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

WITNESS STATEMENT OF JUSTIN STEVEN BISHOP

I, Justin Steven Bishop, Site Manager, c/- CPB Contractors Pty Ltd, 10/12 Creek Street, Brisbane City in the state of Queensland affirm:

Background

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

2. Attached to this Statement is a Bundle of documents (Bundle). I refer to relevant documents by reference to the page number of that Bundle.

3. I am currently employed as a site manager with CPB Contractors (**CPB**).

4. On April 2024, I began working on the Cross River Road Project (**Project**). I was engaged to work as a site manager at the Woolloongabba (**Gabba**) Precinct. 2025 was moved to manage the Roma Street Precinct.

5. In around January 2026, I moved onto a different project, working with CPB in Townsville. I am now working on the New Bundaberg Hospital as a site manager.

6. Prior to working with CPB, I worked as a site manager with other tier one contractors in Sydney and Canberra. I have worked in construction for most of my adult life.

7. As a site manager on the Project, my duties included:

   (a) ensuring work was undertaken in a safe and productive manner;

   (b) reviewing safe work method statements and ensuring work was undertaken in compliance with them;

   (c) making sure high-risk activities were being planned appropriately;

   (d) ensuring the Project met its construction targets on time;

   (e) managing costs and expenditure on the relevant site; and

   (f) generally, making sure the job was built as safely and efficiently as possible.

8. In my safety role, I undertook weekly task observations, to ensure the work was being performed correctly and safely. I would regularly review safety documentation. I would work with other people on the job, such as engineers, when they were planning activities, to ensure sufficient safety protocols and safety contingencies were in place.

9. I had approximately 12 supervisors and 30 other workers working under my supervision on the Gabba Precinct whilst I was the manager there.

Dealings with the CFMEU

10. From what I observed at the Gabba Precinct, CFMEU organisers would come onto site, under the guise of safety concerns, looking for any reason that they could stop work.

11. When an organiser came onto site and identified a safety issue, they would stop work in that area and direct all the workers to sit in the crib room. The longer this disruption lasted, the longer workers would get paid to sit in the airconditioned crib room. When these disruptions occurred frequently, as they did on the Project, the consequence was overall delay to completion of the Project. The other consequence was that workers would get paid for a longer period of time, but without having done more work.

12. There are many examples of work being stopped on the Gabba Precinct over petty safety concerns.

13. To take one example, there was an incident when the Gabba Precinct Health and Safety Representative (**HSR**) (I believe it was Ritchie Atutolu) shut down work on the entire site due to him identifying water on the footpath at the entrance to the site. The water was an isolated 3mm puddle that had formed due to rain that had fallen earlier. The HSR insisted that work not begin on site until the path was "*dewatered*". I had to use a leaf blower to dry the footpath. This delayed work for about one to two hours.

14. By way of explanation, an organiser who came onto site for the purpose of dealing with a safety issue would mostly do so pursuant to their powers under section 117 of the *Work Health and Safety Act 2011* (**WHS Act**).

15. In my role as site manager, I would attend at the site gate whenever a union official showed up seeking to enter site.

16. An organiser seeking to enter under section 117 was required to produce a written notice that gave details as to their suspicion of a safety breach and the nature of that breach.

17. The CFMEU organisers I encountered would often provide very little detail in these notices. For example, they would produce a notice that simply noted "*Access/Egress*".

18. When presented with these vague notices, I would always ask for further details. The organisers would never give further detail and simply demand to be let on to site.

19. By not providing any particularity, they could effectively come onsite and conduct a general walk through, identifying apparent issues as they went along. The Gabba Precinct is kilometres long. There would have been something in the order of two kilometres of stairways alone. There were access or egress points all across the site.

20. It often occurred to me that, if there was a genuine safety concern held by the organiser, this approach was counterproductive. If they held a genuine suspicion regarding an issue with unsafe access or egress somewhere on the site, then I would expect they would want to tell me that specifically, so that we could head straight to that area and ensure no worker was exposed to that apparent risk. However, that was not how they behaved. Instead, they would use vague safety descriptions as a ploy to get onsite and wander around. Once they were onsite, through the gates and walking around, there was nothing I or any other manager could do to physically stop them from wandering around wherever they wanted.

