



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

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

**PUBLIC HEARING
BRISBANE MAGISTRATES COURT**

**TUESDAY, 18 NOVEMBER 2025
AT 10.00 AM**

DAY 1

APPEARANCES

**Mr S Wood AM KC, Commissioner
Mr G Watson SC, Witness
Mr M Costello KC with Ms S Harburg, Counsel Assisting
Mr C Mandy SC and Ms E O'Brien, Counsel for Ms Jade Ingham
Ms R O'Gorman KC, Counsel for Mr Michael Ravbar and Mr Kane Lowth
Ms S Hedge, Counsel for Mr Timothy Ellis
Mr C O'Grady KC, Counsel for Mr Mark Irving KC
Mr D de Jersey KC, with Mr M. Hickey KC and Mr D. Wilson, and Ms M.
Brooks for the State of Queensland**

<THE HEARING COMMENCED AT 10.03 AM

COMMISSIONER: May I take appearances, please.

5 **MR COSTELLO KC:** May it please the Commission, I appear with Ms Harburg.

COMMISSIONER: Thank you, Mr Costello.

10 **MR O'GRADY KC:** May it please the Commission, O'Grady for the Queensland and Northern Territory division branch of the federally-registered CFMEU and the Construction and General Division of CFMEU Queensland.

COMMISSIONER: Thank you very much, Mr O'Grady.

15 **MS O'GORMAN KC:** May it please the Commission, I appear for Mr Michael Ravbar and Mr Kane Lowth instructed by Davis Lawyers.

COMMISSIONER: Thank you, Ms O'Gorman.

20 **MR DE JERSEY:** I appear with my learned (indistinct) Mr Hickey KC and Mr Douglas Wilson and Ms Megan Brooks for the State of Queensland.

COMMISSIONER: Thank you, Mr de Jersey.

25 **MR O'BRIEN KC:** Commission - may it please the Commission - may it please the Commission, my name is O'Brien, initial D, of King's Counsel. Commissioner, I appear for The Cross River Rail Delivery Authority, instructed by Claytons Lawyers.

COMMISSIONER: Sorry, you are?

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MR O'BRIEN: I appear for Cross Rail River Authority - O'Brien -

COMMISSIONER: Are you Mr O'Brien?

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

COMMISSIONER: Thank you, Mr O'Brien.

MR O'BRIEN: Yes. Thank you, Commissioner.

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MR MANDY: If the Commission pleases, my name is Mandy and I appear with Ms O'Brien for Jade Ingham.

45 **COMMISSIONER:** Thank you, Mr Mandy. Are there any other appearances?
Mr Costello.

MR COSTELLO: Thank you, Commissioner. Commissioner, the first witness is Mr Watson of senior counsel. Before I ask that he be brought to the witness box, my learned friend Ms O’Gorman and Mr Mandy have been good enough to advise me, and through their solicitors the Commission, that there is a preliminary matter that they would wish to raise by way of application and I think probably the most efficient way to deal with that is for that to be dealt with immediately and for me to pass over, I think, in the first instance, to Ms O’Gorman.

COMMISSIONER: Ms O’Gorman, before I come to you, can I ask Mr O’Grady this question: There are two legal entities that are referred to as the CFMEU; one is the federally-registered body and one is the State-registered body. Mr Irving was appointed, as I understand it, as the administrator by Mr Dreyfus when he was then the Attorney-General for the Commonwealth. As the administrator of the Construction and General Division of the federally-registered body; is that right?

MR O’GRADY: That is the case but in addition, Commissioner, and this is dealt with at paragraphs 10 to 12 of the witness statement we filed on behalf of Mr Irving yesterday.

COMMISSIONER: I haven't had chance to read it, I'm sorry.

MR O’GRADY: Well, can you perhaps just read those paragraphs, they're not long, Commissioner. On 24 August 2024, Queensland (indistinct) Industrial Relations placed the Construction and General Division of the Construction, Forestry, Mining & Energy, Industrial Union of Employees Queensland into a (indistinct) of administration. CFMEU Construction and General Division was placed into (indistinct) administration by the instrument titled Industrial Relations Act (CFMEU Construction and General Division Administration) Administration Notice 2024. Pursuant to clause 2 of 2024 Notice I was appointed as administrator of the State scheme.

COMMISSIONER: I see. So in effect, Mr Irving is the Administrator of both the Construction and General Division of the federally-registered union and the Construction and General Division of the State-registered union?

MR O’GRADY: Yes, Commissioner.

COMMISSIONER: Thank you, Mr O’Grady.

MR O’GRADY: May it please.

COMMISSIONER: Ms O’Gorman?

MS O’GORMAN: Commissioner, I'm grateful to my learned friend Mr Costello for suggesting that this application ought to be heard before Mr Watson SC is called this morning. We make an application for an adjournment of this week's hearings, that is the hearings scheduled for today, tomorrow and the next day, until a later date. This

Commission has been on foot since 1 August 2025, some three and a half months now. In respect of the terms of reference which established the Commission, two aspects of them may be noted here.

5 First, that the Commission was established to inquire into evidence of and allegations concerning misconduct by the CFMEU, including, relevantly, for my clients and also for Mr Ingham by former leadership figures, which necessarily includes each of Mr Ravbar, Mr Lowth and Mr Ingham. The second aspect of the terms of reference that I make note of here is that investigating those matters, the Commission has been
10 tasked to make a full and careful inquiry in an open and independent manner.

From these aspects of the terms of reference, two things are immediately apparent. First, Mr Ravbar and Mr Lowth's conduct will, by necessity, be a significant focus of this Commission's work, given that they are former leadership figures referred to in
15 the terms of reference. Mr Ravbar was the former State secretary and Mr Lowth was an assistant secretary.

COMMISSIONER: On both the federally-registered Union and the State-registered union,
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MS O'GORMAN: Your Honour, I can take instructions with respect to the formal structure of those appointments and revert to your Honour in due course. Second, the Commission is bound to conduct its inquiries, including into Mr Ravbar and Mr Lowth's conduct, fully, carefully and transparently. The Commission is plainly alive
25 to the need for openness and transparency in undertaking its inquiry. In that regard, I note that in a media statement from 25 September, available on the Commission's website, the Commission is reported as saying that:

"Mr Wood will ensure the inquiry is conducted fairly in thoroughness and rigour."
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10 days ago, the Commission announced that the first of the public hearings would take place today, tomorrow and Thursday, and it also announced that there will be hearings in the first week of December, but there has been no further announcement of other hearing blocks. On Thursday of last week, the Commission announced the
35 witnesses for this week, being Mr Watson SC, two Work Health and Safety witnesses and Mr Irving KC. The witnesses for the first week of December have not been announced.

COMMISSIONER: I thought there was an advertisement in the Courier Mail the Saturday before last Thursday, am I wrong about that, indicating that there was an intention to call Mr Watson as the first witness?
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MS O'GORMAN: If that's so, I missed the media publication. Your Honour, I'm only aware of the announcement made by the Commission last week. With respect to
45 this week's hearings, we have not been provided with any material from the Commission. We haven't been provided with witness statements from any of Mr Watson, the two work health safety witnesses or Mr Irving. This is, with respect,

both unusual in circumstances where those witnesses are going to be called commencing this morning.

5 With respect to Mr Watson SC, we do have his report but only because it's publicly available and it contains numerous redactions. We understand the Commission has an unredacted -

10 **COMMISSIONER:** None of those redactions affect your client, do they? I don't believe Mr Ravbar's name was redacted from the version of the report that was available on the CFMEU website from mid-June 2025.

MS O'GORMAN: Well, we're not in a position to know and we haven't been informed what's underneath those redactions.

15 **COMMISSIONER:** Sorry, my question was perhaps a little bit imprecise, there were - the form of the Watson report that was published on the CFMEU website in around mid-June 2025, and I'm sure Mr O'Grady will tell us which date it was published, did not redact Mr Ravbar's name, did it?

20 **MS O'GORMAN:** Well, certainly Mr Ravbar's name appears in numerous places in that report.

COMMISSIONER: You're saying you don't know if it was otherwise redacted?

25 **MS O'GORMAN:** That's so.

COMMISSIONER: I'm sorry. Yes.

30 **MS O'GORMAN:** We have requested the unredacted version of that report from the Commission on a number of occasions but have not been provided with it, so we're simply not in a position to know. There is also a private report and yesterday a heavily redacted version of that was provided to us. We haven't seen the unredacted version of that private report.

35 **COMMISSIONER:** And that private report was never published on the CFMEU website or otherwise?

40 **MS O'GORMAN:** No, not to my knowledge, and until yesterday, I hadn't seen it. We infer that Mr Watson is considered an important witness for the Commission's work, particularly given that he's intended to be the first witness to be called.

COMMISSIONER: I think also by the order in counsel that creates this Commission, we're obliged to have the specific (indistinct) of his report.

45 **MS O'GORMAN:** Certainly, and it appears by the fact that he is to be called and to be called as the first witness, that the Commission doesn't intend only to have regard to his report but actually to call evidence further to the contents of that report in

person from Mr Watson in these hearings. Commissioner, you would, of course, be well aware that Mr Watson's report lists a litany of violent incidents that he says he uncovered in his investigation. We understand there to be thousands of pages of source materials which were gathered by Mr Watson in the course of his inquiry and to which he had regard, and no doubt assessment and analysis, in reaching the conclusions that he has set out in his report. No doubt those documents will also form the basis of evidence that is expected to be called to give today. We don't have any of that material.

10 Mr Watson's report concludes, most relevantly to my clients, that there was a culture of violence in the CFMEU and that the campaign of violence, he says, was very likely planned and directed by the CFMEU leadership, principally Mr Ravbar and Mr Ingham. Mr Ravbar disputes this finding and other findings made against him in the report. We assume that Mr Watson is to be called to give evidence about the contents of the report generally and the matters about which he investigated in order to explain how he reached the conclusions that he did. Mr Ravbar wishes to challenge that report and the findings made in it but we ask rhetorically how he is to do that without access to any of Mr Watson's investigative materials.

20 To the extent that Mr Ravbar is permitted the opportunity to defend himself by being given leave to appear in this Commission, the question might be asked whether it's fair that he be required to do so essentially with one hand tied behind his back. If this Commission is to be conducted fairly, openly and transparently, as indeed it must, Mr Ravbar requires those materials before Mr Watson is called as a witness so that he can properly prepare for and participate in the hearings.

As I've indicated, we've repeatedly requested those materials but received no response. Not only have we not, to date, been provided with these materials, we haven't been told whether we ever will be and if we will be, when. In my submission, it would be unfair for Mr Ravbar and Mr Lowth to be required to proceed - to participate in this week's hearings in these circumstances, taking evidence from witnesses when Mr Ravbar hasn't been provided with any of the material which would allow him to properly participate would be, in our submission, to allow the hearing to proceed without the fairness, thoroughness and rigour that's been promised to the people of Queensland.

Relatedly, I pause to say, before concluding my submissions, that we haven't been given any information about the witnesses to be called or the work of the Commission more broadly beyond what we've been told about this week's hearing, or perhaps read about in the media. We haven't been told which witnesses are going to be called in December, or provided with any witness statements from those persons. We haven't been given any indication for any hearings for next year. It's very difficult for us to prepare whilst in the dark about these matters. And so in conclusion, our submission is that an adjournment of this week's hearings until the Commission is in a position to provide us with statements and the other relevant material I've referred to, and hopefully some information about the further conduct of

the Commission's hearings, is the only way to ensure the Commission's hearings are indeed fair, thorough and rigorous. Those are my submissions.

5 **COMMISSIONER:** Thank you, Ms O’Gorman. Mr Mandy, you join in this application?

10 **MR MANDY:** I do, Commissioner - we do on behalf of the Union and we adopt the submissions as made by Ms O’Gorman. Can we just make these brief observations by way of emphasis. First, clearly the instrument establishing this Commission requires that it's conducted in an open manner as has been emphasised. And by the use of that word, we infer that parliament intends that this inquiry is to put a spotlight on the operations of the Queensland branch of the CFMEU so that people of Queensland can see for themselves what has been going on. And that cannot happen and it's not an open inquiry, we submit, if there is a large body of material which is withheld from the parties, withheld from Mr Ingham and also from the public. 15 Mr Ingham can't answer secret allegations which are kept from him.

The Watson report is, as we understand it, the foundation for this inquiry, its genesis and Mr Watson in the public report that we've had access to, and I just note that we haven't been provided with the heavily redacted private copy of the report that has just been referred to. Mr Watson draws conclusions - 20

25 **COMMISSIONER:** I think that's because you - and this is no criticism of your client, Mr Mandy - but you only applied for leave to appear a couple of days ago or something like that.

MR MANDY: That's so.

30 **COMMISSIONER:** Yes.

MR MANDY: I'm sure it will be provided to us in due course. I'm not - Mr Watson draws conclusions about Mr Ingham's conduct, without revealing in the public report the sound evidentiary basis for those conclusions, which may be defamatory of him. And it withholds from him and the public any compelling evidence which supports those allegations. So that, we submit, is not an open process. The serious allegations that have been made against Mr Ingham is that he was part of, or cultivated, a culture of violence and most aggrieving to him, that he is, in some way, a misogynist. 35

40 There's no basis in the public report for those conclusions. In the Watson report they are broad, sweeping conclusions and, in our submission, don't have any factual basis in relation to Mr Ingham.

45 This application is made, really, on the basis of procedural fairness and a way of testing that procedural fairness is this: Mr Ingham will give evidence to this inquiry to answer those allegations. He looks forward to giving evidence in this inquiry. He will do so publicly, but how will he be cross-examined? How can he be asked questions by counsel assisting about material that is being kept from him?

He will say baldly: I'm not a misogynist. I have always fought hard for the rights of women in the workplace and outside it. And how will he be challenged on that? Who is it that says otherwise? He cannot be contradicted by the contents of a secret report which he hasn't seen and which won't be put to him. So if there is an evidentiary
5 basis for those serious allegations, there must, we say, be given to our client and it should be given to him prior to any cross-examination of the author of that report, so that he can answer those allegations and clear his name, which is what he wants to do.

10 **COMMISSIONER:** Now you're not really arguing for an adjournment. What you're saying is that prior to any cross-examination, there should be some gap between his evidence-in-chief and his cross-examination for the reasons that you give.

15 **MR MANDY:** There needs to be fairness in the sense that he is able to give us instructions about that material prior to it being received. This inquiry cannot make, we submit, serious findings against a person without giving them an opportunity to answer them. That's not procedural fairness and if in the end, Commissioner, you are going to be invited to make any findings against Jade Ingham, which are consistent with what's contained in the public report, then the factual basis for those findings
20 have to be put to our client and there has to be a basis in the evidence put to them.

And that's the basis of the submission that we make, Commissioner.

25 **COMMISSIONER:** Thank you, Mr Mandy. Are there any other parties wishing to support the adjournment application? No? Mr Costello, what do you say about?

30 **MR COSTELLO:** Commissioner, I oppose each application. The basis of the application, as just articulated by my learned friends, is first and foremost, I think, connected with fairness in any cross-examination. I say that because although there have been submissions made as to the unfairness arising from an inability to participate in a meaningful way in today's hearing, those complaints must, with great respect, be hollow. There's no complaint that the solicitors for or barristers for Mr Ravbar, Mr Lowth and Mr Ingham have not been able to prepare a witness; they have no witness. There can be no complaint that they cannot understand the effect of
35 the evidence that will be adduced from Mr Watson today. Any submission to that effect would be untenable, all the more so if made proleptically. And so the nub of the complaint must be an unfairness in testing Mr Watson's evidence. Now, that is -

40 **COMMISSIONER:** I think that was the question I just asked Mr Mandy.

45 **MR COSTELLO:** Just so. That's a complaint that assumes at least three matters, none of which can be established at this point. The first is it assumes an entitlement that does not exist, namely to cross-examine. The second is it assumes a need to cross-examine, which has not been made out. Indeed, there is no application to cross-examine before you. And finally, it assumes that in the absence of cross-examination adverse findings will be made against one or more of my learned friend's clients based on the evidence of Mr Watson. That is, at this stage at least,

speculation and if any such findings were proposed, there would, of course, be an opportunity for each of those gentlemen to be heard on the question.

5 As to the first of those matters, which is the lack of an entitlement to cross-examine, this is perhaps a convenient opportunity to have regard to the Commission's Practice
Guideline number 4, which is entitled Public Hearings and Evidence. Commissioner,
that guideline makes it clear, as is entirely orthodox, in my experience of
Commissions of this kind, that cross-examination is by leave only, that there is no
10 general open-ended right of examination or to tender evidence. Commissioner, you
will see that from paragraph 10.

You may limit the issues and topics about which a witness may be examined or
cross-examined and may limit the time available for any and extent of any
15 examination or cross-examination. Cross-examination, as to collateral matters going
to credit is impermissible (audio drop) cross-examination will only be permitted to
the extent that you, Commissioner, consider that it will assist in the task of
investigating and reporting on the subject matter of the terms of reference, paragraph
12(f).

20 Later paragraphs deal with the process for an application for leave to cross-examine
to be made, in particular the preference is for applications to be made in advance,
explained in paragraph 16(a), to be made by way of short submission and those
applications will, at least in the ordinary course, be dealt with on the papers.

25 **COMMISSIONER:** That's a little bit unfair to Mr Ravbar and Mr Ingham, isn't it,
because - sorry, I will let you develop -

MR COSTELLO: Not at all. I will come to that. I just want to express - it seemed to
be the convenient opportunity to express what will be the practice of this
30 Commission more generally.

Now, it's right that neither Mr Ravbar, Lowth or Ingham have sought, yet, in a
formal sense, leave to cross-examine Mr Watson. It can be expected that in the
course of the work of the Commission it will, on occasion, be infeasible for a party to
35 identify the need to cross-examine in advance. And equally, a need may be identified
but not eventuate in the way that the evidence is, in fact, adduced by counsel
assisting.

Now, whether or not any of those particular circumstances apply here isn't really a
40 matter that I need to canvass or that you, Commissioner, need to determine, at least
at this point. But lest it be thought otherwise, it shouldn't be thought that any of these
gentlemen are not in a position to test some of the evidence if they so wish.

COMMISSIONER: But they haven't heard it yet.
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MR COSTELLO: That's right, based at least on what they have seen from the
public report. The informational asymmetry is not all one way.

COMMISSIONER: Say it again.

5 **MR COSTELLO:** The informational asymmetry is not all one way. No doubt these gentlemen have knowledge and information that is available to them but not to the Commission and, at least in the case of my learned friend Mr Mandy's client, who has expressed a desire to give evidence, if that desire is met, he will then have an opportunity to put his account. But the only question you really need to determine at this juncture, Commissioner, is whether or not there ought be an adjournment of Mr Watson's evidence and the answer to that question, in my submission, is clearly
10 no.

15 There's no basis to disrupt the important work of this Commission today. Rather, in my submission, you ought to permit me to call Mr Watson. At the close of his evidence my learned friends can consider their respective clients' position. If they feel cross-examination is necessary, they can seek leave and explain whether they each consider that they can or cannot undertake that cross-examination now. If they consider they cannot fairly undertake the examination immediately, that submission can be put to you and explained, and you can determine how matters ought to
20 proceed.

25 There's absolutely no unfairness to any party in proceeding in that way. All parties, including Mr Ravbar, Mr Lowth and Mr Ingham, are undeniably entitled to procedural fairness, and it is the intention of those assisting you to ensure the procedural fairness is afforded. The procedural fairness does not require all parties to have all information at all times and for those reasons, you should dismiss these applications and we should proceed with the evidence of Mr Watson. Unless you have further questions for me, Commissioner, those are the submissions I wish to advance in opposition to the adjournment application.

30 **COMMISSIONER:** Well, I think Ms O'Gorman's application was to adjourn the whole week proceedings and at the moment there are four witnesses that are scheduled to be called this week. You've really just addressed in relation to what I think we all regard as the heart of the application, which is the adjournment of Mr Watson's evidence.

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MR COSTELLO: Yes.

COMMISSIONER: Do you want to say anything about the remaining witnesses?

40 **MR COSTELLO:** Yes. Insofar as, as a matter of procedure, the position that obtains, in respect of Mr Watson as to fairness, it's equally applicable to each other witness, that is parties can hear and assess the evidence and form a view as to whether cross-examination is necessary and put a submission to you on that basis. There's nothing particularly unusual, I might say, about the course of the inquiry.
45 Witnesses being called without witness statements being prepared. Now, the more regular course is witness statements are ordinarily prepared where possible but my only experience in Commissions has certainly been that there have been witnesses on

a number of occasions have gone into the witness box without a statement being prepared, sometimes because there is a report of one kind or another. On other occasions because it's not possible to have a statement prepared for one reason or another, including that the witness is being compelled to appear, and the evidence
5 needs to be adduced viva voce in the blind.

And so there's no particular reason why any of these witnesses could, in addition to Mr Watson, create any procedural fairness on the part of represented parties here. Everybody is entitled to be here to listen to the evidence and to consider their
10 respective clients' position once what is in effect the evidence-in-chief has been adduced and at that point questions as to cross-examination and/or the need for documents can be revisited. Thank you, Commissioner.

COMMISSIONER: Ms O'Gorman and Mr Mandy, I'm very happy for you to
15 renew your application in relation to the other three witnesses at some later stage but just dealing with the application to adjourn prior to the evidence-in-chief of Mr Watson, what do you say about the suggestion that you've heard from Mr Costello that there's no unfairness in proceeding to hear Mr Watson's evidence-in-chief provided, of course, that at the end of his evidence-in-chief, you
20 can make such application as you're instructed to make to cross-examine Mr Watson? And if necessary, to apply for an adjournment prior to undertaking that cross-examination and any other ancillary applications that you might wish to make at that stage, for example, for access to documents. Is there any unfairness in the way in which Mr Costello says we should proceed at least in relation to the
25 examination-in-chief of Mr Watson?

MS O'GORMAN: Commissioner, in the ordinary course of events, my answer would be no, that what Mr Costello is suggesting would meet the requirements of procedural fairness. The difficulty that we have with respect to Mr Watson's
30 evidence and the reason I maintain that his evidence should be adjourned before it's even heard in chief is that we do not have that underpinning investigative source materials that will be relevant to understanding the evidence that he gives today. It would make more sense, be fairer and more efficient in terms of time requirements for the hearings if his evidence was adjourned, that material could be provided to us
35 before he is called. That will allow us a proper opportunity to understand his evidence, rather than be listening to it in a void and to then deal with, in a timely way, any application we wish to make to cross-examine him and then cross-examine him in a timely way. And so it's really the outstanding provision of that material which we say stands as an impediment to making it fair to call him this morning.
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COMMISSIONER: I'm sure you can understand what he says. It might be that when he finishes giving his evidence-in-chief - I don't know when that will be, sometime today maybe tomorrow - you will stand up and say, "I need these
45 documents in order to cross-examine Mr Watson. I need more time. We can come back in a week's time or two weeks' time or whenever will be sufficient time to cross-examine because there is bits of his evidence that I need to take instructions on. I need to get some documents from him for my client and other people."

