

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

### **WITNESS STATEMENT OF SCOTT POWER**

I, Scott William Power, Chief Executive Officer of BMD Group, affirm:

#### **Introduction**

1. I make this Statement in response to a notice issued by Stuart John Wood AM KC, the Commissioner appointed pursuant to the *Commissions of Inquiry Order (No. 2) 2025*.

#### **Background**

2. I am the Chief Executive Officer of BMD Group. I have held that role for approximately five years.
3. BMD was founded in 1979. The “BMD” name comes from the first initial of the founders of the business — my father Mick, my mother Denise, and my aunty and uncle (Beverly and Bevin). My father remains the Chairman of the BMD Group. My brother (Dare Power) is an Executive Director (People and Process) of the BMD Group.
4. I hold a Bachelor of Engineering (Civil) from Queensland University of Technology (QUT) and a Master of Business Administration from the Sloan School of Management at the Massachusetts Institute of Technology (MIT).
5. I have worked within the BMD Group for approximately 30 years, having commenced as a graduate engineer. During that time, I have undertaken a variety of operational and leadership roles, including project management positions, management of BMD's New South Wales operations, Chief Operating Officer and subsequently Chief Executive Officer.
6. I have held the position of Chief Executive Officer of the BMD Group since November 2020. Prior to that, I was the Group Executive Director - Operations from approximately 2009.
7. As Chief Executive Officer, I have overall responsibility for the operation and performance of the BMD Group and its associated businesses. My responsibilities include strategic leadership, governance, commercial oversight, workforce management and stakeholder engagement across the Group's operations throughout Australia and Internationally.

#### **BMD's Relationship with Unions**

8. Throughout my career, I have not been aware of the BMD Group maintaining any significant ongoing relationship with the CFMEU.
9. During my time managing BMD's New South Wales operations, BMD acquired the Walker Civil Engineering business in approximately November 2000. At that time the acquired business operated under an agreement involving the CFMEU. My recollection

is that when that agreement came to an end a new agreement was entered into involving the Australian Workers' Union (AWU) and BMD Constructions in approximately 2002-2003.

10. To my knowledge, BMD did not thereafter maintain any ongoing industrial relationship with the CFMEU in New South Wales.
11. I am aware that in Western Australia, the CFMEU and the AWU were both parties to an agreement BMD entered together with its joint venture partner, Acciona, relating to the Armadale Line Upgrade project. My understanding is that this arose as a consequence of broader project delivery arrangements associated with the Western Australian Government's Metronet program rather than through any direct industrial relationship sought by BMD.
12. Other than those matters, I am not aware of BMD entering into enterprise agreements with the CFMEU or maintaining any ongoing industrial partnership with the union.
13. My understanding is that BMD has historically maintained productive relationships with its workforce and, where industrial arrangements have existed, those arrangements have predominantly involved the AWU.

#### **Campaign against BMD**

14. I became aware in approximately late 2023 that BMD may be targeted by the CFMEU.
15. I understood that Michael Ravbar had contacted Greg Power (no relation), BMD's Industrial Relations Consultant and informed him that the CFMEU had made a decision, at a national level, to pursue a campaign against BMD. I do not recall if Greg reported that directly to me or if I had heard that from another source.
16. At that time, it was unclear what such a campaign would involve.
17. BMD had never had meaningful engagement with the CFMEU concerning any industrial agreement and there had been no direct communication to me explaining what the union sought from BMD or how any concerns might be resolved.
18. As events unfolded, it became apparent to me that a coordinated campaign was being undertaken against BMD.
19. One of the earliest manifestations of the campaign involved the distribution of leaflets at community organisations/events sponsored by BMD.
20. I was contacted directly by representatives of the Wynnum Manly Seagulls Football Club who informed me that union representatives were distributing anti-BMD material at the entrance to the club.
21. Subsequently, I became aware of similar conduct occurring at other sporting venues, including venues associated with the Brisbane Lions and the North Queensland Cowboys.