21. In addition to safety notices, the other way CFMEU organisers would come onto site would be under section 484 of the Fair Work Act, to meet with their members or workers they were entitled to represent.

22. When these entries occurred at the Gabba Precinct, I would offer a meeting room to the organisers. They would always refuse to meet in the meeting room I had set aside. Rather, they would insist on conducting their meeting in the lunch/crib room. This way, they would be able to speak to all of the workers who were taking their lunch, not just those people who they were entitled to represent and speak to.

23. I also note that some CFMEU organisers would come onto site under section 484, but would then conduct a general safety walk throughout the site or generally wander around. There were probably about half a dozen times that I recall an organiser then shutting down work because of a perceived safety issue.

Safety on Gabba Precinct

24. I have worked in construction all of my adult life. In my view, the Project was second to none when it came to safety. Safety training, awareness and supervision were all excellent. As a site manager, it was drilled into me by upper management that safety was the number one priority.

Health and Safety Representatives

25. During my time on the Gabba Precinct, we had two HSRs who were directly employed by CPB, Ryan Rowley and Ritchie Atutolu. As I understand it, HSRs are meant to be voted in by the workforce. As far as I am aware, neither Mr Rowley nor Mr Atutolu were ever subject to a vote. They were simply designated as HSRs by the CFMEU.

26. Mr Rowley mainly worked night shifts, and I did not have much to do with him. Towards the end of my time on the Project, I had to shift Mr Rowley from night shift on to day shift due to operational requirements.

27. Mr Atutolu was a particular problem at the Gabba Precinct. If I had to describe him in two words, it would be "*standover man*". Mr Atutolu did not appear to know anything about construction. He held no particular trade qualifications or competencies. He did no construction or labouring work whilst he was on site.

28. From my observations, Mr Atutolu would spend most of his day sitting inside the airconditioned office that CPB set aside for the HSRs. I observed that he would walk on and off the site as he pleased throughout the day without telling anyone what he was doing or where he was going. From time to time, I would instruct him to perform some actual work on the site, but he would ignore me.

Disruption caused on 27 September 2024

29. I recall being approached by one of my supervisors (I believe it was Brendan Penhall) on the morning of 27 September 2024. He told me that Mr Atutolu had attended the morning prestart at the Gabba Precinct and had advised the workforce that CFMEU would be meeting with them at 12:30pm that day. There were no breaks scheduled at 12:30pm that day, such that would have allowed a union meeting to go ahead.

30. Subsequently, I was told by a number of workers that they had been receiving text messages from the CFMEU, throughout the day, advising them of a meeting to be held at 12:30pm.

31. From viewing CCTV footage, I know that Mr Atutolu left the site at approximately 12:12pm. At 12:20pm, he returned and was let in, by a traffic controller, through the side gate, rather than scanning on through the turnstiles. This is contrary to CPB policy, which requires everyone coming onsite to scan on through the turnstiles each time they enter.

32. A copy of the CCTV footage from the Gabba Precinct showing Mr Atutolu entering through the side gate is **Annexure JSB-1.**

33. At 12:23pm, shortly after Mr Atutolu returned to site, I received a call from CFMEU organiser, Corey Taylor, advising me that he was at the gate and seeking to enter site under section 484 of the FW Act to meet with members and potential members.

34. I met Mr Taylor at the gate and saw that he was with Dean Mattas, another organiser. I attended the gate with Industrial Relations Advisor, Ben Loakes and Human Resources Advisor, Nicole Watson.

35. Ultimately, we denied the CFMEU entry, as there were no breaks scheduled on the Project at that time. We advised them that the apparent meeting scheduled by Mr Atutolu was unauthorised.

36. At approximately 12:40pm, whilst we were outside the gate speaking to Mr Mattas and Mr Taylor, I saw that Mr Atutolu had led approximately 25 workers to the area of the site immediately inside the gates. The workers began pro-CFMEU chants as well as chanting "*let them in*" whilst banging on the site gates and creating a ruckus.