I'm not preventing you from making any such application at the close of examination-in-chief, but I can't see why a so-called lack of understanding of his evidence in evidence-in-chief would be sufficient to justify an adjournment of Mr Watson's evidence today. He's here, he's come up from Sydney. He's prepared to go into the witness box of his own volition. I'm just not sure that's sufficient.

MS O'GORMAN: Your Honour, I can't take my submissions any further other than simply to say it would be a more efficient use of the time for the material to be provided in advance and for the whole of his evidence to be taken at one time.

COMMISSIONER: I understand. Mr Mandy, do you want to add anything to that?

MR MANDY: No (indistinct).

COMMISSIONER: Well, for the reasons that Mr Costello has given, Ms O'Gorman and Mr Mandy, I'm against the application for an adjournment of this week's sittings in relation to all four witnesses. So, of course, you can renew your application in relation to the other three and I haven't made a determination in relation to those other three. In relation to your application to adjourn the hearing of Mr Watson's evidence, I'm against you on that. But on the basis that you are free once he has given - provided his evidence-in-chief to make any such application you may be instructed to make, including adjournment of any cross-examination and any application for access to documents that you might be instructed to make and any other such applications that you might think necessary for the purposes of being able to properly cross-examine Mr Watson.

In those circumstances, I can't see any unfairness in proceeding with Mr Watson in terms of the efficient operation of the Commission. Mr Watson is here, he's come up from Sydney, as I've said, on his own volition and he's prepared to give evidence. So to that extent I'm against your application to adjourn at least the receipt of Mr Watson's evidence-in-chief.

MS O'GORMAN: Thank you, Commissioner.

MR COSTELLO: Thank you, Commissioner. Before I call Mr Watson can I just mention at least so far as I'm aware, there has been one application for leave to cross-examine Mr Watson that has been received by the Commission. It's from our learned friends to my right from the union, the CFMEU. It's an application that is in many respects, and I don't say this critically at all, conditional upon the evidence as it is adduced and whether or not there is, in fact, a need for any cross-examination will turn very much on what Mr Watson says, so in my circumstances, I would suggest that we deal with that application at the close of Mr Watson's evidence-in-chief.

COMMISSIONER: Are you content with that course, Mr O'Grady?

MR O'GRADY: I am, Commissioner.

COMMISSIONER: Thank you.

5 **MR COSTELLO:** Commissioner, if that's it for preliminaries, I call Geoffrey Watson.

<WITNESS GEOFFREY WATSON, AFFIRMED

10 **<EXAMINATION BY MR COSTELLO**

COMMISSIONER: Please be seated, Mr Watson. Mr Costello.

MR COSTELLO: Thank you, Commissioner.

15 Mr Watson, could you state your full name for the record, please?

MR WATSON: My name is Geoffrey spelt with a G, Maurice, M-a-u-r-i-c-e, Watson.

20 **MR COSTELLO:** Your business address.

MR WATSON: 34/126 Phillips Street in Sydney.

MR COSTELLO: You're a member of senior counsel.

25 **MR WATSON:** Yes.

MR COSTELLO: And you were admitted to the bar in 1984.

30 **MR WATSON:** Yes.

MR COSTELLO: You've conducted a broad practice at the bar with an emphasis on insurance and commercial law. Do you accept that?

35 **MR WATSON:** Yes.

MR COSTELLO: But aside from your commercial and insurance law practice, you have appeared as counsel assisting in several large public scale inquiries.

40 **MR WATSON:** Look, I did the ICAC and the Police Integrity Commission. I've appeared in numerous of those sorts of things.

MR COSTELLO: Is it fair to say that you have both academic and a professional interest in integrity and anti-corruption matters?

45 **MR WATSON:** I've - yes, I do. I've written on the subject of integrity and had it published in journals. I've taught it at university. Apart from that, I was a founding

director of the Centre of Public Integrity and I speak at professional conferences on the issues of integrity and transparency, particularly. Every week. Unpaid.

5 **MR COSTELLO:** What's the Centre of Public Integrity?

MR WATSON: Sorry?

MR COSTELLO: What's the Centre of Public Integrity?

10 **MR WATSON:** It's a body which I set up with Tony Fitzgerald, who would be known around here.

COMMISSIONER: Are you comfortable there, do you want someone to take your bag, or do you -

15 **MR WATSON:** No, that's fine. Tony Fitzgerald, David Ipp and Professor George Williams and others. And what we do is we've worked over the years on the integrity and accountability and civil society democracy issues around Australia.

20 **MR COSTELLO:** You, have from time to time, given advice to governments of various stripes on integrity and corruption issues.

MR WATSON: Well, I was part of Mark Dreyfus' task force in design of the National Anti-Corruption Commission and more recently the Administrative Review Tribunal.

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MR COSTELLO: Now, you were -

MR WATSON: There is other ones too, including in Fiji and other places.

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MR COSTELLO: You were engaged by the administrator of the CFMEU, Mr Irving KC, to prepare a report into the Queensland CFMEU?

MR WATSON: I think to get it technically correct, I was originally engaged by Zach Smith, who is the national secretary of the federal branch of the CFMEU Construction and General Commission. I did that - I was briefed by Maurice Blackburn and I wanted an individual -

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COMMISSIONER: Is there a federal branch of the Construction and General Division, is there, of the federally-registered union?

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MR WATSON: Yes, there is, there is a federal registered body as well as - this is as I understand it - as well as the State branches.

45 **MR COSTELLO:** I might come to that in a moment rather than try to untangle all of that.

MR WATSON: But I wanted a human being to whom I would go, my legal professional duties, et cetera, et cetera and Zach Smith took on that role, and then when the administration was put in place, ark Irving asked me if I would continue and I said I couldn't because I had had this relationship with the union and with Zach
5 Smith, but then Zach Smith, I must say to his credit, he said I relinquish any privilege I've got over that and that's how I came to be retained by the administration.

MR COSTELLO: Was the extent of your retainer from Mr Smith largely the same as the retainer that you then had from Mr Irving?
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MR WATSON: No. Originally it was to focus on the things which had been revealed in Nick McKenzie's now-famous Building Bad series, especially the 60 Minutes episode. And so in terms of reference set around that, but quickly the thing began to get bigger and broader and wider. Now, the focus there was really quite
15 specifically on Victoria. I produced an interim report which is published on the administration website and was used as critical evidence to prove the constitutional fact in the Ravbar proceedings in the High Court.

MR COSTELLO: Yes, thank you.
20

COMMISSIONER: You just reminded me, I remember the solicitor-general referred to your interim report in his submissions in that case. Why do you say it was critical evidence?

MR WATSON: They had to prove an essential constitutional fact which was the basis for the legislation, so it was tinted in that way. I have my own - I'm very dubious about constitutional lawyers and how they claim things to be constitutional facts but that's an entirely different issue.
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MR COSTELLO: Well, it's tempting for you to throw that lure out for me, Mr Watson. But in any event, having been engaged by Mr Irving and having received terms of reference from him, you then from produced a report entitled Violence in the Queensland CFMEU.
30

MR WATSON: Yes, that certainly was entirely from Mark Irving -
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MR COSTELLO: Yes.

MR WATSON: The one which is titled Violence in the Queensland CFMEU.
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MR COSTELLO: All right. And I will just have that document, this is document 1, brought up on the screen if I may.

MR WATSON: I've got my own copy in the witness box. Do you mind if I have a
45 look at mine?

MR COSTELLO: I was about to ask you what you have in the witness box with you. Do you have a copy of the public report, do you?

5 **MR WATSON:** The public report in an unredacted form and the private report in an unredacted form. So I've got them. I will put them aside if you prefer.

10 **MR COSTELLO:** I will prefer, at least for now, that you put them aside for a number of reasons. For one, they might be distracting to you, but secondly, I don't have what you have.

MR WATSON: We will go with what you have. I will look at it on the screen.

15 **MR COSTELLO:** I will take you to a version that is - that I will work from which is the same version that has been provided to those parties, at least.

MR WATSON: Thank you.

20 **MR COSTELLO:** Could I have document 1 put on the screen, please. Now, does that look like the first page of your report?

MR WATSON: That's the cover page.

MR COSTELLO: Yes, and then I might just ask the -

25 **COMMISSIONER:** Can I ask you, Mr Costello, there are two versions of the so-called public Watson report aside from the utterly unredacted version that Mr Watson has in his - in the witness box with him.

30 **MR COSTELLO:** Yes.

COMMISSIONER: The first is the redacted version that was placed upon the CFMEU website in around mid-June 2025. The second is a version of his public report which some of those redactions which have been placed upon that report by the CFMEU, unredacted, and distributed to the parties I think yesterday.

35

MR COSTELLO: That's right.

COMMISSIONER: Which version?

40 **MR COSTELLO:** The version on the screen is the version that was circulated to the parties yesterday. That is a version that lifts, in effect, some of the redactions of the previously publicly available version of the report.

45 **COMMISSIONER:** Sorry, you go.

MR COSTELLO: There are, however, still redactions in this document and they are redactions, though less extensive, that have been made having received submissions

from affected parties. The basis of the redactions in this report, and the private report which I will soon come to, is to preserve the identity of those who cooperate with Mr Watson's work and who have expressed concerns as to physical safety or reputational harm or wellbeing, which the counsel assisting team have assessed as warranting protection, at least at this stage. Obviously, Commissioner, any redactions, confidentiality orders or anything like it, are always subject to further order but there are people in particularly vulnerable positions who do not need to be named in order for me to adduce evidence from Mr Watson today, and for that reason we have made those redactions.

Also relevant to redactions is the fact that various people cooperated with the work of Mr Watson in preparing this report on the belief that they were doing so on a confidential basis and that's a relevant consideration in determining how best to proceed at this early stage of the Commission. And so the version of the report that I have on the screen and that I intend to tender is a version that contains some redactions, although as I say, not as many as were in the previously publicly available report.

COMMISSIONER: But the - I think there was an application made - my note is 12 November - some submissions by what I might loosely call the CFMEU, that is the party or parties that Mr O'Grady represents, saying that the Commission should not accept the tender of this version that was distributed to the parties yesterday for the reasons that are set out in that correspondence. That is, that the redactions that the CFMEU had placed upon Mr Watson's public report when they published it on the website should largely, not entirely, remain.

MR COSTELLO: Yes.

COMMISSIONER: I don't think that application has been heard and determined yet.

MR COSTELLO: It might than my learned friend wishes to renew it or prosecute it. If he does, inherent in the document on the screen now is, at least for my part, a rejection of some of the submissions that have been put on behalf of the CFMEU. These are difficult questions of balance that will remain difficult questions throughout the life of this Commission of Inquiry. There is an obvious understandable preference for openness and transparency, but there are those that are in vulnerable positions that warrant protecting and that is where I have sought to draw the line here.

If my learned friend wishes to prosecute an application that the redactions ought be more extensive than they, in fact, are, then, of course, Commissioner you will hear it. If, depending on the status of that application and what you determine is appropriate, it may require some variation to the redactions that have been applied to this document which can be done in due course and I will just need to be careful about paragraphs that I put on the screen in the meantime.

COMMISSIONER: It might rather defeat Mr O'Grady's application if we show in open court the documents that you provided to the parties yesterday.

MR COSTELLO: Yes.

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COMMISSIONER: What do you say about all of that, Mr O'Grady?

MR O'GRADY: We work on the understanding the correspondence we received from the Commission yesterday that the application has been determined. We received a letter from Mr Gardner on behalf of the legal team counsel assisting, indicating that our submissions in respect of the public report had not been accepted.

COMMISSIONER: I thought his correspondence, when you bring it up, was to the effect that counsel assisting was proposing to tender the so-called Watson public report in the form that it was distributed to the parties in yesterday, but without prejudice to your application made, I think in writing, on 12 November to maintain some of the redactions that your client had placed upon the unredacted report when it published on the website.

MR O'GRADY: Well, in those circumstances, Commissioner, we would renew that application and as you would recall from that correspondence from my client, the basis of seeking to maintain the redactions in the public report was that even though individuals who have cooperated with Mr Watson were not identified or by the removal of the redactions, the incidents about which they were complaining would be more easily ascertained and that, in turn, might lead to them being identified, and for the same reasons that we will put in respect of the private report that there was a need to protect the individuals who had cooperated with Mr Watson, including for the reasons identified by Mr Costello, namely the risk that they might be subject to harm, those redactions in respect to the public report should also be maintained.

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COMMISSIONER: Well, I wonder, Mr Costello, whether we can show Mr Watson the version of this report for him to identify that was published on the CFMEU website in mid-June 2025 rather than the version that you circulated to the parties yesterday and then during the morning tea break, perhaps you could have a discussion with your learned friend Mr O'Grady.

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MR COSTELLO: I will do that. I think for present purposes, just for the sake of efficiency more than anything else, I won't seek to do a documentary tender now. I can do it later. I can proceed with questioning of Mr Watson without reference to the report and you, Commissioner, subject to discussions that I will have with my learned friend during the morning break, may then need to determine my learned friend's application and you may determine it in accordance with the view that I had formed which have been communicated to them, or you might think that my learned friend's points are good and there should be additional redactions applied. Until that's been determined, I won't seek to tender the report and there's no particular reason why I need do it at the start rather than later on.

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COMMISSIONER: At some point I think it would be worth tendering the version that was placed upon the CFMEU website -

MR COSTELLO: Yes.

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COMMISSIONER: In June 2025 if only as a reference to the time at which certain persons were made aware of these allegations being made against them. I'm thinking really particularly Mr Ravbar as who as doing it.

10 **MR COSTELLO:** I don't disagree with anything that you've said, Commissioner, I will ask and I'm sure it will just magically happen that that redacted - publicly available redacted version be placed into the hearing book and once I'm told it is in there I will seek leave at the appropriate time.

15 **COMMISSIONER:** You can do that at the morning break. Thank you.

MR COSTELLO: Mr Watson, I'm just going to ask you some questions regarding your appointment by Mr Irving, but before doing so I would just like to try and untangle a little about the legal structure of the Queensland CFMEU which might not be known and certainly wouldn't be obvious to those without some experience in industrial relations matters. Reference is made throughout the report to the Queensland CFMEU but I think I'm right to say that there are, in fact, three separate bodies within that umbrella term that were relevant to your investigation. I will tell you what they are and you can tell me if you agree.

25

MR WATSON: It might be better if I start because I think you might be getting off on the wrong start. There is a federally-registered organisation, the CFMEU, it's got three divisions. When we talk about the CFMEU, and I make this clear in the report, that I'm talking about only one of those divisions: The Construction and General Division.

30

MR COSTELLO: That's the Construction and General Division of the federally-registered organisation.

35 **MR WATSON:** And there's a federally-registered organisation which registers that. So there is, I believe, Commissioner, a national branch of which there's a secretary et cetera, et cetera.

COMMISSIONER: A national branch of the Construction and General Division.

40

MR WATSON: Of C and G Division, yes, and what you have is then State and Territory registered branches, but they are still registered federally. Now, they're in Queensland, which combines with the Northern Territory, New South Wales by itself, ACT by itself, Victoria with Tasmania, South Australia by itself and Western Australia by itself. Now, some of those unions, those branches are still federal organisations under the federal legislation, thus under the Fair Work Act and the Fair Work (Registered Organisations) Act and subject to the jurisdiction of the Fair Work

45

Commission and the Office of the Fair Work Ombudsman, so they're all subject to that but then you've got something else here in Queensland - you've also got it in New South Wales - and that is a pure State-registered branch. So that there's a CFMEUQ registered under the State legislation and subject to the State Commission
5 et cetera, you also have that in New South Wales. You do not have it in Victoria. You don't have it in the ACT and I don't know about South Australia or Western Australia.

10 **MR COSTELLO:** All right. Well, let me just see if I properly understand the evidence that you've just given. Of the relevant bodies, there's a Construction and General Division of the federally-registered organisation. That's one -

MR WATSON: Yes.

15 **MR COSTELLO:** - entity. There is the federally-registered Queensland and Northern Territory branch of the Construction and General Division?

MR WATSON: Correct.

20 **MR COSTELLO:** And then there is the State-registered entity which is relevantly under the Industrial Relations Act 2016, the Queensland Act, and that's what you have called the CFMEUQ.

MR WATSON: Correct.

25 **MR COSTELLO:** All right. And is it fair to say that in the course of your report, when you refer to Queensland CFMEU you might be referring at various points to any one of those bodies? ?

30 **MR WATSON:** I think I make that plain in my report but I just call it the CFMEU even though I should have been saying Construction and General Division. I just called it the CFMEU unless I needed to draw attention to the different legal entities.

35 **MR COSTELLO:** Yes, thank you. Can I turn then to the leadership structure of the Queensland CFMEU. Before the CFMEU was placed into administration in August 2024, in general terms, the Queensland CFMEU's leadership was structured according to a hierarchy that descended, I think in general terms, from branch committee of management at the top down to the delegates; is that right?

40 **MR WATSON:** I could explain it - I call it the branch of Committee of Management which is in every State branch the parliament that's elected by members unless a governing body which really sits on the big decisions guides a number of the policies, et cetera, et cetera. So that should be regarded as the supreme body, but you
45 can come back and ask me if I believe it had that role, but it should be in that position.

MR COSTELLO: It's sometimes referred to as the COM.

MR WATSON: In New South Wales they call it the COM, in Victoria they call it the VCOM, I think. I've forgotten what they call it in Queensland.

MR COSTELLO: Thank you.

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COMMISSIONER: Mr Costello, we're going to have to adjourn for a moment because I've just been told the live stream is not working - to allow the audiovisual staff to fix that. I'm sorry for this Mr Watson.

10 **MR WATSON:** No, trouble at all.

COMMISSIONER: We will adjourn until 11.15.

<THE HEARING ADJOURNED AT 11.02 AM.

15

<THE HEARING RESUMED AT 11.17 AM.

(Audio drop)

20 **MR COSTELLO:** At the top of the - sorry, beneath the Committee of Management, there were then members of the executive?

MR WATSON: Well, it's like federal parliament. There's a Committee of Management for parliament, then you've got the executive, the equivalent of the ministry, and then there's the organisers who are the staff who are the equivalent of the bureaucracy.

25

MR COSTELLO: Thank you. Within the executive, Mr Ravbar served as the secretary.

30

MR WATSON: Yes, that's the powerful position.

MR COSTELLO: That's the principal executive officer of the union.

35 **MR WATSON:** Yes.

COMMISSIONER: Can I ask a question a minute, Mr Costello. You heard me ask Mr O'Grady and Ms O'Gorman this question about Mr Ravbar's position as secretary. When you say he was secretary, you mean secretary of the Queensland and Northern Territory branch of the Construction and General Division of the federally-registered CFMEU and the secretary of the Construction and General Division of the State-registered CFMEU?

40

MR WATSON: Yes. 100 per cent on the first of the two, 99 per cent on the other. The records weren't clear - from recollection I did have a look at a few things that seemed to say not a great deal of attention was paid at the branch, and you can understand this, of dividing the work of the two entities.

45

COMMISSIONER: And you - I failed to ask you, Mr Mandy, the same question about Mr Ingham. Do you want to take that on notice as well?

MR MANDY: Yes. Thank you, Commissioner.

5

MR COSTELLO: Mr Ingham and Mr Lowth served as assistant secretaries?

MR WATSON: Yes.

10 **MR COSTELLO:** And it's within your knowledge that Mr Ravbar and Mr Ingham were removed from the position at the commencement of their position, at the commencement of the administration.

MR WATSON: All three were removed.

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MR COSTELLO: Thank you. Those removals were not a consequence of your report?

MR WATSON: Nothing to do with me.

20

MR COSTELLO: And by reason of those removals, they were not in any relevant office at the time of your investigation?

MR WATSON: Correct.

25

MR COSTELLO: Beneath the executive there were roughly 40 organisers.

MR WATSON: Something like that. The numbers fluctuated.

30 **MR COSTELLO:** Organisers were allocated roles, sometimes by reference to a geographical area, sometimes by reference to a task or trade.

MR WATSON: Yes, they're called a patch and so you might have south-west Brisbane or you might have north-east Brisbane or you might have off-site, which is precast work and that sort of thing, or you might have an organiser who looks after cranes. That sort of thing.

35

MR COSTELLO: The executive and the organisers are all directly employed by the union.

40

MR WATSON: Yes.

MR COSTELLO: And did you know which entity of the three that we're talking about employed them, or is that unclear to you?

45

MR WATSON: That was unclear to me.

MR COSTELLO: Thank you. Beneath then the -

5 **COMMISSIONER:** Mr Watson, oftentimes in a union such as this, some organisers would be elected but some employed. Yet your evidence is that the 40-odd organisers were all employed, none were elected.

10 **MR WATSON:** That was my understanding but you've got to remember that the people to whom I spoke to at the union can be broadly divided into two camps, one was they were entirely new, ie brought in by the administration or old hands, and they weren't very happy to talking to me. Now, I don't blame them for that. I really do not blame them for that because at the time I was trying to talk to people, the Ravbar proceedings in the High Court had not been resolved and he might have been back the next week, so if they were reticent talking to me I thought that was within a decent (indistinct).

15 **COMMISSIONER:** And you might not have gone as far in your inquiries but you say that these 40 organisers were employed. Employed by which entity?

20 **MR WATSON:** That's what I don't know. I believe it was the federally-registered State branch.

MR COSTELLO: Thank you. And then - so that was -

25 **MR WATSON:** There's a reason why I say that. I believe that's got to be right because there were lots of personal payment orders made against officials of the CFMEU by federal courts and as I understand it, they received advice that was appropriate to avoid the impact of that by paying the fine through CFMEUQ and that would suggest that they're being employed by the federally-registered branch rather than the State union.

30 **MR COSTELLO:** Thank you. I will come back to personal payment orders a little later.

35 **MR WATSON:** Can you speak up just a little.

40 **MR COSTELLO:** Sorry, yes. I will come back to personal payment orders a little bit later. I just want to work through this structure. So the 40 organisers or thereabouts, the next level below that there is the delegate level and there were roughly 400 delegates.

MR WATSON: Yes, that was the best number that I could come up with but that's rough. And that, again, would fluctuate week to week, month to month.

45 **MR COSTELLO:** Now, those delegates selected through some sort of democratic process.

MR WATSON: Supposedly.

MR COSTELLO: You say supposedly, is that because, as you said in your report, sometimes members on a particular site were only presented with a single candidate.

