serious risk whilst onsite? If yes, provide details:			N/A
Part 3D: Entry to resolve an Issue (Section 81(3)) (Complete only for s81(3) Entries – otherwise N/A)			
Prior to the entry, had the issue been previously raised with FHHMJV?			N/A

RIGHT OF ENTRY REPORT



**COOMERA
CONNECTOR
CENTRAL**

If yes, when was the issue raised?			
If yes, what attempts to resolve the issue were made by FHHMJV with the affected worker/s?			
Upon entering the workplace was the official asked to provide Right of Entry permits under the Fair Work Act <u>and</u> the WHS Act?			N/A
If yes, did the official show both / one permit?			
Was the issue able to be resolved in the presence of the official?			N/A
If after reasonable efforts were made, did a Workplace Health and Safety Inspector attend site to resolve the issue?			N/A
If yes, was a Notice or other document issued to FHHMJV or their subcontractor by WHS Qld?			N/A
If yes, provide details:			
Part 4: Psychosocial Impacts as a result of the Union Entry	Yes	No	Potential
During the visit, did the union official(s) demonstrate behaviours which could impact upon the psychosocial wellbeing of workers or staff (bullying, intimidation, harassment etc)? If yes, please provide details below.		No	
As a result of the visit, did a worker or a member of staff raise a concern about being bullied, harassed, intimidated, or assaulted by a union official; or is there a potential for a staff member or worker to be impacted psychosocially by the actions of the official. If yes, please provide details:		No	
Immediately following the visit, did any member of staff or workforce leave work, or require immediate mental health first aid because of psychosocial health and wellbeing impact? If yes, please provide details:		No	
During the visit, did a FHHMJV Representative advise the union official that their behaviours were not in accordance with the Psychosocial Code of Practice? If yes, please provide response:		No	
Part 5: Sign Off			
Name: Tim Ellis	Signature:		
Date: 27 June 2024			
Part 6: Follow up			
<u>Actions outstanding from today:</u>			
☐ Nil Actions from today's visit			



RIGHT OF ENTRY REPORT



PART 1		RIGHT OF ENTRY DETAILS			
Date of entry	02 July 2024	Arrival time:		Departure time:	
Name of union official(s)	Luke Gibson				
Union(s) represented	CFMEU				
Type of Notice	Section 481 FWA – suspected contravention of FW Act / EA	24 hours' notice provided?	Yes	No	
		If yes, who received it and when?			
	Section 484 FWA – enter to hold discussion with eligible workers	24 hours' notice provided?	Yes	No	
		If yes, who received it and when?			
	☐ Section 117 - Entry to investigate a suspected contravention of WHS Act			No	
	☐ Section 120 - Entry to inspect employee records or information held by another person (must provide 24 hours' notice)			No	
	☐ Section 121 – To consult and advise relevant workers on health and safety matters (must provide 24 hours' notice)			No	
	☐ Section 81(3) – To assist another person in resolving a WHS issue			No	
	☐ Other entry / union discussion or phone call Provide details:			Non-site Entry Phone Call	
Employer representative(s)	Scott Holmberg				
For sect 484 entry: where did the meeting / discussions take place?					
			Yes	No	
Was the union official(s) asked to sign in at reception?				N/A	
If yes, did they sign in?					
Did the union official(s) wear appropriate PPE				N/A	
Did the union official(s) take reasonable care for their own health and safety?				N/A	
If no, provide details:					
Did the official(s) refuse to comply with any reasonable safety or project requirement / request?				N/A	
If yes, provide details:					
Did the official(s) speak with any worker(s) they were not authorised to speak with?				N/A	
If yes, provide details:					
Traffic Controller at Sage St Work Area, Ben Gardner-Smith (Labourer) at 1TCD					

RIGHT OF ENTRY REPORT



Did the official(s) do anything that adversely affected the health and safety of another person? If yes, provide details:		No
Did the official(s) stop any works? If yes, provide details:		No
Did the official(s) warn any person they believed was exposed to a health and safety risk? If yes, provide details:		No
Did the project incur any costs (direct or indirect) as a result of the entry? If yes, provide details:		No
As a result of the visit, did the union official(s) call Workplace Health and Safety? If yes, did they attend site, and who attended?		No
Was the union official(s) escorted by a company representative? Name of representative(s) Note: there must be one company representative for each union official. Each company representative must be wearing a recording body camera.		N/A
Timeline and description of the visit (set out a detailed account of the incident including who was involved, where conversations / inspections occurred, what was said etc.) 7:47am ☐ Neil Ferguson sent Project wide email advising that the Site was closed due to Inclement Weather. 11:50am ☐ Luke called SH and he ignored the call. 11:51am ☐ Scott Holmberg (SH) returned phone call to Luke Gibson. Luke was enquiring about the workers who he observed at Gate R01 (Ridgevale) not wearing correct PPE, and asked why they were working today. SH advised Luke that the workers were not part of the Project and that they were conducting emergency work on the Gold Coast City Council Recycled Water Main. SH advised that the workers were all Gold Coast City Employee's and that no one from the project was present on the site. Luke stated that it made sense as the workers look like Council workers. He stated that he won't hassle those workers, as they will get sacked for not wearing their PPE. ☐ Luke then asked what FHHMJV was doing with the Demolition works at Sage St. SH stated that this was hard No Comment. Luke then kept asking about the Demolition Works, to which SH stated that we will be proceeding as per the findings of WHSQ. Luke then started saying how he was the one who picked up the issue and that he was keen to make sure we were doing the right thing. SH then responded that we had a lot of experts go over this well in advance and that they believed that it was de-construction not demolition. The fact that WHSQ took some time to make their call on whether or not the work was demolition demonstrates that this was a grey area. ☐ Luke then continued talking and beating his chest. SH again confirmed that FHHMJV will proceed with the findings of WHSQ. 11:55am ☐ Call Ended		

RIGHT OF ENTRY REPORT



COOMERA
CONNECTOR
CENTRAL

PART 2: RIGHT OF ENTRY PERMIT		Yes	No						
Did the union official produce a Fair Work Act (Federal) Right of Entry Permit for inspection? Permit expiry date: Permit No: If the permit was checked by another staff member. Staff member: Note: s.494 of the Fair Work Act requires that an official must not exercise a state OHS right unless they are a Federal permit holder			N/A						
Did the union official produce a WHS Permit for your inspection? Permit expiry date: Permit No: If the permit was checked by another staff member. Staff member Note: you can also request photographic evidence of identity.			N/A						
PART 3: WHS ENTRY									
Part 3A: Entry to Investigate a Suspected Safety Contravention (section 117) (Complete only for s117 entries – otherwise N/A)		Yes	No						
Did the union official produce a WHS Right of Entry Notice which stated the alleged safety contravention(s)? Note: retain 117 notice and forward to IR Manager Name staff member who received the notice? Justin O'Neill			N/A						
What alleged safety contravention(s) were included on the 117 Right of Entry notice? ☐									
What areas of site were inspected by the union official(s)? <table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 30%;">AREA</th> <th>ITEMS</th> </tr> </thead> <tbody> <tr> <td>Not specified</td> <td>☐ N/A</td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>				AREA	ITEMS	Not specified	☐ N/A		
AREA	ITEMS								
Not specified	☐ N/A								
Provide details of any work system, plant, substance, structure or other thing relevant to the suspected contravention that the union official inspected? (E.g. lighting tower prestart, Work at Heights SWMS)									
Did the union official make copies of any document, that related to the suspected contravention? If 'Yes' provide details: Note: Records do not need to be provided if doing so breaches a Commonwealth or State law. Copies of employee records that are relevant to the suspected contravention, or documents that are not held by the person conducting the business or undertaking, can only be obtained after the official has provided 24 hours' written notice. Providing some records may be in breach of privacy laws (e.g. employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.			N/A						
Did the union official(s) inspect anything different to what was included as a contravention(s) on the 117 Right of Entry Notice? If yes, provide details:			N/A						
Did the official consult with any other workers onsite, or speak with workers who did not wish to speak with them?			N/A						
WHO	COMPANY	DETAILS							

RIGHT OF ENTRY REPORT



COOMERA
CONNECTOR
CENTRAL

Was work interrupted as a result of the entry? If yes, provided details of interruption, length of time work was interrupted and workers that were unable to undertake normal duties as a result of the interruption :		N/A
Did the official(s) contact Workplace Health & Safety Queensland to resolve a dispute?		N/A
Did the entry permit holder notify the company representative of any potential issue prior to making contact with WHSQ?		N/A
Representative(s) from WH&SQ who attended site: Please provide any other relevant details: □		
Did the official discuss any matters not related to their reason for entering site?		N/A
Did the official hinder, obstruct or delay any works, or otherwise act in an improper manner? If yes, provide details:		N/A
Part 3B: Entry to inspect employee records or information held by another person (Section 120) (Complete only for s120 Entries – otherwise N/A)	Yes	No
Did the union official(s) enter the workplace under section 117 to inquire into a suspected contravention of the WH&S Act?		N/A
Did the union official(s) provide 24 hours' notice to inspect copies of employee records or documents that are directly related to the contravention (and not kept onsite or accessible by a computer onsite)? Provide details of requested documents: <i>Note: Providing some records may be in breach of privacy laws (e.g. certain employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.</i>		N/A

Part 3C: Entry to consult and advise workers (Section 121) (Complete only for s121 Entries – otherwise N/A)	Yes	
Has an entry notice been given to the occupier of the site at least 24 hours but not more than 14 days before the entry?		N/A
Did the union official(s) consult with workers who were entitled to be represented or who wished to participate in the discussions?		N/A
Did the union official(s) warn any person they believed was exposed to a serious risk whilst onsite? If yes, provide details:		N/A
Part 3D: Entry to resolve an Issue (Section 81(3)) (Complete only for s81(3) Entries – otherwise N/A)		
Prior to the entry, had the issue been previously raised with FHHMJV? If yes, when was the issue raised? If yes, what attempts to resolve the issue were made by FHHMJV with the affected worker/s?		N/A
Upon entering the workplace was the official asked to provide Right of Entry permits under the Fair Work Act <u>and</u> the WHS Act? If yes, did the official show both / one permit?		N/A

RIGHT OF ENTRY REPORT



**COOMERA
CONNECTOR
CENTRAL**

Was the issue able to be resolved in the presence of the official?			N/A
If after reasonable efforts were made, did a Workplace Health and Safety Inspector attend site to resolve the issue?			N/A
If yes, was a Notice or other document issued to FHHMJV or their subcontractor by WHS Qld?			N/A
If yes, provide details:			
Part 4: Psychosocial Impacts as a result of the Union Entry	Yes	No	Potential
During the visit, did the union official(s) demonstrate behaviours which could impact upon the psychosocial wellbeing of workers or staff (bullying, intimidation, harassment etc)? If yes, please provide details below.		No	
As a result of the visit, did a worker or a member of staff raise a concern about being bullied, harassed, intimidated, or assaulted by a union official; or is there a potential for a staff member or worker to be impacted psychosocially by the actions of the official. If yes, please provide details:		No	
Immediately following the visit, did any member of staff or workforce leave work, or require immediate mental health first aid because of psychosocial health and wellbeing impact? If yes, please provide details:		No	
During the visit, did a FHHMJV Representative advise the union official that their behaviours were not in accordance with the Psychosocial Code of Practice? If yes, please provide response:		No	
Part 5: Sign Off			
Name: Tim Ellis	Signature:		
Date: 02 July 2024			
Part 6: Follow up			
<u>Actions outstanding from today:</u>			
☐ Nil Actions from today's visit			

RIGHT OF ENTRY REPORT



PART 1		RIGHT OF ENTRY DETAILS			
Date of entry	23 July 2024	Arrival time:	Approx 9:00am	Departure time:	Approx 11:00am
Name of union official(s)		Luke Gibson			
Union(s) represented		CFMEU			
Type of Notice	Section 481 FWA – suspected contravention of FW Act / EA	24 hours' notice provided?	Yes	No	
		If yes, who received it and when?			
	Section 484 FWA – enter to hold discussion with eligible workers	24 hours' notice provided?	Yes	No	
		If yes, who received it and when?			
	☐ Section 117 - Entry to investigate a suspected contravention of WHS Act			No	
	☐ Section 120 - Entry to inspect employee records or information held by another person (must provide 24 hours' notice)			No	
	☐ Section 121 – To consult and advise relevant workers on health and safety matters (must provide 24 hours' notice)			No	
	☐ Section 81(3) – To assist another person in resolving a WHS issue			No	
	☐ Other entry / union discussion or phone call Provide details:			Illegal Site Entry	
Employer representative(s)		Justin O'Neill, Scott Holmberg			
For sect 484 entry: where did the meeting / discussions take place?					
			Yes	No	
Was the union official(s) asked to sign in at reception?				N/A	
If yes, did they sign in?					
Did the union official(s) wear appropriate PPE				No	
Did the union official(s) take reasonable care for their own health and safety? If no, provide details:			Yes	No	
Did the official(s) refuse to comply with any reasonable safety or project requirement / request? If yes, provide details:					
Did the official(s) speak with any worker(s) they were not authorised to speak with? If yes, provide details:			Yes		
☐ Schram Traffic Controllers ☐ 1x Form Reo Pour Contractor - Auscrete					

RIGHT OF ENTRY REPORT



Did the official(s) do anything that adversely affected the health and safety of another person? If yes, provide details:		No
Did the official(s) stop any works? If yes, provide details:		No
Did the official(s) warn any person they believed was exposed to a health and safety risk? If yes, provide details: ☐ Warned FHMMJV Staff that they were putting members of the public at risk	Yes	
Did the project incur any costs (direct or indirect) as a result of the entry? If yes, provide details: ☐ Works were stopped at the pinchpoint where the footpath meets the Bridge pedestrian access. BR06	Yes	
As a result of the visit, did the union official(s) call Workplace Health and Safety? If yes, did they attend site, and who attended?	Yes	
Was the union official(s) escorted by a company representative? Name of representative(s) ☐ Justin O'Neill ☐ Scott Holmberg ☐ Stuart Bell Note: there must be one company representative for each union official. Each company representative must be wearing a recording body camera.	Yes	
Timeline and description of the visit (set out a detailed account of the incident including who was involved, where conversations / inspections occurred, what was said etc.) 8:56am ☐ Stuart Bell posted on Whatsapp that Luke was present on site at Bridge 06 (Buckler Drive) 8:57am ☐ Justin O'Neill (JON) received phone call from Scott Holmberg (SH) advising that Luke Gibson was on site at Bridge 06 (Buckler Drive Roundabout – future Eggabout Roundabout). 8:59am ☐ Luke then rung SH and said that there were issues at Bridge)6 with pedestrians being escorted through the worksite and no access for pedestrians for the future concrete pour. Phone call only lasted 52 seconds. 9:15am ☐ JON arrived on site and turned-on body camera and voice recorder. ☐ JON observed pedestrians walking north and south along Buckler Drive towards the bridge area, as well as pedestrians heading north towards the Light Rail Station. Luke was observed taking video on his phone of pedestrians walking between cars on the footpath and being escorted by Traffic Controllers. JON noted that vehicles were parked on the footpaths on the eastern and western sides of Buckler Drive, impeding access for pedestrians. JON arranged for the removal of these vehicles and for them to be parked up inside of site on the eastern side of Buckler Drive to comply with		

RIGHT OF ENTRY REPORT



discussions that JON had had previously with SH and Stuart Bell (SB). Luke did not raise an issue with the cars being parked on the footpath.