37. Both Mr Mattas and Mr Taylor encouraged the workers, and taunted us, for a few minutes, before leaving site.

38. A copy of the body worn camera footage showing the arrival of the workers at the gate is **Annexure JSB-2.** I believe the video was taken by the CFMEU. It accurately records the events which I witnessed that afternoon

Mr Atutolu threatening another worker on 3 October 2024

39. I recall an incident occurring on 3 October 2024, where Mr Atutolu threatened another worker, Stephen (Zach) Hilton, a labourer employed by CPB).

40. On that morning, I attended the Gabba Precinct prestart meeting. Mr Atutolu and Mr Hilton were present.

41. At the beginning of the meeting, in front of all the assembled workers, Mr Atutolu challenged me as to why he was not allowed to use the gate on Leopard Street to enter and leave the site. The Leopard Street gate was for vehicle exit only.

42. I told Mr Atutolu he was not a law unto himself. He was required to use the main gate and swipe through the turnstiles, just like everyone else. Mr Atutolu then asked me why the site did not hold barbeques every Friday. I advised him that we did not have a budget allowance for weekly barbeques; they were put on from time to time to show appreciation to a particular work group or to mark a significant Project milestone.

43. Mr Atutolu started clapping his hands and, in a mocking fashion, said something like "*good on ya mate, you're doing a good job*". I noticed that another worker said something to Mr Atutolu at that point, but I did not notice who it was and could not hear what they said. Later, I was told that it was Mr Hilton and that he had said something like "be quiet".

44. I saw Mr Atutolu get out of his seat and start to walk towards the door. I saw him motion to Mr Hilton and say "*come on big mouth, if you want to mouth off, let's go for a walk*". When Mr Hilton did not respond, Mr Atutolu said "*get the fuck up*". Mr Hilton just said "*whatever*". Mr Atutolu then returned to his seat. Mr Atutolu was practically shouting to Mr Hilton when trying to get him to go outside. He was standing a few metres from Mr Hilton at the time and gesturing towards the door with his arms. It was unacceptable behaviour in the workplace.

45. The prestart ended shortly after this.

46. About 10 to 15 minutes after the prestart, I was approached by Civil supervisor, Will Fitzgerald, who told me that Mr Atutolu was still trying to get Mr Hilton to go outside. I asked Mr Fitzgerald if he could go find Mr Hilton and ask him to come to my office.

47. I met with Mr Hilton in my office and checked that he was ok. I suggested Mr Hilton go home for the rest of the day and asked Mr Fitzgerald to walk Mr Hilton to his car as support.

48. I subsequently found out that Mr Hilton decided not to go home.

49. Later that day, I realised I had not seen Mr Atutolu around the site since the prestart. I pulled up the CCTV footage to try and find out what Mr Atutolu had been up to. The CCTV footage I found is Exhibit "*CCR-6 - CCTV Footage (Second Angle of Incident 3 October 2024*)" tendered in evidence on 30 April 2026 at the Commission public hearings.

Interruption of Concrete Pour – 24 July 2024

50. I recall that there was a concrete pour scheduled to take place at the Gabba Precinct early in the morning of 24 July 2024.

51. Site Structure Supervisor, Matthew Graham was overseeing the pour, which was to be conducted by subcontractors from Rocktown. Mr Graham had scheduled the pour to begin early that morning, as rain was predicted for that afternoon.

52. At 7:44am, Mr Graham sent me an email to advise me that the concrete pour could not be completed. The pour was interrupted by CFMEU industrial action at the gate, with the union ultimately sending the Rocktown workers off the job.

53. A copy of the email from Mr Graham is **Annexure JSB-3, pages 2 to 3** of the Bundle.

Canopy Lift – 15 November 2024

54. On 15 November 2024, a canopy lift was scheduled to take place at the Gabba Precinct. This was a very significant job. Heavy lift cranes were to be used to lift the 395-tonne canopy into place over the station block.

55. I had coordinated the safety protocols for this lift well in advance. Multiple restricted zones were set up across the site to keep workers away from any danger zones. I had spotters spread throughout the site to monitor the lift from every appropriate angle.