5 **MR WATSON:** Yes, but it's not only that. It seems as though - this is a habit - bad habit picked up by the - or from the Victorian branch, where it did seem to me, at least it appeared, that certain people were being imposed upon contractors selected by officials higher up in the branch, for example - I don't know of a particular instance but someone in the executive could have ordered a contractor to employ Joe Smith as a delegate but I certainly did hear of instances of delegates being imposed
10 upon contractors. Bear in mind, that wasn't exactly within my remit, my terms of reference, so I didn't take it too far.

MR COSTELLO: You didn't form a view as to how common that was?

15 **MR WATSON:** No. I had a suspicion that it was becoming more common and that would be consistent with my overall theory which is that Mr Ravbar and Mr Ingham had seen what happened in Victoria and they were trying to emulate it.

20 **MR COSTELLO:** All right, but at least so far as the election of delegates is concerned, this is more an impressionistic assessment by you than based on a significant amount of evidence that you received; is that fair?

MR WATSON: Yes, I did hear it from a few people.

25 **MR COSTELLO:** Yes.

MR WATSON: But it wasn't my - within my terms of reference but I did hear it.

30 **MR COSTELLO:** Yes.

MR WATSON: And I couldn't resist asking a few questions, this did become a bit of a mystery to me how some of these people had come from other States and then quickly become delegates.

35 **MR COSTELLO:** I see. But you would accept, wouldn't you, that it's not necessarily problematic, for example, that there was only a single candidate nominated for a particular site, that alone is not problematic.

40 **MR WATSON:** Not at all. In fact - look, I'm basing this - it's pretty old now, but on certainly experience that there be one person who everybody liked and they would be willing to take on the job and they became a delegate and went off and got some training.

45 **MR COSTELLO:** Thank you. Now, it's right, isn't it, that delegates are not employed by the CFMEU. They're employed by the contractor.

MR WATSON: They're employed by the contractor, they're not, generally speaking, I don't know of any instances of this, where it was - sorry, I will start again. They're employed by the contractor. If there are exceptions, I don't know about them.

5 **MR COSTELLO:** But having been elected as a delegate, they would then receive specific training by the CFMEU. You are aware of that?

MR WATSON: Well, they're supposed to.

10 **MR COSTELLO:** I see. When you say supposed to, do you mean that you don't know if they, in fact, received it or do you - were you told that it did not occur?

MR WATSON: Again, I was suspicious that they were coming into the position with no training, or at least some of them, or that was happening occasionally - but
15 again, that wasn't my remit.

MR COSTELLO: The organisers and delegates are, together, sometimes referred to as officials of the union.

20 **MR WATSON:** Well, and the executive.

MR COSTELLO: And the executive. Thank you. And they, in their capacity as officials, represented the union in different circumstances and different ways?

25 **MR WATSON:** Well, yes, they could be fronting a charity, they could be representing the union in negotiations, et cetera, et cetera.

MR COSTELLO: But to varying degrees, the official by the reason of the office that they held held the position of power and authority within the union.
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MR WATSON: Yes.

MR COSTELLO: Thank you. Now, do you recall when it was that Mr Irving appointed you to make your investigation?
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MR WATSON: Not the exact date but I can, if you just let me look at my copy of the report, give you a good estimates because I do know that it took me three months to do it. And so I'll just say, I sent it to him on 17 June 2025.

40 **MR COSTELLO:** That's right. So about three months earlier.

MR WATSON: Three months earlier. Thank you.

MR COSTELLO: Thank you. And there were terms of reference that you were given on your appointment and it looks as though they were updated on 27 May
45 2025. Is that a reflection of the change of circumstance why you're engaged by

Mr Irving or is that an amendment to the terms of reference that Mr Irving had already given to you?

5 **MR WATSON:** No. From recollection, that was because I asked for it so I could take into account some historic materials which went back a year or so before whatever the original date was.

10 **MR COSTELLO:** The effect of the amendment was to extend the period of investigation back to 2015.

MR WATSON: Yes. It would have been so I can pick up things, like, for example, you might have seen I quote from a judgment of Mortimer J in the Federal Court. It might have been that I looked at things and thought, well, just to make it clear the terms of reference should go back and cover that so I thought that -

15 **MR COSTELLO:** Thank you. I just want to understand the state of mind that you brought to your work when you were engaged by Mr Irving. At the time you accepted the appointment, had you been involved in any cases or inquiries involving the CFMEU?

20 **MR WATSON:** Never.

MR COSTELLO: Do you consider that you have brought an independent mind to your investigation?

25 **MR WATSON:** Well, as much as a person can. I believe I did. I'm just going to tell you something now. I was a law student, I was a member of the BWIU. I thought that was one of the most wonderful experiences of my life. I loved that trade union. To this day, Tom McDonald is a hero of mine and it was a great trade union. So I did
30 come into this with a feeling about it, which is this is a great organisation. Look, for those who don't know BWIU is a forerunner to the CFMEU, and so I was a very proud member of that and I saw what those buildings sites were like and it was an enjoyable part of my life. It was very hard work and very hot work and it made me redouble my efforts as a law student.

35 **COMMISSIONER:** Mr McDonald would be the State Secretary of the New South Wales branch?

40 **MR WATSON:** He certainly was. The he's the man who came up with a little idea that we introduce this concept of superannuation for working class people. Before him, it had been only within the grasp of the wealthy. It's today - his legacy is called Cbus.

45 **MR COSTELLO:** Thank you. Mr Watson, under the terms of reference that were issued to you, you were required to inquire into format. The first was credible allegations of violence, threats of violence and menacing conduct between

2015 - from 2015, including allegations of such conduct by or against employees and former officers of the Queensland CFMEU.

MR WATSON: Yes.

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MR COSTELLO: The second was the culture and actions embraced by the former leadership that tolerated and accepted and promoted and failed to confront a culture of violence and menacing conduct in the Queensland CFMEU and the industry as a way of doing business?

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MR WATSON: Yes.

MR COSTELLO: The third was the culture of the CFMEU that led to threats against other unions and unionists, disrespect and threats against regulators and isolation from the broader union movement?

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MR WATSON: Yes.

MR COSTELLO: And the fourth was the consequences of the Queensland CFMEU's culture and attitude to the broader democratic principles of unionism and to provide case study of those consequences?

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MR WATSON: Yes.

MR COSTELLO: All right.

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MR WATSON: You asked whether I brought an independent mind.

MR COSTELLO: Yes.

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MR WATSON: I got - I did some preparation before coming up here to Queensland to interview individual witnesses. Even on the flight up here, I've got a vivid recollection of this, I came up here thinking this is a storm in a teacup, because I'd read accounts of these things that were going on and on paper they looked like so silly, so childish, schoolyard bullies and I thought this is nothing. That's the mindset I had coming into it. It was then I spent some weeks interviewing people when I realised I was wrong and it was quite different.

35

MR COSTELLO: Thank you. Before I come to any particular views you formed, I just want to ask you some questions concerning your conduct of the investigation. As part of your investigation, you interviewed 55 people?

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MR WATSON: I think I said that in the report but I think I got that wrong. I think it was 56.

45

MR COSTELLO: You realised that subsequently?

MR WATSON: Yes. You only ever recognise the typos or spelling errors once you press send.

5 **MR COSTELLO:** That is certainly my experience. The categories of people that you interviewed over that three-month period included CFMEU officials.

MR WATSON: Of course.

10 **MR COSTELLO:** And CFMEU members who were not officials?

MR WATSON: I've just forgotten.

MR COSTELLO: Okay.

15 **MR WATSON:** Probably, yes.

MR COSTELLO: Thank you. Did you interview other trade unionists?

20 **MR WATSON:** Yes, quite a lot. They're not all in the report because I narrowed it and, look, there are really, in effect, only at the impact of the CFMEU on the AWU but I did speak to people from other trade unions.

MR COSTELLO: Thank you. Did you speak -

25 **MR WATSON:** Not only that but people higher up in the trade union movement from the ACTU and from the QCU.

MR COSTELLO: Thank you. Did you speak to public servants?

30 **MR WATSON:** Of course.

MR COSTELLO: Building contractors?

35 **MR WATSON:** Yes.

MR COSTELLO: And did you speak to people who claimed to be victims of abuse perpetrated by CFMEU - Queensland CFMEU officials?

40 **MR WATSON:** Yes, I did, and that's not something I'm not easily going to forget. There was a fellow who called me, we spoke for an hour and by the end of it, I was crying.

COMMISSIONER: What was his name, sorry?

45 **MR WATSON:** I cannot - I will not tell his name. I will go to jail before I ever reveal that poor man's name because he was terribly treated.

MR COSTELLO: We might come back to an aspect of it later. You obtained extensive video and photographic evidence in the course of your inquiry?

MR WATSON: Well, I was given it.

5

MR COSTELLO: Yes. Where did that come from?

MR WATSON: Different places. For starters, I started looking at Facebook because the CFMEU was putting a lot of stuff on Facebook. Then I got things off television news. I got some very good material from either body cams or, in one instance, mobile phone and another instance a dash cam held by AWU officials, and then I was sent - I mean, I'm about to reveal something which I'm a bit embarrassed, I was sent a huge amount of material from the Work Health and Safety people who were wearing body cams but in the way it was produced to me, it was hours and hours of material and I just couldn't find, in an efficient way, where the good bits were. Now, you can get someone, and you've got greater resources than I did, but it was me. I hired one of my former students to start looking through it and she spent hours and hours and could not get from it the relevant material.

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20 **MR COSTELLO:** All right. Can I just ask -

MR WATSON: A really good source was the CWU.

MR COSTELLO: Thank you. Can I just ask you something with respect to the body cam footage. You said that there were hours and hours of it and you couldn't get from it the good stuff.

MR WATSON: This is Work Health and Safety.

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30 **MR COSTELLO:** Yes.

MR WATSON: The other stuff I watched all of it, several times.

MR COSTELLO: Yes. When you say "the good stuff" you mean the stuff that was particularly relevant to your inquiry, which concerned violence?

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40 **MR WATSON:** Yes, you might have to watch 40 minutes of somebody driving to a site and getting onto the site saying hello to people and they made no progress. So to be honest, I put that poorly before and you're right to pull me up; there may not have been any good stuff and so there I really did rely upon accounts given to me by the Work Health and Safety officers.

MR COSTELLO: And there needs to be a degree of proportion in all of this. Do you accept the fact that, for example, if there are hours of body cam footage at sites, not travelling to sites but at sites, and overwhelmingly that body cam footage is non-controversial and not revealing a violence, that that alone says something of relevance?

MR WATSON: Well, of course, it does but it's only of marginal relevance because, I mean, you would hope, barring an emergency, that every minute of every day on a building site - I know they're tough places but it's a workplace - that on a building site would be peaceful, amicable. So in a sense, by showing a film that's peaceful and amicable, it's great, but it doesn't explain away the impact of some of the things that I saw on video.

MR COSTELLO: Thank you. Did you receive material from the administrator?

MR WATSON: Look, only through staff, if I'd request things like company searches or newspaper searches, that sort of thing. I don't think so. I heard earlier today that there were thousands of pages of material. Don't - whoever was bringing that up, get your hopes up because it included, for example, literally - if I say dozens, it could well have been in excess of 100 cases that I read regarding prosecutions. I mean, there was thousands of pages of material which have now, hopefully, been properly recycled.

MR COSTELLO: Thank you. Is it fair to say that at least to some extent your investigation was hindered by a lack of cooperation from some people who you considered likely to be critical witnesses?

MR WATSON: To some extent. It was stymied by a lack of cooperation. I couldn't get Mr Ravbar to meet me or speak to me. I couldn't get Mr Ingham to meet me or speak to me. And then, when I was able to bring some people in, of course, because they remained employees of the union, they were uncooperative. There were probably something like 20 people that I attempted to speak to, just by giving them an invitation because I could not compel them to attend, and they wouldn't speak to me. I couldn't get the other side of the story. And then, and this worries me, Commissioner, and then I was really actually disappointed at the lack of cooperation that I was getting from major building companies. Now, they are the first ones to complain but often they're the last ones to say anything other about it. Why? I guess they don't want to rock the boat. But you guys have got powers that I did not have. You may be able to overcome it, but I was stymied by an overwhelming omertà.

MR COSTELLO: You invited Mr Ravbar to attend an interview?

MR WATSON: Multiple times.

MR COSTELLO: And they declined those invitations?

MR WATSON: Multiple types.

MR COSTELLO: And that meant that information adverse to Mr Ravbar was left uncontradicted, at least by him?

MR WATSON: Yes, that's right, I'm just trying to remember, I don't think - Mr Ravbar may have denied one thing but I saw that it went he went on YouTube to

criticise me. I don't mind that, I mean, fair enough, but what he raised was something which he said specifically contradicted something I said in the report. Well, I would have taken what he had into account had he come to me and said it.

5 **MR COSTELLO:** Mr Ingham also refused to take up your invitation?

MR WATSON: Correct.

10 **MR COSTELLO:** And so in respect of Mr Ingham, his - evidence in respect of him was also largely uncontradicted although I think it's right he did provide some written responses denying knowledge or recollection of similar violence incidents. Do you recall that?

15 **MR WATSON:** Pretty sure that he denied the incident which involved the man who approached a woman and child at a union day. I think the suggestion was that he was within hearing distance and from recollection, he denied that.

MR COSTELLO: I see. So that was the extent of -

20 **MR WATSON:** But it was just a bare denial, it didn't happen, sort of thing.

MR COSTELLO: Now, you've already mentioned this but is it fair to say that there was something of a spectre hanging over your investigation in the form of the High Court challenge brought by Mr Ravbar and Mr Ingham to legislation enabling the
25 administration?

MR WATSON: Absolutely. Well, for starters, the administrator was given a power under, I think it's 323L, to direct former officials to come and give evidence. Now, should that be exercised while that very provision was under challenge? I went to the
30 trouble, I mean, probably would have done it anyway out of interest, but I read all the written submissions that was provided to the High Court at the hearing, it was obviously an argument of the case and I thought it would just be an abuse of process if I used that power which was under challenge to bring them in. They would have been, I think, well within their power to say don't be ridiculous, you can't use that
35 while it's under challenge. So I couldn't use that power to bring them in, so I just did it by way of invitation conference.

MR COSTELLO: I see. And how was -

40 **MR WATSON:** Sorry, and also it hung over the whole inquiry for the reason I mentioned before. There are a whole lot of people who may have wished to speak to me but if the Ravbar proceedings were successful, they might have been back in power.

45 **MR COSTELLO:** They being Mr Ravbar, Mr Ingham -

MR WATSON: Mr Ingham, et cetera, and Mr Lowth - he had been removed as well.

MR COSTELLO: And so that -

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COMMISSIONER: Can I just ask, who are the et cetera in the (indistinct) people who are back in power?

MR WATSON: Well, I can't remember who else. There were a few people from Queensland removed but certainly Mr Ravbar, Mr Ingham and Mr Lowth. Now his name has been mentioned, I doubt he's represented. Not only did I not hear anything bad about Mr Lowth, everyone said no, he's a very good fellow. Anyway, I don't want to drag him into this.

MR COSTELLO: The power that you were just speaking about that you declined to exercise while the High Court proceedings were on foot, for fear of it being an actual or ostensible abuse of process, is that a power available to you on a delegation from the administrator or did you need to ask the administrator to exercise the power?

MR WATSON: The administrator needs to exercise the power.

MR COSTELLO: Thank you. And so you, having formed the view that you formed about the arguability of the High Court proceeding, declined to invite the administrator to exercise those powers to assist you. That's the position?

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MR WATSON: Exactly.

MR COSTELLO: Yes. Thank you. You did conduct interviews with a group of officials that were - that remained employed by the CFMEU?

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MR WATSON: Yes, I sure did.

MR COSTELLO: And those interviews occurred because, in part, the administrator was in power to require those officials to (crosstalk).

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MR WATSON: Just to serve an employer, directing the employee to do something.

MR COSTELLO: And these are interviews that you've alluded to already and that you found to be disappointing.

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MR WATSON: Disappointing, yes. It was hopeless.

MR COSTELLO: Were they hopeless without exception or were they just generally hopeless?

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MR WATSON: They were hopeless without exception.

MR COSTELLO: And -

5 **MR WATSON:** It was plain that people were being uncooperative with the meetings. I found that - this to be quite counterproductive to put on a tape recorder, you wouldn't believe the effect that it has on a human being. They don't like it. But I always invite the person I'm interviewing to protect themselves by recording it themselves. Each of them then came in with a tape recorder and plomped it on the desk in front of me.

10 After the first day, they came in and opened up with a routine speech objecting to me being the person who questioned them because I was biased. So I listened to this at first and said we'll get on with it, and then I said to them, after a couple had said it, I said, "Could you just tell me why?" And they'd be dumbfounded, they wouldn't know what to say. They'd obviously got a little speech given to them, this is how you
15 are to open it. I subsequently heard, I do not know if it's true but I hope Commissioner, this might be one of the things that you look for, that each of those men had been driven to meetings with me - they were conducted in the Pullman Hotel, just around the corner. They were driven to the meetings by Jade Ingham's - it's either a stepbrother or a half-brother - and they, he subsequently - you
20 will be able to find it in the papers, he's subsequently been charged with murder, I think, they were driven there by that man and given a tape recorder by either Ingham or that man. In other words, these were very bad interviews. It was hopeless and a waste of time and, quite frankly, created a negative feeling.

25 **COMMISSIONER:** Was that gentleman's name Eric or something like that?

MR WATSON: Sorry, Commissioner.

30 **COMMISSIONER:** Was his name - the half-brother or step brother of Jade Ingham that you just referred to, is that a man named Eric?

35 **MR WATSON:** I think you might be right. This happened, of course, afterwards - I only heard about this recently. Now, is it true, I didn't go in to look at it and I certainly wasn't going to ring up any of these men. I mean, one of the poor fellows was there explaining to me that his memory was very bad because he used to be a
40 footballer and his grandmother had dementia. I mean, I've never seen such memory loss on a widespread scale and I was counsel assisting at ICAC.

40 **MR COSTELLO:** Mr Watson, the allegation of bias that you said was levelled at you during the course of your attempts to have meaningful interviews with current officials. Was there any substance given to that allegation?

MR WATSON: I'm sorry, did you say level of violence directed -

45 **MR COSTELLO:** Sorry, level of - sorry, I will withdraw it and start again. You mentioned that during the interviews that were attended by current CFMEU officials

on the instruction of the administrator that there was an allegation of bias levelled at you.

MR WATSON: Yes.

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MR COSTELLO: And that was a matter of routine.

MR WATSON: Yes. No, the first two didn't do it but then somebody obviously gave them a script and they come in with - and recite these lines.

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MR COSTELLO: And was there any substance given to the bias allegation? Was there a reason why you were said to be biased other than the fact that you had been appointed to conduct the investigation?

MR WATSON: I don't know. You would have to ask them. I mean, it's really hard for me to say. I tried to keep an open mind.

MR COSTELLO: Did though say to you that it you were biased for any particular reason.

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MR WATSON: No, I tried to ask them. What is it that you're saying means that I'm biased and in any event, I'd explained to them "I'm here trying to record the facts". Other people can draw their conclusions from what I say, they may come to a different view to me but I didn't - it was no more than an obstructive technique.

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MR COSTELLO: You say in your report that some of the officials that attended gave palpably false answers.

MR WATSON: Yes.

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MR COSTELLO: Was that a palpably false answer by reason of it being a denial of knowledge or did they give specific detail that you found to be wrong?

MR WATSON: I had a kind of stock standard opening with them where I'd say here's who I am, this is what I'm doing, this is what I'm trying to achieve. Now, tell me, have you seen any violence in the CFMEU in Queensland? No. Something coming from the union? No. Ever? Never. That was absolutely standard stark to these interviews. Some of the people who were giving that answer were on the videos that you have now collected themselves personally involved in instances of violence. So that's what I'm calling palpably false. It was contradicted by my own viewing of the videos.

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MR COSTELLO: You also invited a group of previous employees of the Queensland CFMEU to attend an interview?

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MR WATSON: Yes.

MR COSTELLO: And you offered them legal representation?

MR WATSON: Yes.

5 **MR COSTELLO:** That was to be what, funded by the administrator, was it?

MR WATSON: Well, it was to be funded by the Queensland branch. It was actually, I thought, rather well done. I had nothing to do with it but I was coming up as a lawyer and the secretary, or - sorry, the CEO Jared Abbott organised through the
10 union for a liaison person, a law firm and they all attended with a lawyer. That was given as an offer to everybody I invited to come along.

MR COSTELLO: Did any of them come along?

15 **MR WATSON:** Not one.

MR COSTELLO: You did, I think, though, obtain some written answers to questions from some?

20 **MR WATSON:** A handful.

MR COSTELLO: Thank you. You also invited former or current Queensland CFMEU delegates to attend an interview?

25 **MR WATSON:** Yes.

MR COSTELLO: You didn't have a power to direct them?

MR WATSON: No, they're not an employee of the union or the administration.
30 They were just free to ignore. So I invited them.

MR COSTELLO: Were they also offered legal representation?

MR WATSON: They were.
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MR COSTELLO: And did any of them attend?

MR WATSON: Not one.

40 **MR COSTELLO:** Thank you. Can I now just turn to some questions concerning your findings in the public report. It seems, on my reading of your report, that there are two overarching and interrelated themes. The first is what you describe as a cycle of lawlessness operating within the Queensland CFMEU.

45 **MR WATSON:** Yes.

MR COSTELLO: And the second is violence within the Queensland CFMEU.

MR WATSON: Yes, violence within that broad description. I gave full credit to the CFMEU. They've got a very good definition of violence when it comes to protecting their members and so I used that. So it might be abusive to another person - it doesn't need to involve a punch or a kick. It can be abusive conduct, including economically abusive conduct which is that sort of thing where you're telling somebody to quit or you're telling their boss they should be sacked and especially anything which involves women and children.

MR COSTELLO: Before we come to violence in particular I want to focus on cycle of lawlessness, if I may. You found the CFMEU had utter contempt of the law?

MR WATSON: Well, it wasn't just me. I was using the decisions of Federal Court judges.

MR COSTELLO: I'm going to come to those decisions. Did you independently form that view based on your inquiries?

MR WATSON: I have absolutely no doubt about that view.

MR COSTELLO: Thank you.

MR WATSON: And what's more, I think one of the weird things is I think the mentality of the leadership of the CFMEU before the administration came in was coming to the point where they revelled in it. They wanted the reputation of being outlaws, taking themselves outside the law and willing to do what was necessary to them to acquire more power.

MR COSTELLO: You said at paragraph 48 of your report that:

"The CFMEU wanted to have the reputation of an outlaw."

What was it that led you to that conclusion?

