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

WITNESS STATEMENT OF JAMES JOHN MAHER

I, James John Maher, Superintendent, BAM International Pty Ltd, 4/307 Queen 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 annexure number and page number of that Bundle.

3. In 2020, I commenced work on the Cross River Rail project (**CRR Project**) as a Senior Supervisor at BAM International Pty Ltd (**BAM**).

4. BAM, CPB Contractors Pty Ltd (**CPB**), Ghella Pty Ltd and UGL Engineering Pty Ltd formed a joint venture known as the "CBGUJV", which was established for the purposes of servicing the tunnels, stations, and development works on the CRR Project in Brisbane.

5. During my employment at BAM, I have worked at various CRR Project sites, including the Boggo Road, Woolloongabba, Roma Street and Albert Street precincts.

6. In 2021, I was appointed to the role of Site Manager at the Albert Street Precinct. Although my formal title was Site Manager, from a civil engineering perspective, the role is more commonly described as that of Superintendent. In that capacity, I was responsible for managing the construction teams delivering the new Albert Street Precinct. The workforce on site ranged between approximately 200 and 400 workers at any given time, of whom about 80% were subcontractors and 20% were directly employed personnel. I reported to Dominic Byrne, Precinct Director. I had approximately 25 direct reports, as well as subcontractors, engineers and supervisors.

7. The Albert Street Precinct incorporates the building activities on site, the tunnel and the expansion of the civil works around it. These works are carried out over three lots:

   (a) Lot 1 is the main site office, located at 96 Albert Street, which serves as the southern site entrance;

   (b) Lot 2 is where the underground cavern excavation is being performed by the tunnelling team. I am not involved in this arm of the CRR Project; and

   (c) Lot 3 is where excavation works are taking place, located at 142 Albert Street which serves as the northern site entrance.

8. In 2024, I was appointed to the role of Superintendent, working across multiple operations during the final stages of the CRR Project. In this position, my responsibilities are broadly similar to those I held as a Site Manager, but with an

expanded operational scope. I have oversight of a number of site managers, each of whom is responsible for separate areas of work and reports directly to me. In this role, I continue to report to Mr Bryne.

Events of 1 July 2021

9. On 1 July 2021, there was an incident involving Dean Rielly, a CFMEU official, on the Albert Street Precinct of the CRR Project.

10. That incident led to court action taken by the Australian Building and Construction Commissioner against the CFMEU and Mr Rielly.

11. On 12 August 2022, I affirmed an affidavit about the incident as part of that court action.

12. A copy of my affidavit is marked **JJM-01**, from pages 3 to 10 of the Bundle.

13. I am informed by the solicitors assisting the Commission that the court action resulted in the following decisions:

    (a) *Fair Work Ombudsman v CFMEU* [2023] FedCFamC2G 101 (**Liability**);

    (b) *Fair Work Ombudsman v CFMEU (No 2)* [2023] FedCFamC2G 564 (**Penalty**);

    (c) *CFMEU v Fair Work Ombudsman (Cross River Rail Appeal)* (2024) 301 FCR 650, [2024] FCAFC 1; and

    (d) *CFMEU v Fair Work Ombudsman (Cross River Rail Appeal) (No 2)* (2024) 329 IR 136, [2024] FCAFC 55.

14. I am informed by the solicitors assisting the Commission that the:

    (a) Liability hearing took place on 24 January 2023 in Brisbane and a decision was handed down on 21 February 2023; and

    (b) Penalty hearing took place on 2 June 2023 and a decision was handed down on 29 June 2023.

Events of 21 April 2023

15. On 21 April 2023, there was a protest outside the vehicular access gate to the Albert Street Precinct. It was common knowledge on site than an important concrete pour was to occur that day. The protest prevented trucks from entering the site and therefore prevented deliveries of concrete being made.

16. We approached the protestors, informed them of the concrete pour that was to occur and asked them to move on. They refused. We called the police, and shortly after the police arrived, the protestors moved on. I believe we were told by the police that it was a "*green peace*" protest group. Based on what was observed on the day it was not believed that was the case.

17. However, by that point in time, we had had to abandon the concrete pour, at a significant overhead cost on account, in part, of the specialist contractors on site for the event, including traffic controllers and concreters, and time delay.

18. I am informed by the solicitors assisting the Commission that police body worn camera footage of the incident has already been tendered as Exhibit VSTS-4 and VSTS-5.

Targeting by the CFMEU

19. By 2023, the site had become what appeared to be a focus of the CFMEU with regular visits. As the site manager, typically I was a focus of those visits and in my role attended to the visits along with members of the safety team and IR team as per company processes..

20. We believe the site became a target for two separate reasons:

    (a) due to a company procedure consistent approach towards the CFMEU, during their attempted rights of entry. Our unwillingness to bend the rules caused them increasing frustration; and

    (b) The site was the most central CRR Project site, located in an environment that was typically a Building area typically occupied by the CFMEU, not major infrastructure civil construction area. The site was likely the most difficult for the CFMEU to access as there were rigid and limited access points.

21. I was being featured in videos that were being uploaded by the CFMEU to Facebook that targeted the CRR Project, and people associated with the CRR Project. I remember being sent some of these videos from colleagues on site, via Facebook, and recall they were heavily edited to paint a negative picture about the CRR Project and its personnel. I no longer hold copies of these videos.

22. I have been shown, by the solicitors assisting the Commission, a comment under a video that was uploaded in April 2023 that says: "*James Maher will end up being the next Hemsworth after all his cameo appearances in these videos ...*". This comment is consistent with the fact that I had frequent dealings with the CFMEU on site, during attempted rights of entry, and that the CFMEU were regularly attending the site, filming their interactions on site, and then uploading them onto social media in a way that sought to ridicule or negatively impact the CRR Project and its personnel.

23. A screenshot is marked **JJM-02**, at page 11 of the Bundle.

24. On 24 May 2023, there was a large protest at the Albert Street Precinct main gate. I am informed by the solicitors assisting the Commission that police body worn camera footage of the protest has been tendered as Exhibit VSTS-6 and VSTS-7.

25. Throughout these videos, CFMEU protestors can be heard chanting, amongst other things:

    "*Fuck you, James Maher.*"

    "*James Maher, gotta go.*"

    "*James Maher, grub.*"

    "*See ya, James Maher.*"

    "*James Maher, no go.*"

"Hey James Maher, am I ever gonna see your face again? No way, get fucked, fuck off."

26. During this protest, I was on site, on the gantry overlooking the protestors. I am not sure whether they saw me, but I believe they knew I was on site.

27. In my role, I regularly deal with conflict. Whilst I do not believe it ought to be accepted as 'part of the job', I acknowledged the CFMEU's agenda, and that I was an easy target as the most senior person on the Albert Street Precinct, in their attempts to ridicule the CRR Project.

28. Nevertheless, I did find the personal nature of the chants uncomfortable to begin with, before I was able to compartmentalise the incidents. As I was well regarded by the CRR Project and workforce, there was not a significant amount of support for the protestors from on site. Rather, we had a very strong team who rallied around me. If anything, contrary to the CFMEU's attempts, CRR Project workers became more sympathetic, helpful and understanding of what I was dealing with, when it came to CFMEU interactions.

July 2023 – Safety Reset

29. In July 2023, there was a safety reset on the CRR Project following a serious injury suffered by a scaffolder at Boggo Road Precinct.

30. About a month later, three CFMEU health and safety representatives (**HSRs**) were appointed to the Albert Street Precinct:

    (a) Sean Korostovetz;

    (b) Ross Love; and

    (c) Steven Aimes.

31. The project wide teams were advised about the introduction of HSRs to the CRR Project. I was advised that the 3 individuals had been appointed to the Albert Street sites.

32. In relation to the three individuals:

    (a) Mr Korostovetz was engaged on the CRR Project as a concrete pump operator (CW4 Construction Worker). In my observation, he performed very little labouring work;

    (b) Mr Aimes was engaged as a labourer (CW3 or CW4 Construction Worker). My observation is that he had a similar work ethic to Mr Korostovetz; and

    (c) I had limited direct interaction with Mr Love, as he predominantly worked the night shift. Like Mr Aimes, he was engaged as a labourer (CW3 or CW4 Construction Worker). However, I received feedback from night shift Supervisors that he undertook labouring work approximately 50% of the time. As a result, he was the most productive of the three HSRs, in terms of labouring output.

33. After their appointment, I observed that whenever there was disagreement between the CFMEU and CRR Project management about a preferred method or approach to

the works, unrelated issues would often be raised by the CFMEU, including safety concerns, which in my view had the effect of challenging or disrupting the proposed construction progress .

34. Safety concerns were used as 'armour', as and when it suited the CFMEU in order to disrupt progress. Whilst some of their concerns were legitimate, the gravitas with which they raised them, including to the extent that they often demanded work be ceased, was excessive and unwarranted. Their frequent use of this method also failed to win over many workers, who would simply ignore the no work orders from the CFMEU and continue operating.

35. Nevertheless, because the HSRs acted as a permanent CFMEU presence on site, it increased the union's ability to disrupt the CRR Project.

Industrial Action

36. In April 2024, the CFMEU commenced industrial action in relation to the CRR Project.

37. On 30 April 2024, the action escalated at the Albert Street Precinct, with the CFMEU:

    (a) applying chains to gates and turnstiles that prevented access to and egress from the site;

    (b) placing themselves within the gate or turnstile, thereby preventing access to and egress from the site; and

    (c) positioning vehicles in front of vehicle access gates in a manner that prevented vehicular access to and egress from the site.

38. CPB subsequently obtained an injunction against the CFMEU that limited their ability to stop workers from entering the site.

39. At about this time, the CFMEU started to place a large number of posters at multiple sites on the CRR Project, which displayed photographic images of various staff employed by the CBGUJV, including myself.

40. I do not know how the CFMEU acquired the photograph they used of me.

41. One of the slogans about me was, "*James Maher, in ya car*". My face also appeared on posters, linking myself and others to a certain number of fatalities in the industry.