56. I had arranged for a barbeque to be put on, near the crib shed, for workers who were not engaged in the lift. The reason for this is that I wanted to ensure that anyone who was not required to work on the lift stayed well away from the activities. For a task of this magnitude, I was concerned that the general interest in how the lift was proceeding

might have tempted workers who were not required to assist to, nevertheless, mill around the work to get a look at what was going on.

57. There was signage put up all over the site to make clear where the restricted areas were.

58. Further, I had arranged for the lift to occur very early in the morning. This was so that we could avoid undertaking the task at a time when the site was particularly busy and therefore minimise the workers who were present on site. The lift was scheduled to begin at 3:00am.

59. I arrived at site at about 2:45am on the morning of 15 November 2024.

60. When I arrived, I was greeted at the Vulture Street turnstile by CFMEU organiser, Cody Budgeon. He told me he was seeking to enter site pursuant to section 117 of the WHS Act. He then handed me a section 117 notice.

61. As I was reading the notice of entry, Mr Budgeon took a phone call. When he finished the call, I asked him if he was expecting anyone else. He told me Dylan Howard had just parked his car and was on his way down to the gate. Mr Howard arrived a short while later.

62. It was clear to me that someone had tipped the CFMEU off that the lift would be happening. It was not public knowledge that the lift would happen at this time, and the CFMEU organisers generally only attended site during normal working hours.

63. I was joined at the gate by senior engineer Andy Craig, CBP safety advisor Rod Small and Scott De La Rue from Tutt Bryant Group, a construction equipment supplier.

64. Mr Budgeon and Mr Howard asked to see the safety documentation relevant to the plant we were using in conjunction with the lift. We took them to the Gabba Precinct meeting room where we were joined by Moein Borhani, safety manager for the site. Mr Craig presented the following documentation for inspection:

    (a) crane lift study;

    (b) geotech reports;

    (c) crane pad design;

    (d) structural engineering design;

    (e) weld testing and certification;

    (f) rigging gear shop drawings, certification and testing tagging;

    (g) high risk construction licenses for the workers who would undertake the job along with other relevant licenses;

    (h) servicing records for the plant to be used;

    (i) tower structural design and shop drawings; and

    (j) plant registration documents.

65. There was one item of plant, a scissor lift, for which the documentation, stored electronically, would not load. The CFMEU organisers asked to inspect that plant physically. At approximately 4:40am we took the organisers onto the work area to inspect the plant. They spent approximately 20 minutes inspecting the plant and checking the onboarding QR code.

66. I had placed the scissor lift in the work area for contingency purposes. It was not required for the lift. However, I wanted to have it in place in case there was an issue during the lift which required us to conduct any derigging of the gear during the lift process. The scissor lift was placed on a work platform which had been erected across the station box void.

67. After inspecting the scissor lift, the organisers requested to see what they described as an "OEM verification of competency" for the workers who might operate it. By OEM, I understood them to mean the original equipment manufacturer of the scissor lift. I understood their request to be for evidence that the relevant workers had been separately verified as competent to operate that particular manufacturer's machine, or that particular make and model.

68. A scissor lift is a common piece of plant used on construction sites. Before you can operate one, you require a high-risk work license. All relevant workers had a high-risk work license and had experience operating scissor lifts. Just like a driver license entitles you to drive most makes of ordinary car, a high-risk work license allows you to operate an ordinary scissor lift, regardless of its manufacturer.

69. We returned to the meeting room, where I explained to the CFMEU organisers that we were not required to hold or show them an OEM certification for the workers. The organisers kept referring to the Code of Practice for Fall Prevention (**Code**).

70. We pulled the Code up on a TV screen in the room, so that everyone could see it. They were unable to identify any provision that supported their claims. They then stated that, whilst we didn't need OEM certification for everyone, we needed someone on site who had undertaken OEM specific training for the specific piece of plant. Again, they could provide no evidence of this requirement in the Code.

71. A copy of the audio recording of this conversation is **Annexure JSB-4.**

72. At this point, we had been tied up with the CFMEU organisers for over three hours, without being able to begin the lift. I then did the following:

    (a) First, I attempted to contact a Work Health and Safety Queensland (**WHSQ**) inspector, so that we could ask them for assistance. I tried to call inspectors, Rachel Pacheco and Travis Dungey. Neither answered.