MR WATSON: Well, I think Mortimer J had said that they viewed the fines as a price of doing business. This with great respect to Mortimer J, now the Chief Justice, the point is it's more than that, this actually was their business model. Their business model was to be feared by everybody. "If you negotiate with us, do not think for a second we're going to obey the law. We will act outside the law." So that with some of these offences which were proved and for which there were fines, you will find, no doubt you will bring in some people from the ABCC, you will find that the ABCC could have charged a string of offences but they, generally-speaking, would pick one or maybe two and prosecute that. It would be repetitive to charge - lay charges for eight days of breaches in a row for the same sort of thing. Well, the point is that everybody knew, and by this I do mean people like, for example, the AWU or the contractors that if they were stopping a concrete pour today, they will do it again tomorrow.

MR COSTELLO: I see. Well, as you've just explained, one of the planks upon which your conclusion as to contempt for the law rests is the CFMEU attitude to industrial prosecutions. And you, as you've said, had regard to a large number of reported decisions?

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MR WATSON: Yes.

MR COSTELLO: Now, you make some reference in the report to statistics that you've drawn from your review of the cases. And you say that:

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"In the 21 year period between 2003 and 2024, there were 213 separate court proceedings brought against the CFMEU nationally."

Do you recall that?

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MR WATSON: Yes. I should - I didn't sit down and count them - I cheated. I used what the Fair Work Commission had pleaded - sorry, it wasn't - I forgot whether it was the Fair Work Ombudsman or the Fair Work Commission - would have been pleaded in the proceedings in the Federal Court to justify the - their application that the CFMEU be placed into administration.

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MR COSTELLO: I see.

MR WATSON: Now, that was overwhelmed by the subsequent government action but I went and looked at the - and you can look at it yourself - the actual pleadings and you can see it's signed off by an AGS lawyer who supported that with an affidavit, a brief one. So I thought, "I can rely upon this, these figures are good. "

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MR COSTELLO: No doubt born from the same source, you say those proceedings resulted in 2,600 occasions where there was a contravention of law and the imposition of \$28 million in fines.

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MR WATSON: That's made up slightly differently, from my recollection, but you will find about of that 2600 it will be something like half were against the union, half were against individual officials, resulting in convictions. And the fines are roughly 90 per cent against the union, 10 per cent against the officials.

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MR COSTELLO: I see.

MR WATSON: But you can see those figures, I think, divided up and readily pleaded.

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MR COSTELLO: In the five year period between 2019 and 2024, the CFMEU was convicted of 1,163 breaches of industrial laws nationally.

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MR WATSON: Yes, I got that from a - is this from a later period?

MR COSTELLO: (Crosstalk).

MR WATSON: There's two sources of information.

5 **MR COSTELLO:** So the first period I gave you was the much longer period, 2003 to 2024. That was 213 proceedings.

MR WATSON: That's right, I will explain where I got the second one from.

10 **MR COSTELLO:** The second one is a five year period.

MR WATSON: This is a perfectly reliable source. It was Mr O'Donohue, this solicitor to the General for the Commonwealth -

15 **MR COSTELLO:** Mr O'Donohue.

MR WATSON: - making his submissions to the High Court of Australia in the Ravbar case.

20 **MR COSTELLO:** Thank you. And those 1,163 breaches resulted in more than \$10 million in fines.

MR WATSON: Yes. So that was a much shorter period which you can see the rate is increase -

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MR COSTELLO: Now,, you say in a footnote to your report that you consider that those statistics understate the actual number of breaches.

MR WATSON: They say that about that.

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MR COSTELLO: That's quite a large statement. What is it that makes you be of that opinion?

35 **MR WATSON:** Because of what I just said, the ABCC will come along and say, "We're going to charge you with this offence on this particular day", but it could have been happening every day for two weeks. There's one very vivid example in there, where the ABCC, pre-negotiations, led to it leaving out an appalling set of facts where a CFMEU official was calling a woman a "cunt dog" and then barking at her. They dropped that off the statement of agreed facts by way of a plea negotiation.
40 They spoke to the woman, got her permission to drop that off. She wanted the thing as far away as possible, so she agreed. So you're going to find that what he's charged is only scratching the surface of what is going on.

45 **MR COSTELLO:** And how did you become aware of that example?

MR WATSON: I spoke to the woman. Sorry, I not only spoke to the woman, I reviewed the judgment and I also spoke to some - there was another witness, I think I had two witnesses from that time.

5 **MR COSTELLO:** In your view, the -

MR WATSON: The woman was one of the most strikingly impressive people to whom I spoke during the entire investigation.

10 **MR COSTELLO:** Thank you. In your view, the CFMEU's national -

MR WATSON: Sorry, Commissioner, was I supposed to censor that before I said that before, I apologise if it's gone to live stream, that opinion - but it's what happened.

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MR COSTELLO: There's likely to be a bit of - a bit of - a bit of language of that variety and I don't think it can be avoided. You considered that the - nationally, the CFMEU's track record for breaches of industrial law was out of order with the experience of other trade unions.

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MR WATSON: For starters you've got to look at trade unions with trade unions. I mean, okay, you're not going to compare it with the Printing and Kindred Industries Union or something like that. What you should do is go and have a look at the other building unions and start comparing the statistics. Now, you will see they are either in the written submissions made on behalf of the Commonwealth in the Ravbar proceedings or Mr O'Donohue's -

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MR COSTELLO: I think it's actually just Mr Donohue.

30 **MR WATSON:** Sorry.

MR COSTELLO: Mr Donohue.

MR WATSON: So sorry.

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MR COSTELLO: I think he won't forgive me if I don't correct it.

MR WATSON: He's probably busy. Problem solved, Mr Donohue, he said it, and what it provided was a comparison. So if you start looking at these statistics and compare them with other people in the building union. If it was due to the nature of the building industry, you'd expect the experience of the trade unions to be pretty common across the industry. Now, I've just forgotten who the second (indistinct) was, got a feeling it might have been the plumbers but whoever it was, they were so far behind the CFMEU it's not funny and you had a whole bunch of unions of a similar kind working in a similar industry who were getting no prosecution. I'm going to say this: a lot of people said that the ABCC was set up with a view to get the CFMEU, there may be a bit of truth in that, I don't know, I didn't get behind it but

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even if you assumed that the ABCC was targeting the CFMEU, it doesn't explain the discrepancy in the statistics.

5 **MR COSTELLO:** You say in paragraph 50 of your public report that:

"The CFMEU had collected 55 times more prosecutions than its closest competitor."

MR WATSON: I think I might have got that from Mr Donohue.

10 **MR COSTELLO:** Doctor.

MR WATSON: Doctor, thank you.

15 **MR COSTELLO:** And you also noted that many large trade unions hadn't been prosecuted for a single breach.

MR WATSON: That's correct.

20 **MR COSTELLO:** You no, we've got to be careful here in what conclusions can properly be drawn from your review of the publicly available judgments. Do you accept that there's a limit to what can be drawn from conduct outside of Queensland when seeking to assess the conduct of the Queensland CFMEU?

25 **MR WATSON:** Of course.

MR COSTELLO: And a great many of the cases that you had regard to are not cases that originated from Queensland or involved the conduct of officials from the Queensland CFMEU. You accept that?

30 **MR WATSON:** I don't think that's right. I mean, I looked at cases involving the CFMEU but for this report I recall going to some trouble to try and get the Queensland ones because I didn't think it was appropriate to be looking elsewhere. I did look at some because in some instances I think it might have been an overlap in personnel, but there were reasons why I used the ones from interstate, but my
35 recollection is I tried to confine it to Queensland.

MR COSTELLO: No, I think you're right and I think that I've conflated two things. Some of the statistics that we spoke about that you draw from submissions or pleadings -
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MR WATSON: Absolutely, I agree with that.

MR COSTELLO: - are statistics that do not relate to Queensland-specific conduct.

45 **MR WATSON:** That's absolutely true.

MR COSTELLO: So at least insofar as those statistics are concerned one would need to be very careful about drawing any inferences from that as to the particular conduct of the CFMEU in Queensland.

5 **MR WATSON:** I agree and I will tell you this much: experience has taught me that the greater number would come from Victoria, so if we're talking about statistics, a lot of that would be generated by Victoria.

10 **MR COSTELLO:** And you accept then that, insofar as things like the number of breaches found, the extent of the fines in the longer 21-year period and in the shorter five-year period that we discussed, it's not fair to lay at the feet of those running the union in Queensland.

15 **MR WATSON:** Plainly.

MR COSTELLO: All those misdeeds.

20 **MR WATSON:** Absolutely plainly. It was just a guide, an overall guide and I think I made it clear it was Australia-wide. On the other hand, you've got to start somewhere and that's where I decided to start. It wasn't really that easy to find statistics about the experience in Queensland alone, in that respect.

25 **MR COSTELLO:** You found through your investigations that the Queensland CFMEU's reputation as an aggressive outlaw created fear and reticence amongst those who were dealing with it.

MR WATSON: Yes, and by that I mainly mean contractors and other unions, especially the AWU.

30 **MR COSTELLO:** You concluded that:

"The lawlessness within the Queensland branch of the CFMEU permeated every aspect of its operation."

35 **MR WATSON:** There just seemed to be kind of - something that slipped off the rails and it just seemed as though it was in the mindset.

MR COSTELLO: When you say:

40 "Every aspect of its operations."

Did you - do you include its dealings with government?

MR WATSON: Absolutely. It's fundamental.

45

MR COSTELLO: Including regulators?

MR WATSON: Of course. That was very serious.

MR COSTELLO: Its dealings with other trade unions?

5 **MR WATSON:** Yes.

MR COSTELLO: Dealings with contractors?

10 **MR WATSON:** Yes.

MR COSTELLO: Its attitude towards women?

MR WATSON: Yes.

15 **MR COSTELLO:** And the way that the union engaged with the broader public?

MR WATSON: Well yes. A lot of these things were happening on public streets; not a lot of them. I - I should qualify that. When they wanted to keep, for example, AWU officials from getting onto a building site, they were stopping them outside the building site and on a public street. One video I watched which was taken from a CCTV from within a shopping centre.

20 **MR COSTELLO:** Is it fair to say that you concluded that one of the reasons the CFMEU officials were prepared to repeatedly breach the law was because fines imposed upon officials were paid for by the union or by somebody else?

25 **MR WATSON:** Yes. That's well-known.

MR COSTELLO: Now, that practice meant that individual officials effectively faced no personal cost for breaching the law?

30 **MR WATSON:** Exactly.

MR COSTELLO: And in combination with the general attitude within the union, that encouraged further noncompliance with laws.

MR WATSON: Of course, it does. I mean, if you're going up there and you're doing this, and you know you will suffer no consequences, why not do it again?

40 **MR COSTELLO:** Now, there is a statutory power in the Fair Work Act to make an individual person liable to pay a fine and to prevent recovery from or indemnity from the CFMEU or another body. You're aware of that fact?

45 **MR WATSON:** Yes. That was brought in I think as an amendment following a High Court decision which had said that the power did exist or the legislation didn't bar it. It was to make it clear.

MR COSTELLO: That's right. Mortimer J, I think, in the first instance had found there to be at least an implication or (indistinct) of power that permitted it to - which then resulted in the statutory amendment to make it explicit.

5 **MR WATSON:** Well, I feel that - I think it was Mortimer J at first instance and then the Full Court overturned Mortimer J and then the High Court overturned the Full Court with Justice (Indistinct).

MR COSTELLO: After that -

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MR WATSON: And if you're going to ask me the name of the case, it sticks in my mind, it was ABCC v CFMEU, like virtually every other case in this era.

15 **MR COSTELLO:** Since that power was brought in, several personal payment laws have been made against the Queensland CFMEU.

MR WATSON: Exactly.

20 **MR COSTELLO:** On your examination of CFMEU records, it appears that payments were being made which had the effect of defeating the personal payment orders?

25 **MR WATSON:** I tried to do all of this work myself. The I haven't typed the reports myself. I think if they're asking me to do a report it should be my report but I've got to confess here, I ask rely heavily on a really excellent young lawyer who was working for the administration and he went through and summarised some materials for me and there was an advice sought and received from a law firm called Payne and that was to the effect that that wouldn't stop the Queensland union paying. Now, I can't recall seeing the advice.

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MR COSTELLO: Let me just break that up a little bit. A lawyer in the employ of the union and subject to the direction of the administrator did some work in connection with this issue for you?

35 **MR WATSON:** Yes.

MR COSTELLO: Is it that lawyer to told you that an advice had been received on this question?

40 **MR WATSON:** Yes.

MR COSTELLO: And did you say that advice was prepared by Hall Payne?

45 **MR WATSON:** That's my - yes, I'm confident of that, yes.

MR COSTELLO: But you didn't see the advice?

MR WATSON: I can't remember. Does sound like something an official of the CFMEU would say, when I say that. No, I really can't remember that. It's something which has stretched my mind because this issue has arisen separately in my work since and I've been meaning to go and get the advice. I can't remember seeing it. For
5 example, I don't know whether it was given by the solicitors or by a barrister who had been briefed by the solicitors.

MR COSTELLO: I see. And do you know who the client was who you (indistinct)?

10 **MR WATSON:** No, but I would imagine it would - these things are normally done through the secretary.

MR COSTELLO: In any event, it was in the - this advice was you understand at least to have been a position of the administrator?
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MR WATSON: Yes, well, it would have been.

MR COSTELLO: And you understood the effect of the advice to be that the Queensland registered entity -
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MR WATSON: It could even be this: it could have been that there was something in the hands of the administrator which suggested that - it might have been referring to the advice and recounting the effect of the advice. I wish I knew the details more about this. And look, I'm happy to be corrected on it.
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MR COSTELLO: But do you consider this, although I think it's fair to say there was a paucity of information available about it to you, there was at least some information and you considered this to be an important matter?

30 **MR WATSON:** I sure did. Except just bear in mind, my remit allowed me to look at violence and I can tell you I was always urging the administration to maybe let me broaden it into areas of corruption, this sort of area, but in their wisdom they kept me on a chain. I'm not blaming them for that. And I - but this was just getting a little bit distant from violence as to whether or not these fines were being paid by somebody
35 else.

MR COSTELLO: You saw it -

40 **MR WATSON:** All I know is the fines weren't deterring.

MR COSTELLO: Yes, and that was the - that was the relevant link between the effectiveness or ineffectiveness of personal payment orders and violence was (indistinct) didn't appear to be having an effect on altering the conduct.

45 **MR WATSON:** Yes, this was something I think I included in my recommendations to the administrator that that should be examined as a case. It had to be stopped.

MR COSTELLO: Yes, you're right. Your second recommendation - I think you made seven recommendations and your second recommendation was that:

5 "The administrator should refer investigation findings to the Fair Work Ombudsman and then cooperate with it to determine whether any personal payment orders have been disobeyed, by whom."

It goes on but that was the substance of the recommendation.

10 **MR WATSON:** And I did ask a few of the CFMEU officials whom I was able to interview and they declined to answer. Fair enough, but by the way, I can draw an inference from that in my role. I'm not judge and jury. I'm not even really a lawyer, I'm an investigator, and the inference is pretty obvious.

15 **MR COSTELLO:** And would you consider that examination of that issue in a more thorough way than you're able to undertake to be an important aspect of the work of this Commission?

20 **MR WATSON:** I do.

MR COSTELLO: Thank you.

COMMISSIONER: Why do you say that?

25 **MR WATSON:** Because I think that if it's going wrong there, Commissioner, it should be examined more broadly for the whole of the trade union movement. I mean, I believe in trade unions but I would like them to be lawful and if this is some loophole which has been discovered or invented, then it should be cut off and it could.

30 **COMMISSIONER:** I'm just struggling to find - to understand what the loophole is, as you understand it. What's the loophole?

35 **MR WATSON:** To - it's always been the case and I think even under the form of the current legislation, that if Joe Smith is fined, somebody else can pay Joe Smith's fine. The scope of the legislation is, as I understand it, to prevent the union from being the thing which pays the fine. Well, of course, that leaves open for Joe Smith's wife to pay the fine but to me it would just seem absolutely abhorrent to the obedience of the law, if you like lawfulness, that a union could defeat it by simply setting up another
40 entity to take on that burden. It may not be another registered union, but it could be just some body which was incorporated to hold funds to provide the indemnity but in the - those instances, it's the members' money. The union's got no money. It only holds the members' money (indistinct).

45 **MR COSTELLO:** Is it fair to say on this issue, while you were able to draw some inferences and you had some suspicions, you weren't able to form any hard and fast

view about whether this practice was, in fact - the practice of subverting personal payments was, in effect, you couldn't be sure of that fact?

MR WATSON: Yes, that's right.

5

MR COSTELLO: Thank you. That was cycle of lawlessness. Can I just turn at a high level to violence now. You adopted in your report the definition of violence -

MR WATSON: .

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COMMISSIONER: Just before you move off that topic, Mr Costello, I just have one question on it. You said in answer to one of Mr Costello's questions that in relation to the Queensland branch, and you can differentiate between the branch of the federal union or the State union, your words were something, it slipped off the rails but earlier you said:

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"The Queensland branch was trying to emulate what had happened in Victoria."

I don't quite understand how you can say both things?

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MR WATSON: I've just - there we are. I'm using kind of cliché in one instance and a generalisation in the other. I really do believe that what had happened here in Queensland is that people in the leadership positions had seen what had happened in Victoria. Now, don't get me started. In Victoria, what had happened was, Setka had pushed the AWU off all of the civil work. There was hardly anybody in the AWU left on civil sites around Melbourne. It's quite an extraordinary changeover because they should have been mainly AWU people. Now, how did they do that? They terrified the contractors. I know this pretty well. I've investigated this as well.

25

Now, I am 100 per cent confident that the people in Queensland, Mr Ravbar, Mr Ingham, they'd seen that success and said we can do the same here. And if you're a member, a lot of the troubles really revved up in Queensland around the time that you have massive infrastructure projects; bridges, tunnels, rail you have with as, things which normally fall within the jurisdiction of the AWU. So they were doing it for that reason.

35

I heard something - I've been speaking to a lot of people in Victoria about this problem - I heard something last week which I have not taken seriously, but it went as far as this. They said, "No, the reason why that happened in Queensland was because they feared that the Victorians were going to come back here." Because the source of this problem in Victoria were originally Queensland union officials, they were of Queensland BLF members, people like Joe Miles, Vic Miles, who had come to Victoria from Queensland. Now, I don't think it was (indistinct) for that reason. I just think it was because this had been so successful in Victoria, why don't we try it here. Now, when I said it went off the rails, I was putting it as mildly as possible.

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MR COSTELLO: Let me just try and (indistinct) some of that out. The evidence you've just given are views that you have formed based on a whole variety of information that you've come across, some of which you came across in conducting investigations that is the subject of your examination today?

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MR WATSON: Yes.

MR COSTELLO: But not exclusively in relation to that. There's other information that you -

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MR WATSON: I've been doing this since July 2024. So far this year I've had three weekends where I had both days off. It's been a lot of the time seven-day-a-week work. It's - ask my wife. It's probably the major reason I no longer have friends. It just dances in my head. I've spoken to so many people. I've read so much. I've seen so many things. Yes, it's drawn together from a lot of information. And yes, I think during submissions about the adjournment, it was said that these are opinions that I've formed. Of course they are, and I welcome people to disagree with me, but I'm basing them upon a huge amount of information, a huge amount of information I've acquired from individuals, people who were there, saw things.

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MR COSTELLO: And the conclusions are based not only on information but also on inferences that you've drawn?

MR WATSON: Yes. I try to make that clear.

25

MR COSTELLO: And based on all of your work in investigating matters in connection with the CFMEU, you have formed the opinion that you gave in respect of a - the cause of the culture that you identified in Queensland, being a culture that had moved from south to north?

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MR WATSON: I think it came out of Victoria. And I'm just going to tell you something else which was really striking to me. When I first arrived in Queensland to start doing this, and I started talking to AWU people, I thought to myself, "Why on earth haven't I heard any of this from AWU people while I've been doing the Victorian work?" And I realised it was because they had all been pushed off. I checked that out. They had, they had already gone there. So I came up here, the AWU was fighting back.

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What I did was I rang up the executive officer that had been put in charge of the CFMEU - I hope this story is important, I thought it was enlightening - I rang him up, he's a really lovely man, Chris Christodoulou and I asked him, I said, "Chris, tell me about the relations between the AWU and the CFMEU while negotiating with these sites, are they good or bad?" He said, "No, it can get really tough." He said, "No, no, no, there's a lot of anxiety." And he was talking this up, he's a lovely gentle man, and he said, "We've got one that's so serious I think we're headed off to the Industrial Commission." Now, that's the way that they were resolving it in New

South Wales, but down in Victoria it's being resolved through violence. Up here in Queensland, it was going the same as Victoria.

5 **MR COSTELLO:** I just want to ask two more questions in connection with the evidence you've just given. You've mentioned work that you are doing in connection with Victoria. I think it would be useful if you explain what that work is.

10 **MR WATSON:** I'm producing a report on 1 December - and I don't care what anybody says, I'm going to finish it by then because I want the rest of the year off - on the position in Victoria.

MR COSTELLO: Is that a report that you have been engaged to prepare by Mr Irving?

15 **MR WATSON:** Yes.

MR COSTELLO: And it's a report, the terms of reference of which are what, similar to those that you acted on under, in preparing the report the subject of today's evidence?

20 **MR WATSON:** There's no - nothing confines what I'm doing in Victoria.

MR COSTELLO: I see. You've got a broader remit?

25 **MR WATSON:** Yes.

MR COSTELLO: Thank you. The other thing I wanted to ask you about in connection with the evidence you've just given, is the demarcation between the AWU and the CFMEU. You mentioned something about large infrastructure sites being the more natural home of the AWU. Could you explain what you understand to be a traditional demarcation and how it changed.

35 **MR WATSON:** I reckon the demarcation is really incredibly simple. I just don't see that it's complicated. Sure, there's a fuzzy area in there, but broadly speaking, it's the difference between civil work and construction work, is that civil work is on the horizontal. It includes roads, it includes tunnels, it includes all of those things which are flat bridges. It will include railways in the underground bit, construction is on the vertical. So you can see an intersection in some of the rail stations just out here on the street, if you go out there, that once you're talking about the rail construction joining up to the surface of the road, you're talking about construction, not civil. So that's where it might be CFMEU. But down on the rail tracks it should be AWU. Sorry, I should have explained. Perhaps people here will all know it. The AWU covers civil, CFMEU covers construction. It's always the way. And if you look at the coverage rules they are pretty simple, straightforward to apply, not hard at all.

45 **MR COSTELLO:** But you had observed an encroachment by the CFMEU into the industry that was the traditional preserve of the AWU?

MR WATSON: Well, in Victoria it's a takeover completely. Up here, that's what the fight was about. Now, what had happened was, I'm not sure why, but in Victoria the AWU gave (indistinct) lamely. AWU is a very different union to the CFMEU. It's got all - it covers a lot of workers who have got nothing to do with construction for starters, and so in Victoria, I don't know, but some decisions seemed to be taken, maybe at a high level within the AWU, but they just seemed to fall over and let the CFMEU take control.