42. The posters made me uncomfortable, particularly when they became televised. My family saw them and began asking questions. I had to try to explain to them what was going on. Members of the public also began making comments. For example, when on a golf course over the weekend, I would be asked, "*Who did you kill this week?*" Whilst I understood the comments to be jokes, I was frustrated about the CFMEU's spread of misinformation. Regardless, I did not limit my public interaction and was supported by my colleagues.

43. On 30 April 2024, some of the people who were subject to the posters, including me, organised for a solicitor's letter to be sent to the CFMEU complaining about the posters. I do not recall the CFMEU responding to the letter. The posters remained in place for approximately two weeks. CRR Project personnel continually removed them, only for new posters to appear in their place.

44. A copy of the letter dated 30 April 2024 is annexed to this statement and marked **JJM-03**, from pages 12 to 13 of the Bundle.

45. Photographs of some of the posters that relate to me are annexed to this statement and marked **JJM-04**, from pages 14 to 15 of the Bundle.

Incidents in July 2024

46. On 16 July 2024, I received reports, via telephone calls, from site supervisors that a CFMEU picket line had formed at each of the Albert Street Precinct entry points. It appeared to be an attempt at systematic closure the site. Members of the picket were filming and otherwise intimidating workers who sought to enter the site, by crossing the picket line.

47. In my approach to site, I followed the site supervisors and witnessed a picket forming outside the main entry gate and observed a number of persons in the picket wearing CFMEU-branded clothing, who encouraged me not to enter site.

48. When I attempted to enter the site, through the blue door at the bottom of the main stairs, my access card did not immediately grant entry, and I was required to swipe it on three separate occasions before access was permitted. I believe this was the result of a technical glitch. While doing so, I heard persons positioned in the picket line say words to the effect of:

> *"Stand with your brothers, don't cross the picket line."*
>
> *"This will benefit you too."*
>
> *"Think of your family."*
>
> *"This is for your kids too."*

49. When I entered the site, I heard someone in the picket line call me a "*grub*". I noticed that Phil Robinson, General Superintendent, was also seeking to enter site behind me. Similar comments were directed to Mr Robinson.

50. As a result of the picket, only one worker (in addition to the supervisors and management) entered site and attended the site pre-start meeting that day.

51. I informed Terrence Prior, CPB Industrial Relations Manager of these matters and he then put them in an affidavit (see paragraph [9]). A copy of Mr Prior's affidavit is marked **JJM-05,** from pages 16 to 35 of the Bundle.

52. On 19 July 2024, there was intimidation and threats made to workers attempting to enter the site. On 21 July 2024, I sent an email to Mr Prior and Chris Butler, Shared Services Director, reporting on these matters.

53. A copy of my email is marked **JJM-06**, from pages 36 to 46 of the Bundle.

54. Also on 19 July 2024, I had a conversation with Mr Korostovetz and observed his behaviour in relation to deterring people from coming to work. My report of those events is recorded in an email prepared by Mr Prior on 6 August 2024 (**Prior Email**).

55. A copy of the Prior Email is marked **JJM-07,** from pages 47 to 50 of the Bundle.

56. On 22 July 2024, I received a threatening phone call from Mr Korostovetz in the morning. Later that same day, Mr Korostovetz disrupted a concrete pour. My report of these events is contained in the Prior Email.

57. On 25 July 2024, I instructed Mr Korostovetz to not stand within 15 metres of the site gate, as per the injunction that had been obtained by CPB in relation to the CFMEU's industrial campaign. My report of this event is contained in the Prior Email.

58. On 26 July 2024, I received a report from a member of the public about the behaviour of Mr Korostovetz. My report of this event is contained in the Prior Email.

59. On 29 July 2024, I received a report from a worker on site about threats received from Mr Korostovetz about crossing the picket line. My report of this event is contained in the Prior Email.

Incident on 4 October 2024

60. On 4 October 2024, the CFMEU acted aggressively and inappropriately whilst on site. My report of what took place that day is set out in an email I sent to Mr Prior on 5 October 2024.

61. A copy of my email to Mr Prior is marked **JJM-08,** from pages 51 to 54 of the Bundle.

62. Also on that day, I was told by our Senior Scaffold Supervisor, John Stanton, that Mr Korostovetz had been seen flipping over three safety signs (warning of dust hazards, a plant operating zone and tasks being carried out) on the patching crews' restricted access zones, so they could not be read. It made it appear as though no safety signs were on any of the barricades surrounding the restricted area.

63. Mr Stanton sent me two emails confirming our conversation about the incident. Those emails are annexed to this statement and marked **JJM-09,** from pages 55 to 56 of the Bundle.

64. I then received an email from Mat Anforth, Senior Supervisor, about this incident. A copy of the email from Mr Anforth is annexed to this statement and marked **JJM-10**, from pages 57 to 60 of the Bundle.

General observations

65. Before the CFMEU having been put into administration in August 2024, I observed what I considered to be a general disregard by the CFMEU for our processes and procedures. In my view, there was an attitude that the CFMEU operated under a different set of rules. I also observed a higher level of hostility from the union towards management and other workers on site. There were a number of occasions where I stepped into CFMEU confrontations with female members of the CRR Project. Whilst I would have done the same for any male working for me, I more often found myself doing so for women.

66. Following the administrator's appointment, especially when the administration was confirmed by the High Court in around the middle of 2025, I observed a significant improvement in the level of respect shown towards our processes and procedures. I also observed a noticeable reduction in hostility on site.

I affirm the contents of this statement are true.

Signature of Deponent [redacted]

Brisbane

Place Date 23 / 09 / 2026

[redacted]

Before me (signature of witness)

Jack Sutherland Gibney

Full name of witness (please print)

~~Justice of the Peace (JP #)~~

~~Notary public~~

Lawyer

~~Other authorised person (specify)~~

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

Bundle of Documents to Statement of James Maher

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NOTICE OF FILING

This document was lodged electronically in the FEDERAL CIRCUIT AND FAMILY COURT OF AUSTRALIA (FCFCOA) on 12/08/2022 12:57:32 PM AEST and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged:	Affidavit
File Number:	BRG81/2022
File Title:	AUSTRALIAN BUILDING AND CONSTRUCTION COMMISSIONER v CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION & ANOR
Registry:	BRISBANE REGISTRY- FEDERAL CIRCUIT AND FAMILY COURT - FEDERAL LAW

FEDERAL CIRCUIT AND FAMILY COURT OF AUSTRALIA

[redacted]

Dated: 12/08/2022 1:08:16 PM AEST Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.

IN THE FEDERAL CIRCUIT AND
FAMILY COURT OF AUSTRALIA (DIVISION 2)
AT BRISBANE

File No: BRG81/2022

AUSTRALIAN BUILDING AND CONSTRUCTION COMMISSIONER
Applicant

CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION
First Respondent

DEAN LESLEY RIELLY
Second Respondent

Affidavit

Name of deponent: James John Maher

Date affirmed: 12 August 2022

I, James John Maher, of [redacted] affirm and say:

1. I am currently employed by BAM International Pty Ltd (**BAM**) as a Site Manager. I have been employed by BAM in this role since March 2020.

2. I am also sometimes referred to by my colleagues as a Superintendent. While my formal title is Site Manager, Superintendent is the term that would normally be used to describe my role from a civil engineering perspective.

3. I have worked in the construction industry for approximately 19 years in a variety of operational roles, including:

   (a) 4 years as a trainee carpenter;

   (b) 1 year as a carpenter;

   (c) 3 years in a foreman role; and

   (d) 11 years in senior supervisor and site management roles.

Filed on behalf of **Australian Building and Construction Commissioner, Applicant**
Prepared by **Paul Hardman and Alanna Fitzpatrick**
Law firm **K&L Gates**
Tel [redacted] Fax [redacted]
Email [redacted] and
DX 144 Brisbane Ref 7501374.00020
Address for service Level 16, Central Plaza Two, 66 Eagle Street, Brisbane QLD 4000

Signed: [redacted] ..... Taken by: [redacted]

4. I hold Australian qualifications for a Certificate III in Formwork, Diploma of Civil Construction, and Diploma of Project Management. I also completed a Diploma of Construction Management in the United Kingdom in 2008.

5. As Site Manager, I manage all construction activities on site, oversee a workforce of 200 - 400 workers, and act as an interface with the engineering and project management teams. I am broadly responsible for anything that happens within the gates of the sites that I am allocated to.

6. I reported to Chris MacDonald, Project Director as at 1 July 2021 and currently report to Vince Mullholland, Station Director.

7. In parts of this affidavit, I refer to conversations with direct speech. The words identified were those words used to the best of my recollection and reflect the substance of what was said.

Joint Venture Project

8. BAM is part of a joint venture with other companies (CPB Contractors Pty Ltd, Ghella Pty Ltd, and UGL Engineering Pty Ltd) that have formed the CBGU Joint Venture (**CBGU**). CBGU was established for the purposes of servicing the tunnels, stations, and development works on the Cross River Rail Project (**Project**) in Brisbane. CPB is the joint venture entity that has been appointed as the Principal Contractor on the Project. However, CBGU is a seamless joint venture and the employees of each entity work together co-operatively to deliver the Project together.

9. During my employment with BAM, I have worked at various Project sites, including Boggo Road, the Gabba, and Albert Street. I was responsible for managing the construction teams that are developing the new Albert Street Station as at 1 July 2021. This component of the Project commenced in August 2019 and is scheduled for completion at the end of 2023. The Albert Street Station works on the Project are carried out over three lots:

   (a) Lot one is the main site office, located at 96 Albert Street, Brisbane City;

   (b) Lot two is where the underground cavern excavation is being performed by the tunnelling team. I am not involved in this arm of the project; and

   (c) Lot three is where excavation works are taking place, located at 142 Albert Street, Brisbane City.

10. Lots one and three will serve as the southern and northern entrances (respectively) to the new Albert Street station once the construction works have been completed.