22. Fixed billboards and mobile billboards were used by the union to promote anti-BMD materials and messages across Brisbane and Townsville, including those at the front of the CFMEU office in Bowen Hills.
23. Friends, family members, employees and business associates provided me with photographs and copies of leaflets distributed at those venues.
24. I also received photographs of anti-BMD material that had been distributed through letterbox drops.

### **Letterbox Distribution Campaign**

25. I became aware of extensive distribution of anti-BMD material in residential neighbourhoods surrounding senior BMD personnel and members of the Power family.
26. In particular, anti-BMD material was distributed in Manly and its surrounding suburbs, where my parents reside, and other suburbs associated with members of our executive team.
27. The concentrated nature of that activity caused me to conclude that the campaign was deliberately directed towards locations associated with BMD's senior leadership and their families.
28. The targeting of the residential neighbourhoods of senior personnel caused considerable concern within BMD.
29. The distribution of campaign material in suburbs associated with executives and family members was perceived as an attempt to intimidate or pressure individuals connected with BMD.
30. The situation was sufficiently concerning that additional security measures were put in place at several homes.
31. During the same period my father's dog was poisoned or baited and drones were observed above and in the vicinity of my parents home in Manly.
32. I cannot say who was responsible for that incident.
33. However, the timing of the incident coincided with the broader campaign activity occurring in the same neighbourhoods and, consequently, caused significant concern for our family.
34. The campaign had a substantial emotional impact upon members of my family and senior personnel associated with BMD.

### **Right of Entry Activity**

35. I observed a significant increase in the number of right of entry notices served upon BMD projects.
36. Prior to the commencement of the campaign, BMD had received very few, if any, right of entry notices from the CFMEU.

37. Thereafter, the number of right of entry notices increased substantially across several projects.
38. In my view, that increase formed part of a coordinated campaign directed at BMD rather than arising from any genuine concerns regarding BMD's safety performance.
39. BMD has historically maintained strong safety systems and delivered good safety outcomes, and I did not regard the volume of right of entry activity as being reflective of safety concerns.

### **Tracking, Surveillance and Security Concerns**

40. During the relevant period I received reports from employees and contractors that they were being followed or monitored while travelling to and from the Centenary Bridge Project.
41. I was informed that workers were being approached and comments made to them while travelling between the site and their vehicles.
42. I also received reports suggesting that vehicles associated with personnel connected to BMD may have been tracked.
43. I personally have no direct evidence proving that tracking devices were attached to vehicles.
44. As a result of concerns regarding the welfare and safety of our people, BMD engaged security professionals to assist senior personnel and their families.
45. Additional security measures were implemented at various residential properties associated with executives and members of the Power family. Measures taken included the removal of BMD branding from vehicles, upgrades to home security systems and regular security patrols of homes and surrounding neighbourhoods.
46. Security personnel also reported increased interest and activity around a number of those residences during the relevant period.

### **Future of Construction Summit**

47. I was scheduled to be on a panel of speakers at the Future of Construction Summit held in Brisbane in May 2024. The Summit was being held over two days, 14 and 15 May 2024. I was scheduled to be on a panel in the afternoon of 14 May 2024.
48. On the morning of the event, I received reports from BMD employees attending the conference that a large group of CFMEU representatives had assembled outside the venue displaying signs and engaging in protest activity.
49. Those individuals I've referred to as CFMEU representatives were putting on a show outside the event, with individuals shackled and being led on a rope, and another individual being carried on a stretcher. A video of those antics had been posted on the CFMEU Facebook page, though I understand it has now been taken down/deleted.