- ☐ Luke was observed to be not on the construction site – but was on the opposite side of the road (eastern side). JON did not correspond with Luke at this point and in turn had a discussion with SH.

9:34am

- ☐ After discussions with Luke, SH stated that he would stop works on the northwestern side of the Buckler Bridge.

Approx 9:40am

- ☐ JON observed Luke and SH walk towards the western side of Buckler Drive where Luke walked into the construction area and placed his foot on some reo mesh on the ground. At that point, JON walked over to Luke and asked if he had any Right of Entry paperwork. Luke responded "Not today mate, you should be more concerned with what's going on here". JON responded, "I'm just doing my job", Luke then responded "you don't have to ask every time I come onto site".
- ☐ There was back and fourth discussion around the safety of pedestrians around the work area, particularly accessing the bridge footpath on the north eastern side of Buckler Drive.
- ☐ SH, JON, Aashish Hangekar (AH) (FHHMJV Traffic Manager) had a conversation with SB and all decided that they would immediately put in delineation fencing between the existing fenceline and the workzone at this location. In addition, the plan was to put some roadbase on the end of the excavated section to allow the cross over and improvement of ground height so that it was at grade for pedestrians to move through the area with prams.
- ☐ Everyone then went back to the other side of the road. Luke suggested that FHHMJV install pedestrian path on the eastern side of Buckler Drive all the way down to the Tram Station. JON explained that FHHMJV does not have possession of the footpath and that this is not part of our scope of works. If Luke wanted this done, he would need to liaise with Gold Coast City Council. Luke stated that he was going to call Gold Coast City Council. Unknown if he did actually call Gold Coast City Council.
- ☐ Luke advised that he had spoken to WHSQ and raised a complaint. He stated that WHSQ advised that they don't tell Gold Coast City Council what to do, but that Gold Coast City Council must comply with the basics of the Work Health and Safety Act, and that FHHMJV had to manage our site in a way that complied with the Act.
- ☐ General conversations went back and forth with suggestions around temporary pram ramps and access ways onto the Bridge.
- ☐ Whilst the discussions were ongoing with Luke, AH reviewed the TGS with Schram Traffic Controllers and confirmed that the site setup and traffic arrangements were in compliance with the approved TGS for the scope of works.

Approx 11:00am

- ☐ Luke left site.

11:06am

- ☐ Luke called SH and said that he had said to WHSQ "that because SH had never lied to him, that he believed that SH would follow through with the actions that SH had stated and that WHSQ didn't need to send out their 2 inspectors to visit the site today".
- ☐ Phone call ended within 1 min.

PART 2: RIGHT OF ENTRY PERMIT	Yes	No
Did the union official produce a Fair Work Act (Federal) Right of Entry Permit for inspection? Permit expiry date: Permit No: If the permit was checked by another staff member. Staff member: Note: s.494 of the Fair Work Act requires that an official must not exercise a state OHS right unless they are a Federal permit holder		NO
Did the union official produce a WHS Permit for your inspection? Permit expiry date: Permit No: If the permit was checked by another staff member. Staff member Note: you can also request photographic evidence of identity.		NO
PART 3: WHS ENTRY		

RIGHT OF ENTRY REPORT



Part 3A: Entry to Investigate a Suspected Safety Contravention (section 117) (Complete only for s117 entries – otherwise N/A)		Yes	No
Did the union official produce a WHS Right of Entry Notice which stated the alleged safety contravention(s)? Note: retain 117 notice and forward to IR Manager			N/A
Name staff member who received the notice?			
What alleged safety contravention(s) were included on the 117 Right of Entry notice? □			
What areas of site were inspected by the union official(s)?			
AREA	ITEMS		
Not specified	□N/A		
Provide details of any work system, plant, substance, structure or other thing relevant to the suspected contravention that the union official inspected? (E.g. lighting tower prestart, Work at Heights SWMS)			
Did the union official make copies of any document, that related to the suspected contravention? If 'Yes' provide details: Note: Records do not need to be provided if doing so breaches a Commonwealth or State law. Copies of employee records that are relevant to the suspected contravention, or documents that are not held by the person conducting the business or undertaking, can only be obtained after the official has provided 24 hours' written notice. Providing some records may be in breach of privacy laws (e.g. employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.			N/A
Did the union official(s) inspect anything different to what was included as a contravention(s) on the 117 Right of Entry Notice? If yes, provide details:			N/A
Did the official consult with any other workers onsite, or speak with workers who did not wish to speak with them?			N/A
WHO	COMPANY	DETAILS	
Was work interrupted as a result of the entry? If yes, provided details of interruption, length of time work was interrupted and workers that were unable to undertake normal duties as a result of the interruption :			N/A
Did the official(s) contact Workplace Health & Safety Queensland to resolve a dispute?			N/A
Did the entry permit holder notify the company representative of any potential issue prior to making contact with WHSQ?			N/A
Representative(s) from WH&SQ who attended site: Please provide any other relevant details: □			

RIGHT OF ENTRY REPORT



Did the official discuss any matters not related to their reason for entering site?		N/A
Did the official hinder, obstruct or delay any works, or otherwise act in an improper manner? If yes, provide details:		N/A
Part 3B: Entry to inspect employee records or information held by another person (Section 120) (Complete only for s120 Entries – otherwise N/A)	Yes	No
Did the union official(s) enter the workplace under section 117 to inquire into a suspected contravention of the WH&S Act?		N/A
Did the union official(s) provide 24 hours' notice to inspect copies of employee records or documents that are directly related to the contravention (and not kept onsite or accessible by a computer onsite)? Provide details of requested documents: <i>Note: Providing some records may be in breach of privacy laws (e.g. certain employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.</i>		N/A

Part 3C: Entry to consult and advise workers (Section 121) (Complete only for s121 Entries – otherwise N/A)	Yes	No	
Has an entry notice been given to the occupier of the site at least 24 hours but not more than 14 days before the entry?		N/A	
Did the union official(s) consult with workers who were entitled to be represented or who wished to participate in the discussions?		N/A	
Did the union official(s) warn any person they believed was exposed to a serious risk whilst onsite? If yes, provide details:		N/A	
Part 3D: Entry to resolve an Issue (Section 81(3)) (Complete only for s81(3) Entries – otherwise N/A)			
Prior to the entry, had the issue been previously raised with FHHMJV? If yes, when was the issue raised? If yes, what attempts to resolve the issue were made by FHHMJV with the affected worker/s?		N/A	
Upon entering the workplace was the official asked to provide Right of Entry permits under the Fair Work Act <u>and</u> the WHS Act? If yes, did the official show both / one permit?		N/A	
Was the issue able to be resolved in the presence of the official?		N/A	
If after reasonable efforts were made, did a Workplace Health and Safety Inspector attend site to resolve the issue? If yes, was a Notice or other document issued to FHHMJV or their subcontractor by WHS Qld? If yes, provide details:		N/A	
		N/A	
Part 4: Psychosocial Impacts as a result of the Union Entry	Yes	No	Potential

RIGHT OF ENTRY REPORT



During the visit, did the union official(s) demonstrate behaviours which could impact upon the psychosocial wellbeing of workers or staff (bullying, intimidation, harassment etc)? If yes, please provide details below.		No	
As a result of the visit, did a worker or a member of staff raise a concern about being bullied, harassed, intimidated, or assaulted by a union official; or is there a potential for a staff member or worker to be impacted psychosocially by the actions of the official. If yes, please provide details:		No	
Immediately following the visit, did any member of staff or workforce leave work, or require immediate mental health first aid because of psychosocial health and wellbeing impact? If yes, please provide details:		No	
During the visit, did a FHHMJV Representative advise the union official that their behaviours were not in accordance with the Psychosocial Code of Practice? If yes, please provide response:		No	
Part 5: Sign Off			
Name: Tim Ellis	Signature:		
Date: 23 July 2024			
Part 6: Follow up			
<u>Actions outstanding from today:</u> ☐ Install pedestrian fence on the northwestern entry to the bridge to further delineate pedestrian access through the area. This also includes installing roadbase into the same area to ensure a smoother transition into the bridge for prams and wheelchairs. This was all installed at the time of the visit in Luke's presence. ☐ Concrete pour was stopped and will be performed at a later date at nighttime to ensure pedestrian access through this tight area remains unimpeded. ☐ No further actions from the visit.			

RIGHT OF ENTRY REPORT



**COOMERA
CONNECTOR
CENTRAL**

PART 1		RIGHT OF ENTRY DETAILS			
Date of entry	09 July 2024	Arrival time:	Approx 9:30am	Departure time:	Approx 9:58am
Name of union official(s)		Luke Gibson			
Union(s) represented		CFMEU			
Type of Notice	Section 481 FWA – suspected contravention of FW Act / EA	24 hours' notice provided?	Yes	No	
		If yes, who received it and when?			
	Section 484 FWA – enter to hold discussion with eligible workers	24 hours' notice provided?	Yes	No	
		If yes, who received it and when?			
	☐ Section 117 - Entry to investigate a suspected contravention of WHS Act			No	
	☐ Section 120 - Entry to inspect employee records or information held by another person (must provide 24 hours' notice)			No	
	☐ Section 121 – To consult and advise relevant workers on health and safety matters (must provide 24 hours' notice)			No	
	☐ Section 81(3) – To assist another person in resolving a WHS issue			No	
	☐ Other entry / union discussion or phone call Provide details:			Illegal Site Entry	
Employer representative(s)		Scott Holmberg			
For sect 484 entry: where did the meeting / discussions take place?					
			Yes	No	
Was the union official(s) asked to sign in at reception?				N/A	
If yes, did they sign in?					
Did the union official(s) wear appropriate PPE				No	
Did the union official(s) take reasonable care for their own health and safety? If no, provide details:			Yes	N/A	
Did the official(s) refuse to comply with any reasonable safety or project requirement / request? If yes, provide details:					
Did the official(s) speak with any worker(s) they were not authorised to speak with? If yes, provide details:				Unknown	

RIGHT OF ENTRY REPORT



Did the official(s) do anything that adversely affected the health and safety of another person? If yes, provide details:		No
Did the official(s) stop any works? If yes, provide details:		No
Did the official(s) warn any person they believed was exposed to a health and safety risk? If yes, provide details:		No
Did the project incur any costs (direct or indirect) as a result of the entry? If yes, provide details:		No
As a result of the visit, did the union official(s) call Workplace Health and Safety? If yes, did they attend site, and who attended?		No
Was the union official(s) escorted by a company representative? Name of representative(s) Note: there must be one company representative for each union official. Each company representative must be wearing a recording body camera.		No
Timeline and description of the visit (set out a detailed account of the incident including who was involved, where conversations / inspections occurred, what was said etc.) 9:36am □ Scott Holmberg (SH) received call from Luke Gibson. SH took the call and Luke stated that he wanted to know what was going on with the Demo. SH said that "the deconstruction element that WHSQ specified that we were allowed to continue with (that being the relieving slab and barriers) was what we were working on today". Luke said "I hear that you have some sort of an Exemption", to which SH replied "Yes for the rest of the non-load bearing deconstruction works". Luke said, "I don't know how you got this Exemption thing". SH said, "a bunch of Engineers from our side, and a bunch of Engineers from their side came together and agreed on the Exemption". Luke said "ah well fine" and he accepted what SH said. □ The call then ended and SH called Tonga Leaaetoea (TL) to inform him that Luke was present onsite. 9:40am □ Tonga Leaaetoea (TL) received phone call from SH advising that CFMEU were at Bridge 07. TL made his way to Bridge 07 from Gate PW01. 9:41am □ Luke then called SH back again and said that there were a couple of issues here. SH said "like what". Luke responded, there are some materials and tools stored on the edge of the bridge and I'm not sure how they are going to get up there to retrieve them. SH responded that he hadn't been to the site today and that he would follow it up. At which point, Luke stated that someone was walking towards him (Stuart Bell (SB)). SH heard Stuart talking to Luke and agreed to leave Luke with Stuart. □ Call Ended.		