11. CGBU occupies lots one, two and three under the contractual arrangements for the Project. CGBU is therefore responsible for all aspects of health and safety relating to the Project, including ensuring the safety of all persons on the sites, such as workers and visitors.

Site safety requirements

12. There are inherent safety risks in construction projects. For excavation and retention works, these risks include collision with heavy machinery, falls from heights, and becoming trapped.

Signed: [redacted]..... Taken by: .. [redacted]..

13. Everyone is responsible for safety, including visitors to the site. This means that everyone should take reasonable care for their own safety and ensure that their conduct does not create risks to the safety of other people on the site.

14. As the occupier of the site, CBGU has a number of control measures in place to eliminate or minimise safety risks on the Project. These control measures include:

    (a) delineated access ways for heavy vehicle movements;

    (b) entry gates to prevent members of the public from accessing the site; and

    (c) pre-start meetings each day where works and major site risks are discussed with workers that are engaged on the site that day.

15. There are additional safety requirements for visitors to the Project. This is because visitors are exposed to greater safety risks because they are not familiar with the Project, works being undertaken, features of the site, communication protocols on site, or the access and egress routes, including in the event of an emergency.

16. The main site safety requirements for visitors at Albert Street Station on 1 July 2021 were as follows:

    (a) when a visitor arrives, they are required to report to the sign-in area at lot one and undertake a visitor induction. The induction sets out the main risks and rules that apply to the Project, including not to enter any restricted areas on their own;

    (b) the visitor must then complete the mandatory visitor COVID-19 declaration, which confirms whether they are experiencing COVID-19 symptoms or have potentially been exposed to COVID-19; and

    (c) after the induction and COVID-19 safety requirements are completed, the visitor must be escorted by a representative of CBGU at all times while they are on the Project, comply with any directions given to them, and follow safety signage on the Site.

17. I am authorised to give directions to workers that report to me and visitors to the Project on behalf of the CBGU, including in relation to the occupational health and safety matters, such as the site safety requirements.

Site conditions on 1 July 2021

18. On 1 July 2021, CBGU and Queensland Pre-Stressing Pty Ltd (**QPS**) were undertaking formwork activities on lot three. These activities involved excavation and retention work as part of the construction of an underground shaft, which will form the base of the Albert Street station. There are 5-meter-high fences surrounding the site to keep members of the public out and to prevent unauthorised access.

19. There had been intermittent showers in the morning. CBGU does not require people to work in the rain and many activities cannot be conducted in the rain, for example with power tools or electric leads. Where workers insist on continuing to work and can safely do so, additional safety measures are able to be put in place.

20. Some workers were working between the periods of rain. The traffic controllers continued to work in the rain, but they had options for shelter as the buildings next to

Signed: [redacted] ..... Taken by: [redacted] ...

the road had awnings. The traffic controllers were dressed in wet weather gear, including raincoats, long pants, and gumboots that were supplied by their employer. I was satisfied that the measures in place for the traffic controllers were suitable for the conditions.

21. Inside lot 3, there was a communal area for workers next to the entrance gate. Behind this area was an excavator and a tower crane base. The tower crane base was accessible by a set of scaffold stairs, but was not in use at the time. The excavator was not in use at the time that I was on the site.

22. Due to the excavation works, a restricted area was set up with a gravel road for heavy vehicles to transport materials in and out of lot three (**Restricted Area**). The Restricted Area was marked with hard barricading and delineated walkways that ran parallel on either side of the Restricted Area. The barricading was made up of yellow tripod barriers and orange bollards. There was also signage posted on the barricading that identified the area as a restricted access zone and directed persons not to enter.

23. Only certain persons were authorised by CBGU to enter the Restricted Area. A person must be specifically trained to be in a restricted area and have signed on to the safety start card to be allowed inside the Restricted Area. These requirements apply even if work is not in progress in the Restricted Area.

First CFMMEU visit

24. On 1 July 2021 at around 5:30am, I arrived at the site office. I attended a pre-start meeting there before walking to lot three and undertaking a further pre-start meeting. Dewatering works were planned to take place as there had been rain that week. There were also excavation and retention activities taking place.

25. At around 9:00am, lot one was visited by two officials from the Construction, Forestry, Maritime, Mining and Energy Union (**CFMMEU**). I am unable to recall the full names of these officials, however, one was named Beau and the other was Andy. I had previously dealt with Andy on the Project.

26. Jonathan Bekkers, Industrial Relations Advisor for CBGU led the discussions with Beau and Andy and escorted them through lots one and three. I was also present for the discussions along with Mark Taylor, the site safety lead for CBGU.

27. Beau and Andy complied with directions from CBGU personnel in relation to the site safety requirements. They completed the visitor induction and complied with the site safety rules while they were on site, including by remaining escorted at all times.

28. Beau and Andy inspected access and egress and remained on site for approximately 90 minutes. At the end of the visit, they left the site.

Second CFMMEU visit

29. At around 2:30pm, I was in in the main site office when I received a call from Lyndon Hinrichsen, Project Supervisor. Mr Hinrichsen said to me: *"There is another union official on site, this one is on his own."* I understood that this meant that a union official was on lot three as Mr Hinrichsen supervises the works there.

30. I immediately walked down from the office and began walking up Albert Street towards lot three. I met Mr Bekkers at the junction of Albert Street and Charlotte

Signed: [redacted] ..... Taken by: [redacted] .....

Street, approximately 50 metres from lot three. Mr Bekkers was also making his way to lot three. I reached the footpath area just outside the northern corner of lot three where I saw Mr Hinrichsen standing with his arms folded.

31. Mr Hinrichsen was standing with a man called Dean, whose name I learned through conversations during the day. I do not recall his last name. Dean had a fair complexion, was around 6'1" in height and had a broad build and light−coloured beard. Dean was wearing a black hardhat that was covered in stickers with "*CFMEU*", dark tinted sunglasses and was carrying a black folder which was also covered in union stickers. I understood that Dean was a union official from the CFMMEU.

32. Mr Bekkers and I arrived outside lot three. Dean began speaking with Mr Bekkers regarding persons working in wet weather, access and egress, and post-rain events. I had the following conversation with Dean:

Me:	*"We need to take you the induction area at the lot one entry so that we can check you in and walk through the visitor induction process with the safety lead."*
Dean:	*"I don't want to go back to the office, I want to go on site."*
Me:	*"Our procedures require all visitors to report to the main site office."*

33. At around this time I briefly stepped away to contact Mr Taylor by phone. I said to Mr Taylor: *"There's a member of the CFMEU down here quizzing us around working around de-watering and post-rain activities."* I am unable to recall what Mr Taylor said he was doing, however I do recall him saying: *"I'm just wrapping up, I will be down there as soon as possible."*

34. After I had finished speaking with Mr Taylor, I again asked Dean to complete the sign in process for visitors:

Me:	*"What is this visit regarding?"*
Dean:	*"I have a few concerns regarding workers in the rain, also I want to take a look at your access and egress."*
Me:	*"We're happy for you to continue onto site, but first we need to get you to come back to lot one and sign in."*
Dean:	*"I don't need to do that, I want to go onto site."*
Me:	*"Our procedures require this of all our visitors. If you can wait here, Mark Taylor is our safety guy, he's on his way down and can work through the process with us."*

35. We remained at the front of the lot three site for about 10 - 15 minutes. During this time Mr Bekkers and I repeated our request that Dean return to the office to sign in and complete the visitor induction. During this time, I also sighted Dean's entry notice and entry permits.

Entry to Lot Three

Signed: [redacted] Taken by: [redacted]

36. After being outside of lot three for 10 - 15 minutes, a subcontractor worker entered through an entry gate for workers. Dean pushed his way in behind the worker. As Dean was doing this, Mr Bekkers said: *"You can't go in there, you don't have permission, you need to go back to lot one and sign in."* Dean did not respond to this direction.

37. Dean walked straight to a lectern in the common area, which contained the pre-start sheet for workers and some safety documents, permits, and emergency equipment. As Dean looked through the documents, we had the following discussion:

Dean:	*"Where are the risk assessments for the area?"*
Me:	*"They are stored at lot one, that's where we want you to go."*
Dean:	*"I need to have a look at the risk assessments and the SWMS."*
Mr Bekkers:	*"We keep them at lot one, we need you to go over there to go through the sign in process."*

38. Dean did not respond to Mr Bekkers' request and continued to look through the lectern for 2 - 3 minutes.

Access to the tower crane base

39. Dean then walked around the side of the common area and up the staircase leading to the tower crane base. Dean walked to the edge of the tower crane base and looked down over the site.

40. Neither Mr Bekkers nor I followed Dean and I did not repeat Mr Bekkers' directions to follow the correct induction process or make any comments to him as I felt it would be futile to attempt to change his behaviour. There was also no significant risk to Dean's safety as the tower crane was not in use. However, I ensured that Dean remained within my view so I was able to monitor him without escalating the situation. There was still some risk in Dean's actions as there are always risks on a construction site if people do not follow the correct procedures, for example, if Dean had entered an unstable area.

41. Dean remained on the tower crane base for two to three minutes. During this time, he was just looking around. While Dean was in this area, he did not physically obstruct any workers, but his conduct distracted the remaining workers on site who saw him moving around.

Entry to the Restricted Area

42. Dean then walked around to the other side of the site, where the Restricted Area had been set up. Mr Bekkers said to Dean: *"Where are you going? We need you to come back to the office and sign in."* Dean did not respond to this direction and continued to walk to towards the Restricted Area. Mr Bekkers said: *"You are entering a work area, you have not been inducted."* Again, Dean did not respond to this direction.

43. Dean walked around the barriers that marked the Restricted Area and into the Restricted Area. Dean walked around inside the Restricted Area for 3 - 4 minutes. As Dean was walking around the Restricted Area, Mr Bekkers said: *"You need to get out*

of there, you have come through the gate, you have not completed a sign on." It was not clear to me what Dean was doing as there was no work occurring in the Restricted Area for him to observe.