    (b) Second, I then called Gabba Precinct Manager, Kris Bitz. I spoke to him briefly and then, on his advice, called Business Unit Safety Manager, David Burton. Mr Burton's view was that the CFMEU requests were not reasonable.

    (c) Third, I also called Project Construction Director, Anthony Zervaas who agreed that the CFMEU organisers were being unreasonable and that I could proceed with the lift.

73. I advised both organisers that I did not agree with them and was of the view that works could safely proceed. I told them we would be proceeding and that if they had concerns, they could call WHSQ. Mr Howard replied that I was "*full of shit*". Mr Howard

advised that he was going back onto site. I told him that he was not authorised to do so.

74. Mr Howard and Mr Budgeon left the meeting room and proceeded to walk through the restricted access point onto the haul road. I directed them not to enter the restricted zone, which they ignored. They walked past clear signage that indicated that access to the haul road was restricted.

75. They proceeded up the stairs to the access bridge, which was under the supervision of Scott Murray, CPB supervisor at the time. They physically pushed past Mr Murray and entered another restricted access zone.

76. I was following them at the time and personally observed these interactions.

77. For the next 20 minutes or so, I continued to supervise the organisers as they walked around the restricted zone, being obstructive. I made numerous requests for them to return to the meeting room, which were ignored. I could not allow the lift to begin whilst they were in the restricted area. It would have been unsafe.

78. Sometime after 6:00am, I received a return call from WHSQ inspector, Ms Pacheco. I informed her as to what was happening with the organisers and she advised me that I was within my rights to call the Queensland Police Service (**QPS**).

79. I called Mr Zervaas to update him. He was happy for me to call QPS if this was what I decided to do.

80. At around 6:30am, I made a final request for the organisers to return to the meeting room, which was ignored. I then phoned QPS, using the triple zero number. I was told by the QPS operator that they would send a car out as soon as possible.

81. I told the organisers that I had called QPS and that I would not be discussing matters with them further. By this point in time, I had started to video tape my interactions with them. Mr Howard asked me if we could have a conversation "*off the record*". I told him "*No, the time for talking is over, the police are on their way*".

82. A copy of this recording is **Annexure JSB-5.**

83. At 6:58am, the organisers told me they were leaving as they had somewhere else to be. I escorted them off site.

84. QPS never attended, and I never heard back in response to my call.

85. Through these interactions, the CFMEU had managed to delay the lift by approximately four hours. Whilst we were still able to complete the lift that day, this caused a significant disruption to the site, as other works planned for that day could not go ahead until the lift had been completed.

86. We received no WHSQ notices in relation to anything that was raised by the CFMEU that morning. It seemed clear to me that their intention that morning was to cause as much disruption as possible, knowing that the canopy lift was a complex and time sensitive task.

87. A copy of an email I sent to Chris Butler, Shared Services Director and others, on 15 November 2024 detailing my interactions on that morning is **Annexure JSB-6, pages 4 to 6** of the Bundle.

88. A copy of an email from Mr Borhani on 15 November 2024 is **Annexure JSB-7, pages 7 to 8** of the Bundle.

89. I have subsequently provided a statement to the Fair Work Ombudsman. I understand they commenced proceedings against Mr Howard, Mr Budgeon and the CFMEU alleging breaches of the FW Act arising from their behaviour on 15 November 2024.

General Union Impact on Progress on Site

90. The HSRs on the Project, particularly Mr Atutolu, also caused significant disruption to progress on the site.

91. Disruptions to concrete pours, for example, were not uncommon and were usually orchestrated by one of the HSRs. The disruptive HSRs were not limited to those employed directly by CPB or other joint venture partners; various subcontractors had their own HSRs employed, who also caused difficulties. I recall a particularly disruptive HSR named Shaun Hale, who was employed by Mulherin Rigging and Cranes.

92. My observation was that the HSRs on site behaved as a law unto themselves and seemed to promote obstruction and disruption, whenever they saw the opportunity.