Now, there would be a few Queenslanders here who will remember the AWU was, of course, the powerhouse union of Australia in some ways for Queensland, the AWU. Historically, it's been more important. They were not going the way of Victoria, they were going to fight for their coverage on the traditionally civil sites. This is how I saw it. There's other people better qualified to tell you, I imagine, but this is my view of it. They were not going to surrender and that's why you've got this interface of this fight that how are we going to wear them down, how are we going to break down the AWU to get them off so they'll capitulate and all of a sudden we will be doing the railways and bridges.

MR COSTELLO: And was this a topic that you raised with interviewees in the course of your investigation?

MR WATSON: Repeatedly.

MR COSTELLO: Was it limited to the AWU that you raised this matter with or did you raise it with others in the (indistinct).

MR WATSON: No. In the report - I mean, I'm producing a report, it's not like a Royal Commission and certainly not like a judgment in a legal case - I think I made it pretty plain. I had plenty of material which I - from which I picked and I chose to come up with something which was contestable, as far as I was concerned. I was pitching a report which can be read by an interested person in the street, rather than an industrial. So I excluded things. There were other unions which were suffering the same way. If you talk to people at the TWU all of a sudden there were a lot of CFMEU people saying, no, we're taking control of this site, particularly at the Local Councils, and that's on the basis that the CFMEU does have coverage I think for tipper drivers, and so that's then in each of that wedge was bringing CFMEU people aggressively onto TWU sites, but it was nothing like the instance of the battles with the AWU. So I thought well, I want to pitch this at the level of the intelligent and interested person in the street and I don't want to kill them with boredom.

MR COSTELLO: All right. You've said you picked and chose from what you had, what you put into the report and that you excluded things?

MR WATSON: Yes.

MR COSTELLO: Did you do that in a way that was intended to remain fair to the CFMEU and the people named in the report?

MR WATSON: Look, if I thought if there was anything which I got from sources which contradicted the conclusions I've drawn, I would put it in but that sort of thing where I say I excluded things, material about the TWU, that was never going to reflect well on the CFMEU. Sounds like I'm very biased but I started by telling - this came as a shock.

MR COSTELLO: I just want to be clear about this: is the effect of your evidence that to the extent that you excluded matters from the report, you did not exclude any matters that were exculpatory or capable of being exculpatory of the union or individuals within it but, rather, was information that was either of lesser relevance or repetitive of evidence of the type that you had already presented in the report?

MR WATSON: That's a good way of putting it.

MR COSTELLO: Thank you.

MR WATSON: That's what I was trying to do.

MR COSTELLO: Yes. All right. I want to come briefly to violence. You adopted a definition of violence in your report which, as you mentioned, was the definition used in the enterprise agreements negotiated by the CFMEU?

MR WATSON: Seemed like a fair thing to do.

MR COSTELLO: And that was behaviour which is physically, sexually, emotionally, psychologically or economically abusive?

MR WATSON: Yes.

MR COSTELLO: And it includes conduct which is threatening or coercive or which causes a person who feel for their safety or wellbeing?

MR WATSON: Yes.

MR COSTELLO: And you adopted that definition specifically because it was the definition the union had employed?

MR WATSON: Yes.

MR COSTELLO: And you felt that that was the hole in the sand that they (indistinct) of the two?

MR WATSON: Exactly.

MR COSTELLO: And you concluded that the Queensland CFMEU had deliberately breached every aspect of its own violence policy?

MR WATSON: Yes.

MR COSTELLO: Speaking generally, in what way did violence manifest in the Queensland branch of its activities?

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MR WATSON: There were very few instances where it was physical violence, you know, hitting, punching, kicking, scratching. It was more abusive conduct, name calling, repetitive name calling. There was a sexual component to it in one - sorry, I wouldn't say one, there was a sexual component to it lots of times. Whenever women were involved it seemed to naturally devolve to that. It also was slurs on males about their sex life or preferences, and it was - I mentioned this earlier, I'm getting repetitive - there was economic abuse. I mean, people were out there trying to pay their mortgages, do not wish to be told, "You're incompetent, you should resign," which was told to people by CFMEU officials day in, day out if they didn't get their way or worse, have their bosses rung and told that the employee is incompetent and should be sacked and that happened day in, day out. It was a stock standard technique and, as far as I'm concerned, that falls well and truly within the scope of that idea of economic abuse, apart from emotional abuse.

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20 **MR COSTELLO:** Were you able to form a view as to the extent to which this type of violence and abuse infected the operations of the CFMEU? I mean, were these -

MR WATSON: It's impossible for me to do that because I'm hearing what is a series of complaints. Nobody who was coming forth said, "I'd like to tell you that I had 365 peaceful days last year on the site." So it was biased, it is slanted that way because you're only hearing the dark side. On the other hand, I also heard accounts from people. One very impressive fellow who told me, "Yes, I was on the Cross River Rail." Now, that was (indistinct), he was on the Cross River Rail, "I couldn't put up with it anymore," he was an IR person and he said, "I couldn't put it with it anymore so I applied. The employer had to move him offside, give him a job elsewhere. Why? Give him peace of mind. That was a work health and safety industry (indistinct).

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40 Not only that, I believe - I never spoke to this man, I tried to, but one of the Work Health and Safety officers moved out of Brisbane to get away from it. I also heard of people quitting their job. There were times that I was told that one of the genuine issues which arose was that the shouting, violence and abuse, really got to the civil engineers who were coming on like (indistinct) they would have been called in the old days. My recollection of engineering students when I was at university is that they were brutes but they weren't up for this. And what the - a couple of the firms have told me is that they actually had trouble retaining civil engineers on their staff who were supposed to go and check the work, safety issue in the end, and they had trouble keeping them because they wouldn't want to go to these sites, especially Cross River Rail.

45 **MR COSTELLO:** Was this abuse that was being directed to the engineers or was this abuse being directed to others that the engineers encountered in the course of their work?

MR WATSON: I believe it was the latter. I can't tell you. These things were spreading out. Certainly if it was a civil engineer, it was probably unlikely to be directed to them, but if you were a contractor's rep on health and safety or industrial relates, you're a target.

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MR COSTELLO: And so, based on at least that limited example, one effect of this type of conduct was to sound the environment, the work environment of the particular site for anyone that was there?

10 **MR WATSON:** Yes.

MR COSTELLO: All right. And did you form any view about whether or not the use of violence of one form or another, most prevalently abuse, was something that was just enculturated into the union?

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MR WATSON: It seemed to be. There was something going on. I felt it was just as though there was an assumption. You go about this with heated aggression, you swear all the time. Okay. I mean, swearing is not going to hurt anybody but it will if you do it in the repeated intense form that it was done. And there just seems to me as though, it was just assumed that this is the way that you would go about your job.

20

There were other little things which I'm sure you will pick up during the course of this, but you don't have the right of entry disputes. What happened was the CFMEU could get legitimate access to sites by filling out forms, but I believe it came from the top, from Mr Ravbar himself that even if that's available to you you are not to exercise it, you're just to leap over the barricade because you're just going anyway. So you can go to any site at any time under their own demand rather than use formal right of entry methods set up in really carefully prepared legislation. It was a strange thing but that for me was just, just creating another area in which we can have a fight.

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MR COSTELLO: You, in your report -

MR WATSON: They would refuse, for example, to sign entry books. People told me that. There would be entry books there would be no problem stopping putting a signature on it, but people refused to do it? Why? Just to start a fight.

35

MR COSTELLO: You were told that by contractors?

40 **MR WATSON:** Yes. Also with Health and Safety guys.

MR COSTELLO: You've set out five categories or areas in your report where you found that Queensland CFMEU to be deliberately extending its use of violence. The first of them was hostility towards government.

45

MR WATSON: Yes.

MR COSTELLO: You say at paragraph 69 and 70 of your report that:

"The Queensland CFMEU went too far in its criticism of the federal and Queensland governments."

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I will just stop it at that point at the moment. You accept that that's necessarily a subjective assessment, not too far from -

MR WATSON: 100 per cent.

10

MR COSTELLO: (Crosstalk).

MR WATSON: 100 per cent, not only that, it's a protected right to criticise government, which I have a possibly abnormal high respect for that right.

15

MR COSTELLO: And so you accept then that in forming any views about hostility towards government, the starting point is that it is foundational to the work of trade unions to, from time to time, come into conflict with governments on questions of policy?

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MR WATSON: Yes, could even be their duty.

MR COSTELLO: Thank you. But in your assessment, at least, you thought that the Queensland CFMEU went too far in its criticism of both the federal and the Queensland government and you say expressly that you considered that that problem started with Mr Ravbar.

25

MR WATSON: Yes.

MR COSTELLO: Right.

30

MR WATSON: All that bedwetter nonsense and (indistinct) the interesting thing about it, you're going to criticise government, what are you going to do? Insult them? That's not a criticism. That's not a reasonable response. Now I know that language can get a little bit florid during the political debate but have a look at some of the things. I think I quoted some of the things, just read it and think, "This is schoolboy stuff."

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MR COSTELLO: When you said the "bedwetter nonsense", you're referring to comments that Mr Ravbar made in respect of the current climate?

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MR WATSON: Yes. I actually was driving a car and the news came on and this was in New South Wales, and it had that thing, and it just made me feel smaller inside to think that this was passing political discourse in Australia, that you start to say that the Prime Minister was a bedwetter, I hate that sort of thing. Again it's subjective but come on, tell me what reasonable standard that has got.

45

MR COSTELLO: There have even been Prime Ministers in the history of federation that have been known for florid language.

MR WATSON: Absolutely. On all sides of that house.

5

MR COSTELLO: Yes, and so you accept that one can't be too prim about these things.

MR WATSON: Do I look to you like a prim person?

10

MR COSTELLO: I'm not going to comment any your appearance, Mr Watson, but I just want to make it clear that in forming this view, you didn't form the view because you've got a particular view that these types of important public debates have been conducted as though one is at an Victorian England tea party?

15

MR WATSON: No, of course not. No, it's actually - what really got to me were the things, I did speak to two politicians and I found them both very impressive. Grace Grace was very helpful and very impressive person and she was able to brush it aside. They did things - childish things like this - they put signs out, they're carried by motorcyclists, you know, which go down the street, "Grace Grace is a disgrace." Really, I mean, how childish.

20

But this is what is passing for political discourse. You make a mistake if you are excusing that because there was an implied freedom of political information in Australia, because that's not what it is. It's just abusive and it happened all the time and it happened relentlessly. When I was doing this, there was a moment where somebody who I was talking to her about it said, "You know what this is, it's mental disintegration." Cricket lovers will know what I'm talking about, Steven Waugh, and that's what it was, it's mental disintegration. You keep doing it, keep saying it, keep beating them down, you take them to your level. It's not political discourse, it was abusive conduct. I might say, sorry, the one that I heard canvassed off the bed wetting, it was when Mr Ravbar said of the Prime Minister of Australia that he soiled himself, that was the one which just made me think, "What have we come to?"

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MR COSTELLO: Yes.

MR WATSON: Sorry if that's a bit prim.

MR COSTELLO: You say in paragraph 71 of your report that:

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"Mr Ravbar described the Prime Minister Mr Albanese as 'gutless, willingly ignorant and politically moronic.' He said the Prime Minister had 'lost control', had a 'glass jaw', was a 'bedwetter' and had 'panicked and soiled himself'."

45

MR WATSON: That was the one.

MR COSTELLO: One memorable things he shouted was:

"Prime Minister was doing a shit job."

Four times in about two minutes.

5 **MR WATSON:** You can watch that on YouTube, if you want to.

MR COSTELLO: Thank you. Commissioner, is that a convenient time?

10 **COMMISSIONER:** Yes. Thanks, Mr Costello. Just a couple of things that would be helpful for you to clear up after the luncheon break. One is Mr Watson described the Cross River Rail Project as a hotspot. I just wonder whether you can ask him some questions about that and whether that's led to the demarcation between the AWU and CFMEU.

15 **MR COSTELLO:** I'm going to come to that project.

COMMISSIONER: The second is, I imagine that Ms O'Gorman and Mr Mandy will, at some stage, renew their application for the so-called supporting material underlying Mr Watson's report. He did give some evidence about having thousands
20 of pages of material but it's now been properly recycled. I just wonder whether you might pick that up after lunch and just see what Mr Watson still has in terms of documents that underpin his report.

MR WATSON: Nothing which wasn't public was destroyed. Everything which was
25 original created record was kept. The things which were recycled was where I printed off articles, news articles, that sort of thing, and killed a few trees in looking at cases.

COMMISSIONER: Perhaps you can just deal with that in a bit more length after
30 lunch and then you're going to talk to Mr O'Grady about his application to not redact - sorry, not release - not unredact the redactions that the CFMEU had placed upon Mr Watson's report when they published it on their website in June, and will either have to - that will either have to be resolved or we will have to deal with that at some point after lunch or later.

35 I take it, and you can consider your position over lunch, Ms O'Gorman and Mr Mandy, your position will be contrary to that of the CFMEU's who want to protect - sorry, that is pejorative - who want to maintain the redactions. Your position will be that there should be further redactions to those reports. But anyway, I will let
40 you consider your position and deal with it after lunch, if you're in a position to do so then.

MR MANDY: Thank you, Commissioner.

45 **COMMISSIONER:** I adjourn the Commission until 2 pm.

<THE HEARING ADJOURNED AT 12.47 PM.

<THE HEARING RESUMED AT 2.03 PM.

COMMISSIONER: Mr Costello.

5 **MR COSTELLO:** Thank you, Commissioner. Commissioner, I've had productive
discussions with my learned friend Mr O'Grady over the course of the adjournment.
There is a built of distance between us on what are a relatively small number of
redactions that the union still wishes to press. I don't think that it's a useful use of the
10 remainder of the afternoon to deal with them now, and my learned friend agrees with
that.

We think that as there will only be a small handful, they can either be dealt with on
the papers or perhaps in a private session, depending on what your preference is. The
15 difficulty in dealing with them in a public hearing in this way is the obvious risk of
disclosing a name, for example, of somebody who your Honour might - you,
Commissioner, might ultimately form the view ought not be made public and so
we're in your hands as to how you would like to progress it. As I say, we can do it on
the papers or we could do it in some form of private hearing.

20 **COMMISSIONER:** Have you ascertained a position of Ms O'Gorman and
Mr Mandy?

MR COSTELLO: I haven't. We've just had that discussion as to how to deal with it
now so I apologise to my friends for not having an opportunity. But if it was to be
25 dealt with in either way, and of course, if other parties wish to participate, they
could. I can continue the examination of the witness this afternoon in the way that
I've conducted it to this point without having regard to the report in terms of putting
it up on the screen or to the extent that it's required I can use what was the publicly
available version that does have extensive redactions and I can use that for now, in
30 any event.

COMMISSIONER: Well, I think that's the best use of our time, Mr Costello, and
you can continue discussions with Mr O'Grady after we rise and also speak to
35 Ms O'Gorman and Mr Mandy and see what their position is.

MR COSTELLO: Yes. Thank you, Commissioner. Can I also indicate that my
learned friend has an answer to a question that you raised and so I will let him
address you on that.

40 **COMMISSIONER:** Thank you. Mr O'Grady?

MR O'GRADY: Yes. Thank you, Commissioner. My instructions are that, in
respect of the federal union, Mr Ravbar is the secretary of that union and Mr Ingham
45 is the assistant secretary of that union.

COMMISSIONER: Is or was?

MR O'GRADY: Sorry, apologise. Was, in both cases.

COMMISSIONER: Of the union or the Construction and General Division?

5 **MR O'GRADY:** I think of the Construction and General Division.

COMMISSIONER: By that you mean the Queensland branch of the Construction and General Division?

10 **MR O'GRADY:** Yes and in respect of the CFMEU Queensland, Mr Ravbar was the secretary of that union and Mr Ingham was the vice president of that union. So it may be a distinct without a difference, Commissioner, but that's the position, I'm instructed.

15 **COMMISSIONER:** But in any event, both Mr Ravbar and Mr Ingham have been removed as secretary and vice president of the State-registered union by operation of the executive action. Was that how you described it this morning - of a member of the executive government of Queensland?

20 **MR O'GRADY:** Yes. Yes and that's detailed as you might recall, Commissioner in Mr Irving's statement, which I understand has now been made available to the parties.

COMMISSIONER: Thank you, Mr O'Grady.

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

MR COSTELLO: Yes. Thank you, Commissioner.

30 Mr Watson, just touching on matters Mr O'Grady just addressed, one matter that I didn't raise with you when we were talking about the organisational structure of the union was the office of president. There was a president of the Queensland-Northern Territory branch; is that right?

35 **MR WATSON:** There should have been. Royce Kupsch, K-u-p-s-c-h, had been the president. My recollection is he may have resigned only shortly before the administration commenced and I don't think he had been replaced. There may have been somebody who filled that role.

40 **MR COSTELLO:** And did you have - did you obtain an understanding of the role of the president within the structure?

MR WATSON: Well, continuing my analogy, I would describe the president more in the nature of the Governor-General in the sense that they were there, ultimately
45 nominally hold the power but it's only done on the advice of the executive which is headed by the secretary who would be the equivalent of the Prime Minister.

MR COSTELLO: Thank you. Before we adjourned, I was asking you some questions connected to the first of the five categories you identified of violence or hostility, that is hostility towards government by the CFMEU. In your report, you refer to public, even formal occasions, where members of the Queensland CFMEU would attend and heckle politicians.

MR WATSON: Yes.

MR COSTELLO: And you were -

MR WATSON: I watched it on YouTube.

MR COSTELLO: You were given evidence - you received evidence of occurrences of that nature.

MR WATSON: Yes.

MR COSTELLO: And do you have any recollection of what particular events you had in mind when you made -

MR WATSON: Not really. I know that I watched one on YouTube where there was a - there's a kind of a shouting down. And I think I was told one which occurred - look, I could be wrong about this but I think it was the Town Hall just near here. I don't know why that sticks in my mind.

MR COSTELLO: You say in your report at paragraph 80 that:

"At various times, the Queensland CFMEU appeared to see itself as effectively administering industrial relations policy in the State."

That's a rather large statement to make. What was it that drove you to that conclusion?

MR WATSON: Well, I suppose you've got to remember what I'm saying is there that they saw themselves as doing that. I'm not saying the power had been ceded or that they had been effective in taking it away. They saw themselves as having that role. I - it was a combination of matters. One was an incident which I've recorded where -

MR COSTELLO: Is this in Bowen Hills?

MR WATSON: Yes. Mr Kupsch was speak to a senior public servant. Now, I don't know what you've redacted or not redacted.

MR COSTELLO: I might just ask to the extent that you can, that you don't use names.

MR WATSON: Well, right, sorry if I've breached that already.

MR COSTELLO: No, that can all be fixed.

5 **MR WATSON:** It's going to be awkward telling a story without any notes but where a senior member of the CFMEU had spoken to a senior public servant and told him, in effect, that "You're doing what we tell you to do from now on. "

10 **MR COSTELLO:** Can I just stop you there. Do you recall what the purpose of this meeting was?

MR WATSON: Yes. It was, actually. Sorry, it will be in the report, but he was coming along, the public servant was coming along with legislation which was being drawn up, gone through all of the usual people the legislation does, the policy wonks and often the parliamentary draftsman and then it come back and there was a
15 consultation session with the CFMEU, given the CFMEU was a major stakeholder, it's industrial legislation. Well, that wasn't good enough for the senior member of the CFMEU who really, in effect, rejected the idea that a senior public servant would be arriving with legislation already drafted. In other words, it should be left to us to
20 draw it. That was the message being sent.

MR COSTELLO: Could it be that not so much it should be left to us to draw it, but that it shouldn't be drawn until you have consulted with us?

25 **MR WATSON:** Could be that, could have been that. It probably was more likely that. I doubt whether there's a parliamentary draftsman on the staff that (indistinct). It could be quite (indistinct).

MR COSTELLO: I think it's in connection with this particular incident that you say
30 in your report that you were told a large man stood over the public servant and shouted for about five minutes.

MR WATSON: Yes.

35 **MR COSTELLO:** You were told that - words to the effect of:

"I am your boss now."

Were used.

40

MR WATSON: Yes.

MR COSTELLO: And:

45 "You will take your directions from me."

MR WATSON: Yes.

MR COSTELLO: And:

"You're now working for us."

5 **MR WATSON:** Yes.

MR COSTELLO: And that was all said in connection with proposed industrial legislation.

10 **MR WATSON:** Exactly. By the way, I will just tell you, I mean, I talk to these people in some instances only briefly but the particular public servant who was giving the information was a most impressive fellow, you know, that kind of person who knew their brief, knew what they were talking about. Cool, collected, thoughtful, decent person.

15

MR COSTELLO: Now, for present purposes because we have some unresolved issues of publication, non-publication, but you sought to raise that incident directly with the CFMEU representative who was named -

20 **MR WATSON:** Yes.

MR COSTELLO: As being the person that engaged in the conduct that we've spoken of.

25 **MR WATSON:** Yes.

MR COSTELLO: And that person declined to attend an interview with you.

MR WATSON: He denied that, he denied that there was an interview.

30

MR COSTELLO: He denied that it occurred in writing.

MR WATSON: Yes.

35 **MR COSTELLO:** But he declined to attend an interview.

MR WATSON: That's correct.

40 **MR COSTELLO:** Did you receive any further clarification or cooperation from the Queensland CFMEU in respect of that incident at Bowen Hills involving the public servant?

MR WATSON: I think it's on a one-on-one occasion, I didn't go into it in any greater detail. I mean, I have one version of the events, then I was confronted with a bare denial and -

45

MR COSTELLO: Thank you.

MR WATSON: - I've reported on it.

MR COSTELLO: Thank you. I want to take you now to the events of 5 April 2023.

5 **COMMISSIONER:** Mr Costello, can I just ask you a question. I don't want to
traverse upon the territory that you and Mr O'Grady are trying to resolve but for my
own part, and perhaps this is going to be an issue that Ms O'Gorman and Mr Mandy
have some difficulty with as well, I'm going to struggle with making any findings if
10 the evidence remains as it is with some senior CFMEU official and senior public
servant, but presumably you're doing this because of the fact that there's an
unresolved issue between the two -

MR COSTELLO: Yes. The incident I was just speaking of with Mr Watson is
15 paragraphs of the report in respect of which Mr O'Grady continues to press for
redactions and for that reason in fairness to him and those that he seeks to protect by
his actions, I'm seeking to tiptoe around it. It's all ascertainable in that it's available,
the names are identified in the report and I am seeking, where I can, to refer to
particular paragraphs of the report so that reviewing the transcript and coupled with
the reports it eventually makes a tie, but for the purposes of the hearing now I'm just
20 trying to preserve the confidentiality that (indistinct) how you rule.