44. While Dean was in the Restricted Area, Mr Taylor arrived at the site. I said to Mr Taylor: *"We have tried to get him to go back to the office but he won't listen."* Mr Taylor then walked down towards Dean. Both Dean and Mr Taylor then left the Restricted Area and had a conversation on the walkway.

45. I was unable to hear the conversation between Mr Taylor and Dean. After about 2 minutes, Dean and Mr Taylor began to walk back towards the site gate entrance where Mr Bekkers, Mr Hinrichsen and I were standing. Dean walked past us and left the site.

46. I did not see or hear from Dean for the remainder of the day. There was no further action taken by Dean with respect to the visit. Mr Bekkers informed me that he would document and report the incident.

47. All facts and circumstances herein deposed to are within my knowledge save such as are deposed to from information only and my means of knowledge and sources of information on the face of this my affidavit.

Affirmed by the deponent)
at Brisbane)
in Queensland)
on 12 August 2022)
Before me:)

[redacted]

James John Maher

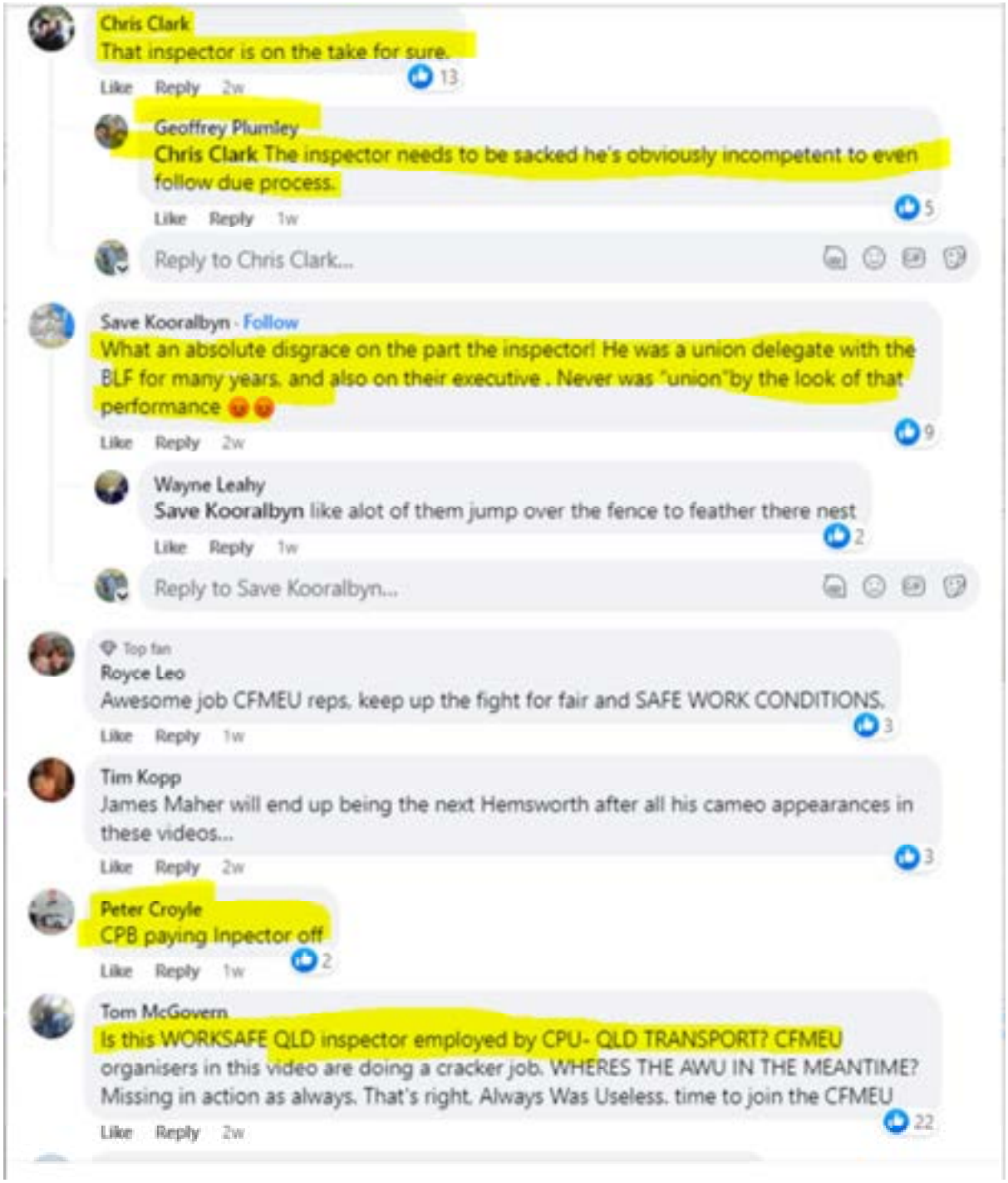
[redacted]

Signature of witness

Tasman John Skiba
Solicitor

Signed: [redacted]

Taken by: [redacted]


Chris Clark
That inspector is on the take for sure.
Like Reply 2w
13
Geoffrey Plumley
Chris Clark The inspector needs to be sacked he's obviously incompetent to even follow due process.
Like Reply 1w
5
Reply to Chris Clark...
Save Kooralbyn · Follow
What an absolute disgrace on the part the inspector! He was a union delegate with the BLF for many years, and also on their executive . Never was "union"by the look of that performance
Like Reply 2w
9
Wayne Leahy
Save Kooralbyn like alot of them jump over the fence to feather there nest
Like Reply 1w
2
Reply to Save Kooralbyn...
Top fan
Royce Leo
Awesome job CFMEU reps, keep up the fight for fair and SAFE WORK CONDITIONS.
Like Reply 1w
3
Tim Kopp
James Maher will end up being the next Hemsworth after all his cameo appearances in these videos...
Like Reply 2w
3
Peter Croyle
CPB paying Inpector off
Like Reply 1w
2
Tom McGovern
Is this WORKSAFE QLD inspector employed by CPU- QLD TRANSPORT? CFMEU organisers in this video are doing a cracker job. WHERES THE AWU IN THE MEANTIME? Missing in action as always. That's right. Always Was Useless. time to join the CFMEU
Like Reply 2w
22

Our reference
KF/DB/-

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CORRS CHAMBERS WESTGARTH

Sydney
Melbourne
Brisbane
Perth
Port Moresby

30 April 2024

By email: [redacted]
Mr Michael Ravbar
State Secretary
CFMEU Queensland
16 Campbell St
Bowen Hills, Qld, 4006

Contact
Daniel Byrne
Email [redacted]

Partner
Kirsty Faichen

Dear Sir

Publication of defamatory material at Cross River Rail sites

1 We act on behalf of the following individuals who are employed on the Cross River Rail projects:

(a) James Donahey;

(b) Adrian Ockford;

(c) Justin Griffin;

(d) James Maher; and

(e) Ben Loakes.

Publication of false and defamatory material

2 We are instructed that:

(a) the Construction, Forestry and Maritime Employees Union (**CFMEU**) has today engaged in and/or organised various unlawful activities, including but not limited to, tortious interference in contractual relations and inducing breach of contract, across the Cross River Rail construction sites (**CRR sites**), including Albert St, Boggo Road, Woolloongabba, Roma Street, Mayne Yard, Exhibition Station, Normanby, Dutton Park, Yeerongpilly Station, Clapham Yard, Rocklea Station, and Salisbury Station; and

(b) the conduct during the above unlawful action has involved the placement and display of various posters showing content that is plainly false and defamatory of our clients at the CRR sites (**Defamatory Material**).

3 By way of example, we have been provided with photographs depicting posters placed at the CRR sites. These and other posters identify our clients by use of their images and/or names. They convey grossly defamatory and false imputations, among others, that the individuals identified:

(a) are corrupt;

(b) have engaged in workplace bullying;

(c) have acted with disregard for the safety of employees, contractors and subcontractors working at CRR sites;

(d) are responsible for workplace health and safety incidents that have occurred at CRR sites; and

(e) have participated in the theft of wages.

4 Our clients require the CFMEU to immediately remove the Defamatory Material, including the above-mentioned posters, from all CRR sites and from any other public display (including republications of the Defamatory Material that may have been made on social media or on the CFMEU's website) (**Required Action**).

5 Our clients further require that the CFMEU confirm by reply letter that:

(a) the Required Action has been taken; and

(b) the CFMEU will not republish the Defamatory Material and will instruct its officials and members to refrain from engaging in similar displays.

Next steps

6 Our clients require the CFMEU to immediately take the steps set out in paragraphs 4 and 5 above.

7 If the CFMEU fails to confirm in writing by no later than **11:00 am tomorrow, 1 May 2024** that it has done so, we put the CFMEU on notice that our clients intend to take all necessary steps to ensure the Defamatory Material is removed.

8 Our clients reserve their rights in full against all parties involved in these matters, including their right to seek urgent injunctive relief and/or to commence proceedings for defamation against the CFMEU or any other party.

Yours faithfully
Corrs Chambers Westgarth

[redacted]

Kirsty Faichen
Partner

Daniel Byrne
Senior Associate




IN YA
CAR
JAMES
WORKERS
UNITED

Form 59
Rule 29.02(1)

Affidavit

No. QUD189 of 2024

Federal Court of Australia
District Registry: Queensland Registry
Division: Fair Work

CPB Contractors Pty Ltd
Applicant

Construction, Forestry and Maritime Employees Union and Anors
Respondents

Affidavit of:	**Terence (Terry) Prior**
Address:	Level 3, North Tower, 339 Coronation Drive, Milton, QLD 4064
Occupation:	Industrial Relations Manager, CPB Contractors Pty Ltd
Date:	17 July 2024

I Terence (Terry) Paul Prior, Industrial Relations Manager (CPB Contractors Pty ltd), affirm:

1. I am employed by the Applicant in these proceedings (CPB) in the role of Industrial Relations Manager on the Cross River Rail (**CRR**) Project. I am authorised to give this affidavit.