I affirm the contents of this statement are true.

Justin Steven Bishop

Signature of Deponent

Place: Bundaberg Date 23/09/2026

[redacted]

Before me (signature of witness)

Toby Christopher Walthall

Full name of witness (please print)

☐ Justice of the Peace (JP #)
☐ Notary public
☒ Lawyer

☐ Another authorised person (specify)

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

Bundle of Documents to
Statement of Justin Bishop

David Cooper

Subject: RE: Email 3 of 3 - Gabba site -early morning concrete pour by subcontractor Rocktown

From: Loakes, Ben [redacted]
Sent: Wednesday, July 24, 2024 11:14:13 am
To: Prior, Terry [redacted]
Subject: Re: Rocktown numbers 24/07/24

Rocktown started earlier to do pour. A Rocktown worker who was deliberately left off the early start crew came into site a bit later and then proceeded to tell all the Rocktown workers from the early start crew that there was a site bbq out the front of the site and they should head out the front for it, and after speaking to the other Rocktown workers he exited without signing in or out.

The Rocktown Site Foreman left site at approximately 7:00am and was verbally abused by Sean K (the HSR from Albert Street) 'why are you bringing people into site early,.. you know what's going on'

From: "Graham, Matthew" [redacted]
Date: 24 July 2024 at 7:44:04 AM AEST
To: "Bishop, Justin" [redacted], "McHarg, Wade" [redacted] >, "Curtin, Mark" [redacted] "Hayes, Kip" [redacted] "Reddy, Garren" [redacted], "Schofield, David" [redacted], "Penhall, Brendan" [redacted], "Nortje, Jaco" [redacted], "Rippon, Christopher" [redacted]
Cc: "Borhani, Moein" [redacted] "Small, Rodney" [redacted]
Subject: Rocktown numbers 24/07/24

Morning

This morning as we have larger concrete pours starting again this week, we bought in Rocktown concreter's early for 4:30 prestart

The numbers were as follows

18 concreters and relevant support staff to man the pump lines and spot Agis.

3 from large conc pumping . they left site shortly after arriving

We also had a HSR present.

At approx. 5:15 am we had industrial action at the gates, the rocktown men were placed into the crib huts until further direction. During this time union activist sent word to rocktown employees

to leave site. The exodus was quick with the men leaving through a back gate. We have had six rocktown men stay and allocated work with mezz and canopy this is up from 4 on Monday. The Rocktown employees had stated if they were already pouring they would have stayed to complete the concrete placement and finishing.

Regards

Matthew Graham
Structure Supervisor

CROSSRIVERRAIL
TUNNEL & STATIONS

CPB CONTRACTORS | bam

Cross River Rail – T

CBGU

91 Leopard Street, Woolloongabba, QLD 4102, Australia
T **M**
E [redacted]

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JSB-6

David Cooper

Subject: RE: RE: CFMEU INTERACTION 15.11.24

From: Bishop, Justin [redacted]
Sent: Friday, November 15, 2024 12:32 PM
To: Butler, Chris [redacted] Allam, Jessica [redacted]
Cc: Zervaas, Anthony [redacted]; Bitz, Kris [redacted]; Hayes, Kip [redacted] Jha, Binod [redacted]
Subject: RE: CFMEU INTERACTION 15.11.24

To whom it may concern,

On Friday 15.11.24 I presented to site a approximately 2:45am, as we had a major Crane lift planned of our 1st section of the station Box canopy.
When I arrived, I passed one of my general Forman, who was requested to quickly duck away to assist another colleague, with a lift to work.
Once I arrived at the Vulture site entry turnstile, I was greeted by CFMEU Organiser Cody Budgeon, who advised he was here on site to issue a section 117 NOE suspected contravention.

- Mobile Crane C.O.P 9.5,10.2.4,13.11,13.2.1,15.6,17.2,17.3
- Access &egress during normal working conditions & ion emergencies
- Lighting in general work areas & access ways AS/NZS1680
- Information instruction training &supervision provided to workers around safe systems of work.