COMMISSIONER: I see. Thank you.

MR COSTELLO: Mr Watson, sorry, I was saying that I want to now take you to
25 the events of 5 April 2023 which -

MR WATSON: You know, I'm - you told me not to look at my copy of the report,
so when you say this, I feel a little bit under a disadvantage if you're looking at
something.

30 **MR COSTELLO:** That's right.

MR WATSON: Because I'm not quoting dates like 5 April 2023.

MR COSTELLO: If you don't know let me know and I will give you more
35 information but I think what will jog your memory is that was described as the
CFMEU's National Day of Action.

MR WATSON: Was this the one where the glass door was shattered?

40 **MR COSTELLO:** Correct.

MR WATSON: Well, the purpose behind that was a protest to get stuck into the Fair
Work Ombudsman who had really taken on a role previously undertaken by the
ABCC. And that's what I understand was the trigger for that dispute.

45

MR COSTELLO: Yes.

MR WATSON: So that if, in essence, it wasn't enough CFMEU did - it wasn't enough to get rid of the ABCC. They now wanted no external regulation at all, but anyway.

5 **MR COSTELLO:** And in order to prosecute that cause, there was a march organised for that day, and you have reviewed, I think, some footage of that march?

MR WATSON: Yes, it's on - it was on the TV news, so it was on - you can find it on Facebook.

10

MR COSTELLO: And it's fair to say that there were a large number of CFMEU people in attendance at the march.

15 **MR WATSON:** Yes, there were - it was a huge crowd. I keep saying Facebook, I hope you - well, forgive me, it's actually YouTube. I've said Facebook. I don't know that I've ever looked at Facebook in my life except for the CFMEU Facebook but I've been using YouTube for these sorts of things.

20 **MR COSTELLO:** Thank you. So you had regard to publicly available information reporting, for example, from news outlets and the like?

25 **MR WATSON:** Look, I tried - sorry if there are people here from the Courier Mail. When I was using news sources, I knew there was incredible hostility between the CFMEU and the Courier Mail. And I knew that, well, the CFMEU will regard the - anything that I get from the Courier Mail as being biased, so sorry, I tried to avoid using the Courier Mail. But you will see there I think I do. That's one of the very rare instances where I use it.

30 **MR COSTELLO:** So this march took place and it was a march to the premises of the Commonwealth Government on Eagle Street?

MR WATSON: Yes.

35 **MR COSTELLO:** And the stated purpose of the process was to prosecute an argument that the federal government ought to abolish the Fair Work Ombudsman.

MR WATSON: Yes.

40 **MR COSTELLO:** And as you understood it that was because the Fair Work Ombudsman was the entity now responsible for the prosecution of breaches of law by CFMEU.

MR WATSON: Exactly.

45 **MR COSTELLO:** You say in your report that the premises at Eagle Street - this is Waterfront Place, I think?

MR WATSON: Yes, it is.

MR COSTELLO: - were locked down in advance of the protestors arriving. Do you recall saying that?

5

MR WATSON: Well, I mean, they were. You can see it on the television coverage.

MR COSTELLO: And notwithstanding the fact that they were locked down, protestors attempted to enter the building?

10

MR WATSON: Yes, 10 men pulling on a glass door.

MR COSTELLO: Yes. And that resulted in the glass door breaking?

15

MR WATSON: It shattered.

MR COSTELLO: And I will just show you just a still image of that and you can confirm what you're talking about. Could I have media 1 on the screen, please. Now, if you don't recall this -

20

MR WATSON: No, no, of course, I recall it. You're not going to forget something like that. Yes, that was the aftermath but you can actually watch it - if you watch it on YouTube, you will see the actual incident where it cracks. There were two men eventually charged and convicted and fined over this.

25

MR COSTELLO: How do you know that?

MR WATSON: I read it somewhere.

30

MR COSTELLO: Thank you.

MR WATSON: Although, it could have been the Courier Mail.

35

MR COSTELLO: You also make reference to graffiti being painted on the building in the course of this protest?

MR WATSON: Yes, I got these sorts of little things from newspaper reports. One of them curiously said - because there was a big protest to abolish the ABCC, which had been abolished about a year before.

40

MR COSTELLO: Yes. Yes, I think, in fact, the - at paragraph 88 in your report you speak of there being graffiti that said "Fuck ABCC".

45

MR WATSON: All right.

MR COSTELLO: Which wasn't in existence at the time. Now, when you watched video footage of this event, do you recall seeing Mr Ingham making some comments about the event?

5 **MR WATSON:** That was afterwards and I'm not sure whether that was on video or whether it was just still photos but there was something being said and Ingham gave a speech during which he blamed the event on foreigners. I remember that much.

MR COSTELLO: I think in fairness to him, he said, or at least he -

10

MR WATSON: Sorry, it was the crack of the door, the glass is made by foreigners, that's it.

MR COSTELLO: Yes, I think he said - in your report you say at paragraph 90 that
15 Mr Ingham said:

"It was probably foreign product to begin with."

MR WATSON: Yes.

20

MR COSTELLO: That's what you have in mind?

MR WATSON: Yes.

25 **MR COSTELLO:** And did you understand that to be an attempt on his part to exonerate CFMEU members -

MR WATSON: I think he actually said, "It wasn't our fault" or words like that.

30 **MR COSTELLO:** And what then did you take from the fact that a person in a senior position of leadership had dealt with an incident like the breaking of that door in that way?

35 **MR WATSON:** Look, sorry, start with this: If you're in a senior position of leadership you get near that front door and you say to the people who listen to you - he's charismatic, everybody says that I think, I think it's mad, but if you're Mr Ingham you go down there and you tell them, "Stop it, don't do that." What they were trying to do was obviously, apart from anything else, put aside the destruction of the property, it was get into a premises when it's been sealed off. That's called
40 trespass, that itself is a crime. A leader would stop that occurring. There's a right to peaceful process - protest, I accept that, I encourage it. This isn't peaceful.

MR COSTELLO: Some time earlier in August 2022, there was an incident involving the Queensland Transport and Roads Investment Program, which is
45 sometimes called QTRIP.

MR WATSON: Yes. I remember the QTRIP quite well.

MR COSTELLO: All right. What had happened here, as I understand from your report, was that QTRIP had organised an industry briefing in the Department of Transport and Main Roads in the CBD.

5 **MR WATSON:** Yes, to which the CFMEU had been invited.

MR COSTELLO: Which was said to be an important strategic plan event.

MR WATSON: Yes.

10

MR COSTELLO: And some senior officials of the CFMEU had been invited to attend.

MR WATSON: Yes.

15 **MR COSTELLO:** Senior officials. And as it transpired, the briefing couldn't begin.

MR WATSON: They went in, I think there's something like 200 people went in, you can see photos of this as well, they went in and then covered the whole area. I want to try and speak to some of the people from QTRIP and that was an area where
20 I was quite disappointed because there was I think a senior bureaucrat who had left - but I left messages, but they came and populated the space downstairs with a view to disrupting the meeting. Now, I mean, come on, explain to me what is happening, why are you doing that and said - from mindless (indistinct) disrupting. It's got no purpose.

25

MR COSTELLO: All right. I'm going to come to that.

MR WATSON: Would you prefer it if the government departments didn't bother planning this group? And the CFMEU was an invitee, but anyway.

30

MR COSTELLO: Just before I ask you another question in that connection, Mr Watson. Commissioner, I should tender the photograph that I just put on the screen.

35 **COMMISSIONER:** It seems similar to the photograph between paragraphs 87 and 88 of Mr Watson's -

MR COSTELLO: Yes, it is.

40 **COMMISSIONER:** - public report.

MR COSTELLO: It is.

COMMISSIONER: Is there a reason we need two?

45

MR COSTELLO: Only that this one is a better quality but if you -

COMMISSIONER: That's a reason. Are there any objections. How do I describe the photograph, Mr Costello?

5 **MR COSTELLO:** It is - it's an image of front door glass smashed at 1 Eagle Street on 5 April 2023.

COMMISSIONER: Image of front door glass of 1 Eagle Street smashed on 5 April 2023 will be exhibit GW1.

10 **<EXHIBIT GW1 IMAGE OF FRONT DOOR GLASS OF 1 EAGLE STREET SMASHED ON 5 APRIL 2023 [TENDERED]**

15 **MR COSTELLO:** Mr Watson, can I come back to this QTRIP event. Do you have an understanding of what it is the Department of Transport and Main Roads was giving a briefing on?

MR WATSON: No, I didn't get that and I wanted to speak to the public servant, I'm sure that's an instance where the person wouldn't get back in touch with me.

20 **MR COSTELLO:** I see.

MR WATSON: I went to some effort to try and track him down. He's gone to another job, I was leaving messages with the personal assistant and the like.

25 **MR COSTELLO:** So that might be why -

MR WATSON: I had a feeling it might be something about the allocation of where some Main Roads projects were going.

30 **MR COSTELLO:** I see, because it wasn't quite apparent to me on reading your report why it was that this briefing was viewed as being controversial and inappropriate by the CFMEU.

35 **MR WATSON:** I never got to the bottom of that either.

MR COSTELLO: I see. I see. But in any event what you ascertained was that a large number, you say 200 or so members of the CFMEU, entered the premises where the briefing was to be held and disrupted things in a way that the briefing couldn't occur.

40 **MR WATSON:** Yes. I think they got knocked down.

MR COSTELLO: A security guard?

45 **MR WATSON:** Yes.

MR COSTELLO: The then-Premier, Ms Palaszczuk labelled the conduct as disgraceful. You've noted that in your report.

5 **MR WATSON:** This was actually quite controversial and I've looked at the press reportings around this, because the CFMEU had really crossed the line with the Premier and the Premier came out and really got stuck into them, quite severe words and other people were as well, said that's it, that's it, you've crossed the line.

10 **MR COSTELLO:** Do you recall that the Premier called on the Queensland CFMEU to apologise to those who had been hurt in the incident?

MR WATSON: I don't remember that specifically.

15 **MR COSTELLO:** That comes from paragraph 95 of your statement but you don't have a recollection of that. Also at paragraph 99 - 95 of your statement, you have said that:

"Mr Ingham accepted no blame or responsibility."

20 For a particular incident.

MR WATSON: That almost goes without saying, everything was always someone else's fault or entirely justified because the government betrayed us or weren't doing their job properly. It was always something like that.

25 **MR COSTELLO:** He described the fact that the QTRIP event was cancelled as being due to a government too scared to face scrutiny.

30 **MR WATSON:** I remember that now, yes. That's right. It led to - I think he might have used the word "gutless".

MR COSTELLO: And he also characterised the intrusion of the members into the building if nothing more the construction workers wanting to have a say.

35 **MR WATSON:** Yes, something you may in this Commission to have a look at is why were they there? Why weren't they at work? If there's 200 men in that foyer of that building, that's 700 men who I assume should have been on a building site somewhere else and how did they organise them to get there? I tried to find that out time after time after time. I assume they've got some sort of chat group. I assume
40 they had something, a private Facebook page or something that they could communicate with each other and told "be here at this time" but I could not get to the bottom of that. I hope you can. But it just seems to me to be odd. 200 men.

45 **MR COSTELLO:** Presumably effective industrial organisation requires some degree of organisation.

MR WATSON: Yes.

MR COSTELLO: A way to make these things happen. I want to turn now to the second of your categories of violent and hostile conduct, which is hostility towards the Workplace Health and Safety inspectorate and staff. You say at paragraph 97 of your report that:

5

"The Queensland CFMEU had no respect for the independence of regulators."

MR WATSON: Absolutely.

10 **MR COSTELLO:** You say that:

"If regulators wouldn't bend to the union's will then they were labelled corrupt or incompetent."

15 **MR WATSON:** Yes.

MR COSTELLO: And:

20 "They could, on occasion, be subject to threats of violence, intimidation and targeting."

MR WATSON: Yes.

25 **MR COSTELLO:** And the Workplace Health and Safety inspectorate was a particular regulator targeted by the Queensland CFMEU?

MR WATSON: Yes.

30 **MR COSTELLO:** This is a Queensland regulator, not a national regulator.

MR WATSON: It's a Queensland - it's a State-based regulator.

35 **MR COSTELLO:** Thank you. And did you interview Workplace Health and Safety inspectors in the course of your investigation?

MR WATSON: I interviewed a number of people who were associated with Work Health and Safety and they went from top public servants down to the very men who were going to the sites themselves.

40 **MR COSTELLO:** And -

45 **MR WATSON:** This is a pretty important issue. I mean, if Work Health and Safety inspectors are doing their job, what do they do? They bring Work Health and Safety, a pretty important, issue, I would have thought, for a trade union. Now I am not an expert on this, but I have looked at this issue in New South Wales. When there is generally speaking good collaboration with the equivalent Work Health and Safety officers and the union, it's actually the contractors who are mainly at war with the

Work Health and Safety inspectors, but here, some reason for another, the war was between the CFMEU. (Indistinct) people from the AWU. I didn't hear anything about them having the same problems.

5 **MR COSTELLO:** Just to be clear, when you say they're in New South Wales is there cooperation between the equivalent of the WHS inspectorate and the union, do you mean the CFMEU or do you mean other unions?

10 **MR WATSON:** The CFMEU, they actually collaborate and are quite often bringing contractors into line. I mean, that's why I thought it should work but here, it just seemed to be that innate hostility towards them, which I was never really able to come to grips with.

15 **MR COSTELLO:** I see. You obtained video footage from the inspectorate.

MR WATSON: Yes.

20 **MR COSTELLO:** I think this might be some of the footage you mentioned before from bodycam.

MR WATSON: You watch it, I tried. You try and make your way through it. There's tonnes of it.

25 **MR COSTELLO:** And you also spoke to independent witnesses who observed the CFMEU's treatment of inspectors.

30 **MR WATSON:** Sorry, I should have made clear in my flippant last answer. I didn't watch it. I was given lots of the film, I tried to watch a bit of it, I tried to get a paralegal to watch it and we worked out that we just couldn't do it. But after all, I did wish to produce this in a short period of time but answering your next question, I did speak to a lot of the fellows who are on the ground who actually suffered this themselves.

35 **MR COSTELLO:** Just returning to this body camera footage, you might recall I put to you earlier in the day that it might be said that the fact that there is a large volume of video material, not much of which reveals what you might sort of try and neutrally call untoward conduct, might itself tell you something new - you gave some fairly strident evidence in response to that suggestion but I think you also made clear that the fact that WHS inspectors started wearing body cams itself had an effect on the
40 conduct, to some extent.

MR WATSON: I'm not sure whether I can use names, so I won't use names. If you have it, you should speak to a person who's in WHS who speaks about that
45 (indistinct). It was actually brought in as a safety device and by the way, it worked.

MR COSTELLO: It worked because the conduct was altered by reason of the fact that there was body cams that were constantly operating. Thank you. Now, you found in your report that the CFMEU put pressure on WHS inspectors.

5 **MR WATSON:** Lots of it.

MR COSTELLO: You found that that occurred by abuse and belittling?

MR WATSON: Yes.

10

MR COSTELLO: By seeking to whip up angry responses from the membership towards inspectors?

MR WATSON: Yes.

15

MR COSTELLO: That was particularly done through posts on the CFMEU's Facebook page?

MR WATSON: Yes.

20

MR COSTELLO: And those Facebook posts were often accompanied by doctored video images that allowed the inspectors and their families to be identified?

25

MR WATSON: Yes. By the way those images themselves, I was told repeatedly, were unfair insofar as the segments put up by the CFMEU which showed an inspector in a bad light. I was told stories, I've only been told one side of this, but the CFMEU person would come up and abuse an inspector, abuse them, swear at them, call them all sorts of names and when the inspector erupted, that would be the bit that would be put on Facebook.

30

MR COSTELLO: I see. You were told that by -

MR WATSON: Yes.

35

MR COSTELLO: - somebody from WHS.

MR WATSON: I was told that by about a dozen people.

MR COSTELLO: I see.

40

MR WATSON: And by the way, that is a tactic which is used. I've seen it in other States.

45

MR COSTELLO: There were changes implemented by the inspectorate in connection with its own staff that you've noted. The first was in about 2018 when it became the policy of the inspectorate that if an inspector was entering a CFMEU- controlled site, must enter as a pair -

MR WATSON: Yes.

5 **MR COSTELLO:** - rather than as an individual. And you note that at 108 of your report. You note at 109 the issue that I've already raised with you, that in 2022 the inspectors were issued with body-worn cameras.

MR WATSON: Yes.

10 **MR COSTELLO:** Now you say in your report at 109 that:

"One of the reasons for that measure was because of the fact that footage being taken by the CFMEU was being made publicly available but was not a fair reflection of the events."

15 **MR WATSON:** Yes.

MR COSTELLO: I see. And you noted that:

20 "The Facebook posts of these interactions between CFMEU members and officers of the inspectorate would set off, or commonly at least, set off a thread of what you described as unhinged responses.

25 **MR WATSON:** It was just bizarre. What the real problem here is, if someone puts it on Facebook, that's one thing. You should see the comments section. It's just awful.

MR COSTELLO: Now, you've arrived that because you observed that because you've gone through Facebook pages, some of them.

30 **MR WATSON:** Yes, yes.

MR COSTELLO: But what you don't know, in fairness to everybody, is the identity of those people making unhinged comment.

35 **MR WATSON:** I tried to - well, no, because they come on with Facebook-style tags.

MR COSTELLO: Yes.

40 **MR WATSON:** Instead of naming yourself as Geoffrey Watson you call yourself Ned Champion or some stupid name. So I don't know who they are and I can't track that down, but one thing that I was concerned about was how was this allowed to go on for so long? So I endeavoured to find out who at the CFMEU was in charge of their communications, who was doing this, who controlled the Facebook page. Well, nobody would own up to that, when I finally tracked down somebody, they said they
45 wouldn't speak to me without a lawyer.

MR COSTELLO: I see. So in the end it was never quite clear to you who was in control of that Facebook page?

5 **MR WATSON:** I've got no idea if anybody was in control. I don't think control is the right word, there seems to be a festering pit.

MR COSTELLO: Again in connection with the inspectorate but a little earlier in time, there is another event that you canvass in your report concerning a bomb threat.

10 **MR WATSON:** Yes.

MR COSTELLO: This is in 2021 and I think it relevantly starts at about 102 of your report. You say that:

15 "There was a bomb threat made against a building site in Edmondstone Street in West End.

MR WATSON: Yes.

20 **MR COSTELLO:** And police were called and specialist teams carried out a search for the bomb.

MR WATSON: Yes.

25 **MR COSTELLO:** And it was ultimately determined that it was a hoax.

MR WATSON: What it was was a fellow, I don't know which names have been redacted but I know this particular fellow, I know his name, he said something disgraceful to somebody who I think might have been an Industrial Relations person followed by the contractor and a Health and Safety guy said "You can't talk like that," and he got him booted off. Now you can't get to the bottom of any of this without trying to get to the bottom of how the CFMEU could make a phone call and get a Health and Safety rep booted off the job. Now, I don't know how far I can go because you know what's redacted and what's not, and I don't, but there is a person who was said to have had a very close relationship with another person who is a CFMEU official and between the two of them, power was distributed in a manner so that they could order Health and Safety reps around. It's actually a pretty awful incident, I'm being careful what I say because at least one of the people involved is before the Queensland Crime and Conduct Commission, the CCC.

40 **MR COSTELLO:** Just to make sure that I understand the event, a safety rep on a building site is verbally attacked for one reason or another by somebody who they -

45 **MR WATSON:** No, it wasn't a Health and Safety rep. I think it was an Industrial Relations person employed by the contractor.

MR COSTELLO: Yes.

MR WATSON: Health and Safety rep, WHS person, steps in and says "You can't talk like that on a building site" which, by the way, is true. That's against the rules, it's against the law. So the CFMEU offender got the Health and Safety rep booted off the site. In other words, he made a phone call and went right through the Health and Safety rep's boss.

MR COSTELLO: And when you're speaking of the Health and Safety rep here, you're speaking of an employee of the WHS inspectorate.

10 **MR WATSON:** Inspectorate, yes.

MR COSTELLO: And some way, somehow, the WHS inspector was, you say, ordered to immediately remove himself from site.

15 **MR WATSON:** Yes.

MR COSTELLO: And that was an order that came from within the WHS inspectorate.

20 **MR WATSON:** Yes, from higher.

MR COSTELLO: And you -

25 **MR WATSON:** I mean I've heard this story backwards but I did say in the report, I'm not going to go into it because it's before the CCC, but I've heard this story from, I don't know, it would be 15 people.

MR COSTELLO: And one of the links -

30 **MR WATSON:** Not this particular instance, I heard from a couple, but this general story of the WHS inspectors being maltreated within their own office because of a connection between somebody senior in the WHS office and somebody senior in the CFMEU office.

35 **MR COSTELLO:** I see. So you had heard of this type of conduct occurring more than the Edmondstone Street example.

MR WATSON: Yes.

40 **MR COSTELLO:** I see.

MR WATSON: But I avoided reporting on it because, as I said, well, the person before the CCC could end up before a court.

45 **MR COSTELLO:** And, at least insofar as the incident detailed in your report is concerned, the link between the CFMEU official and the removal of the inspector is

made by the fact that, as you say at 106 of your report, the organiser called out to the inspector as he was preparing to leave, "Fuck off, I told you I'd get you removed".

5 **MR WATSON:** Yes, that's in that particular instance, also bear in mind I was tying it into other information that I had received.

10 **MR COSTELLO:** I see. And there is another incident including - sorry, involving WHS inspectorate. Before I move to it, by your investigations in connection with the relationship between the CFMEU Queensland and the WHS inspectorate, were you concerned that there was, at some level, an inappropriate relationship between - call it elements of the union and elements within the inspectorate?

MR WATSON: Yes.

15 **MR COSTELLO:** And that's a concern at one level which might be at a higher level but at the more on the ground level, your concern was the way that some CFMEU members and officials were treating the inspectors that were on the ground trying to do their important safety work.

20 **MR WATSON:** Yes, and there's also something more.

MR COSTELLO: Please.

25 **MR WATSON:** I mean, if you've got the fellow from the work Health and Safety inspector is trying to bring order to the work site but they're being undermined from within, what's going to occur? The worksites are going to get even further out of control. And these are safety issues, something with which I would have thought every good union would be principally concerned.

30 **MR COSTELLO:** Another incident in your report that concerns the inspectorate was in 2022 on a site in -

35 **COMMISSIONER:** Just before you go to that, Mr Costello, can I just ask a question? You said you didn't report on the many stories you had heard, I think you said 15, I might have your evidence wrong in that regard, Mr Watson, because the person was before the CCC and you said it could come before the court. What did you mean by that, that someone is -

40 **MR WATSON:** There is a possibility of a corrupt conduct finding and if it was corrupt conduct finding of a particular kind, there could have been criminal charges.