RIGHT OF ENTRY REPORT



- ☐ SB walked with Luke to the bridge. Luke stated to SB that "he knows we had the exemption". He pointed out the handrail blocking off the barrier was missing, but as he got closer to the edge of the bridge, he saw the bottom rail was in place and said "yep that's all good". Luke then mentioned access and egress for the guys working up on the bridge. SB advised that the work crew weren't working up on the bridge, but that they had put their tools up there so that the excavator could clean up the area, whilst they were on smoko. Luke seemed satisfied with this response and left shortly after.

9:48am

- ☐ TL arrived at Gate SD01 and noticed a Black Ranger (Reg: 457 FU9) with Luke Gibson sitting inside. TL spoke to the Traffic Controller who said that he asked Luke if he had been inducted onto the Project. Luke said No. The Traffic Controller advised TL that he had rung his Traffic Control Supervisor (Jason) and was advised that he is not a security guard. It was at this time, that Luke had entered the site. TL advised the Traffic Controller that he had done the right thing.
- ☐ TL approached Luke in his Ute and Luke wound his window down. TL said "Hey mate, how are you?" Luke responded with "I am leaving now, I'm going". TL asked if there was an issue here and Luke said "I've spoken to Scott, and let him know". Luke then said "I know about the permit and there are other things like the equipment on the bridge, the railing which is fine". He then said, "I'm leaving now".

Approx 9:58am

- ☐ Luke left site.

PART 2: RIGHT OF ENTRY PERMIT		Yes	No
Did the union official produce a Fair Work Act (Federal) Right of Entry Permit for inspection? Permit expiry date: Permit No: If the permit was checked by another staff member. Staff member: Note: s.494 of the Fair Work Act requires that an official must not exercise a state OHS right unless they are a Federal permit holder			NO
Did the union official produce a WHS Permit for your inspection? Permit expiry date: Permit No: If the permit was checked by another staff member. Staff member: Note: you can also request photographic evidence of identity.			NO
PART 3: WHS ENTRY			
Part 3A: Entry to Investigate a Suspected Safety Contravention (section 117) (Complete only for s117 entries – otherwise N/A)		Yes	No
Did the union official produce a WHS Right of Entry Notice which stated the alleged safety contravention(s)? Note: retain 117 notice and forward to IR Manager Name staff member who received the notice?			N/A
What alleged safety contravention(s) were included on the 117 Right of Entry notice? ☐			
What areas of site were inspected by the union official(s)?			
AREA	ITEMS		
Not specified	☐ N/A		

RIGHT OF ENTRY REPORT



COOMERA
CONNECTOR
CENTRAL

Provide details of any work system, plant, substance, structure or other thing relevant to the suspected contravention that the union official inspected? (E.g. lighting tower prestart, Work at Heights SWMS)		
Did the union official make copies of any document, that elated to the suspected contravention? If 'Yes' provide details: Note: Records do not need to be provided if doing so breaches a Commonwealth or State law. Copies of employee records that are relevant to the suspected contravention, or documents that are not held by the person conducting the business or undertaking, can only be obtained after the official has provided 24 hours' written notice. Providing some records may be in breach of privacy laws (e.g. employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.		N/A
Did the union official(s) inspect anything different to what was included as a contravention(s) on the 117 Right of Entry Notice? If yes, provide details:		N/A
Did the official consult with any other workers onsite, or speak with workers who did not wish to speak with them?		N/A
WHO	COMPANY	DETAILS
Was work interrupted as a result of the entry? If yes, provided details of interruption, length of time work was interrupted and workers that were unable to undertake normal duties as a result of the interruption :		N/A
Did the official(s) contact Workplace Health & Safety Queensland to resolve a dispute?		N/A
Did the entry permit holder notify the company representative of any potential issue prior to making contact with WHSQ?		N/A
Representative(s) from WH&SQ who attended site: Please provide any other relevant details: □		
Did the official discuss any matters not related to their reason for entering site?		N/A
Did the official hinder, obstruct or delay any works, or otherwise act in an improper manner? If yes, provide details:		N/A
Part 3B: Entry to inspect employee records or information held by another person (Section 120) (Complete only for s120 Entries – otherwise N/A)	Yes	No
Did the union official(s) enter the workplace under section 117 to inquire into a suspected contravention of the WH&S Act?		N/A
Did the union official(s) provide 24 hours' notice to inspect copies of employee records or documents that are directly related to the contravention (and not kept onsite or accessible by a computer onsite)? Provide details of requested documents: Note: Providing some records may be in breach of privacy laws (e.g. certain employee records, sensitive information), please check with the HR or Safety department if unsure before allowing union official(s) to inspect or make copies of any document.		N/A

RIGHT OF ENTRY REPORT



**COOMERA
CONNECTOR
CENTRAL**

Part 3C: Entry to consult and advise workers (Section 121) (Complete only for s121 Entries – otherwise N/A)		Yes	No
Has an entry notice been given to the occupier of the site at least 24 hours but not more than 14 days before the entry?			N/A
Did the union official(s) consult with workers who were entitled to be represented or who wished to participate in the discussions?			N/A
Did the union official(s) warn any person they believed was exposed to a serious risk whilst onsite? If yes, provide details:			N/A
Part 3D: Entry to resolve an Issue (Section 81(3)) (Complete only for s81(3) Entries – otherwise N/A)			
Prior to the entry, had the issue been previously raised with FHHMJV? If yes, when was the issue raised? If yes, what attempts to resolve the issue were made by FHHMJV with the affected worker/s?			N/A
Upon entering the workplace was the official asked to provide Right of Entry permits under the Fair Work Act <u>and</u> the WHS Act? If yes, did the official show both / one permit?			N/A
Was the issue able to be resolved in the presence of the official?			N/A
If after reasonable efforts were made, did a Workplace Health and Safety Inspector attend site to resolve the issue?			N/A
If yes, was a Notice or other document issued to FHHMJV or their subcontractor by WHS Qld?			N/A
If yes, provide details:			
Part 4: Psychosocial Impacts as a result of the Union Entry	Yes	No	Potential
During the visit, did the union official(s) demonstrate behaviours which could impact upon the psychosocial wellbeing of workers or staff (bullying, intimidation, harassment etc)? If yes, please provide details below.		No	
As a result of the visit, did a worker or a member of staff raise a concern about being bullied, harassed, intimidated, or assaulted by a union official; or is there a potential for a staff member or worker to be impacted psychosocially by the actions of the official. If yes, please provide details:		No	
Immediately following the visit, did any member of staff or workforce leave work, or require immediate mental health first aid because of psychosocial health and wellbeing impact? If yes, please provide details:		No	
During the visit, did a FHHMJV Representative advise the union official that their behaviours were not in accordance with the Psychosocial Code of Practice? If yes, please provide response:		No	

RIGHT OF ENTRY
REPORT



COOMERA
CONNECTOR
CENTRAL

Part 5: Sign Off	
Name: Tim Ellis	Signature:
Date: 09 July 2024	
Part 6: Follow up	
<u>Actions outstanding from today:</u>	
☐ Nil Actions from today's visit	

From: LEAAETOA, Tonga
Sent: Tuesday, 9 July 2024 10:56:11 AM
To: O'NEILL, Justin
Cc: ELLIS, Tim
Subject: CFMEU Bridge 7

Good morning,

Whilst at Gate PW01 received a phone call from Superintendent Scott Holmberg at 940am advising the CFMEU were at bridge 7. Arrived at Gate SD1 at 948am and noticed a Black Ranger **Reg: 457 FU9. CFMEU delegate Luke Gibson (LG)** was sitting inside. I spoke to the Traffic Controller (TC), and he says he asked Luke if he had been inducted and Luke told him no. He rang Jason (TC Supervisor) and was reminded we are not security guards. LG then entered site (when I arrived, he was already offsite). I let the TC know he had done the right thing.

I approached the vehicle and LG wound his window down, I said, 'hey mate how are you?' and LG responded, 'I am leaving now, I'm going'. I then said, 'is there an issue here?' and he said, 'I've spoken to Scott, and he let him know'. He then said, 'I know about the permit and there are other things like the equipment on the bridge, the railing which is fine'. He then said, 'I am leaving now'. LG left site at approximately 958am.

Kind Regards

Tonga Lea'aetoa | Safety Supervisor | Fulton Hogan Hull McIlwain Joint Venture

Ground Floor 144 Montague Road, West End QLD 4101 | PO BOX 3079, Helensvale Town Centre Qld, 4212

Mobile



We acknowledge the traditional Aboriginal custodians of Country throughout Australia and pay our respect to elders past and present and to the ongoing living culture of Aboriginal people.

PLACEHOLDER

ANNEXURES TE-24A to TE-24E

REFER TO NATIVE FILES

- **TE-24A:** video recording dated 23 July 2024, which is **COM.0001.0014.3216**.
- **TE-24B:** video recording dated 23 July 2024, which is **COM.0001.0014.3217**.
- **TE-24C:** audio-visual recording dated 23 July 2024, which is **COM.0001.0014.3218**.
- **TE-24D:** audio-visual recording dated 23 July 2024, which is **COM.0001.0014.3219**.
- **TE-24E:** video recording dated 23 July 2024, which is **COM.0001.0014.3220**.

PLACEHOLDER

ANNEXURE TE-25

REFER TO NATIVE FILES

- **TE-25:** Facebook video posted by CFMEU Qld/NT on 1 March 2024, which is **COM.0001.0014.3123**.

PLACEHOLDER

ANNEXURE TE-26

REFER TO NATIVE FILES

- **TE-26:** Video showing Mr Gibson trespassing in the 1TCD office, which is **COM.0001.0014.3124**.

PLACEHOLDER

ANNEXURE TE-27

REFER TO NATIVE FILES

- **TE-27:** Video posted to CFMEU Qld/NT Facebook page dated 27 June 2024, which is **COM.0001.0014.3125**.

**Workplace Health and Safety Queensland – Record of Visit**

Type of Visit	☐ Response to a Union raised complaint	Y
	☐ Response to a member of the public complaint	
	☐ Requested by FHHMJV to deal with a Union raised concern	
	☐ Response to an Incident/Event	
	☐ Scheduled visit	
	☐ Other	
Date of Visit	26 February 2024	
Name of WHSQ Official(s)	Nathan Williams	
Did the WHSQ Official formally identify themselves	Yes	
WHSQ Official ID Number	2197	
Approx Arrival Time	8:35am	Approx Departure Time: 10:45am
	Nathan arrived at 1TCD Reception and introduced himself. Tim Ellis (TE) arrived at reception and called up Justin O'Neill (JO) and Neil Ferguson (NF) Nathan advised that the Department had received 3x complaints from the Plumbers Union. The Complaints were: 1. No Backflow Prevention device was present on the toilet facilities as per the Australian Standard. 2. Works were being built that were not in accordance with the design drawings provided to the Plumbing Union 3. A pump being used to pump water from the water tanks to the toilets did not have a test and tag tag on the cord, and that there was water dripping from an overhead air conditioner unit onto the pump. TE stated that we were aware of the first 2 issues, but were unaware of the third issue, as this had not been raised with FHHMJV previously by the Plumbers Union. In response to Complaint No. 1.... ☐ TE provided a copy of the Flo Hydraulic Independent Report which demonstrated that backflow prevention systems were not required due to an air gap being present. Nathan read the document and took photo's of the document. He did not take a copy with him. After reading the document, TE explained that the air gap eliminated the need for a backflow prevention device and that elimination was a higher level control than an engineering device such as a backflow non return valve. Nathan agreed with this and said it was very easy to understand after reading the report. Nathan asked if the Plumbers Union had this Report. TE stated yes they did. Nathan asked what their response was to the letter. TE stated that their response was that we did not comply	



	with the Australian Standard which required backflow prevention devices to be installed. Nathan stated that the Standard in this case had been exceeded with the air gap and that they should have been able to understand this.
	In response to Complaint No. 2.... □ TE stated that FHHMJV provided drawings to the Plumbers Union of the finished end use for the 1TCD site. TE explained that we did not have drawings available at the time for the temporary facilities, and that we could only provide the Union with the permanent facility drawings. TE explained that we had explained this to the Plumbers Union. Nathan accepted this response and made no further comment.
	In response to Complaint No. 3.... □ TE advised that the pump had been tested and tagged recently, and that we were happy for Nathan to go and view the pump. JO explained that the pump and the cock valves had been switched off by either the Plumbers Union or the CFMEU last Friday. It was explained that if the tags were missing, that this would have been because the Union members may have removed them during the time that they were turning the pump off. JO explained that we had done a full test and tag of the site earlier in the week and that the lead on the pump had definitely been tested and tagged during that process. □ Nathan inspected the pump and found that there was no tag present on the cord. He felt the cord and felt a sticky spot where the tag was once located. Nathan advised that if we could get the pump tested and tagged before he left site, then there would be no issue. □ JO contacted Ersker (Site Supervisor) to arrange for Trafflec to undertake an urgent Test and Tag. Within 30mins, Trafflec arrived on site and conducted the test and tag in the presence of Nathan. □ With respect to water dripping onto the pump, Nathan observed water from the air conditioner dripping onto the pump. He noted that the pump was rated for outdoor use. He noted that the powerpoint was an outdoor powerpoint. Nathan had no concern with the water dripping onto the pump noting that this was no different than rain water hitting the pump. Ersker fitted a length of poly pipe to the air conditioner to control the dripping of water to the ground. After the test and tag was fitted, Nathan left site stating that he was happy with our responses. No notices were issued.
Were Any Notices Issued as a result of this visit	No
Are there any actions to rectify work required.	No – other than the test and tagging of the Water pump.
Does WHSQ require a follow up Inspection	No.