As I read the NOE, Cody received a phone call, from Dylan Howard (State Secretary CFMEU, QLD), I questioned if we were expecting someone else, he advised we were, and we waited until Dylan had parked his car and attended the front gate.
As we waited I txt Andy Craig SNR Engineer on the project, at 3am, to enquire into his location, as Andy was the responsible for the entire engineering component of the days planned events and all documentation relating to the planned crane lift.

At approximately 3:15am Andy Craig (CBGU SNR Engineer), Rod Small CBGU Safety Advisor, Scott De La Rue (Tutt Bryant),CFMEU Organiser Cody Budgeon, Dylan Howard (State Secretary CFMEU, QLD), attended the Gabba Meeting room in which Andy delivered and provided all documentation relating to the following, in which at 4:30 am we were joined by Moein Borhani CBGU Safety manager.

- Crane Lift Study
- Geotech reports
- Crane Pad design
- Structural engineering design
- Weld testing and certification.
- Rigging gear shop drawings , certification, testing tagging,
- HRCW Licence, ewp, boom lift, rigging, open crane operations.
- Servicing records
- Tower structural design , shop drawings
- Plant registration/ service records etc.

Once completing the above there was 1 item of plant was unable to load within our plant documentation, and both organisers then requested to attend the area where the plant was located.at approximately 4:40am

We attended the area, then visually inspect item of plant, witnessed the Cross River Rail Plant onboarding QR code, then at approximately after 20minutes, both organisers requested to view documentation in relation to OEM verification of competency.

We returned the Gabba meeting room, and continued discussion in regard to the request by both organisers, to which, we did not agree, and provided supervisor observation relating to competency of operating EWP, then both organiser both insisted competency verification was required by OEM for this item of plant. When we challenged this information, they kept referring to code of practice fall prevention. This code of practice was examined by all in the room on the TV and computer, and the reference both organisers were referring to was not identified.

Then the context was changed from an OEM, to now, just a competent person who has undertaken the OEM specific training. This resulted in inconsistent request and statements from the organisers, and we deemed this unreasonable and unjustifiable.

At 6:15am I made a phone call to WHS QLD Inspector Rachel Pacheco, who did not answer, I left a message, I then tried calling WHS QLD Inspector Travis Dungey, who did not answer, I left a message, I then called my construction director Kris Bitz, where advised me to call and clarify with BU Safety Manager David Burton, who upon advised me to call, my Cross River Construction Director Anthony Zervaas, and advised what had taken place. Both David and Anthony were of the opinion same the the organiser request were un justifiable, I was well within my right to proceed with the lift.

I returned to the Gabb room and advised both organiser that I did not agree with the statement they were making and advised them that the planned works were to continue, and if they had concerns the could call WHSQ.

I was then advised that I was full of S#%T, by Dylan Howard, on several occasions. At 5:45am Dylan Howard stood up and advised that he was going back on site , to which I openly advised, on several occasion he was not authorised, to which he proceeded, and Cody followed.

Both Dylan and Cody proceeded to my first restricted access point on the haul rd. supervised by CBGU L/H Paul Morey and continued past him against my direction and signage as I followed requesting both men to return to the Gabbaroom. As witnessed by Moe Borhani.

They then continued up the stairs to the LO access bridge, which was under supervisor of CBGU Site Supervisor Scott Murray, at 5:52am

Scott was position at this point in particular, as it has both high level access, and ground floor access to the one point , in which both Dylan and Cody blatantly disregarded my continued request to stop and returned to the site shed pushing past Scott and entering the restricted access zone.

For the next 20mins I continually requested the guys to return to the Gabbaroom. To which I then received a return call from WHS QLD Inspector Rachel Pacheco, advising me that I was well within my rights to call the police, I then advised her that I would speak to my Senior Management first then, go from there.

I advised my Cross River Construction Director Anthony Zervaas, as to what was unfolding and in between call’s continued to request the guys to return to the Gabba room and their behaviour was unlawful.

At 6:31am I made 1 final attempt to get them to return to the Gabbaroom to which they refused, then I called QLD Police.

I advised both men that police were called, and I refuted to interact with them any longer and at 6:58am, they advised they were leaving as they had to be elsewhere, and I escorted them out of site.