2. This is my second affidavit in these proceedings.

3. On 10 July 2024 the Applicant received two notices from the Construction, Forestry and Maritime Union of Employees (**CFMEU**) purporting to give notice under s. 414 of *the Fair Work Act 2009* (Cth), of the intention of its members to take protected industrial action commencing from 16 July 2024. The nature of the purported protected industrial action was set out in those notices, and:

   (a) The first notice was said to be issued authorised by the declared results of the protected action ballot order made by the Fair Work Commission in matter

Filed on behalf of (name & role of party) CPB Contractors Pty Ltd, the Applicant
Prepared by (name of person/lawyer) Malcolm Davis
Law firm (if applicable) Ferrous Advisory
Tel [redacted] Fax
Email [redacted]
Address for service (include state and postcode) 27/102 Barangaroo Avenue, Barangaroo NSW 2000

B2024/261 to members of the CFMEU employed by the Applicant who would be covered by the *CPB Contractors Pty Ltd Cross River Rail (Tunnel, Station and Development – Pulse Partnership Works) Agreement 2024-2028*; and

(b) The second notice was said to be issued authorised by the declared results of the protected action ballot order made by the Fair Work Commission in matter B2024/260 to members of the CFMEU employed by the Applicant who would be covered by *CPB Contractors Pty Ltd Cross River Rail (Rail Integration and System – Unity Alliance Works) Agreement 2024-2028*.

Copies of these documents are annexed and marked **TP-1.**

4. The CRR Project is currently behind schedule but there are a number of critical elements to the project that are very time sensitive, which if delayed have a compound impact on the critical path for completion. One of those critical elements is the programming of the testing of the first train to travel within the newly constructed tunnels under Brisbane. The first train has been scheduled to be run through the tunnel next Saturday and Sunday the 27 and 28 July 2024. In the coming days it is critical that the necessary preparations to receive that first train are completed. The works that are currently underway must be completed to ensure that the first train can be received into the tunnels and be tested on those days. The number of CPB employees who could legitimately be engaged in protected industrial action is relatively small (of the order of 170 workers) compared to the very significant contractor workforce, which the project relies on day to day, which is typically in the range of 1500 - 2000 each day. Given my role on the project and my day to day interactions with both CPB direct employees and the greater subcontractor workforce the intimidation and threats made against the subcontractor workforce plays a fundamental role in denying the project the workforce it needs to continue its operations and meet its critical path objectives, for the project. In particular, the Exhibition Station is currently being refurbished in preparation for EKKA, and that as a consequence of the conduct engaged in by the respondent Union of recent days, in breach of the Injunction that is currently in place, two days and nights of critical construction activity on the station has been lost. We are further instructed that if these critical works are not completed by the end of July, all persons attending EKKA will needed to be bussed.

The Events of 16 July 2024

5. CPB is the head contractor with control over the following constructions sites established for the CRR Project in Brisbane:

(a) the project site known as the Albert Street Precint (Lot 1, Lot 2, Lot 3), bound by Mary, Edward, Elizabeth and George Street, Brisbane City (**Albert Street Precinct**);

[redacted] [redacted]

(b) the project site known as the Roma Street Precinct, bound by Roma Street, Countess Street and Parkland Boulevard and the Queensland Rail Corridor, Brisbane City (**Roma Street**);

(c) the project site known as the Woolloongabba Precinct, bound by Stanley, Main, Leopard and Vulture Streets, Woolloongabba (the **Gabba**);

(d) the project site known as the Boggo Road Precinct, bound by Boggo Road, Peter Doherty Street and Boggo Road Busway/ Queensland Rail Corridor in Dutton Park;

(e) the project site known as the Southern Area work area, bound by Cornwall Street, Kent Street and Queensland Rail Corridor (**SAW**);

(f) the project site Known as the Northern Portal, bound by the Queensland Rail Corridor, Bowen Bridge Road, Gregory Terrace and Kalinga Avenue;

(g) Hamilton Yard at 222 MacArthur Avenue, Hamilton;

(h) BlueWater Yard at 2-6 Bishop Drive, Port of Brisbane;

(i) 271 Gilchrist Avenue, Herston;

(j) 33 Lanham Street, Bowen Hills;

(k) 48 O'Connell Terrace, Bowen Hills;

(l) 58 Chale Street, Yeerongpilly;

(m) Corner of Nobel Street and Annerley Road, Dutton Park;

(n) Corner of Brooke Street and Pegg Road, Rocklea;

(o) Corner of Wilkie Street and Green Street, Yeerongpilly; and

(p) 19 Orient Avenue, Pinkenba

6. I am informed by Alicia Wood (Senior Industrial Relations Advisor, CPB) and verily believe that the following took place at Lot 1 of the Albert Street Precinct on 16 July 2024:

(a) At approximately 4.40am supplies were dropped off at the Lot 1 entrance to the Albert Street Precinct site. These supplies included BBQs, shade covers and eskys. From this time on she started receiving reports that electrical workers from the site were being turned away by CFMEU officials by site entries, with the workers being told "*Site is closed*" and "*Do not cross the picket line.*"

(b) Two people from the picket counted steps from the front entry of the site to another area at a nearby Café, with the assumption that this was so that shade covering could be placed in this area.

[redacted] [redacted]

(c) Dylan Howard was observed outside the site gates. Mr Howard is known to be employed by the CFMEU in the position of 'Civil Coordinator', having previously been a union organiser.

(d) At approximately 5.20am supervisory and safety workers sought to enter the site. Persons from the picket started filming these workers on their phones, and members of the picket line directed chants and comments to these workers to the following effect:

i. "*We are doing this for our children*"

ii. "*Never cross a picket line*"

(e) These same workers were called "grubs" and "scum" by members of the picket line for seeking to enter site.

(f) Some supervision staff, including and in particular an Electrical Supervisor did not enter site, as they felt intimidated. The delegates or officials of the CFMEU in the picket were not known to the supervisory staff and were not workers on the Albert Street Precinct site.

(g) That Electrical Supervisor commenced work from the St Mary's offices. That Electrical Supervisor was unwilling to provide a statement but stated words to the following effect:

i. "*I'm concerned for my safety.*"

ii. "*I won't get another job - I'll be blackmailed if I crossed the picket line and entered site.*"

iii. "*I won't risk my safety by crossing the picket line*"

(h) Site workers commenced arriving at the site entry gates from approximately 5.30am, but did not enter site.

(i) By 6.00am, 1 site worker from the Applicant had entered site for the performance of work. No other workers entered site for the prestart. No workers from subcontractors engaged on the site that day entered site or attended prestart. They remained outside the site entrances.

(j) At 6.15am the service trade subcontractors left the site. This included Cooke & Dorsett (plumbers), and KME (electrical subcontractors).

(k) At 6.30am a silver car arrived and parked outside the site entrance. 2 people with CFMEU branded clothing exited the car, and began unloading flags and signs for the members of the picket. Those signs contained various CFMEU and union slogans, and included one that said "CPB grubs".

[redacted] [redacted]

(l) By 7.00am the direct hire and subcontractor workers outside the site entries disbursed and left the area.

(m) By 7.15am the majority of the crowd by the picket had left, and approximately 6-8 CFMEU delegates or officials remained in the picket, where they remained for the day.

7. I am informed by Daniel Lewis (Supervisor, CPB) and verily believe that the following took place at Lot 1 of the Albert Street Precinct on 16 July 2024:

(a) At approximately 4.55am a picket line of approximately 7-8 people associated with the CFMEU formed near one of the site entrances. The people in the picket line had set up a shade covering and BBQ.

(b) At approximately 5.15am as Mr Lewis was returning from a nearby office to the site entry, he and persons in his company (Murray Harris, Mat Anforth, and Elliot Ham) were confronted by a number persons in the CFMEU picket. He did not recognise those persons, and they were not workers on the Albert Street Precinct. One member of the CFMEU picket filmed Mr Lewis and his group using their Iphone as they entered site. Members of the picket line shouted words to the effect of "*You are not going to cross the picket line*", "*Stand with your brothers and sisters for better conditions and better rates*".

8. I am informed by Murray Harris (Shift Boss, CPB) and verily believe that the following took place at Lot 1 the Albert Street Precinct on 16 July 2024:

(a) As he was entering the site in the morning (with Mr Lewis), he encountered a CFMEU picket.

(b) A number of comments were directed at him from CFMEU delegates and persons in the picket, including:

i. "*Don't cross the picket line.*"

ii. "*Are you going to stand with your brothers and sisters and fight for better wages and conditions?*"

(c) He observed that one of the CFMEU delegates was filming him, using an Iphone.

9. I am informed by James Maher (Superintendent, CPB) and verily believe that the following took place at Lot 1 the Albert Street Precinct on 16 July 2024:

(a) At approximately 5.10am he received reports site supervisors that a CFMEU picket had formed at the entry to the Albert Street Precinct entry points, and members of that picket were filming and otherwise intimidating workers who were seeking to enter the site.

[redacted] [redacted]

(b) Mr Maher followed the supervisors to site. He encountered a number of persons while walking to site who were wearing CFMEU-branded clothing, and in particular black hoodies emblazoned with the words 'CFMEU'.

(c) A picket had formed outside the entry gate to the precinct. Persons wearing CFMEU branded clothing and members of the picket called out to him encouraging him to join the picket and not enter site.

(d) Before entering site he paused to speak to a supervisor who was standing near the picket. That supervisor said to him words to the effect of "*They have asked me not to cross the picket line...they are filming...I have to work in the industry* [the construction industry]."

(e) Mr Maher then sought to enter the site. He unsuccessfully swiped is security access card on the entry gate 3 times, and while doing so, heard directed at him from persons in the picket lines the following comments:

i. "*Stand with your brothers, don't cross the picket line*"

ii. "*This will benefit you too*"

iii. "*Think of your family*"

iv. "*This is for your kids too*"

(f) Mr Maher was able to enter the site, and as the door was closing behind him someone from the picket called him a "grub".

(g) Mr Maher observed that Phil Robinson (General Superintendent) was also seeking to enter site behind him. Similar comments were directed to Mr Robinson as he sought to enter the site.