COMMISSIONER: I see.

45 **MR WATSON:** So it's a little bit distant but I thought, well, with something like that, you err on the side of caution.

COMMISSIONER: Thank you.

MR WATSON: I didn't hear 15 examples of it. I heard the same story over and over from a number of people. That, of course, we all know doesn't mean that a story is true but on the other hand after a while and when you combine it with the actual incidents it does start gluing itself together.

5

MR COSTELLO: Before I move on to Brendale, I just want to make sure that I'm clear about this West End incident I was just talking to -

MR WATSON: I can't hear you.

10

MR COSTELLO: Sorry. I just want to make sure that we're clear about this West End incident before we move to Brendale.

MR WATSON: I don't know West end from written detail.

15

MR COSTELLO: That's all right. The first incident we've been talking about concerning - I'll get you removed - was Edmondstone Street, West End and I'm just going to put a version of your report on the screen to show you to make sure you're comfortable with that. Could I have document 0 on the screen, please.

20

Commissioner, this is the publicly available version of the CFMEU report that has been on the website of the CFMEU for some time since the administrator made it publicly available. So it does have redactions applied to it.

25

COMMISSIONER: I wonder, Mr O'Grady, you can find out the date that it went up on the CFMEU website.

MR O'GRADY: Yes, I will find that out.

30

MR COSTELLO: And if we could go to -

MR WATSON: It's accompanied by a statement of Mr Irving, so you will find it easily because the statement is on the website as well.

35

MR COSTELLO: Thank you. If we go to page 15, I think it is, of the PDF. Thank you. And if perhaps paragraph 101 and the heading above it could just be made larger or -

MR WATSON: Yes, that's the story I was talking about -

40

MR COSTELLO: This is.

MR WATSON: - and it names one of the people there in paragraph 101 that was - I was trying to be protective about it, but there it is.

45

MR COSTELLO: That's right. So that name is out in the public and has been for a long time. And so did you speak with Ms Burgess?

MR WATSON: No. I'm now trying to think whether I tried. I certainly tried and spoke briefly to her 2IC. I've forgotten his name, but you won't let me look at the paperwork to work out what it was, and we spoke for about three minutes on the telephone when he said he didn't think he should talk to me.

5

MR COSTELLO: And fair enough. And you note in that paragraph 101 there your reticence to make further investigations into this, given the investigation by the Crime and Corruption Commission?

10 **MR WATSON:** Exactly.

MR COSTELLO: Thank you. That document can just remain on the screen but for now at least perhaps if you go to the next page. Yes. I said that was the West End, I'm now moving to 2022, which was Brendale. That's in the north. You refer to this - this is relevantly about paragraph 111. You refer to this as:

15

"The worst period of abuse caused by the CFMEU Facebook page."

20

MR WATSON: Yes.

MR COSTELLO: And what you're speaking of here is a WHS inspector attending a site at Brendale with two female trainee inspectors?

25

MR WATSON: Yes.

MR COSTELLO: These are people attending - trainees attending with a more senior inspector learning the ropes. And you say:

30

"While on site one of the work men came at the inspector with an angle grinder that was on."

MR WATSON: Yes.

35

MR COSTELLO: And the worker shouted at the inspector:

"You're that cunt from the video."

40

MR WATSON: Yes. See this was part of the problem with Facebook entries and you'd recognise them. There's only a - I don't know, I don't think there's that many. I spoke to five or something, four or five. There's only like half a dozen WHS inspectors operating in the Brisbane CBD.

45

MR COSTELLO: I see.

MR WATSON: And so they're all known.

MR COSTELLO: And you'd agree somebody coming at somebody with an angle grinder, whether they mean to use it or not, is a pretty serious incident and one of the more or most serious incidents that you came across during your investigation?

5 **MR WATSON:** Well, I mean, I don't know how close he was, waving it around in the air or whether he was threatening. Doesn't look good. It's hard to put an innocent complexion on that especially when he also said "I want to take you outside and bash the shit out of you." I think the combination of the two - side to side.

10 **MR COSTELLO:** And you considered that this incident was at least possibly caused by the inflammatory videos that had been placed on the CFMEU Facebook page.

MR WATSON: It's undoubtedly caused by the Facebook page.

15 **MR COSTELLO:** And the inspector took steps to get the trainees out of harm's way.

MR WATSON: Yes.

20 **MR COSTELLO:** Now, can you recall, and if you can't, of course it's fine, but can you recall whether you were able to identify the person who -

MR WATSON: With the angle grinder?

25 **MR COSTELLO:** With the angle grinder.

MR WATSON: No.

MR COSTELLO: You've never found out who that was?

30

MR WATSON: No.

MR COSTELLO: So you've never had a contradicted version of these events.

35 **MR WATSON:** No.

MR COSTELLO: And you know of this event by reason of interviews with people from the inspectorate;

40 **MR WATSON:** Well, I've, in the past (indistinct) as you know, identify the name of the man I spoke to.

MR COSTELLO: Thank you. If we go down to paragraph 115 to 117, please, you describe another incident here where a WHS inspector was verbally abused by
45 unknown men at a funeral.

MR WATSON: Yes.

MR COSTELLO: Now, do you know what it was - what the particular gripe of these people was of this particular inspector?

5 **MR WATSON:** No, I don't, and for all I know, the inspectors were making things worse by engaging in the fight or whatever.

MR COSTELLO: At the funeral.

10 **MR WATSON:** At the funeral. So look, I don't know that, I'm recounting, in fact, stories that I did from people who seemed to me to be entirely credible when he's telling this story, and if this is an invention, well, what an incredible invention it is, it's just bizarre.

15 **MR COSTELLO:** Part of the reason you're interested in this, quite apart from the fact that it is abusive, is that it is abuse that tied directly into the videos on the Facebook page -

MR WATSON: Exactly.

20 **MR COSTELLO:** - that you were concerned about and so again there was a reference to the fact that the inspector was in a video?

MR WATSON: Yes.

25 **MR COSTELLO:** Now, you didn't ascertain who it was or who they were that were posting these videos on the CFMEU Facebook page, did you?

30 **MR WATSON:** I was given the name of one of the organisers who was particularly skilled at doing it, who people suspected have been the one responsible, and I - I could look at the names with your permission and try and refresh my memory which one it was, but there was one fellow in particular that was good at doing it, and that was known.

35 **MR COSTELLO:** And you - and so by reason of that you suspected that person might be responsible.

MR WATSON: Yes.

40 **MR COSTELLO:** And that -

MR WATSON: But the problem with it was I didn't think I could name him in the report because he had been one of the people I had interviewed and I hadn't put this to him while he was there.

45 **MR COSTELLO:** And so the statement we're left with, then, in connection with these videos is while their existence is undeniable, it's not known who was

responsible for them and whether or not, for example, the person responsible for them was a member of the CFMEU, let alone an official?

5 **MR WATSON:** I mean, seriously, are you suggesting that some outsider has just got it into their head, "I know what I'll do, I'll drop the videos which have been given to me by obviously a CFMEU person and I will put them up on the CFMEU site?" Of course, there's a connection.

10 **MR COSTELLO:** I'm not suggesting anything, I'm just suggesting -

MR WATSON: All right.

15 **MR COSTELLO:** - in terms of the proof at the highest standard, it's not known who produced these videos. What is known is that they are all in connection -

MR WATSON: I'm just here reporting on the facts which were ascertainable.

MR COSTELLO: Thank you.

20 **MR WATSON:** And I certainly am not suggesting anything for me has to be (indistinct) and proven. I'm an investigator, so as I like to tell people, the local butcher could do my job and probably do it better than me. The point is that I'm just collecting the facts, I'm speaking with people. I happen also to be a lawyer but there's
25 on facts. Occasionally I express an opinion, if you want me to express an opinion about that, then I will call it out straight away that it is CFMEU, someone is behind that it was going out on their Facebook page.

30 **MR COSTELLO:** Did you form any view about whether the use of the video was a part of some particular strategy?

MR WATSON: Yes.

35 **MR COSTELLO:** Or was it just entertainment?

MR WATSON: No, no, no. This is clearly part of a strategy.

MR COSTELLO: And what would you describe as -

40 **MR WATSON:** (Crosstalk). What you do is you get the people, you beat them down, you beat them down. There was one of these Work Health and Safety inspectors who I understood lived in Brisbane. He went up and got a similar position somewhere.

45 **MR COSTELLO:** Else.

MR WATSON: Somewhere a little north. I've just got it in the centre of my brain, somewhere up, maybe near Noosa, maybe he's all round happier and better off for it. But he moved away because of it. You drive them off the job and then, and there are witnesses I spoke to about this, when they get a newcomer, when a newcomer comes
5 in, they really go after them. There was one particular fellow started as an AWU organiser, so they targeted him. There was one public servant who came up from New South Wales, so they targeted her. You just get stuck into them until you break them, drive them out of the job and then you break the next one.

10 **MR COSTELLO:** There's one final incident involving the inspectorate that you mention in your report commencing at paragraph 118. This is the oldest of the incidents that you - this is in April 2018 and what was described to you on that occasion, if we could have 118 to 121 loaded, please - is that a CFMEU organised or raised a concern about the emergency evacuation plan.

15 **MR WATSON:** Yes.

MR COSTELLO: So stopping at that level, at that point at least, a concern of that nature is a perfectly legitimate concern for a trade unionist to be raising?

20 **MR WATSON:** Yes.

MR COSTELLO: The WHS inspector disagreed with him on the issue.

25 **MR WATSON:** Well, I - I've recorded that, yes. This is in the judgment. It's actually - you can read the facts are in the judgment.

MR COSTELLO: Yes, and that's where you took this from?

30 **MR WATSON:** Yes, I think that's where I got this entire story apart from the judgment, I also read some newspaper articles about it to see what was being reported. This happened in Cairns and I read the Cairns local paper.

35 **MR COSTELLO:** I see.

COMMISSIONER: Now just before you move on, Mr Costello and again you're going to work this out with Mr O'Grady, but I can't quite understand why there could be any objection to the non - to the release of that information. If you look at it, given what Mr Watson has just said, that appears to be a reference every time to some
40 organiser from Cairns who was publicly identified in two ways. One, in a newspaper, and two, in court. I mean, anyway, that's something -

MR O'GRADY: (Crosstalk) interruption, Commissioner, we don't object to that - those paragraphs.

45 **COMMISSIONER:** I see. All right - sorry - I shouldn't intrude.

MR COSTELLO: I'm just using the publicly available report which the administrator made public which has a great deal more redactions than I have proposed and that Mr O'Grady has proposed. There's no contest so far as I'm aware from anybody at the bar table.

5

COMMISSIONER: I'm sorry about that. I should leave it to you.

MR COSTELLO: I just wonder, Mr Watson, if this incident might be seen as being in a different category to the other Workplace Health and Safety inspectorate incidents that we've been talking about. This at least appears to -

10

MR WATSON: Can I tell you why this is there and maybe it will cut it short?

MR COSTELLO: Yes.

15

MR WATSON: It's really there for paragraph 121. It's the mentality of the leadership.

MR COSTELLO: Yes.

20

MR WATSON: This is Mr Ravbar says the Work Health and Safety inspectorate should be apologising to Rolly Cummins, that's the man's name, apologising to him for calling out at a Work Health and Safety inspector, "You're a fucking dog, you're a fucking dog, you're a fucking dog." That's why I've got it in there. It's to link this back to the leadership. You would think that a decent leader would have it in mind, seeing this in the newspaper reports, to bring Cummins in and saying, "What on earth are you doing?" Just the opposite.

25

MR COSTELLO: Thank you.

30

MR WATSON: That's why it's there.

MR COSTELLO: Thank you. Those paragraphs can come down, please. The third category that you mention in connection with violence is hostility towards the Australian Workers Union. We've touched on this to some extent already, that is the turf war, if you like, if that's a fair way of describing it, in respect of particular sites between the AWU and the CFMEU -

35

MR WATSON: That's a perfect way of describing it, except there wasn't much turf on concrete.

40

MR COSTELLO: Yes. You say in your report that the worst violence coming from the CFMEU had been directed at the AWU and its officials.

45

MR WATSON: Yes, that's for sure.

MR COSTELLO: Was that a surprise to you when you conducted this investigation that the most serious violence and abusive conduct was directed to other trade unionists?

5 **MR WATSON:** Yes. I'm especially disappointed and in my naivety I just got a surprise that there was a turf war at all, because as I said before, the demarc is pretty well divided and it should have been sorted out at industrial court.

10 **MR COSTELLO:** You thought that the CFMEU methods in using violence - when I say violence I mean it in the broad definition you used.

MR WATSON: Yes, broad definition.

15 **MR COSTELLO:** Was a tactic or strategy designed to increase the number of sites that the CFMEU was in effective control over and to drive out the AWU. That was the conclusion (crosstalk).

20 **MR WATSON:** Increase the number of sites, increase the number of members of the union. I mean, having a large number of members of the union is just a bragging right. It's extremely valuable, not just in terms of subscriptions but from other benefits which comes through from Incolink and BUSSQ.

MR COSTELLO: Right. What's Incolink?

25 **MR WATSON:** Incolink is a system under which the building industry has realised for some time that labourers are vulnerable because of the gig economy, guarantees redundancy pay.

30 **MR COSTELLO:** And is there some -

MR WATSON: It pays dividends. BUSSQ, which was a superannuation scheme favoured by Mr Ravbar in preference to Cbus, also pays dividends to the union, not to the workers. Sorry, I should have made the point, Incolink = these dividends of which these people are members, so it is actually financial benefit to have a large membership. It's a lot of money too. That wasn't my area of investigation, I want you to know, but I've got no doubt made errors in what I've just said, somebody can fix it for me, I hope.

40 **COMMISSIONER:** Does Incolink operate in Queensland?

MR WATSON: Sorry?

COMMISSIONER: Does Incolink operate in Queensland? I didn't know it did.

45 **MR WATSON:** Yes, it does.

COMMISSIONER: It does.

MR WATSON: I'm just trying now to think whether it does or whether it's got a different name. I'm going to ask somebody overnight or get to the bottom of that.

5 **MR COSTELLO:** You concluded in your report that the CFMEU were driven to illegal method with dealing with the AWU because legal methods were not open to it.

MR WATSON: That's correct.

10 **MR COSTELLO:** And what you meant by that was if the Queensland CFMEU had gone through conventional legal processes, you considered they would have lost coverage to the AWU or not gained coverage?

15 **MR WATSON:** Exactly. If they went to the Industrial Commission, then the Commissioner would have looked at them said, "What are we here about?"

MR COSTELLO: You say that because of what you describe as the simple vertical horizontal dichotomy?

20 **MR WATSON:** Obviously there are points at which there are problems and you do need to go to the Commission, and I told you earlier about Chris Christodoulou matter, you know what it was about, Snowy Hydro. Think about it, that's a great place where you're going to get a collision between civil and construction work. So there's going to be sometimes you've got to fall into dispute. They normally sort it
25 out around a table if you can't you sort it out before the Commission.

MR COSTELLO: You thought the CFMEU sought to press its involvement in sites, that to your mind, were clearly covered by the AWU.

30 **MR WATSON:** Yes.

MR COSTELLO: And no doubt you raised that with various members of the AWU and official also in the course of your investigation?

35 **MR WATSON:** Yes.

MR COSTELLO: And would it also be right to assume that they were very much of that view?

40 **MR WATSON:** Yes.

MR COSTELLO: And -

MR WATSON: Of course, they'd be biased.
45

MR COSTELLO: Of course.

MR WATSON: And so in that sense, if they say we're always on the right side of the demarc, take it with a pinch of salt.

MR COSTELLO: Did you ever raise it with the CFMEU people?

5

MR WATSON: Yes, I tried to but, of course, they were suffering from some sort of inherited dementia from their grandmother.

MR COSTELLO: You say in your report at paragraph 130 that there were so many instances of different kinds of violence directed to AWU members by members of the CFMEU that you couldn't possibly list them all (crosstalk).

MR WATSON: No, there's no way in the world. (Indistinct) these things as a digestible report and if it's going - I mean, you write these reports with a view to inform the public to deal with an issue. I had gone up there, as I said to you, believing that what I would be informing the public was it's not as bad as it seems, few tweaks, it can be fixed. Didn't work out that way, but that you didn't mean I'm going to write 900 pages, those reports, as you well know, as everyone in this room would know, are left unread.

15

MR COSTELLO: I just want to touch on a couple of the incidents that you do refer to, starting with an incident that you describe as having occurred at the ALP State conference on 6 November 2022 and you described this, I think I'm right, to say as marking the beginning of a period of open hostility between the CFMEU and the AWU?

20

MR WATSON: Now, before I say anymore, is the person's name redacted? Am I allowed to use the name of the person at the AWU?

MR COSTELLO: My junior will know a lot better than I will. I will just check that.

25

MR WATSON: It shouldn't be, it was a public event.

MR COSTELLO: There's no difficulty with saying that.

30

MR WATSON: What had happened was the AWU, pretty famously blokey union, had elected its first female secretary and she had an important speaking role at the ALP State Conference and during it, she spoke and she gave a speech in which she was talking about safety and as an aside, as a joke, said, you know, we're making Queensland a safer place, except that - and then inserted the address, I think it was to the QTRIP incident, you know, just insert that address. Well, that was it for on the account I have heard, that was it is for Mr Ravbar. He took up and said, "That's it, we're going." The CFMEU have broken with the Labor Party. That wasn't obviously the moment whether it occurred but relations have been deteriorating for some time.

35

MR COSTELLO: So Ms Schinnerl -

MR WATSON: Schinnerl.

MR COSTELLO: Schinnerl, pardon me, made a remark that was offensive to at least some of the CFMEU members. Is that a fair and neutral way of describing it?

5

MR WATSON: No, there's no way in the world someone could have been offended of that, that's just ridiculous. She made a simple joke and if you're taking offence at it, of course, you can take offence at it.

10 **MR COSTELLO:** I see.

MR WATSON: I'm a little bit worried because something has been suggested here today earlier that labelled Mr Ingham a misogynist. I didn't label anybody a misogynist. What I'm looking at is the reaction which people have when women get involved. Stacey Schinnerl had been elected the first female secretary of the AWU and for some reason or another that triggers a response like this. And by the way, I don't care that Mr Ravbar or Mr Ingham will come out any day of the week and say, "We do a lot to encourage women." I like to look at their actions rather than their words. So I mean, you make your own link there, but I find it irresistible.

15

20

MR COSTELLO: All right.

MR WATSON: Maybe one the Commissioner would be - I'm not just giving this as some sort of stump speech. It's true. I wonder whether the whole thing would be a lot better off if there were a lot more women like Stacey Schinnerl in positions of power.

25

MR COSTELLO: In any event, in the course of Ms Schinnerl's speech, the CFMEU representative walked out?

30 **MR WATSON:** Yes.

MR COSTELLO: And you mark that as being the start of open hostilities between the AWU and the CFMEU, is that right? That's the particular relevance of this event?

35 **MR WATSON:** That seemed to be - it was a time coincidence, was it brewing for some time, were they unrelated? That's probably (indistinct) for me to answer, but it seemed to be a declaration of war.

MR COSTELLO: You describe two incidents that took place in March 2023 at the Brisbane Metro site on the corner of Gray and Melbourne Streets.

40

MR WATSON: They were the two on one day?

MR COSTELLO: Yes.

45

MR WATSON: Yes.

MR COSTELLO: There's one in the morning and one in the afternoon; is that correct?

5 **MR WATSON:** The AWU officials were trying to go in the morning and they were foiled and then they went back in the afternoon and (indistinct).

MR COSTELLO: Okay. I will ask you some specific questions about these incidents but before I do, you describe both incidents as serious in your report.

10 **MR WATSON:** Yes.

MR COSTELLO: And what was it that made you consider them to be particularly serious?

15 **MR WATSON:** There's videos. I mean, it's obviously serious. It happened on a public street. It happened because - these are trade unions, they should be working collaboratively. It happened because one trade union was trying to stop another trade unionist organising its members. That's exactly what trade unions should not be doing to each other.

20 **MR COSTELLO:** Let me just try and walking through the event so what you've just said can be made clear. Start with the morning incident. You say in your report that the three AWU organisers arrived near the site, that's the Brisbane Metro site, that had been approved by the contractor.

25 **MR WATSON:** Yes. There's a point that you should have in your mind about this. The CFMEU would know this is going to occur because to get on to organise your troops, you've actually got to give notices because there are allocated times within the ADAs about which you can come on every so often to do this kind of thing, check up, see how they're going, see if there are any particular problems. So that's registered in a book. So somebody would know that though were coming. And when
30 they arrive, the three AWU officials, they were there waiting for them - or the CFMEU were there waiting for them.

35 **MR COSTELLO:** You'd say (indistinct) CFMEU members blocked the AWU access to the site.

40 **MR WATSON:** Yes, and what it is, it's a public street. And then like these things, you probably walked past some on the way here, everybody would have, where to get into the site it's actually quite tricky because it's kept separate from the public so it's like going into the gates in the member's sections, so they're keeping the public out. So they're trying to stop them getting onto the site, which means that the first part of it occurs on are the public street.

45 **MR COSTELLO:** I see. And two of the AWU organisers were pushed and shoved, dragged by their clothing, you say?

MR WATSON: Yes, there were three. One was female. I think she was left untouched. The other two were physically manhandled.

5 **MR COSTELLO:** Yes. There was also chanting and this is chanting that appears to have occurred on a number of occasions involving that AWU where the CFMEU members chant, AWU or an organiser chant "AWU" and it's met with the response of "Grubs" and that happens repeatedly.

10 **MR WATSON:** Yes, I'm embarrassed to say it here in the box, I'll tell you how it was chanted, it's so childish, I don't want to be the one who repeats it, somebody else can do it. "AWU" (indistinct) and the response is "Grub", clever stuff.

15 **MR COSTELLO:** And there was abuse beyond that in the form of CFMEU members calling AWU members a variety of names. You say that words to the effect of "You fucking sellout cunts" was used.

MR WATSON: That's a particular one.

20 **MR COSTELLO:** Words of that particular flavour. And this is all taking place on a public street.

MR WATSON: Yes.

25 **MR COSTELLO:** With bystanders nearby.

MR WATSON: Look, I've got a recollection from the (indistinct) it's sort of near a bus stop. There would be members of the public waiting for a bus.

30 **MR COSTELLO:** Did you note in your report that one CFMEU man approached people at the bus stop you've just mentioned that you have in your mind asking them - yelling at them, "Do you think the AWU are grubs?" Do you recall that?

MR WATSON: Yes, I remember being told that.

35 **MR COSTELLO:** And you say in your report that two women who were unassociated with (crosstalk).

MR WATSON: Yes, they became upset about it.