50. I contacted event organisers and became aware that a number of CFMEU representatives had registered to attend the event.
51. Jade Ingham, whom I had never met but was known to me by reputation, was in the audience when I arrived at the venue ahead of my scheduled appearance. He was accompanied by two or three other people identified by event organisers as being CFMEU representatives.
52. Prior to my panel appearance, Jade Ingham and the CFMEU representatives departed the event. It subsequently became known to me that there had been an escalation in union activity at the Centenary Bridge project that afternoon and Jade Ingham was identified as having been on site.
53. Although I ultimately attended and participated on the panel, concerns had initially been raised about the possibility of disruption or confrontation. No direct disruption occurred during my appearance.
54. On the following day of the event, I was approached by Jade Ingham and another individual who introduced himself, Dylan Howard. I was told that we "should have a chat".
55. No substantive discussion occurred and there was no subsequent engagement. By that stage we had instructed our lawyers to file proceedings in the Federal Court.

### **Response to allegations**

56. The Commission has requested that I comment on whether various statements made by Ms King during her evidence on 2 December 2025 are true. I did not attend any meeting with Ms King or have any discussion with her myself.
57. As to the matters Ms King raised:
- (a) I am not aware of any footage showing that individuals associated with Mr Setka were brought to the Centenary Bridge Project or that they were Croatian persons as alleged.
  - (b) I am not aware of any private investigator being retained by BMD to investigate such matters. While security professionals were engaged to protect personnel and assess security risks, I am not aware of any private investigator being retained for the purpose alleged.
  - (c) I am aware of reports that workers had been followed and of allegations concerning vehicle tracking. However, I have no direct evidence establishing that three BMD vehicles were tracked.
  - (d) I am not aware that BMD refused to sign a CFMEU agreement in Victoria. To my knowledge, BMD operated under arrangements involving the AWU and I am not aware that the CFMEU sought to enter into an agreement with BMD which BMD refused to execute.
58. I have read reports concerning allegations of links between contractors and outlaw motorcycle gangs. I am not aware of any such relationship between contractors and

outlaw motorcycle gangs. When that allegation was first made, I was informed that the contractor had firmly denied any connection and I ~~have~~ had, as at 7 August 2026, no information causing me to doubt that position.

### **Other General Observations**

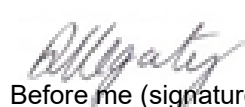
59. During my approximately 30 years in the construction industry, significant industrial disputation has not been a feature of BMD's operations.
60. The industrial environment that emerged following the introduction of BPIC was materially different from anything I had previously experienced.
61. In my opinion, the campaign undertaken against BMD had a detrimental impact on industrial harmony across a number of projects. It created conflict, uncertainty and disruption that had not historically existed within our operations. The campaign also imposed significant emotional strain on employees, executives and family members who became the focus of targeted activity.
62. Since the CFMEU entered administration, I have observed some reduction in the intensity of engagement between the union and BMD. I am aware there have been occasions where disputes have been pursued through statutory mechanisms and formal processes rather than through direct confrontation. However, I remain cautious about drawing firm conclusions regarding whether cultural or behavioural change has occurred within the union, noting that some individuals who were directly involved in the campaign against BMD remain within the CFMEU.
63. In my view, any assessment of lasting change will require the passage of time and sustained lawful conduct.
64. I have always regarded the welfare and safety of BMD employees as fundamental to the success of the business. For that reason, I regard the campaign conducted against BMD, its employees and members of the Power family as deeply disappointing and offensive.
65. The campaign affected not only the business but also individuals and families who had no involvement in industrial matters.
66. It is my view that there is no place in our industry for participants who display such a blatant disregard for the health and wellbeing of others, through their conduct and disregard for the laws that exist.
67. Notwithstanding the events that have occurred, BMD has continued to operate in accordance with its values, support the communities in which it works and maintain its commitment to its employees and contractors and their safety and wellbeing.

I affirm the contents of this statement are true.

  
Signature of Deponent

Place: via Teams

Date 07/08/2026

  
Before me (signature of witness)

Damian John Hegarty

Full name of witness (please print)

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