(h) As a result of the picket and actions of the CFMEU personnel in the picket, only 1 worker (in addition to the supervisors) entered site and attended the site pre-start meeting.

10. I am informed by Mr Robinson and verily believe that the following took place at Lot 1 of the Albert Street Precinct on 16 July 2024:

(a) He sought to enter the site at approximately 5.20am. He encountered a picket of approximately 6 people. He did not recognise the people in the picket but observed that they appeared to be associated with the CFMEU.

(b) While he was entering his security number in the entry gate, the following comments were directed towards him:

i. "*We don't cross picket lines mate.*"

[redacted] [redacted]

ii. *"This company is unsafe mate and kills people."*

iii. *"Think of your wife and kinds. They will appreciate you for not cross the picket line."*

iv. *"You're a fucking grub anyway."*

11. At 8.46am Ms Wood emailed me a copy of CCTV footage taken outside one of the entry gates to the Albert Street Precinct at approximately 5.11am that morning. A copy of that video footage is annexed and marked **TP-2**.

12. There are also pickets on each of the other CRR Project sites, with CFMEU delegates and officials present at the entry points to these other sites.

13. All the CRR Project sites are presently subject to picket by the CFMEU.

The Events of 17 July 2024

14. I am informed by 3 CBGU JV administration coordinators and verily believe that the following took place at the Roma Street site on 17 July 2024:

(a) At approximately 11.41am those employees were re-entering the site after returning from lunch, when they were approached by a person near the entry gate, who had been sitting on one of the chairs in the picket. They did not know the identity of that person. That person said to them: "*We will put your photo on Whatsapp*".

15. In my capacity as Industrial Relations Manager I receive reports of activities that occur on the project on a daily basis. Annexed and marked **TP-3** is a record, including videos of activities across the sites on 16 and 17 July 2024. In relation to this document:

(a) Page 1 of this document contains photos and links to CCTV footage annexed as TP-2, and a link to that footage.

(b) Pages 2-3 of this document contains photos and links to CCTV footage of events that occurred on 17 July 2024 at the SAW site, whereby the actions of the CFMEU disrupted a subcontractor carrying out a concrete pour.

(c) Page 4 of this document contains photos and links to CCTV footage of events that occurred on 17 July 2024 at the Gabba site in which the CFMEU picket blocks the vehicle entry to site.

16. In relation to the matter referred to in 14(b) I am informed by a site Project Manager and verily believe that the relevant subcontractor received a phone call from a CFMEU official who said to him words to the effect of "*If you pump concrete* [on the CRR Project that day], *you will be black balled in Queensland*". Shortly thereafter the concrete truck workers ceased work, and the concrete trucks exited the site and no further concrete was poured on that day by that subcontractor. This has caused additional cost expense

[redacted] [redacted]

and delay to the project. Delays of this kind will have an impact on the critical path objectives of the project and are likely to cause substantial damages and other losses to be incurred by CPB and its joint venturers in the performance of contracted works on the CRR Project.

Affirmed by the deponent)
at Brisbane)
in Queensland)
on 17 July 2024)
Before me:)

[redacted]

S[redacted]ent

[redacted]

Signature of witness

David Cooper, solicitor

This document was signed in counterpart and witnessed over audio visual link in accordance with section 14G of the Electronic Transactions Act 2000.

CFMEU

REGIONAL OFFICES
Darwin – Ph (08) 8981 5280
Townsville – Ph (07) 4766 8715
CFMEUQ
State Construction
& General Division

HEAD OFFICE
16 Campbell Street
Bowen Hills QLD 4006
Ph (07) 3231 4600
Fax (07) 3231 4699
qntqueries@cfmeu.org

ANNEXURE "TP-1"
referred to in the affidavit of Terence Paul Parton
at Brisbane on 17 July 2024
[redacted]
Will Cooper Solicitor

10 July 2024

Anthony Zervaas
CPB Contractors Pty Ltd
Level 6, 520 Wickham St
Fortitude Valley, QLD, 4006

By email: [redacted]

Dear Anthony,

Notification of Intention to take Industrial Action

In accordance with the requirements of section 414 of the Fair Work Act 2009, I hereby advise of the intention of all members of the Construction Forestry Maritime Employees Union (CFMEU) employed by CPB Contractors Pty Ltd who are to be covered by the *CPB Contractors Pty Ltd Cross River Rail (Tunnel, Station and Development – Pulse Partnership Works) Agreement 2024-2028*, to take protected industrial action.

The action is authorised pursuant to the Protected Industrial Action Ballot made by the Fair Work Commission in matter B2024/261 and declared on 22 April 2024. The industrial action is in support of claims made in negotiations for the proposed enterprise agreement with CPB Contractors Pty Ltd.

The CFMEU issues this written notice, in its capacity as the bargaining representative for employees of CPB Contractors Pty Ltd who are members of the CFMEU and who will be covered by the Agreement (Employees).

The nature of the industrial action and the day on which it will start are as follows:

1. 1-hour stoppage of work on Tuesday 16 July 2024, including consecutive stoppages of work, commencing at:
    a. 12.00am;
    b. 1.00am;
    c. 2.00am;
    d. 3.00am;
    e. 4.00am;
    f. 5.00am;
    g. 6.00am;
    h. 7.00am;
    i. 8.00am;
    j. 9.00am;
    k. 10.00am;
    l. 11.00am;
    m. 12.00pm;
    n. 1.00pm;
    o. 2.00pm;
    p. 3.00pm;

q. 4.00pm;
r. 5.00pm;
s. 6.00pm;
t. 7.00pm;
u. 8.00pm;
v. 9.00pm;
w. 10.00pm;
x. 11.00pm;

2. 1-hour stoppage of work on Wednesday 17 July 2024, including consecutive stoppages of work, commencing at:
    a. 12.00am;
    b. 1.00am;
    c. 2.00am;
    d. 3.00am;
    e. 4.00am;
    f. 5.00am;
    g. 6.00am;
    h. 7.00am;
    i. 8.00am;
    j. 9.00am;
    k. 10.00am;
    l. 11.00am;
    m. 12.00pm;
    n. 1.00pm;
    o. 2.00pm;
    p. 3.00pm;
    q. 4.00pm;
    r. 5.00pm;
    s. 6.00pm;
    t. 7.00pm;
    u. 8.00pm;
    v. 9.00pm;
    w. 10.00pm;
    x. 11.00pm;

3. 1-hour stoppage of work on Thursday 18 July 2024, including consecutive stoppages of work, commencing at:
    a. 12.00am;
    b. 1.00am;
    b. 2.00am;
    c. 3.00am;
    d. 4.00am;
    e. 5.00am;
    f. 6.00am;
    g. 7.00am;
    h. 8.00am;
    i. 9.00am;
    j. 10.00am;

k. 11.00am;
l. 12.00pm;
m. 1.00pm;
n. 2.00pm;
o. 3.00pm;
p. 4.00pm;
q. 5.00pm;
r. 6.00pm;
s. 7.00pm;
t. 8.00pm;
u. 9.00pm;
v. 10.00pm;
w. 11.00pm;

4. 1-hour stoppage of work on Friday 19 July 2024, including consecutive stoppages of work, commencing at:
    a. 12.00am;
    b. 1.00am;
    b. 2.00am;
    c. 3.00am;
    d. 4.00am;
    e. 5.00am;
    f. 6.00am;
    g. 7.00am;
    h. 8.00am;
    i. 9.00am;
    j. 10.00am;
    k. 11.00am;
    l. 12.00pm;
    m. 1.00pm;
    n. 2.00pm;
    o. 3.00pm;
    p. 4.00pm;
    q. 5.00pm;
    r. 6.00pm;
    s. 7.00pm;
    t. 8.00pm;
    u. 9.00pm;
    v. 10.00pm;
    w. 11.00pm;

5. 1-hour stoppage of work on Monday 22 July 2024, including consecutive stoppages of work, commencing at:
    a. 12.00am;
    b. 1.00am;
    b. 2.00am;
    c. 3.00am;
    d. 4.00am;
    e. 5.00am;

f. 6.00am;
g. 7.00am;
h. 8.00am;
i. 9.00am;
j. 10.00am;
k. 11.00am;
l. 12.00pm;
m. 1.00pm;
n. 2.00pm;
o. 3.00pm;
p. 4.00pm;
q. 5.00pm;
r. 6.00pm;
s. 7.00pm;
t. 8.00pm;
u. 9.00pm;
v. 10.00pm;
w. 11.00pm;

6.

7. An unlimited number of stoppages of work, including consecutive stoppages of work of twenty-four (24) hour in duration, commencing on Tuesday 16 July 2024.

8. An unlimited number of indefinite or periodic bans on the performance of overtime, except in the case of emergencies, by all or part of the workforce, commencing on Tuesday 16 July 2024.

9. An indefinite or periodic ban on paperwork (other than regulator or safety related paperwork), commencing on Tuesday 16 July 2024.

10. An indefinite or periodic bans on the use of technology including (but not limited to) phones, computers, tablets computers, radios, fax machines and the like, commencing on Tuesday 16 July 2024.

Yours sincerely

Paul Dunbar
CFMEU Industrial Officer

CFMEU

REGIONAL OFFICES
Darwin – Ph (08) 8981 5280
Townsville – Ph (07) 4766 8715
CFMEUQ
State Construction
& General Division

HEAD OFFICE
16 Campbell Street
Bowen Hills QLD 4006
Ph (07) 3231 4600
Fax (07) 3231 4699
qntqueries@cfmeu.org

10 July 2024

Michael McCann
CPB Contractors Pty Ltd
Level 6, 520 Wickham St
Fortitude Valley, QLD, 4006

By Email: [redacted]

Dear Michael,

Notification of Intention to take Industrial Action

In accordance with the requirements of section 414 of the Fair Work Act 2009, I hereby advise of the intention of all members of the Construction Forestry Maritime Employees Union (CFMEU) employed by CPB Contractors Pty Ltd who are to be covered by the *CPB Contractors Pty Ltd Cross River Rail (Rail Integration and System – Unity Alliance Works) Agreement 2024-2028*, to take protected industrial action.