Regards

Justin Bishop
Manager, Site



91 Leopard Street, Woolloongabba, QLD 4102, Australia
T **M**
E [redacted]
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David Cooper

Subject: RE: Witness Statement of Moein Borhani, Safety Manager, Gabba Station

From: Borhani, Moein [redacted]
Sent: Friday, November 15, 2024 12:45 PM
To: Butler, Chris [redacted]
Cc: Bishop, Justin [redacted]; Bitz, Kris [redacted]
Subject: Witness Statement of Moein Borhani, Safety Manager, Gabba Station

Chris,
Here is my version of today's event/observation:

On Friday, 15 November, at approximately 04:30, I, Moein Borhani (Moe), Safety Manager at Gabba Station, attended a meeting in the Gabba Station meeting room. Present in the room were Justin Bishop (Site Manager), Rodney Small (Senior Safety Advisor), Dylan Howard (CFMEU), and Cody Budgeon (CFMEU). Upon entering, I observed Rodney Small on his computer, connected to the room's main display, searching for and presenting documents.

It soon became clear that the CFMEU representatives were requesting to sight the Verification of Competencies (VOCs) for ShoreHire workers scheduled to operate Elevated Work Platforms (EWPs) for the day's planned canopy installation. The canopy work was set to begin at around 3:00 am.

In response to this request, Justin Bishop, CFMEU representatives, and I proceeded to the laydown area (LO) where the EWP was located. The organisers inspected the EWP, requested to verify the VOCs, and asked for fire extinguishers to be stationed at each tower. During this time, Rodney Small compiled the available documentation, including High-Risk Work Licenses and Supervisor Observation records, for the ShoreHire workers operating the EWPs.

After returning to the Gabba Station meeting room, the assembled information was shared with the CFMEU organisers. They asserted that High-Risk Licenses were insufficient and required VOCs produced by the Original Equipment Manufacturer (OEM). I challenged this interpretation, and the organisers cited the *Managing the Risk of Falls at Workplaces Code of Practice* as justification. However, upon reviewing this Code of Practice together, no OEM-specific VOC requirement was found. The organisers then linked the necessity of the OEM VOC to general competency and training standards.

The discussion became contentious, with Dylan Howard addressing Justin Bishop disrespectfully, repeatedly stating, "You are full of shit." Justin responded calmly, asking, "Beg your pardon?" each time, to which Dylan repeated the phrase.

Given the lack of a clear safety concern based on the documentation and our understanding, Justin informed the organisers that the canopy lift would proceed as planned, as no legitimate safety issues had been identified. The organisers left the meeting room at 05:50, stating they intended to go to the EWP location to prevent its use.

Justin instructed them not to enter the site, clarifying that it was restricted and/or in an exclusion zone. The organisers disregarded this direction and continued down the haul road, entering restricted areas (passed the first spotter on the check pint “Paul Morey”). Justin then began filming and repeatedly instructed them to stop and refrain from bypassing safety zones. Despite these directives, they proceeded past Scott Murry, who was managing the bridge area to ensure only authorised access, and ignored his directions as well, ultimately continuing and passing an Exclusion Zone barrier.

At 06:03, I contacted Rachel Pacheco, a WHSQ Inspector, explaining the safety concerns posed by the organisers’ actions. Rachel advised contacting Queensland Police and logging an incident with WHSQ via their online portal. Around this time, I observed Justin making calls, one of which I understood was to Queensland Police.

Approximately 10-15 minutes later, the organisers inquired if WHSQ and the police had been contacted; I did not confirm any details. Dylan Howard then stated they had verified everything, everything looks perfect, and just needed to check VOCs. Cody subsequently requested the EWP Operator's Manual, which we did not provide, as it appeared they were inconsistently altering their demands.

Justin informed them that police had been contacted, after which the organisers made calls of their own and indicated they would return to the office area. They then walked past the office and exited the site through the main gate.

Regards
Moe Borhani
Health & Safety Manager – Woolloongabba Precinct

Cross River Rail - Tunnels and Stations
CBGU D&C JV

91 Leopard Street, Woolloongabba, 4102
M [redacted]
E [redacted]

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