**Workplace Health and Safety Queensland – Record of Visit**

Type of Visit	☐ Response to a Union raised complaint	
	☐ Response to a member of the public complaint	
	☐ Requested by FHHMJV to deal with a Union raised concern	
	☐ Response to an Incident/Event	
	☐ Scheduled visit	
	☐ Other	Yes (WHSQ Advisory Visit)
Date of Visit	5 March 2024	
Name of WHSQ Official(s)	Warwick Holmes	
Did the WHSQ Official formally identify themselves	Yes	
WHSQ Official ID Number	Not Documented	
Approx Arrival Time	12:10pm	Approx Departure Time: 1:00pm
	Warwick arrived at Site Reception and met with Justin O'Neill on behalf of FHHMJV	
	Warwick was on site to provide guidance on how the project will consult and communicate with the workforce, specifically through the implementation HSE Committee's and HSRs.	
	During the meeting, Warwick received communication from WHSQ requesting further information related to a previous Plumbers Union Complaint on the Project. Specifically the information that Warwick required was: 1. Details on the source of the water. JO advised that the water supplied to the temporary tanks was Potable Water and was able to demonstrate this by providing copies of invoices from FHHMJV's Water supplier. Warwick took a photo of the invoices and forwarded them to WHSQ.	
	A short time later, Warwick received further communication from WHSQ asking if signage stating that the water was Potable was on the tanks. JO stated that No there wasn't signage as the water was potable, it wasn't being used for drinking specifically as we utilised bottled water and this was demonstrated to Nathan from WHSQ who attended site last week. To confirm what the requirement was for labelling tanks, Warwick called Ben from Flo Hydraulic (FHHMJV's Hydraulic Consultant). Ben's number was present on the report that Nathan saw last week confirming the design of the system. Ben confirmed that signage was necessary and advised that we should have Potable Water signs on the Tank and the lines coming out of the tank at a maximum of 8m spreads along the line.	
	Warwick asked if that was something that we would do. JO agreed and stated that we would have this done by this afternoon.	



	The discussion then continued on with respect to the consultation of workforce and the implementation of HSE Committee's and HSRs on the Project.
	3:30pm – JO sent photo's and message back to Warwick confirming that signage and stickers were in place as required. 4:52pm – Warwick confirmed receipt of the photo's with a thumbs up emoji.
Were Any Notices Issued as a result of this visit	No
Are there any actions to rectify work required.	No – other than the applying signage and stickers to the tanks and lines.
Does WHSQ require a follow up Inspection	No.



Workplace Health and Safety Queensland – Record of Visit

Type of Visit	☐ Response to a Union raised complaint ☐ Response to a member of the public complaint ☐ Requested by FHHMJV to deal with a Union raised concern ☐ Response to an Incident/Event ☐ Scheduled visit ☐ Other			Anonymous Complaint received based on video of CFMEU Facebook Page
Date of Visit	19 March 2024			
Name of WHSQ Official(s)	Matthew Gipp (MG)		Nathan Williams (NW)	
Did the WHSQ Official formally identify themselves	Yes		Yes	
WHSQ Official ID Number	2382		2197	
Approx Arrival Time	10:15am	Approx Departure Time:	Approx 11:45am	
	10:15am – 2x Workplace Health and Safety Queensland (WHSQ) Inspectors arrived at 1TCD. Both introduced themselves to Tim Ellis (TE), and both provided identification (see above). Both Inspectors signed into Reception and were escorted by TE to the Coombabah Room. TE advised that Justin O'Neill (JO) was out on site. Meeting did not commence until JO arrived. 10:25am – JO arrived at 1TCD. Meeting commenced. MG from WHSQ stated that WHSQ had received an anonymous complaint in relation to the CFMEU video which was posted on their Facebook page on 15 March. They advised that they were onsite to investigate 3 key issues raised in that video, namely: 1. Understanding the FHHMJV Heat Stress Policy, and the communications used to communicate the Policy to the workforce. 2. To review and understand FHHMJVs First Aid Provisions with a particular focus on the location and use of Snake Bite Kits. 3. To understand whether FHHMJV are making worker's pay for PPE. 1. Heat Stress Policy and Communications TE and JO were able to walk the WHSQ Inspectors through the current Heat Stress provisions in place on the Project. TE explained that FHHMJV utilises the Fulton Hogan Heat Management Procedure, and that we have also developed a Severe Weather Management Plan which also focuses on Heat. TE and JO advised that we have held a couple of Toolbox Talks relating to Heat Management in recent times, and that Heat is also discussed at daily Pre-Starts. TE and JO were able to confirm that the Project has stopped works early twice previously and sent workers home because of the heat. They also advised that on hot days, Supervisors will specifically spend additional time with all workers checking that they have water and shade.			



In addition, the Safety teams also spend more time out on site on hot days assessing workers health and wellbeing in the heat.

MG asked for copies of the following documents to be sent by email to him:

- ☐ Fulton Hogan Heat Management Procedure
- ☐ FHHMJV Severe Weather Management Plan
- ☐ A copy of the most recent Toolbox Talk about Heat
- ☐ At least 3x Copies of Pre-Starts post the Toolbox Talk where Heat is mentioned.

ACTION: As agreed with MG, JO to send copies of above documents to Matthew Gipp by COB 19 March or first up on 20 March 2024

2. First Aid Provisions – Snake Bite Kits

MG asked whether any workers on the project had been bitten by a snake. TE advised that no workers had been bitten by a snake, but that we had recorded an incident where a worker who was undertaking the movement of flagging at the Pioneering Compound believed that a snake may have struck his gum boot, and that when the worker turned around to see, he saw the tail of a snake heading off into the grass. TE confirmed that the worker never received a bite and that there was no evidence of any bite marks on the workers gum boot, nor signs of venom, or fang marks.

TE explained that the worker was taken into a separate room and had his pants and boot removed. He was assessed by a First Aider who could not find any puncture wounds. The First Aider assessed the worker for 30mins looking for any signs of change in the worker. After 30mins, the worker was released back to work as no change was evident. TE advised, that FHHMJV called up their fauna spotters (EcoSure) on the Project, who assessed the area and could not find any snakes present. The Fauna Spotters remained in the area for the rest of the afternoon whilst the works were finished. TE advised that there have been no other snake bite events reported.

MG asked about First Aid Kits and Snake Bite Kits. JO advised that all Supervisor and H&S Advisors had trauma first aid kits and snake bite kits in their cars. JO also explained that there were amenities set up at each worker location where first aid kits and snake bite kits were present.

MG asked whether or not we use Gattors to prevent snake bites. TE and JO explained that we have environmental constraints in most areas of the site, but that we generally clear what we can and place rock in areas. As such, most workers are on rock areas and not long grass. The exception being EVE who spot Koalas and who are engaged by TMR and not FHHMJV, and our Fauna Spotters – Ecosure. TE advised that we also have a remote worker policy that means that no workers work alone and that there is always a buddy keeping an eye out for their work mates. JO explained that both EVE and Ecosure will carry snake bite kits on themselves when in the bushy areas.

The WHSQ Inspectors asked to inspect a ute to see a snake bite kit. JO called up Preston Chambers who was present at 1TCD. Inspection of Preston's Ute confirmed the presence of a Trauma Kit and 3x Snake Bite Kits.

MG asked for copy of Preston's First Aid Qualifications.

ACTION: JO to email copy of Preston's First Aid Qualifications to MG.

MG asked for a copy of the First Aid Risk Assessment for the Project which shows the risks associated with Snake Bites.

ACTION: JO to email copy of the Project First Aid Risk Assessment to MG

3. PPE Requirements



MG asked whether or not FHHMJV is charging workers for the supply and use of PPE. TE advised that FHHMJV is unaware of any complaints relating to workers being asked to pay for PPE. TE confirmed that this is not something that FHHMJV would do, as we are aware of the legislative requirements that Employers must provide PPE for their workers, and that Employer's cannot seek payment for PPE from workers.

TE confirmed that FHHMJV provides PPE for their staff and workers and that this is evident by the branding on the clothing and by looking through the office at our staff wearing their PPE. TE and JO confirmed that in instances where a worker requires some gloves or glasses, that we may provide these to that worker in various circumstances. However if the worker or group of workers do not comply with the standards around clothing, then we take it up with the workers Employer asking them to provide PPE to their workers. TE and JO confirmed that they would not be able to commence work until this occurred.

TE stated that we do not have any FHHMJV workforce currently onsite.

NB: After the meeting, Scott Holmberg confirmed that this was not the case and that FHHMJV currently had 5 workforce employee's.

ACTION: JO to contact MG to correct the record by stating that FHHMJV currently has 5 workforce on the project, and that PPE is supplied to those workers at no cost.

Approx 11:00am – MG asked to go to the Pioneering Compound to see a Supervisor's Ute in the field to determine if First Aid Kit and Snake Bite Kit was present.

Approx. 11:10am - TE, JO, MG, NW and Preston Chambers all arrived at Pioneering Compound

TE advised MG that this was the location of the snake bite event. Preston was able to demonstrate to MG where the event occurred. The Inspectors noted that the area was maintained and that the grass in this location was low cut.

Ren Greentree's Ute was then inspected by MG. Ren advised that he had just handed out his Snake Bite Kit a few minutes earlier and that the kit was now missing from his vehicle. Ren advised that he had 5x Snake Bite Kits in the Container here at the Pioneering Compound. TE advised Ren to go and grab a kit and to put it into his vehicle. Ren was able to do this in the presence of the Inspectors. Ren was also able to demonstrate to the inspectors a photo he had taken a few mins earlier from Bridge 5 area where he had used the Snake Bite Kit to establish an amenity area. MG observed the photo on Ren's phone and was satisfied that the snake bite kit was being used at this new location. MG took a photo of Ren's photo.

MG stated that he was satisfied that FHHMJV had sufficient snake bite kits in the vehicles.

Approx. 11:25am – Departed Pioneering Compound for 1TCD

11:35am – Close out Meeting commenced.

MG confirmed that he was satisfied with FHHMJVs response today and that he would review the documentation requested once he received it. JO committed to providing the requested information by either COB today or first up tomorrow morning. MG was satisfied with this response.

TE asked whether or not the information would be provided to the complainant. MG confirmed that the information would not be provided as the complainant was anonymous.

TE and JO re-confirmed the deliverables and timeframes.

MG confirmed that there would be no notices issued and that he was satisfied with FHHMJVs responses today.

11:45am – Meeting Concluded. WHSQ Inspectors signed out at Reception and left 1TCD.



	1:42pm – JO Called MG and advised that following our meeting earlier today where TE advised that we don't have any FHHMJV direct workforce, we were advised that we actually had x 5 FHHMJV employee's. JO confirmed that FHHMJV supply all employee's their PPE free of charge. MG advised he was happy with the update. MG asked if the project provides shade/hydration stations for workers on site. JO explained that we establish hydration/shade stations as required across the project. MG requested I provide a photo of an area set-up with a station. JO agreed to include a photo in the documentation being provided to WHSQ. ACTION: JO to include a photo of a hydration station in documentation to WHSQ
Were Any Notices Issued as a result of this visit	Nil Notices Received
Are there any actions to rectify work required.	Nil Actions Required
Does WHSQ require a follow up Inspection	No

**Workplace Health and Safety Queensland – Record of Visit**

Type of Visit	☐ Response to a Union raised complaint	
	☐ Response to a member of the public complaint	
	☐ Requested by FHHMJV to deal with a Union raised concern	
	☐ Response to an Incident/Event	
	☐ Scheduled visit	
	☐ Other	Proactive Site Visit
Date of Visit	20 March 2024	
Name of WHSQ Official(s)	Mark Schaumburg (MS)	
Did the WHSQ Official formally identify themselves	Yes	
WHSQ Official ID Number	2259	
Approx Arrival Time	10:00am	Approx Departure Time: 11:30am
	10:00am – MS from Workplace Health and Safety Queensland (WHSQ) arrived at Reception. He signed into the Visitor Book and was escorted into the Coombabah Room. MS provided identification. An initial kick-off meeting commenced shortly afterwards in the presence of Justin O'Neill (JO), Preston Chambers (PC) and Tim Ellis (TE). At the Meeting MS advised the following: ☐ He was onsite representing the Major Projects part of WHSQ. He had been directed to attend site by Helen Burgess at WHSQ. MS advised that he was seconded into Major Projects and that John Aczune would be the regular WHSQ Inspector from Major Projects attending our Project going forward. John is on leave this week. ☐ He was aware of yesterday's visit by WHSQ, but unfortunately couldn't attend that visit as he had to be elsewhere. ☐ He advised that this visit was a Proactive visit and that he wasn't there under any WHSQ Notice. TE asked why Major Projects was visiting the site, and what was the definition of a Major Project. MS stated that there are three categories for a Major Project – Projects which are \$1B or greater are Category 1 Projects, \$100M to \$1B are Category 2 Projects, and Category 3 Projects are those where a Minister is requiring updates and information. ☐ MS advised that the Minister had requested that the Major Projects Team undertake Proactive weekly visits of our Project, and that this will be the first of those weekly Proactive Visits. MS advised that the Major Projects team are required to provide weekly reports to the Minister. TE queried who the Minister was, but MS was unsure of the Minister. ☐ TE asked whether these visits would be done in isolation to the other WHSQ Inspectors who were onsite yesterday, who have also advised in the past that they would undertake regular proactive visits.	