The action is authorised pursuant to the Protected Industrial Action Ballot made by the Fair Work Commission in matter B2024/260 and declared on 22 April 2024. The industrial action is in support of claims made in negotiations for the proposed enterprise agreement with CPB Contractors Pty Ltd.

The CFMEU issues this written notice, in its capacity as the bargaining representative for employees of CPB Contractors Pty Ltd who are members of the CFMEU and who will be covered by the Agreement (Employees).

The nature of the industrial action and the days on which it will start are as follows:

1. 1-hour stoppage of work on Tuesday 16 July 2024, including consecutive stoppages of work, commencing at:
    a. 12.00am;
    b. 1.00am;
    c. 2.00am;
    d. 3.00am;
    e. 4.00am;
    f. 5.00am;
    g. 6.00am;
    h. 7.00am;
    i. 8.00am;
    j. 9.00am;
    k. 10.00am;
    l. 11.00am;
    m. 12.00pm;
    n. 1.00pm;
    o. 2.00pm;
    p. 3.00pm;

q. 4.00pm;
r. 5.00pm;
s. 6.00pm;
t. 7.00pm;
u. 8.00pm;
v. 9.00pm;
w. 10.00pm;
x. 11.00pm;

2. 1-hour stoppage of work on Wednesday 17 July 2024, including consecutive stoppages of work, commencing at:
    a. 12.00am;
    b. 1.00am;
    c. 2.00am;
    d. 3.00am;
    e. 4.00am;
    f. 5.00am;
    g. 6.00am;
    h. 7.00am;
    i. 8.00am;
    j. 9.00am;
    k. 10.00am;
    l. 11.00am;
    m. 12.00pm;
    n. 1.00pm;
    o. 2.00pm;
    p. 3.00pm;
    q. 4.00pm;
    r. 5.00pm;
    s. 6.00pm;
    t. 7.00pm;
    u. 8.00pm;
    v. 9.00pm;
    w. 10.00pm;
    x. 11.00pm;

3. 1-hour stoppage of work on Thursday 18 July 2024, including consecutive stoppages of work, commencing at:
    a. 12.00am;
    b. 1.00am;
    b. 2.00am;
    c. 3.00am;
    d. 4.00am;
    e. 5.00am;
    f. 6.00am;
    g. 7.00am;
    h. 8.00am;
    i. 9.00am;
    j. 10.00am;

k. 11.00am;
l. 12.00pm;
m. 1.00pm;
n. 2.00pm;
o. 3.00pm;
p. 4.00pm;
q. 5.00pm;
r. 6.00pm;
s. 7.00pm;
t. 8.00pm;
u. 9.00pm;
v. 10.00pm;
w. 11.00pm;

4. 1-hour stoppage of work on Friday 19 July 2024, including consecutive stoppages of work, commencing at:
    a. 12.00am;
    b. 1.00am;
    b. 2.00am;
    c. 3.00am;
    d. 4.00am;
    e. 5.00am;
    f. 6.00am;
    g. 7.00am;
    h. 8.00am;
    i. 9.00am;
    j. 10.00am;
    k. 11.00am;
    l. 12.00pm;
    m. 1.00pm;
    n. 2.00pm;
    o. 3.00pm;
    p. 4.00pm;
    q. 5.00pm;
    r. 6.00pm;
    s. 7.00pm;
    t. 8.00pm;
    u. 9.00pm;
    v. 10.00pm;
    w. 11.00pm;

5. 1-hour stoppage of work on Monday 22 July 2024, including consecutive stoppages of work, commencing at:
    a. 12.00am;
    b. 1.00am;
    b. 2.00am;
    c. 3.00am;
    d. 4.00am;
    e. 5.00am;

f. 6.00am;
g. 7.00am;
h. 8.00am;
i. 9.00am;
j. 10.00am;
k. 11.00am;
l. 12.00pm;
m. 1.00pm;
n. 2.00pm;
o. 3.00pm;
p. 4.00pm;
q. 5.00pm;
r. 6.00pm;
s. 7.00pm;
t. 8.00pm;
u. 9.00pm;
v. 10.00pm;
w. 11.00pm;

6.

7. An unlimited number of stoppages of work, including consecutive stoppages of work of twenty-four (24) hour in duration, commencing on Tuesday 16 July 2024.
8. An unlimited number of indefinite or periodic bans on the performance of overtime, except in the case of emergencies, by all or part of the workforce, commencing on Tuesday 16 July 2024.
9. An indefinite or periodic ban on paperwork (other than regulator or safety related paperwork), commencing on Tuesday 16 July 2024.
10. An indefinite or periodic bans on the use of technology including (but not limited to) phones, computers, tablets computers, radios, fax machines and the like, commencing on Tuesday 16 July 2024.

Please direct any queries to Elliot Dalgleish, CFMEU Industrial officer via email on qntindustrial@cfmeu.org

Yours faithfully,

[redacted]

Michael Ravbar

DIVISIONAL BRANCH SECRETARY

CRR TSD - Union activity

EVIDENCE NUMBER	CAMERA NAME	TIME - STAMP	ACTIVITY OBSERVED	SCREEN SHOT	VIDEO DOWNLOAD
ALBERT STREET					
1	ALB-CAM-117	05.12.07	CBGU Staff members entering lot 1 worksite. Verbal intimidation and being filmed as they enter the worksite from individuals in the pedestrian gantry. Commentary *'you're a grub', 'if you care about your family, you won't cross the picket line', 'we're doing this for your children'.*		https://www.dropbox.com/scl/fi/9x7h3mcmvt82g1rfeblto/Timeline-2024-07-16-10.25.39.228-AM.avi?rlkey=j9caxdo80bvlv07ac96v2bhnr&st=6x4kny1v&dl=0
1	ALB-CAM-117	05.13.20	Individuals in CFMEU attire standing directly out the front of pedestrian gate, filming worker as he tries to enter		https://www.dropbox.com/scl/fi/tr6hjv4r9nxvr4s8jgulc/Timeline-2024-07-16-10.30.08.012-AM.avi?rlkey=j9bhufjrticuh9ial7wnw1nf1&st=bwsqu92e&dl=0

ANNEXURE "TP-3" referred to in the affidavit of Terence Paul Prior affirmed at Brisbane on 17 July 2042

[redacted]

Before me Edward Cooper Solicitor

CRR TSD - Union activity

EVIDENCE NUMBER	CAMERA NAME	TIME - STAMP	ACTIVITY OBSERVED	SCREEN SHOT	VIDEO DOWNLOAD
SOUTHERN AREA WORKSITE					
2	SAW-CAM-101	06:54:15	Concrete truck arrives to Southern Area Worksite Kent Street gate 2. Driver is approach by worker (CFMEU hoodie) and traffic control.		https://www.dropbox.com/scl/fi/7gbpxyrdaltn56ett945s/Timeline-2024-07-17-11.36.26.320-AM.avi?rlkey=9ct1a1neaqtoh9lp1nho6g7s0&st=a12i7801&dl=0
2	SAW-CAM-101	07:09:10	Second concrete truck arrives to Southern Area Worksite Kent Street gate 2. Driver is approach by worker and traffic control.		https://www.dropbox.com/scl/fi/xsedztzpr3d1gck1ep807/Timeline-2024-07-17-11.43.36.546-AM.avi?rlkey=ifvn3aslvenuu1qciijzm0l2y&st=2tchr4wv&dl=0
2	SAW-CAM-101	07:20:30	First concrete truck enters site.		https://www.dropbox.com/scl/fi/s76lfosc4ojxhzwy4tlea/Timeline-2024-07-17-11.49.30.429-AM.avi?rlkey=hefxd9xorslr13ojjwfrvto00&st=9hhi3hat&dl=0
2	SAW-CAM-101	07:34:00	Second truck enters site. Third concrete truck arrives to Southern Area Worksite Kent Street gate 2. Driver is approach by worker and traffic control.		https://www.dropbox.com/scl/fi/rzxnaoxb0doae2uoqvz2n/Timeline-2024-07-17-11.54.21.600-AM.avi?rlkey=4lzdd2dbxla4jhxdg84q7b6xn&st=1jwka5fp&dl=0

CRR TSD - Union activity

EVIDENCE NUMBER	CAMERA NAME	TIME - STAMP	ACTIVITY OBSERVED	SCREEN SHOT	VIDEO DOWNLOAD
2	SAW-CAM-101	07:37:50	Third concrete truck enters site. Traffic controllers shut Kent Street gate 2 behind.		https://www.dropbox.com/scl/fi/vtqokd2skscl1mn8126ik/Timeline-2024-07-17-12.06.18.217-PM.avi?rlkey=v6bst5iw8794i4fugburhjm0r&st=xacc2tro&dl=0
2	SAW-CAM-101	07:52:50	Three concrete trucks exit Southern Area Worksite through Kent Street gate 2. Concrete cylinders are still rotating indicating concrete has not been removed. Trucks have entered site and been directed to turn around.		https://www.dropbox.com/scl/fi/ekip10vg4vjcrrobp1tel/Timeline-2024-07-17-12.12.10.486-PM.avi?rlkey=aeg36iwz4kuxo6b7s9ucus3cn&st=i6ke4afk&dl=0
2	SAW-CAM-101	8:29:30 – 8:32:20	Three concrete trucks leave Kent Street gate 2. Reports from Project Manager is the Qld General Manager from DMG Concrete Pumping received a phone call advising that in the event the concrete pump that was getting set up to pump the concrete pumped they would *"be black balled in Queensland"*.		