40 **MR COSTELLO:** Became upset about it, that's right.

MR WATSON: Little wonder.

45 **MR COSTELLO:** You say at paragraph 136 of your report that you were told that a CFMEU organiser who was part of the group physically grabbed and manhandled one of the AWU organisers.

MR WATSON: Yes.

MR COSTELLO: And you say that that was - that allegation was corroborated by other witnesses.

5

MR WATSON: It's another AWU fellow.

MR COSTELLO: You sought a response from that CFMEU organiser?

10 **MR WATSON:** Yes, I've forgotten which one it is and I'm not looking at the report on your -

MR COSTELLO: But you report at paragraph 146, though, you received an adamant denial from that person.

15

MR WATSON: Well, if I say that, I did.

MR COSTELLO: You also say and I can show you 136 if you like.

20 **MR WATSON:** I don't need to see it.

MR COSTELLO: You didn't think that response was credible.

MR WATSON: No. Sorry. Can we see the photos of the film?

25

MR COSTELLO: The reason you didn't think it was credible -

30 **MR WATSON:** This is in the morning. I'm not sure that there is film of the morning. There's just a couple of photos or something I've just forgot, whatever it is, it's entirely credible that people were getting manhandled or pushed around. There's a really freaky - there's good video of this, you should show it.

MR COSTELLO: I will come to some video of the afternoon incident in a moment. Let me just finish with the morning incident.

35

COMMISSIONER: Perhaps we should see paragraph 136 (crosstalk).

40 **MR COSTELLO:** Yes. Can I have the document 0 back on the screen, please, and if we could go to paragraph 136, which is page 19, if we could perhaps have 136 to 138.

MR WATSON: Yes, I remember writing this particular fellow. I forgot, he might have been the one with the (indistinct).

45 **MR COSTELLO:** These names are the subject of a contest about protection.

MR WATSON: They are.

MR COSTELLO: Yes, they are, so don't mention the names of these people, please, but in any event, this is what you've said at 136 to 138. You will see there as I already mentioned to you, you recalled that there was an adamant denial by a CFMEU organiser and you say there that you don't believe him, given this seemed to be a miraculous improvement on his memory during the interview.

MR WATSON: So they left the site that morning and they went back in the afternoon to try and finish the job.

MR COSTELLO: And just on you putting this to the relevant person involved, you've made the comment you've made at 136, you also make a comment or an observation in 138 about speaking to somebody else about the incident and at first he had some recollection but as the questioning became closer his memory suddenly failed him?

MR WATSON: Yes.

MR COSTELLO: You recall being there, but when allegations were put to him, he reverted to standard answer of, "I don't recall".

MR WATSON: Yes.

MR COSTELLO: All right. Well, that was the morning incident. There was then an incident later in the afternoon.

COMMISSIONER: Before we come to the afternoon, Mr Costello - Mr O'Grady I take it if we can't resolve these issues, is it your argument that these redactions should remain - these are redactions of the name of the CFMEU organiser because revealing the name of the organiser could reveal the name of the person who's identified in the first as the - sixth word in the first line of paragraph 136? Is that the argument?

MR O'GRADY: Yes, in respect of these paragraphs, that's the argument.

COMMISSIONER: And that's what you're going to try and resolve otherwise I will have to rule on it.

MR O'GRADY: Yes. We would be suggesting that be done in writing or alternatively at the conclusion of Mr Watson's evidence, in a private session.

COMMISSIONER: All right. Thank you.

MR COSTELLO: Can I just move to the afternoon incident. You say - if those first paragraphs can come down and that document can stay on the screen, please, the afternoon you address from 139 on and you say that the same three AWU -

MR WATSON: That's a photo that people can see in the morning of the blocking of the entry.

5 **MR COSTELLO:** Perhaps that can be blown up on the screen. It's a bit hard to see.

MR WATSON: That's something from the morning.

10 **MR COSTELLO:** You understand this photograph to be of CFMEU members blocking access to the AWU people attending for the scheduled meeting.

MR WATSON: Yes, it is. The man whose shoulder you can see which is bright yellow on the right-hand side is AWU. You can see the elbow of another AWU person. This is out on the street before you can get into the site.

15 **MR COSTELLO:** Yes.

MR WATSON: And the photo, I imagine, is being taken by the third AWU visitor.

20 **MR COSTELLO:** Thank you. So the same three organisers return to the Brisbane Metro site to speak to their members in the afternoon, and you say at 139 of your report that entry into the worksites was again locked, this time by about 25 CFMEU men.

25 **MR WATSON:** Yes.

MR COSTELLO: And you say the chants and threats towards the AWU organisers were repeated at full volume.

30 **MR WATSON:** Yes.

MR COSTELLO: Again, this is all taking place in a public street.

MR WATSON: Yes.

35 **MR COSTELLO:** And the episode was captured in two videos that were provided to you in the course of your investigation.

MR WATSON: Yes.

40 **MR COSTELLO:** All right. I'm going to play one now and then - once it finished, you can tell me if this is one of the videos that you are referring to and make any comment on the video that you wish. Can I have media 2 on the screen, please.

45 <RECORDING PLAYED

<RECORDING PAUSED

MR WATSON: It's easy to tell who's who here. It's like they are wearing uniforms. The chaps in bright yellow are AWU. There are two of them. The others are CFMEU. Where that very gigantic man is pointing, he's pointing at the third AWU person who is using the camera.

5

MR COSTELLO: Thank you. Could that be played, please,.

<RECORDING PLAYED

10 **<RECORDING CONCLUDED**

MR COSTELLO: Now, if document 0 could be put back on the screen, please, could I tender that, please, Commissioner.

15 **COMMISSIONER:** Is there any objections to the tenders of - how do I describe this video?

MR COSTELLO: It's video - there the second, so perhaps describe this one video angle 1, union organisers being blocked from entry to the Brisbane Metro site on 23 March 2023.

20

COMMISSIONER: Any objection? No. Video angle 1 of union organisers being blocked from entry to Brisbane Metro site on 23 March 2023 will be received as exhibit GW2.

25

<EXHIBIT GW2 VIDEO ANGLE TENDERED OF UNION ORGANISERS BEING BLOCKED FROM ENTRY TO BRISBANE METRO SITE DATED 23/03/2023

30 **MR COSTELLO:** Thank you. If we could go to the next page of that document, please, and if that picture could just be exploded on the screen, I think I'm right, Mr Watson, that these images that you've described as figure 5 in your report are images that are taken from the video that we've just watched.

35 **MR WATSON:** Correct.

MR COSTELLO: Is that right? Now -

MR WATSON: Got my paralegal to pick out a couple of good shots.

40

MR COSTELLO: Yes. Thank you. You would agree I assume that - actually before I say that, let's just be clear what we're dealing with here lest there be any misunderstanding. The person doing the bulk of the talking in that video is not Mr Ravbar, it's not Mr Lowth, it's not Mr Ingham, is it?

45

MR WATSON: No. No. He's just - I was unable to find out who he was. People had seen him before but nobody could tell me his name.

MR COSTELLO: Yes. And -

MR WATSON: Somebody thought that he may be employed by BUSSQ, but I've made some inquiries about that and that didn't turn up anything.

5

MR COSTELLO: All right. So the state of your knowledge at the end of your inquiry is you weren't sure who that person was, but you would accept, wouldn't you, that at least -

10 **MR WATSON:** I know who the big man was. I know his name.

MR COSTELLO: Yes, thank you. He's hard to miss.

COMMISSIONER: I am allowed to ask what his name was or is that subject to your -

15

MR O'GRADY: Commissioner (indistinct) we have no (indistinct) in respect of paragraph 41 (indistinct).

20 **MR WATSON:** He's saying this person was Savage, and I believe he was assistant secretary of the South Australian branch and if you look into his background you will see that he was prosecuted for serious breaches while he was in South Australia. How he came to be in Queensland, I know not.

MR COSTELLO: Thank you.

25

MR WATSON: But he was, at this stage, I believe, a CFMEU delegate. I was told by some people that they thought that these were members of the CFMEU Youth Crew but the gentleman who did most of the talking seems to defy the age limit of any sensible Youth Crew, but that's what I was told.

30

MR COSTELLO: All right. We might come to the Youth Crew tomorrow.

COMMISSIONER: Can I just ask another question about - you say Dennis Savage, is that the name?

35

MR WATSON: Desmond.

COMMISSIONER: Desmond.

40 **MR WATSON:** (Indistinct).

COMMISSIONER: And he was at this stage a delegate of the C -

45 **MR WATSON:** Probably a delegate, Commissioner, could have been just an employee.

COMMISSIONER: Of a construction company that worked on this site?

MR WATSON: No. I was told that he worked for a construction company which was well away from this site.

5 **COMMISSIONER:** But at some point in the past prior to 23 March 2023, he had been an official of some type with the South Australian branch of the Construction and General Division of the federally-registered union?

MR WATSON: Yes, he had been assistant secretary, so he's high up.

10 **COMMISSIONER:** Assistant secretary.

MR WATSON: And I heard whispers - again, I don't know whether this is right or wrong, (indistinct) could find out perhaps, but he had earlier been in Queensland and had gone down to South Australia and then came back but I never got to meet him, I - it wasn't something I was looking forward to with complete comfort but I offered to meet him.

20 **MR COSTELLO:** All right. I just want to ask you a couple more questions but before I do, I'd like to show you the second of the two videos I mentioned, if media 3 could be put on the screen, and Mr Watson, if you could just explain, at least so far as you're aware, whether this is an incident of the same event shot from a different location?

25 **MR WATSON:** Okay.

<RECORDING PLAYED

<RECORDING PAUSED

30 **MR WATSON:** Can you stop it there. I want to make clear, I did not have this video when I was doing the report. Somebody has shown me this video more recently.

MR COSTELLO: I see.

35 **MR WATSON:** I did not have it at the time.

MR COSTELLO: You didn't rely upon this.

40 **MR WATSON:** No. That's not to say it - it just shows the other side. I didn't mean to interrupt you, I'm sorry.

MR COSTELLO: No, not at all. And if you can't say with confidence anything about this video then that's the case and you should say so, but let me play it first.

45 **MR WATSON:** I can say plenty with confidence. If you look deep, you can see Mr Savage (indistinct), you can see the two AWU officials. If you look up in the

background, there's a woman with a camera in her hand with dark glasses and that is the AWU official who filmed it from the other angle, from the opposite angle.

<RECORDING PLAYED

5

<RECORDING CONCLUDED

MR COSTELLO: Now -

10 **MR WATSON:** That's (indistinct) thoroughfare.

MR COSTELLO: Yes, thank you. I just tender that while I recall. It's suggests described as video angle 2 of union organisers being blocked from entry into Brisbane Metro site on 23 March 2023.

15

COMMISSIONER: Is there any objection? Video angle 2 of union organisers - it really should be described as AWU organisers, shouldn't it?

20 **MR WATSON:** That wasn't I believe shot by an AWU organiser, Commissioner, because the three of them were in the shot. It must have been shot by perhaps, I thought I saw in the original video a person who had a protective hat. It could well be them or a body cam or something like that.

25 **MR COSTELLO:** In any event you're right, Commissioner, it's video 2 of AWU organisers being blocked from entry.

COMMISSIONER: Video angle 2 of AWU organisers being blocked from entry to Brisbane Metro site on 23 March 2023 will be received as exhibit GW3.

30 **<EXHIBIT GW3 VIDEO ANGLE 2 OF AWU ORGANISERS BEING
BLOCKED FROM ENTRY TO BRISBANE METRO SITE ON 23 MARCH
2023**

35 **MR COSTELLO:** Thank you, Commissioner.

40 Now, Mr Watson, in the first of the two videos, you were I hope able to hear the remarks of the gentleman for the CFMEU who was making a variety of points. I don't want to rehearse every point he made, but speaking generally and being fair to him, you would accept that the types of matters that he was raising are bread and butter matters of concern to trade unionists? He mentioned conditions. He mentioned taking care of members. These types of concerns at least at that level of abstraction, are perfectly legitimate union business. Do you accept that?

45 **MR WATSON:** What - am I supposed to ignore the fact that they were threatening people (crosstalk).

MR COSTELLO: Not at all.

MR WATSON: (Crosstalk) should have been union business, no way in the world.

MR COSTELLO: No, no, no.

5 **MR WATSON:** He was raising some issues about -

MR COSTELLO: Just hold on a second, just hold on. I don't want to comment for present purposes on the way he went with about it.

10 **MR WATSON:** I listened to what he was saying, you know, I don't agree with you at all. He was just serving abuse.

MR COSTELLO: The subject matter - putting aside the abuse, the subject matter that he was raising whether it was wrong-headed or right, whether it was justified or unjustified, matters such as terms and conditions -

15 **MR WATSON:** I didn't hear it that way. Sorry, I'm not going to agree with you. Go to the next question.

20 **MR COSTELLO:** That's fine. I had rather suspected -

MR WATSON: If I was going to talk to the fellow and say, "do You think you're getting adequate recompense for your employees?", I wouldn't be doing it in that place at that time and in that manner and I'll never buy in that being -

25 **MR COSTELLO:** No, that's (crosstalk).

MR WATSON: - a legitimate use of some sort of political freedom to express yourself badly (indistinct).

30 **MR COSTELLO:** No, you misunderstand me.

MR WATSON: I'm obviously misunderstanding.

35 **MR COSTELLO:** I was only seeking to understand whether the subject matter was subject matter that is appropriately concerned of a trade unionist to your mind, but you answered that question, that's fine -

MR WATSON: No, not to my mind.

40 **MR COSTELLO:** You would agree with me though that irrespective of whether one views the subject matter as being appropriate subject matter of a trade unionist, the way the debate was engaged in was wholly inappropriate.

45 **MR WATSON:** Obviously.

MR COSTELLO: That it was coercive in its nature.

MR WATSON: Obviously.

MR COSTELLO: It was standover tactics being used by one trade union against another.

5

MR WATSON: Look, one of the things that they were raising which you recall a legitimate thing to raise was this: (indistinct) said, and there's some truth to it, that under the EBAs (indistinct) by the CFMEU, a worker is - a labourer is likely to earn more and perhaps even as much as 20 per cent more than they would under an EBA handed out by the AWU. But the point is that that's got an historic basis, construction always paid better than civil and that's actually explains it. Historically in Australia, the civil market was dominated by local governments. Local government work is not a big payer. So the EBAs were built on the back of - I'm just going to say it - 100 years of (indistinct). That's why there was a significant difference. And the point which is sometimes made saying that you'll get a better pay rate from the CFMEU than the AWU is not really as good a point as it sounds when you're just talking about it.

20

MR COSTELLO: I see. That goes to the substance of it.

MR WATSON: Yes.

25

MR COSTELLO: But irrespective of the substance the way the argument if it can fairly be described as an argument prosecuted there was wholly inappropriate. These were AWU officials seeking to enter a site that they were entitled to enter and they were being prevented from performing their duty.

30

MR WATSON: Correct. It's not that it's an inappropriate criminal offence, there are also industrial breaches there because you cannot (indistinct) the site, but also you can't talk to a person like that (indistinct) public place, police matter and it's a Fair Work Ombudsman.

35

MR COSTELLO: You sought to question the CFMEU participants that were identified in that video.

MR WATSON: Several of them.

40

MR COSTELLO: Including Mr Savage who you've already mentioned. There were some members involved in that incident that were capable of being directed to attend an interview with you?

MR WATSON: Yes.

45

MR COSTELLO: And you say in your report that each of them claimed to have a defective memory when you asked them questions about that incident.

MR WATSON: Yes. I didn't show them the film. I'm not even sure that I had it at the time that I spoke to them. I think I - no, I don't think I had it. (Indistinct) had a copy.

5 **MR COSTELLO:** Two others declined to attend an interview or answer questions about it in writing.

MR WATSON: Yes.

10 **MR COSTELLO:** Is there anything else that you would wish to say about that incident?

MR WATSON: No. No, I think it speaks for itself.

15 **MR COSTELLO:** Commissioner, is that a convenient time?

COMMISSIONER: It may well be, Mr Costello. What - I just wonder whether we could talk for a moment about timing because I understand it, Mr Irving is going to come and give evidence on Thursday, subject to any application - subject to any
20 application that Ms O'Gorman and Mr Mandy might make in relation to the adjournment of him. You have provided a statement last night.

MR COSTELLO: Yes.

25 **COMMISSIONER:** And that was sent round to the parties today. I haven't read it yet. It's apparently 300 pages with attachments or so, or am I -

MR O'GRADY: Yes, but it will be of some relief that the bulk of the length is the attachment which includes the rules of the CFMEU. So in substance, the statement
30 really only goes for 10 pages or thereabouts and then there are various attachments which are publicly available documents including the biannual reports, for example, which Mr Irving has filed from time to time.

COMMISSIONER: I don't want to hold you to this, Mr Costello, but how long do
35 you think you will be with Mr Irving on Thursday?

MR COSTELLO: Commissioner, let me be frank. It's difficult to know because I haven't seen the statement yet because I've been standing here. Having said that, I understand Mr Irving needs to be finished before the end of the hours the
40 Commission is sitting and there are a number of matters related to the evidence of Mr Watson that I would wish to put to Mr Irving, so doing the best I can I expect he will be the bulk of the day, except that he has to leave early. Now, if it's the first time in my life that I predicted to do something by a time and actually not be significantly longer than my prediction, then we will just have to live with it.
45

COMMISSIONER: It seems unlikely that we will get to the cross-examination of Mr Irving on Thursday.

MR COSTELLO: I think that's right.

5 **MR O'GRADY:** My understanding, Commissioner, was that Mr Irving is giving evidence on the basis that he won't be cross-examined in this investigation in any event.

COMMISSIONER: I see.

10 **MR O'GRADY:** (Crosstalk).

COMMISSIONER: I'm (indistinct) to Ms O'Gorman and Mr Mandy.

MR O'GRADY: Yes.

15 **COMMISSIONER:** In relation to Mr Watson, how long do you think you will be tomorrow with Mr Watson?

20 **MR COSTELLO:** I can confidently say I will take until at least lunch. Of course, there might be applications that need to be dealt with afterwards. Now, I'm loath to have any time during the sitting hours wasted, but in terms of planning for other witnesses it would be touch and go whether we get to another witness tomorrow or not.

25 **COMMISSIONER:** You don't think we will get to Ms Wise or Mr Ellis tomorrow?

30 **MR COSTELLO:** Certainly we won't get to both of them, there's a prospect that we'll get to one of them but if Mr Irving (indistinct). If there's only a short amount of time available with Mr Irving the next day, it's probably not worth starting. It's probably better to either readjust the timetable for this week or to move them to another (crosstalk).

COMMISSIONER: It might be -

35 **MR COSTELLO:** I can consider all this after -

COMMISSIONER: Ms O'Gorman and Mr Mandy might have won their adjournment application for -

40 **MR COSTELLO:** Very crafty.

45 **COMMISSIONER:** - Ms Wise and Mr Ellis. Then dealing with Mr Watson, have you had a chance yet to consider, Ms O'Gorman and Mr Mandy, whether you want to join in with the CFMEU's position in relation to the non-redaction of the Watson public report or the non - or the provision of in a redacted form of the Watson private report?

MS O’GORMAN: Commissioner, we have and we've taken instructions from our client that we don't wish to be heard on the (indistinct).

COMMISSIONER: I see. And Mr Mandy, you're the same?

5

MR MANDY: Thank you.

COMMISSIONER: Thank you. So that's really then between you, Mr O'Grady, Mr Costello, how do you propose we deal with the remaining issues between you?

10

MR O'GRADY: Well, my suggestion, Commissioner, would be over the course of the proceeding, we will proceed to further narrow the differences between us and so there may only be a number of issues and then tomorrow morning we'll be able to inform you as to whether or not given the other time constraints you're under it makes sense to have that argument in a closed session after Mr Watson has concluded his evidence, perhaps after the normal sitting hours of tomorrow or to do it in writing.

15

COMMISSIONER: I see.

20

MR O'GRADY: But I'd like to see how far - how much we can bridge the gap, if you like, before making that decision.

COMMISSIONER: And in terms of any applications you wish to make, Ms O’Gorman and Mr Mandy, in terms of the further cross-examination of Mr Watson which will have to be at some other time, maybe even next year given Mr Watson wants a holiday after working hard for 18 months, after 1 December, is that a matter you might be able to discuss with Mr Costello about how you might resolve any applications you wish to make?

25

30

MS O’GORMAN: Certainly it is, and from my perspective at least I will also speak with Mr Costello about counsel assisting's attitude to our requests that we be given access to materials that Mr Watson has been making reference to, because that might also feed into how much time we need, for example.

35

COMMISSIONER: And can I ask you, Mr Watson, what would your preference be in terms of coming back? Would you want to extend your 18 months efforts for another week or next year?

40

MR WATSON: Sorry, I could not do it before the December deadline and I can (crosstalk) report.

COMMISSIONER: No, I understand that.

45

MR WATSON: But I'm happy to come back when people need me.

COMMISSIONER: Perhaps I can leave it to you, Mr Mandy and Ms O’Gorman and Mr Costello to consult with Mr Watson about what, if anything, you might be done with Mr Watson prior to his cross-examination.

5 **MS O’GORMAN:** Yes, of course.

COMMISSIONER: And if there's anything that can't be resolved by you, then we can do it tomorrow afternoon or afterwards in writing.

10 **MR COSTELLO:** Yes. Thank you, Commissioner, we will do that. My learned friend wants to raise one further matter.

MR O'GRADY: Sorry, Commissioner. You made an inquiry earlier about the dates of the unredacted Watson report - sorry, the redacted Watson report was public
15 before it was published on the website. So as you see from the report it was tendered on 17 June and it was published on the CFMEU website on 9 July of this year.

COMMISSIONER: Well, I wonder if that presents an opportunity to tender that report, Mr Costello, if there's - I don't - couldn't see there's any objections. Is there
20 any objections to the -

MR COSTELLO: Yes. That's the document I've been describing as document 0.

COMMISSIONER: And I will describe it as the redacted form of the Watson
25 public report dated 17 June 2025 published on the CFMEU website on 9 July 2025 and that will be exhibit GW4.

**<EXHIBIT GW4 REDACTED FORM OF THE WATSON PUBLIC REPORT
DATED 17 JUNE 2025 PUBLISHED ON THE CFMEU WEBSITE ON 9 JULY
30 2025**

MR COSTELLO: Yes. Thank you, Commissioner.

COMMISSIONER: What else?
35

MR COSTELLO: Nothing for my part.

COMMISSIONER: Does anyone else have any other applications to make? No. All
40 right. Well, the Commission is adjourned until 10 am tomorrow.

**<THE HEARING ADJOURNED AT 3.51 PM TO WEDNESDAY, 19
NOVEMBER 2025 AT 10.00 AM**