	☐ MS stated that the Major projects team will log the visits into their system and that the other WHSQ Inspectors will see that those visits have been done and therefore won't be able to come to site unless they are responding to a complaint raised. MS asked for a copy of the Project Program to be provided. JO stated that the program hasn't been fully developed as yet because the project is very much still in the early works phase. No notice was provided by MS to provide the Program. MS did state that this is something that John Aczune will formally issue a notice on at some stage in the future. MS asked to do a site tour of the Project to help understand the scale and size of the project works to date. TE advised that the Project was still in early works and that most of the works comprised of site compounds being established and geotechnical drilling activities. JO mentioned that some parts of the site were still wet and that we didn't have much work occurring in the North. JO advised that the North is Swamp, the South is Rock and the middle is slop. MS insisted on still seeing the project and if gates were closed and no works were occurring that he would then just take a picture for WHSQs records. Approx - 10:25am - Meeting ended and JO and PC commenced site drive through with MS. TE stayed at the 1TCD Compound.
	10:30am - JO and PC escorted MS on a site familiarisation drive. After leaving 1TCD they travelled to Gate 1 and worked their way back down to Gate 8 showing MS each gate from the road only. Due to recent rain several areas across site were not open to LV's so the trip did not enter any work areas apart from Gate 3 to view the Bridge 5 - work zone amenities area and the Pioneer Compound carpark. MS took several photos of the site between Gate 3 and the Bridge 5 - work zone amenities area. MS commented that the Bridge 5 - work zone amenities area appeared well set-up. After completing the site familiarisation, they returned back to 1TCD where MS stated he didn't identify any safety issues during the trip..
	11:30am - MS left site. No notices were issued and no formal close out meeting occurred.
Were Any Notices Issued as a result of this visit	Nil Notices Received
Are there any actions to rectify work required.	Nil Actions Required
Does WHSQ require a follow up Inspection	No

**Workplace Health and Safety Queensland – Record of Visit**

Type of Visit	☐ Response to a Union raised complaint	
	☐ Response to a member of the public complaint	
	☐ Requested by FHHMJV to deal with a Union raised concern	
	☐ Response to an Incident/Event	
	☐ Scheduled visit	
	☐ Other	Proactive Site Visit
Date of Visit	21st May 2024	
Name of WHSQ Official(s)	Kym TOLLENAERE (KT) – Regional Director Andrew SCHOSTAKOWSKI (AS) – Operations Manager Warwick HOLMES (WH) – Lead Inspector	
Did the WHSQ Official formally identify themselves	Yes	
WHSQ Official ID Number	Not requested by FHHMJV	
Approx Arrival Time	10:00am	Approx Departure Time: 11:00am
	10:00am – KT, AS, and WH from Workplace Health and Safety Queensland (WHSQ) arrived at the project reception, signed into the Visitor Book and was escorted into the Coombabah Room. This was a pre-arranged proactive site visit, to enable senior WHSQ Representatives to meet with Senior Project Representatives and to gain and understanding of the Project scope of work and timelines. An initial kick-off meeting commenced shortly afterwards in the presence of Gerard O'CONNOR (GO), Tim Ellis (TE), Neil FERGUSON (NF), and Justin O'Neill (JO) and introductions were made. TE walked the Inspectors through the Project scope of works utilising the Project Alignment Drawing on the wall of the Meeting Room. KT raised amendments to the WHS Legislation that came into effect yesterday in relation to HSR's, and Right of Entry provisions. The group discussed s81.3 of the WHS Act and TE asked if a Federal Permit was required by a Union official entering site under that section. KT confirmed that Federal Permits were required for all entries, but stated that there was still some internal debate whether or not a Federal permit was required for s81.3 of the WHS Act. TE stated that there had been a recent High Court Decision which Fulton Hogan was a party to which confirmed that Federal permits were required for s81.3 entries. KT stated that this was useful to know and that she would pass it back to Senior Executives within WHSQ> TE offered that FHHMJV send her a copy of the ruling. KT stated that she would like to happen. ACTION: JO to send KT copy of High Court ruling.	



	GO discussed that FHHMJV had a greenfields agreement with the AWU and that we had already received a number of legal visits from AWU in which permits were provided by Union representatives. GO discussed the Psychosocial Code of Practice and the implications of the Code with regards to aggressive union behaviours. TE stated that his interpretation of the Code was that FHHMJV had an obligation to protect our workers, but at the same time others from outside the workplace had an obligation to ensure that people within the work environment were not psychosocially impacted by their behaviours. KT confirmed that this was the case. Discussion turned to how WHSQ would actually manage complaints received about Psychosocial impacts. It appeared from the discussions that WHSQ is still working through the process internally. KT did confirm that WHSQ is looking to employ more Inspectors to deal specifically with Psychosocial Code of Practice breaches. KT spoke about how she had recently worked with Queensland Police regarding their role in the management of disputes between PCBU's, the Unions and WHSQ. She mentioned that this was especially important following a 2021 ruling against the Police and Enco and the CFMEU. WH advised that there is a difference between trespass and unauthorised entry. He advised that Trespass is intent to enter and commit a crime, whereas unauthorised entry is just unwanted entry onto a property. WH advised that we update the HSMP to capture unauthorised entries and to define what is an isn't authorised, and our processes to manage this process. TE advised that we are currently reviewing and updating the HSMP and will include this information into it. We will then communicate it to the Workforce via the Project Induction with the intent being that if you have not been inducted or escorted as a visitor then it will be considered "unauthorised". ACTION: JO to update HSMP and Project Induction GO offered that FHHMJV would welcome WHSQ to undertake Proactive visits on the Project going forward. TE advised that in his experience is that this is positive to both the workforce and WHSQ and can remove the stigma that WHSQ may be perceived as the police at times to the workforce. TE offered for WHSQ to attend and host Toolbox Talks for our workforce. AS agreed that this would be beneficial and that WHSQ will look to do this going forward. No other actions were raised. Nil notices were issued, no documentation was provided. WHSQ and FHHMJV agreed to undertake more regular catchups between Senior Managers as the Project progresses. Approx - 11:00am - Meeting ended and KT, AS and WH departed 1TCD Compound.
Were Any Notices Issued as a result of this visit	Nil Notices Received
Are there any actions to rectify work required.	Nil Actions Required
Does WHSQ require a follow up Inspection	No

**Workplace Health and Safety Queensland – Record of Visit**

Type of Visit	☐ Response to a Union raised complaint			
	☐ Response to a member of the public complaint			
	☐ Requested by FHHMJV to deal with a Union raised concern			
	☐ Response to an Incident/Event			
	☐ Scheduled visit			
	☐ Other			Meeting called by FHHMJV
Date of Visit	06 June 2024			
Name of WHSQ Official(s)	Warwick HOLMES (WH) – Lead Inspector Mark NORRIS (MN) - Inspector			
Did the WHSQ Official formally identify themselves	Yes			
WHSQ Official ID Number	Not requested by FHHMJV			
Approx Arrival Time	10:00am	Approx Departure Time:	11:00am	
	Meeting was held at Three Tree Frogs Café. FHHMJV requested meeting with WHSQ to gain an understanding of the application of SWMS under various scenario's. This was not recorded by WHSQ as an official Proactive visit. Tim Ellis (TE), Justin O'Neill (JON), and Neil Ferguson (NF) met with Warwick Holmes (WH) and Mark Norris (MN) to discuss SWMS and how they are to be applied under the intent of the legislation. TE raised 2x scenario's to gain an understanding of how SWMS would be applied and more importantly to understand from a Regulator perspective the liability of various PCBUs should an event occur. <u>Scenario 1</u> Various pieces of subcontract plant and equipment are undertaking bulk earthworks in an area which is controlled and supervised by FHHMJV. FHHMJV will have labour involved in the operation, but are not providing plant or equipment. ☐ Discussed that each subcontractor providing the plant and personnel has a duty under the Act to provide a SWMS for their workers. ☐ Discussed that FHHMJV would also be a PCBU in this circumstance and that they would also require a SWMS. ☐ Discussed that it could be feasible for multiple SWMS (at least 5 or 6 in the scenario discussed) being required to comply with the law. ☐ Discussed that this could lead to different controls and workers signing onto multiple SWMS. WHSQ responded by:			



- ☐ Suggesting that our interpretation under the Act would be correct.
- ☐ That should FHHMJV take on additional responsibility and require subcontractors to sign onto the FHHMJV SWMS that this could lead to increased liability.
- ☐ Suggested that all SWMS should align with a single SWMS template.
- ☐ Suggested that the SWMS controls be developed in consultation with the Subcontractor Managers delivering the work. This would then lead to each Subcontractor having a SWMS (which is a legal requirement), as well as consistency in the field with controls.
- ☐ Also Suggested that all subcontractor workers only sign onto their own SWMS and not the FHHMJV SWMS to remove increased liability on FHHMJV.

Further to this discussion, TE asked both WH and MN what is the legal requirement for labour hire workers. They advised that under the law, if labour hire is working directly for a company, then that company is considered be responsible for the health and safety of that person. Therefore, if FHHMJV engaged labour hire to work within the area as described in Scenario 1, FHHMJV would need to ensure that the labour hire workers sign onto the FHHMJV SWMS, rather than the labour hire company providing a SWMS for those workers.

Scenario 2

Multiple separate but discrete scenario's associated with a bridge construction were occurring at the same time. Activities included a Crane lifting a girder onto headstocks. A worker working at height on the girder once it was landed to remove chains, a crew undertaking FRP work on an adjacent headstock, and a scaffold crew building a scaffold to provide access on another pier.

- ☐ We all agreed that there would be multiple discrete SWMS for these activities.
 - ☐ The crane crew would require one – as the work involves pre-cast concrete
 - ☐ The worker removing chains – working at height
 - ☐ The FRP crew – working at height
 - ☐ The Scaffold Crew – working at height
- ☐ Agreed that the worker removing chains would also need to sign onto the crane crews SWMS to ensure he was aware of the controls associated for lifting.
- ☐ Agreed that once the scaffold crew finished building the scaffold, then workers using the scaffold would need to have a SWMS for working at height if using the scaffold to access the pier.
- ☐ WHSQ confirmed that no SWMS was required for the crane, apart from when it is moving (mobile plant), or when lifting precast concrete, or tilt up panels. Using an example of a crane kibble concrete to the bridge deck – this activity would not require a SWMS as it is not a high risk activity under the legislation.

General SWMS discussion

- ☐ WHSQ confirmed that SWMS must be specific to the task, and simple to use. TE advised that FHHMJV is looking to keep SWMS to no more than 2-3 pages in size and that they only focus on the high risk task – not other non-high risk work. Both WH and MN agreed that this is all that the legislation requires.
- ☐ WHSQ suggested that if SWMS are used for other activities (eg: the crane using a Kibble) then they would not typically look for a SWMS, but would refer to any SWMS as a procedure/process document in an investigation that they were doing.
- ☐ TE discussed that FHHMJV is trying to avoid having SWMS for things like (EWP Use). WH and MN agreed that this is not when a SWMS is required and that the SWMS must be specific to a task. The EWP is the control, not the task.



Were Any Notices Issued as a result of this visit	Nil Notices Received
Are there any actions to rectify work required.	Nil Actions Required
Does WHSQ require a follow up Inspection	No



Workplace Health and Safety Queensland – Record of Visit

Type of Visit	☐ Response to a Union raised complaint ☐ Response to a member of the public complaint ☐ Requested by FHHMJV to deal with a Union raised concern ☐ Response to an Incident/Event ☐ Scheduled visit ☐ Other	Yes – Details of Union Visit are recorded in Union Right of Entry Report
Date of Visit	24 June 2024	
Name of WHSQ Official(s)	- Michael Hill - Issac Avery	
Did the WHSQ Official formally identify themselves	Yes	
WHSQ Official ID Number	Michael Hill – Inspector Number 2266 Issac Avery – Inspector Number 2263	
Approx Arrival Time	10:20am	Approx Departure Time: 3:05pm
	10:20am – WHSQ arrived at 1TCD. Tim Ellis (TE) called Justin O'Neill (JON) who was onsite with the Union Officials, and advised JON to come back to 1TCD. TE and WHSQ Held an opening meeting. WHSQ advised that they had received a complaint regarding Silica and Bridge Demolition works. They advised that they were there as a reactionary visit. TE provided an overview of the Project whilst waiting for JON to arrive. 10:28am - JON arrived at meeting with WHSQ. JON provided overview of the work and the issues raised by the CFMEU confirming that RCS and Bridge Demolition works were the issues raised by the CFMEU Officials. TE confirmed that the officials were Luke Gibson and Dean Reilly. WHSQ Inspectors advise that they now always have 2 inspectors present when responding to Union complaints. JON confirmed that no permits had been received from the Union officials for the entry. 10:48am – Shane Llewlyn (SL) – Structures SPE arrived to discuss the works. SL provided details to the WHSQ Inspectors of the scope of work to be conducted, as well as provided 2x drawings of the temporary relieving slab in question and how it is attached to the bridge structure. Michael Hill took photos of the drawings on his phone. TE stated that they could have the drawings if they needed them. Issac Avery took the drawings – no notices were issued by WHSQ requesting any paperwork. To demonstrate to the inspectors that the bridge is a standalone structure and that the temporary relieving slab is not an integral part of the bridge, TE showed a photo of the bridge from Google Earth pre- light rail times (approx. 2017) which showed that the bridge was once a standalone structure with no on or off ramps. 11:03am – Meeting at 1TCD Compound was completed and JON escorted inspectors to site.	



11:20am – The WHSQ Inspectors arrived onsite. Numerous discussions occurred (refer to Union Right of Entry Report) regarding RCS and Bridge Demolition Works. No notices were issued to provide any documentation during this time. No notices or PINs were issued by the inspectors on site.

At completion of the site inspection, as they were leaving, the CFMEU officials stated that they were present under s81(3) of the Act and that they were entitled to be present at the meeting back at 1TCD. JON stated to the WHSQ Inspectors that neither CFMEU Official had provided any indication previously that they were present on an s81(3) and no paperwork had been provided. FHHMJV staff present did not observe any paperwork being provided by CFMEU Officials to WHSQ stating that they were onsite under a s81(3) entry.

JON and WHSQ jumped into a car and on the way back to 1TCD drove under the bridge to allow WHSQ to take some photographs from under the bridge

1:30pm - JON and WHSQ arrive at 1TCD.

1:45pm – JON continued to have discussions with WHSQ about the presence of CFMEU. After much back and forth, it was agreed that WHSQ and CFMEU could meet in the Accacia Room of our compound for their own meeting, but that FHHMJV will not be present and will seek a separate close out with WHSQ. JON was concerned that union presence at 1TCD could have a psychosocial impact on FHHMJV Staff given that we had previously had someone take a day of work following a previous CFMEU visit. JON also advised that the 1TCD site was not a workplace that was covered by the CFMEU, as this workplace contained staff associated with the Project and that the staff are not covered by the CFMEU. Issac stated that he considered 1TCD to still be part of the project and therefore the CFMEU had a right to be present. He advised that as they had entered under a s81(3) that as part of the process they were entitled to be present for a close out meeting and discussion. JON again advised that they were not present under a s81(3) and that we had not been advised that of this previously and no paperwork had been received. After much discussion, it was agreed that WHSQ could hold a separate meeting with CFMEU (without FHHMJV presence). This was held in the Accacia Training Room.

1:45pm – 2:00pm - WHSQ held meeting with CFMEU Officials – no FHHMJV presence.

2:05pm – Meeting held at 1TCD in Casuarina Room with WHSQ and TE, JON, NF, Rory Giles were present to discuss the outcomes of the visit.

WHSQ advised that they had concerns about the definition of demolition works, acknowledging that there is a discrepancy between the Regulation and the Code of Practice. The Regulation definition for demolition is as follows:

demolition work means work to demolish or dismantle a structure, or part of a structure that is load-bearing or otherwise related to the physical integrity of the structure

- (a) the dismantling of formwork, falsework, or other structures designed or used to provide support, access or containment during construction work; or
- (b) the removal of power, light or telecommunication poles.

The definition of Structure under the Regulation is defined as follows:

290 Meaning of structure

(1) In this chapter, *structure* has the same meaning as it has in the Act.

Examples—

- a roadway or pathway
- a ship or submarine
- foundations, earth retention works and other earthworks, including river works and sea defence works
- formwork, falsework or any other structure designed or used to provide support, access or containment during construction
- an airfield
- a dock, harbour, channel, bridge, viaduct, lagoon or dam
- a sewer or sewerage or drainage works

The definition of Demolition under the Code of Practice is as follows:



1.1 What is demolition work?

Demolition work means work to demolish or dismantle a structure or part of a structure that is load-bearing or otherwise related to the physical integrity of the structure, but does not include:

- the dismantling of formwork, falsework, scaffolding or other structures designed or used to provide support, access or containment during construction work, or
- the removal of power, light or telecommunication poles.

A structure is anything that is constructed, whether fixed or moveable, temporary or permanent, and includes buildings, sheds, towers, chimney stacks, silos, storage tanks. Demolition work is a type of 'construction work'. Therefore, when carrying out demolition work, the requirements relating to construction work must also be complied with.

Demolition work is also 'high risk construction work' if it involves demolition of an element of a structure that is load-bearing or otherwise related to the physical integrity of the structure. A Safe Work Method Statement (SWMS) must be prepared before the high risk construction work starts. Further guidance on SWMS is available in [section 3.4](#) of this Code.

Other key terms relating to demolition work are listed in [Appendix A](#).

WHSQ Concern is that the Regulation definition has a comma after the word structure and are strictly interpreting it to mean "work to demolish or dismantle a structure" – with structure meaning roadway or pathway. They stated that the second part is of the demolition definition under the regulation applies to partial dismantling. The Code of Practice doesn't have the comma.

WHSQ stated that they were waiting on a ruling from their legal compliance team and until then they won't be issuing any notices to us. They stated that the works did not pose any potential or imminent safety risk to workers and that the worst that they could issue FHHMJV would be an Improvement Notice. TE advised that any notice received will be appealed by FHHMJV as we do not believe that this work is Demolition Work.

The Inspectors confirmed that if FHHMJV were undertaking demolition works by hand then they would not require a licensed Demolition contractor. Rory and TE advised that we were undertaking works by hand, and that the excavator was only being used to move the concrete blocks once cut into a truck to be removed from the site. TE advised that the use of an excavator means that we are complying with the hazardous manual tasks code of practice by eliminating the need for people to manually lift the blocks. The Inspectors did not deem this work to be hand work – they agreed that the cutting by saw was hand work, but the use of the excavator was still mechanical means, and therefore demolition work strictly in accordance with the Regulation definition.

WHSQ Inspectors confirmed that there were no issues with the RCS and that they won't be providing any notices for the RCS on today's visit.

TE also advised that today had cost a lot of time and money and that the Minister responsible for our project will no doubt hear about these costs.

WHSQ waited to receive a call from their legal and licensing team, but this did not come. After an hour or so, they ended the meeting stating that they would call us with a decision once known.

3:05pm – Meeting finished.

5:30pm – no response had been provided by WHSQ.

Were Any Notices Issued as a result of this visit	Nil Notices Received as at close of 24 June. Awaiting determination from WHSQ on the definition of Demolition Works.
Are there any actions to rectify work required.	Nil Actions Required



Does WHSQ require a follow
up Inspection

No

From: O'CONNOR, Gerard
Sent: Tuesday, 25 June 2024 6:55:11 AM
To: ELLIS, Tim
Subject: FW: CCHR2SS: BR07 (Relieving Slab Removal)

Regards

Gerard O'Connor | Project Director – Coomera Connector Central | **Fulton Hogan Hull McIlwain Joint Venture**

1Town Centre Drive, Helensvale QLD 4212 | PO BOX 3079, Helensvale Town Centre Qld, 4212

Mobile [REDACTED] | email [REDACTED]



We acknowledge the traditional Aboriginal custodians of Country throughout Australia and pay our respect to elders past and present and to the ongoing living culture of Aboriginal people.

From: Allan, Chris [REDACTED]
Sent: Monday, June 24, 2024 5:26 PM
To: O'CONNOR, Gerard [REDACTED]
Cc: NORDH, Daniel [REDACTED]; joseph.parsons [REDACTED]
Subject: CCHR2SS: BR07 (Relieving Slab Removal)

This Message Is From an External Sender

CAUTION: This email is from outside our organisation. Do not click links or attachments unless you recognise the sender email address and know the content is safe.

[Report Suspicious](#)

Hi Gerard,

I can confirm that removal of a relieving slab does not constitute demolition work under the WSH Act as defined in Demolition COP 2021.

The Bridge 07 (Sage Street) Relieving slab (on the eastern side) is not load bearing and nor does it form an integral part of the stability of the isolated abutment retaining structure, or otherwise related to the physical integrity of the bridge structure.
Removal of the relieving slab can be undertaken without engineering assessment as it does not compromise the integrity of the remaining bridge structure.
Removal of the relieving slab is in our opinion a low-risk construction work activity.

Regards

Chris Allan | Design Manager
Aurecon HDR Joint Venture
M. [REDACTED]
[REDACTED]





Workplace Health and Safety Queensland – Record of Visit

Type of Visit	☐ Response to a Union raised complaint ☐ Response to a member of the public complaint ☐ Requested by FHHMJV to deal with a Union raised concern ☐ Response to an Incident/Event ☐ Scheduled visit ☐ Other	Yes – Details of Union Visit are recorded in Union Right of Entry Report
Date of Visit	25 June 2024	
Name of WHSQ Official(s)	Issac Avery Mark Schaumberg Stuart Davis (WHSQ Engineer)	
Did the WHSQ Official formally identify themselves	Yes	
WHSQ Official ID Number	Issac Avery – Inspector No: 2263 Mark Schaumberg – Inspector No: 2259 Stuart Davis – Inspector No: 405 (Engineer)	
Approx Arrival Time	12:00pm	Approx Departure Time: 2:45pm
	12:00pm ☐ WHSQ Inspectors arrived at 1TCD Compound. All three Inspectors signed in at Reception and were shown to the Melaleuca Room. Before they went into the meeting room, JON had a discussion with the Inspectors stating that he didn't want to have the Union Officials present for this meeting as we had concerns with the Union from a Psychosocial aspect. Agreed for WHSQ and FHHMJV to discuss the issue and then meet the Union Officials out on site. WHSQ Inspectors who attended site were: ☐ Issac Avery – Inspector No: 2263 ☐ Mark Schaumberg – Inspector No: 2259 ☐ Stuart Davis – Inspector No: 405 (Engineer) ☐ Stuart advised that he was not there to determine whether a safe system of work is in place, but only to determine if it is or isn't demolition work in his opinion, and that he was not there to specifically rule and make a decision against the legislation. He advised that he was there as a technical expert in structural elements in order to provide advice back to the Inspectors to enable a decision to be made. ☐ Shane Llewlyn (SL) (FHHMJV SPE) provided drawings and photos of Sage St Bridge and explained to WHSQ why we understand it is not considered demolition. ☐ Stuart (WHSQ Engineer) said you can argue that the road COULD be a load bearing structure but doesn't see it as "high risk". ☐ Stuart explained that the definition in the WHS Regulations re: Structures is very broad however it "is what it is".	



- TE advised the widespread implications across the construction industry, should this be considered Demolition Work, and that this would have a major impact on how construction work is done going forward across the entire industry.

12:15pm

- Stuart mentioned he is believing it to be demolition work after looking at the drawings, however he wanted to see the bridge in person prior to making a judgement call.
- Stuart mentioned he will provide his advice after the site walk to Jo Sutherland (WHSQ Demolition and Licensing Manager) who will make the ultimate judgement decision.

12:30pm

- All parties including CFMEU Officials arrive at Sage St.
- Stuart began investigating the bridge from above and referencing photo's that Issac had taken on the day prior.
- Stuart then said that he needed to make some phone calls to WHSQ. Stuart was on the phone for almost 30mins.

1:00pm

- Stuart advised to the group that he believed that the work is demolition work specifically the works in and around the abutment wall, as the wall is load bearing. He also advised that there's an argument there that works done on the relieving slab are not demolition.
- A discussion was held with regards to works that can continue. Following discussions with Work Health and Safety, FHHMJV agreed to not allow any works to continue until WHSQ made a decision, which we were advised would happen back at 1TCD straight after the site visit. WHSQ Inspectors advised that they needed to speak to Kym Tollenaere and Johanna Sutherland, as both Kym and Johanna would be making the final decision.
- All parties left site and headed back to 1TCD.

1:15pm

- TE rang Kym T from WHSQ to ask for clarity on this ruling. TE advised that if this decision was to be made that this work was demolition, that it would have big implications on the entire industry. Kym T agreed and asked if I would be able to have a chat with herself and Johanna S at 1:45pm. TE agreed to do this via Teams in the presence of Gerard O'Connor (GOC).

1:45pm

- TE, GOC met with Kym T, Johanna S and Alanna Metcalfe from WHSQ on Teams.
- Johanna S stated that she was reliant upon the advice of her Engineer. She advised that she wanted to find a solution that works the best for everyone.
- GOC explained our works and that our Designers who have had involvement in this work, were confident that the work is not load bearing or demolition work.
- Johanna S stated that there was essentially three steps that could be taken:
 - Engage a Demolition Contractor
 - Get a Demolition License ourselves
 - Look at obtaining an Exemption for the works.
- Following some discussion, the following was agreed:
 - That a 24hour period of no works would continue in order for FHHMJV to provide further information to WHSQ to demonstrate that the works are not Demolition Work. During that time, WHSQ would issue no notices. This would expire at 2:00pm on 26 June.
 - During that time, FHHMJV would engage their Designer to provide an RPEQ statement confirming that the works were not load bearing or demolition work.
 - In parallel with the RPEQ statement, FHHMJV would develop an Exemption Request for WHSQ to consider in lieu of requiring a Demolition license for this work.



	□ Kym T confirmed that she would call Issac and advise him of the 24 hour period. Approx 2:15pm □ Inspectors receive phone call from Kym T (FHHMJV were not present during this discussion). At some point Mark Schaumberg left site. Approx 2:30pm □ From a Demolition point of view, Issac confirmed that nothing else will happen until tomorrow when someone else within WHSQ will make a decision. □ In relation to the testing and tagging, FHHMJV provided copies of the initial testing and certification of the building dated April 2024. Issac (only WHSQ Inspector present) reviewed these certificates. JON advised that the compound was not a construction site and therefore was not to be held to the same standard as testing. Issac agreed and confirmed following a review of the legislation which requires testing of office facilities once every five years. □ No notices were issued for any of the concerns raised today or in the S117 Notices. 2:45pm □ Issac departed site.
Were Any Notices Issued as a result of this visit	Nil Notices Received as at close of 25 June. Awaiting determination from WHSQ on the definition of Demolition Works.
Are there any actions to rectify work required.	1. Develop response to WHSQ from RPEQ around the removal of the relieving slab, as well as provide response regarding future works associated with Bridge07. 2. Develop Exemption for the Demolition License Requirements should WHSQ rule that the works do require a Demolition License.
Does WHSQ require a follow up Inspection	No

From: Allan, Chris
Sent: Tuesday, 25 June 2024 6:23:04 PM
To: O'CONNOR, Gerard
Cc: NORDH, Daniel;Piers James
Subject: CCHR2SS: BR07 (Relieving Slab Removal)

This Message Is From an External Sender

CAUTION: This email is from outside our organisation. Do not click links or attachments unless you recognise the sender email address and know the content is safe.

[Report Suspicious](#)

Gerard,

The Work Health and Safety Regulation defines Demolition Work as:

“Demolition work means work to demolish or dismantle a structure, or part of a structure that is load-bearing or otherwise related to the physical integrity of the structure”.

The operative part of this clause is that the structure must be:

1. load bearing or
2. is otherwise related to the physical integrity of the structure.

It is understood and agreed that under the Regulation, a Structure is defined amongst other things as:

1. a roadway or pathway.

The Regulation is clear in that where a structural element (including a roadway or pathway) requiring removal meets any one of these two requirements, it is deemed to be Demolition Work under the Work Health and Safety Regulation.

1. load bearing. (Definition of load bearing is being an active structural element of a structure which holds the weight/loads of the elements above it.
2. is otherwise related to the physical integrity of the structure.

I can confirm that the “Relieving Slab” in question is :

1. Not load bearing of any element of the bridge, roadway or retaining wall below.
2. The relieving slab is not an integral part of the stability of any element, including the bridge structure, the isolated abutment retaining structure or the earthworks.

I can confirm that the relieving slab is a concrete slab on ground, there to protect the roadway surface against settlement of the adjacent embankment and additionally, the removal of the relieving slab can be undertaken without engineering assessment.

The removal of the relieving slab does not meet the minimum requirements of the definition of Demolition Work under the Work Health and Safety Regulation and therefore the removal of the relieving slab does not constitute Demolition Work.

The above has been reviewed by the AHJV Structures Discipline Lead, Piers James MIEAust, CPEng, NER, APEC Engineer, IntPE (Aus), RPEQ (21197).
AHJV are the primary designer for Coomera Connector Central and are TMR BD3 pre-qualified for bridge design.

Regards

Chris Allan | Design Manager
Aurecon HDR Joint Venture
M. [REDACTED]
[REDACTED]



From: O'CONNOR, Gerard
Sent: Wednesday, 26 June 2024 8:04:58 AM
To: kym.tollenaere [REDACTED]; johanna.sutherland [REDACTED]
Cc: ELLIS, Tim
Subject: Sage Street Bridge
Attachments: CCHR2SS: BR07 (Relieving Slab Removal)

To: The Work Health and Safety Regulator Queensland

Dear Kym/Johanna

I would like to express my gratitude for you affording the project the opportunity you gave my team and I to connect and discuss the issue at hand in a manner that I found very constructive. I would also like to point out that Fulton Hogan as the Principal Contractor, and the Joint Venture FHHMJV, is very aware of its responsibilities and consideration of the Workplace Health and Safety Regulations together with the Code of Practice with respect to "Demolition Works". Currently the project has undertaken two prior demolition activities where the work has clearly fallen into the category of Demolition Works.

1. The demolition of a very small structure which contained the former sales office associated with The Surrounds Housing Developing on Buckler Drive
2. The partial dismantling of a small section of a bridge over the Queensland Rail Corridor on the GC Highway.

In both of these instances, the Joint Venture contracted licenced Demolition Contractors to carry out the works successfully and safely.

With respect to the topic at hand, works at Sage Street Bridge, as I understand it, there are two parts to the issue which I request I address separately, and each on its own merits.

1. The removal of the on-ground Relieving Slab, and
2. The removal of the below-ground self-supporting Retaining Wall located on the eastern abutment of the Bridge.

1. On-ground Relieving Slab

To-date this is currently the only element of work carried out by the Joint Venture at Sage Street Bridge. We agree with WH&S QLD that these works are included within the meaning of "Structure" as it is "a roadway or pathway". We remain of the opinion though that this element of work does not meet either of the 2 criteria specified within the Work Health and Safety Regulation definition of "Demolition Works". The on-ground slab is neither load bearing, or otherwise related to the structural integrity of any structure. Please see the unequivocal advice in this regard from bridge design structural engineer (qualifications also attached) per the attached email. It should be noted that the on-ground relieving slab was added sometime after the original construction of the bridge structure.

We understand that this is not necessarily contested by the Departments Engineer and that the Departments Engineers concern related to the sub-structure retaining wall below being load bearing. I note that no work associated with the removal of this retaining wall has been carried out and I have dealt with the retaining wall in the paragraph below.

Additionally, it is noted that neither FHHMJV or the WHSQ Inspector (Issac Avery) believe that the removal of the relieving slab presents any imminent risk to health and safety. This is

supported by the structural engineers attached statement stating that it is a low-risk work activity.

2. Below-ground Retaining Wall

The removal of the retaining wall is future planned work and I believe the only contestable element of work which we may disagree as to whether it is considered Demolition Works under the regulation. To this end, based on the constructive discussions with yourselves yesterday, and in the interest of working with WH&S QLD and expediting the resolution of the matter, the project is willing to proceed with either of the following:

1. Applying for a demolition licence exemption on this project or
2. Engaging a licenced demolition contractor

In summary, I reiterate that we do not consider that the works done to-date, purely the removal of the on-ground relieving slab, is classified as demolition works. To this end we maintain that we have acted responsibly and in line with WH&S regulation and the COP. With respect to the future removal of the retaining wall, we commit to either engage a licenced demolition contractor or to apply for a demolition licence exemption.

I trust the above approach is one that is acceptable to the Regulator and thank you for affording us the time to explain our actions and commitment to work with WH&S QLD within the regulations.

Regards

Gerard O'Connor | Project Director – Coomera Connector Central | **Fulton Hogan Hull McIlwain Joint Venture**

1Town Centre Drive, Helensvale QLD 4212 | PO BOX 3079, Helensvale Town Centre Qld, 4212

Mobile [REDACTED] | email [REDACTED]



We acknowledge the traditional Aboriginal custodians of Country throughout Australia and pay our respect to elders past and present and to the ongoing living culture of Aboriginal people.

From: Johanna Sutherland
Sent: Wednesday, 26 June 2024 9:50:58 AM
To: O'CONNOR, Gerard;Kym Tollenaere
Cc: ELLIS, Tim
Subject: RE: Sage Street Bridge

This Message Is From an External Sender

CAUTION: This email is from outside our organisation. Do not click links or attachments unless you recognise the sender email address and know the content is safe.

[Report Suspicious](#)

Thanks Gerard,

We are reviewing this information and will come back to you as soon as possible.

Kind regards,
Jo



Johanna Sutherland
A/Executive Director
Strategy, Performance and Communications
Office of Industrial Relations
E: [REDACTED] M: [REDACTED]

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

[Connect with us here](#)

Please note: I sometimes work and send correspondence out of hours. Please do not feel obliged to respond outside of your own work hours.

From: O'CONNOR, Gerard [REDACTED]
Sent: Wednesday, June 26, 2024 8:05 AM
To: Kym Tollenaere [REDACTED] Johanna Sutherland
[REDACTED]
Cc: ELLIS, Tim [REDACTED]
Subject: Sage Street Bridge

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

To: The Work Health and Safety Regulator Queensland

Dear Kym/Johanna

I would like to express my gratitude for you affording the project the opportunity you gave my team and I to connect and discuss the issue at hand in a manner that I found very constructive. I would also like to point out that Fulton Hogan as the Principal Contractor, and the Joint Venture FHHMJV, is very aware of its responsibilities and consideration of the Workplace Health and Safety Regulations together with the Code of Practice with respect to "Demolition Works". Currently the project has undertaken two prior demolition activities where the work has clearly fallen into the category of Demolition Works.

1. The demolition of a very small structure which contained the former sales office associated with The Surrounds Housing Developing on Buckler Drive
2. The partial dismantling of a small section of a bridge over the Queensland Rail Corridor on the GC Highway.

In both of these instances, the Joint Venture contracted licenced Demolition Contractors to carry out the works successfully and safely.

With respect to the topic at hand, works at Sage Street Bridge, as I understand it, there are two parts to the issue which I request I address separately, and each on its own merits.

1. The removal of the on-ground Relieving Slab, and
2. The removal of the below-ground self-supporting Retaining Wall located on the eastern abutment of the Bridge.

1. On-ground Relieving Slab

To-date this is currently the only element of work carried out by the Joint Venture at Sage Street Bridge. We agree with WH&S QLD that these works are included within the meaning of "Structure" as it is "a roadway or pathway". We remain of the opinion though that this element of work does not meet either of the 2 criteria specified within the Work Health and Safety Regulation definition of "Demolition Works". The on-ground slab is neither load bearing, or otherwise related to the structural integrity of any structure. Please see the unequivocal advice in this regard from bridge design structural engineer (qualifications also attached) per the attached email. It should be noted that the on-ground relieving slab was added sometime after the original construction of the bridge structure.

We understand that this is not necessarily contested by the Departments Engineer and that the Departments Engineers concern related to the sub-structure retaining wall below being load bearing. I note that no work associated with the removal of this retaining wall has been carried out and I have dealt with the retaining wall in the paragraph below.

Additionally, it is noted that neither FHHMJV or the WHSQ Inspector (Issac Avery) believe that the removal of the relieving slab presents any imminent risk to health and safety. This is supported by the structural engineers attached statement stating that it is a low-risk work activity.

2. Below-ground Retaining Wall

The removal of the retaining wall is future planned work and I believe the only contestable element of work which we may disagree as to whether it is considered Demolition Works under the regulation. To this end, based on the constructive discussions with yourselves yesterday, and in the interest of working with WH&S QLD and expediting the resolution of the matter, the project is willing to proceed with either of the following:

1. Applying for a demolition licence exemption on this project or
2. Engaging a licenced demolition contractor

In summary, I reiterate that we do not consider that the works done to-date, purely the removal of the on-ground relieving slab, is classified as demolition works. To this end we maintain that

we have acted responsibly and in line with WH&S regulation and the COP. With respect to the future removal of the retaining wall, we commit to either engage a licenced demolition contractor or to apply for a demolition licence exemption.

I trust the above approach is one that is acceptable to the Regulator and thank you for affording us the time to explain our actions and commitment to work with WH&S QLD within the regulations.

Regards

Gerard O'Connor | Project Director – Coomera Connector Central | **Fulton Hogan Hull McIlwain Joint Venture**

1Town Centre Drive, Helensvale QLD 4212 | PO BOX 3079, Helensvale Town Centre Qld, 4212

Mobile [REDACTED] | email [REDACTED]



We acknowledge the traditional Aboriginal custodians of Country throughout Australia and pay our respect to elders past and present and to the ongoing living culture of Aboriginal people.

This email (including any attached files) is intended only for the addressee and may contain confidential information. If you are not the addressee, you are notified that any transmission, distribution, printing or photocopying of this email is strictly prohibited. If you have received this email in error, please immediately notify the Office of Industrial Relations and delete any copies. Unless explicitly attributed, the opinions expressed do not necessarily represent the official position of the Office of Industrial Relations. The Office of Industrial Relations does not accept any responsibility for any loss or damage that may result from reliance on, or the use of, any information contained in this email and/or attachments. It is your responsibility to ensure that this email and any attachments do not contain and are not affected by computer viruses or defects as this message is transmitted over Internet.

**Workplace Health and Safety Queensland – Record of Visit**

Type of Visit	☐ Response to a Union raised complaint	Yes – Details of Union Visit are recorded in Union Right of Entry Report for 25 June 2024	
	☐ Response to a member of the public complaint		
	☐ Requested by FHHMJV to deal with a Union raised concern		
	☐ Response to an Incident/Event		
	☐ Scheduled visit		
	☐ Other		
Date of Visit	26 June 2024 (Teams Meeting – Non-Site Visit)		
Name of WHSQ Official(s)	Kym Tollenaere, Johanna Sutherland, Alanna Metcalfe		
Did the WHSQ Official formally identify themselves	N/A		
WHSQ Official ID Number	N/A		
Approx Arrival Time	2:00pm	Approx Departure Time:	2:15pm
	12:50pm ☐ Kym Tollenaere rung Tim Ellis (TE) and asked if she could have a Teams meeting at 2:00pm with TE and Gerard O'Connor (GOC) to discuss their decision relating to the whether or not the Sage St Bridge works were Demolition activities. TE agreed to this meeting request. 2:00pm ☐ Johanna S advised that their Engineering Team had all looked at the relieving slab on Sage St and agreed that the Relieving Slab removal is not deemed demolition work under the Regulation. ☐ Johanna S then continued to advise that the eastern abutment wall removal would definitely be classed as Demolition work, and as such FHHMJV would need to either engage a licensed Demolition Contractor, or seek an Exemption from WHSQ. ☐ TE stated that we were working on an exemption at the moment, and that we had received the information from WHSQ yesterday regarding the content required for the Exemption application. ☐ GOC queried whether it would be acceptable for future works to bundle up a number of the demolition activities into a single Exemption. Johanna S stated that yes this could be a way forward, but if the works are complex, then it may be more prudent to engage a Demolition License Holder for those types of activities. ☐ TE clarified whether or not this ruling applied to all future works associated with the removal of relieving slabs. Johanna S confirmed that this would be the case, as this work was not Demolition work. ☐ TE queried that if FHHMJV submitted their Exemption request to WHSQ tomorrow, would it be unreasonable to expect an exemption back from WHSQ by Friday, and if not Friday, by early next week. Both Johanna S and Alanna M confirmed that Friday was not likely		



	possible, but that early next week was more realistic. TE and GOC confirmed that we were only asking for planning purposes. □ Johanna S confirmed that she would provide FHHMJV with a decision in writing via email. □ TE and GOC thanked WHSQ for their time and effort on this issue, and stated that they wanted to maintain good working relationships with WHSQ. Approx 2:15pm □ Meeting concluded. □ Prior to the commencement of the meeting, TE, GOC and Johanna S were waiting for the others to join. TE asked Johanna S whether or not WHSQ was looking to develop some sort of guidance document clarifying the definition of Demolition Work further. Johanna S stated that this is something that WHSQ is looking to do.
Were Any Notices Issued as a result of this visit	Nil Notices were issued in relation to the works that have been undertaken.
Are there any actions to rectify work required.	1. Continue to develop Exemption for the Demolition License Requirements for the works associated with the abutment wall removal.
Does WHSQ require a follow up Inspection	No

From: O'CONNOR, Gerard
Sent: Thursday, 27 June 2024 7:51:54 AM
To: Johanna Sutherland;Kym Tollenaere
Cc: Alanna Metcalf;ELLIS, Tim
Subject: RE: Sage Street Bridge

Hi Johanna

Thank you.

Regards

Gerard O'Connor | Project Director – Coomera Connector Central | **Fulton Hogan Hull McIlwain Joint Venture**

1Town Centre Drive, Helensvale QLD 4212 | PO BOX 3079, Helensvale Town Centre Qld, 4212

Mobile [REDACTED] | email [REDACTED]



We acknowledge the traditional Aboriginal custodians of Country throughout Australia and pay our respect to elders past and present and to the ongoing living culture of Aboriginal people.

From: Johanna Sutherland <[REDACTED]>
Sent: Wednesday, June 26, 2024 6:22 PM
To: O'CONNOR, Gerard [REDACTED]; ELLIS, Tim [REDACTED]
Cc: Alanna Metcalf [REDACTED] Kym Tollenaere [REDACTED]
Subject: RE: Sage Street Bridge

This Message Is From an External Sender

CAUTION: This email is from outside our organisation. Do not click links or attachments unless you recognise the sender email address and know the content is safe.

[Report Suspicious](#)

Good evening Gerard and Tim,

Thank you for sending through the additional information regarding the Sage Street Bridge construction work and for your time today.

I can confirm that both the Licensing and Engineering Units of WHSQ have considered the information provided. Based on that consideration, I can confirm that the view of WHSQ is the demolition of the bridge abutment and transitional section between the abutment and the headstock fall within the definition of a load bearing structure and require a demolition license under section 143 of the Work Health and Safety Regulation 2011 (the Regulation).

In making the determination WHSQ have considered the definitions of demolition work in the Regulation, structure in the Work Health and Safety Act 2011 and the requirements for a demolition licence in section 143 of the Regulation. In addition we have relied on the assessment made by Stuart Davis, Chief Adviser (Construction Engineering) who inspected the structure in question yesterday.

In relation to the on-ground relieving slab, WHSQ are of the view that this item should not be classified as a load bearing structure. We therefore consider removal of the on-ground relieving slab does not require a demolition license.

On the basis of this assessment and our discussion today no demolition work should be undertaken on the bridge abutment and transitional section between the abutment and the headstock unless you have either contracted a demolition licence holder to complete the work, or been granted an exemption from the requirement to hold a demolition licence under s143 of the Regulation.

Please feel free to reach out to myself or Alanna Metcalf if you have any further questions regarding the licensing or exemption processes.

Kind regards,

Jo



Johanna Sutherland
A/Executive Director
Strategy, Performance and Communications
Office of Industrial Relations
E: [REDACTED] M: [REDACTED]

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

[Connect with us here](#)

Please note: I sometimes work and send correspondence out of hours. Please do not feel obliged to respond outside of your own work hours.

From: O'CONNOR, Gerard [REDACTED]
Sent: Wednesday, June 26, 2024 8:05 AM
To: Kym Tollenare [REDACTED]; Johanna Sutherland
[REDACTED] >
Cc: ELLIS, Tim [REDACTED]
Subject: Sage Street Bridge

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

To: The Work Health and Safety Regulator Queensland

Dear Kym/Johanna

I would like to express my gratitude for you affording the project the opportunity you gave my team and I to connect and discuss the issue at hand in a manner that I found very constructive. I would also like to point out that Fulton Hogan as the Principal Contractor, and the Joint Venture FHHMJV, is very aware of its responsibilities and consideration of the Workplace Health and Safety Regulations together with the Code of Practice with respect to "Demolition Works". Currently the project has undertaken two prior demolition activities where the work has clearly fallen into the category of Demolition Works.

1. The demolition of a very small structure which contained the former sales office associated with The Surrounds Housing Developing on Buckler Drive
2. The partial dismantling of a small section of a bridge over the Queensland Rail Corridor on the GC Highway.

In both of these instances, the Joint Venture contracted licenced Demolition Contractors to carry out the works successfully and safely.

With respect to the topic at hand, works at Sage Street Bridge, as I understand it, there are two parts to the issue which I request I address separately, and each on its own merits.

1. The removal of the on-ground Relieving Slab, and
2. The removal of the below-ground self-supporting Retaining Wall located on the eastern abutment of the Bridge.

1. On-ground Relieving Slab

To-date this is currently the only element of work carried out by the Joint Venture at Sage Street Bridge. We agree with WH&S QLD that these works are included within the meaning of "Structure" as it is "a roadway or pathway". We remain of the opinion though that this element of work does not meet either of the 2 criteria specified within the Work Health and Safety Regulation definition of "Demolition Works". The on-ground slab is neither load bearing, or otherwise related to the structural integrity of any structure. Please see the unequivocal advice in this regard from bridge design structural engineer (qualifications also attached) per the attached email. It should be noted that the on-ground relieving slab was added sometime after the original construction of the bridge structure.

We understand that this is not necessarily contested by the Departments Engineer and that the Departments Engineers concern related to the sub-structure retaining wall below being load bearing. I note that no work associated with the removal of this retaining wall has been carried out and I have dealt with the retaining wall in the paragraph below.

Additionally, it is noted that neither FHHMJV or the WHSQ Inspector (Issac Avery) believe that the removal of the relieving slab presents any imminent risk to health and safety. This is supported by the structural engineers attached statement stating that it is a low-risk work activity.

2. Below-ground Retaining Wall

The removal of the retaining wall is future planned work and I believe the only contestable element of work which we may disagree as to whether it is considered Demolition Works under the regulation. To this end, based on the constructive discussions with yourselves yesterday, and in the interest of working with WH&S QLD and expediting the resolution of the matter, the project is willing to proceed with either of the following:

1. Applying for a demolition licence exemption on this project or

2. Engaging a licenced demolition contractor

In summary, I reiterate that we do not consider that the works done to-date, purely the removal of the on-ground relieving slab, is classified as demolition works. To this end we maintain that we have acted responsibly and in line with WH&S regulation and the COP. With respect to the future removal of the retaining wall, we commit to either engage a licenced demolition contractor or to apply for a demolition licence exemption.

I trust the above approach is one that is acceptable to the Regulator and thank you for affording us the time to explain our actions and commitment to work with WH&S QLD within the regulations.

Regards

Gerard O'Connor | Project Director – Coomera Connector Central | **Fulton Hogan Hull McIlwain Joint Venture**

1Town Centre Drive, Helensvale QLD 4212 | PO BOX 3079, Helensvale Town Centre Qld, 4212

Mobile [REDACTED] | email [REDACTED]



We acknowledge the traditional Aboriginal custodians of Country throughout Australia and pay our respect to elders past and present and to the ongoing living culture of Aboriginal people.

This email (including any attached files) is intended only for the addressee and may contain confidential information. If you are not the addressee, you are notified that any transmission, distribution, printing or photocopying of this email is strictly prohibited. If you have received this email in error, please immediately notify the Office of Industrial Relations and delete any copies. Unless explicitly attributed, the opinions expressed do not necessarily represent the official position of the Office of Industrial Relations. The Office of Industrial Relations does not accept any responsibility for any loss or damage that may result from reliance on, or the use of, any information contained in this email and/or attachments. It is your responsibility to ensure that this email and any attachments do not contain and are not affected by computer viruses or defects as this message is transmitted over Internet.

**Workplace Health and Safety Queensland – Record of Visit**

Type of Visit	☐ Response to a Union raised complaint	Yes – Details of Union Visit are recorded in Union Right of Entry Report for 23 July 2024	
	☐ Response to a member of the public complaint		
	☐ Requested by FHHMJV to deal with a Union raised concern		
	☐ Response to an Incident/Event		
	☐ Scheduled visit		
	☐ Other		
Date of Visit	23 July 2024 (Phone Call – Non-Site Visit)		
Name of WHSQ Official(s)	Kym Tollenaere		
Did the WHSQ Official formally identify themselves	N/A		
WHSQ Official ID Number	N/A		
Approx Arrival Time	10:55am	Approx Departure Time:	Approx. 10:57am
	10:55am ☐ Justin O'Neill (JON) received phone call from Kym Tollenaere. She advised that she had received a phone call from CFMEU about Bridge 06. ☐ JON provided her with a run down of the situation and what our agreed with Luke actions that we had done were going to do moving forward were. ☐ Kym then responded that she was fine with the approach. That she would make notes in her files and that she would not be sending any inspectors out to site today. ☐ The conversation ended shortly afterwards with no further actions required. No notices or warnings issued. Approx 10:57am ☐ Phone Call concluded.		
Were Any Notices Issued as a result of this visit	Nil Notices were issued in relation to the works.		
Are there any actions to rectify work required.	Nil Actions associated with this work		
Does WHSQ require a follow up Inspection	No		

**Workplace Health and Safety Queensland – Record of Visit**

Type of Visit	☐ Response to a Union raised complaint	
	☐ Response to a member of the public complaint	
	☐ Requested by FHHMJV to deal with a Union raised concern	
	☐ Response to an Incident/Event	
	☐ Scheduled visit	Yes – RCS/Young Worker Presentation and Proactive Site Visit
	☐ Other	
Date of Visit	07 August 2024	
Name of WHSQ Official(s)	Mark NORRIS (MN) - Inspector Warwick HOLMES (WH) – Lead Inspector	
Did the WHSQ Official formally identify themselves	N/A	
WHSQ Official ID Number	N/A	
Approx Arrival Time	10:30am	Approx Departure Time: Approx. 13:30pm
	10:30am ☐ Both Inspectors arrived at 1TCD Compound and signed into Reception. ☐ Both Inspectors hosted a Toolbox Talk for FHHMJV Staff on Respirable Crystalline Silica (RCS), and Young Workers in the Construction Industry. ☐ Note: that the RCS Presentation discussed the current Code of Practice requirements, as well as some future amendments to the Code of Practice, namely: - o A potential halving of the current Work Exposure Limit for RCS - o The requirement for more stringent controls beyond standard PPE requirements. 11:00am ☐ Session held in Acacia Room to discuss Right of Entry and when to call WHSQ/Police. Staff Present included: - o Project Safety Team - o Gerard O'Connor - o Tim Ellis (TE) - o Justin O'Neill (JON) - o John Peter - o Wayne Jenkinson ☐ Information was provided on Rights of Entry under the WHSQ Act particularly associated with Sections 117, 81(3) and 68(2)(g) of the Work Health and Safety Act. ☐ Positive 2-way conversations occurred with good examples of situations provided by WHSQ.	



	Approx 12:00pm □ TE and JON undertook a drive through of the Project with both WHSQ Inspectors. As the inspectors did not have full PPE, they stayed within the vehicle and did not exit during the Drive Through. □ Areas observed during the Drive Through were: ○ Gate RD01 and North - North of Ridgeville Drive. In this area, we were able to show Koala Fence being installed, as well as discuss some issues regarding GC Water when accessing the Sewage Pump Station and the Recycled Water Main through our Project area. ○ Gate B01 and North – Buckler Drive and North of the GC Highway. In this area we were able to show the Concrete Waste Stockpile, as well as clearing activities being undertaken by Powerclear. Demonstrated that areas were secured with yellow flagging and that only workers involved in clearing activities were present. Able to demonstrate that the Fauna Spotter is in a safe position well clear of the tree felling works. ○ Gate B02 and Pioneering Compound – Able to show works commencing further up Buckler Drive for the Staging Compound construction. Also was able to provide visibility of our First Aid Room and setup. ○ Gate SD01 (Sage Street Bridge). Was able to demonstrate how we have closed down Sage Street to allow for partial demolition of the Sage St Bridge. ○ Gate B03 (Buckler Drive Access to BR07 (under Sage St)) – Showed site layout and progress on the Sage St Demolition Works and Piling activities. Approx 1:30pm □ Returned to 1TCD Compound and farewelled WHSQ Officers. □ WHSQ Officers were very thankful for today's visit, and for providing them with an opportunity to present to the Staff. □ WHSQ Officers thanked FHHMJV for hosting them today and they expressed an interest in having more proactive visits again as the Project progresses. Both TE and JON confirmed that FHHMJV is favourable of this happening. □ No notices, warnings or PINs were issued against the Project.
Were Any Notices Issued as a result of this visit	Nil Notices were issued in relation to the works.
Are there any actions to rectify work required.	Nil Actions associated with this work
Does WHSQ require a follow up Inspection	No