CRR TSD - Union activity

EVIDENCE NUMBER	CAMERA NAME	TIME - STAMP	ACTIVITY OBSERVED	SCREEN SHOT	VIDEO DOWNLOAD
WOOLLOONGABBA					
3	GAB-CAM-127	05:59:30	Morning crowd in front of Vulture Street site access gate at Woolloongabba. Picket line blocks access to Vulture Street site access gate. CBGU Supervisor asked group to move on as this was a vehicle access, they declined.		https://www.dropbox.com/scl/fi/t6wacfrqksxdjrq2g7h05/Morning-crowd.PNG?rlkey=7b2ppe6x0jzkut9o61n2rwkgy&st=25hn2bfb&dl=0 https://www.dropbox.com/scl/fi/zubluefck248u8c0xzsq9/Timeline-2024-07-17-09.29.16.557-AM.avi?rlkey=9kn6kbylo6stp3i7b724v7a6s&st=9m2gjowi&dl=0
3	GAB-CAM-127	09:35:00	Morning crowd in front of Vulture Street site access gate at Woolloongabba. Picket line blocks access to Vulture Street site access gate.		https://www.dropbox.com/scl/fi/6ypg08khjgwbcquv5gkxo/Timeline-2024-07-17-10.15.57.873-AM.avi?rlkey=9cbydsrcfjshodw17i01gb0fi&st=4gpdpr3y&dl=0

David Cooper

Subject: RE: Cbgu jv strike employees treating workers and breaching court injunction 5pm Friday 19th of July

---

From: Maher, James [redacted]
Sent: Sunday, 21 July 2024, 5:47 am
To: Prior, Terry; Butler, Chris
Cc: Byrne, Dominic
Subject: Cbgu jv strike employees treating workers and breaching court injunction 5pm Friday 19th of July

Terry / Chris,

On Friday 19/07/24 I had a call from Michael Repia and Shane Penfold (night shift supervision) @ 17: 25 to advise me that we had X4 persons that appeared to be CBGU jv employees standing outside the Blue door (entrance to Albert street site). These x4 persons were actively reported to Mike as warning Rocktown workers not to cross a Picket line and enter the Albert street site.

Michael investigated further confirming that they had actually made workers feel uncomfortable and threatened to the point where they turned around and went home. Michael through our network of staff was also able to identify x3 of the x 4 persons engaging in the threatening behaviour.

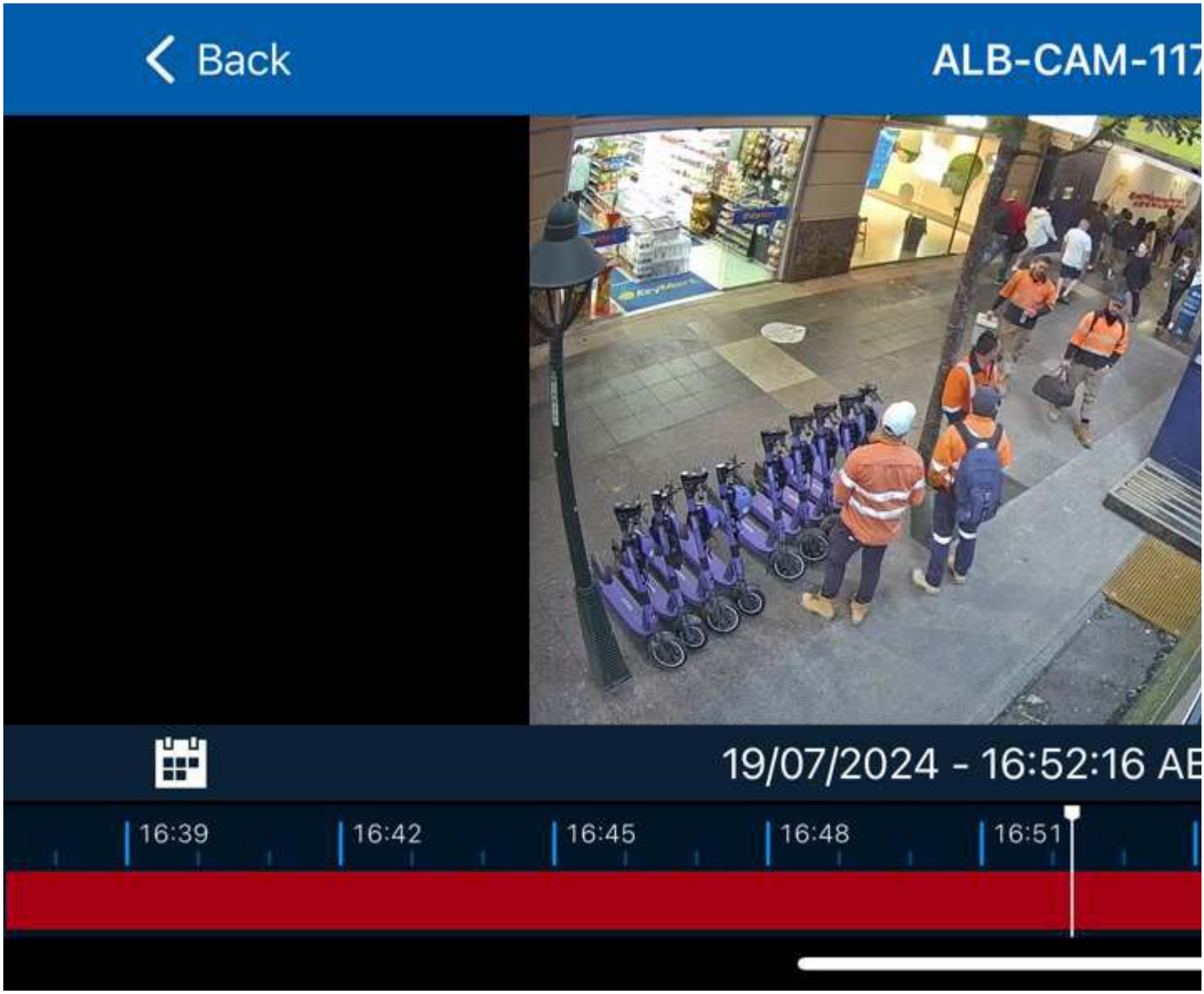
I then contacted Ross love (Albert street CFMEU, night shift Delegate), and advised him of the reported behaviour of these strikers. I reminded Ross of the court injunction and that these people were in breach of it. I requested that he remove the strike crew immediately or we would be forced to escalate to the authorities.

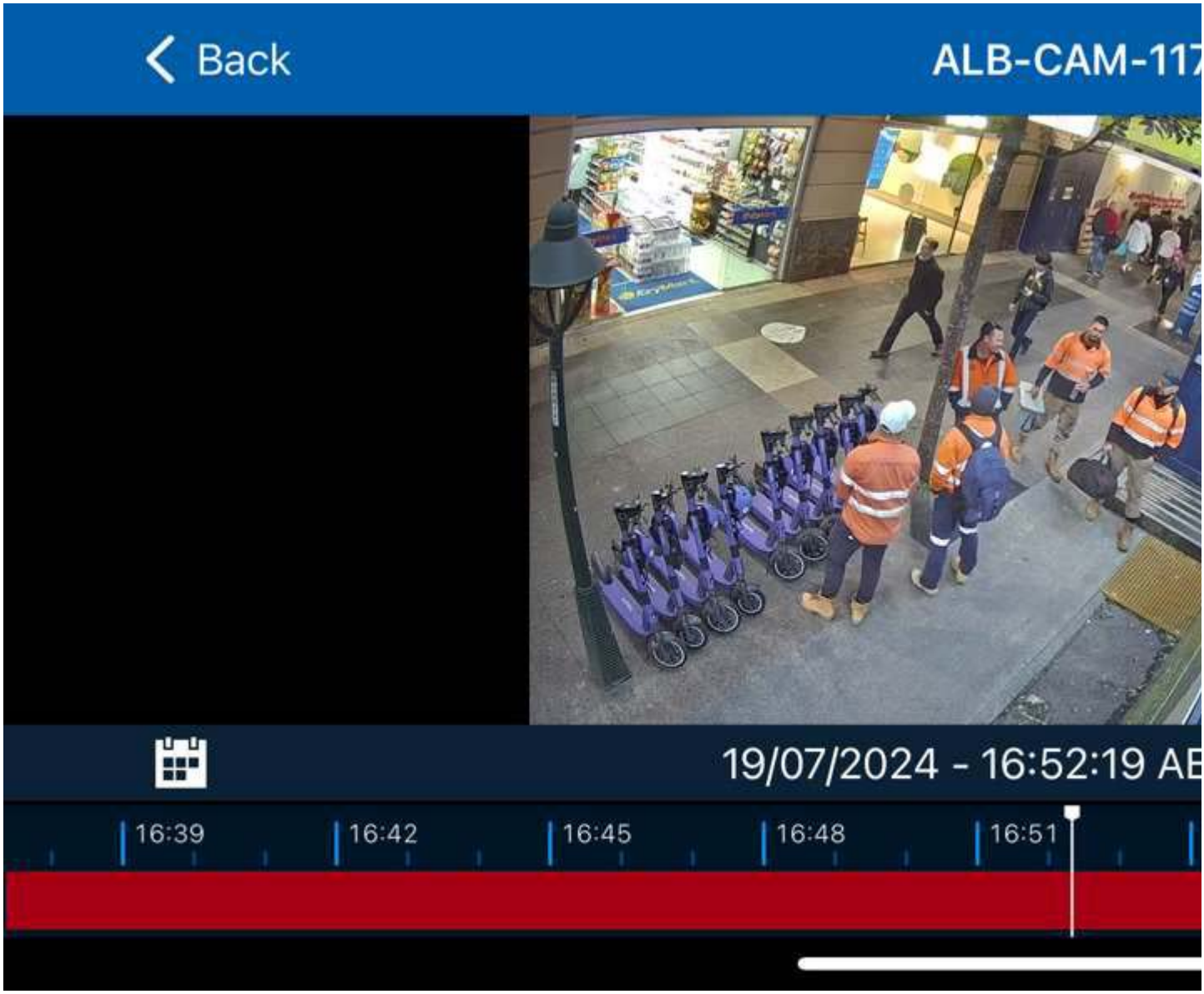
Moments afterwards the crew were contacted by phone and departed the area and returned to the boundary of the exclusion zones with the rest of the strike crews were.

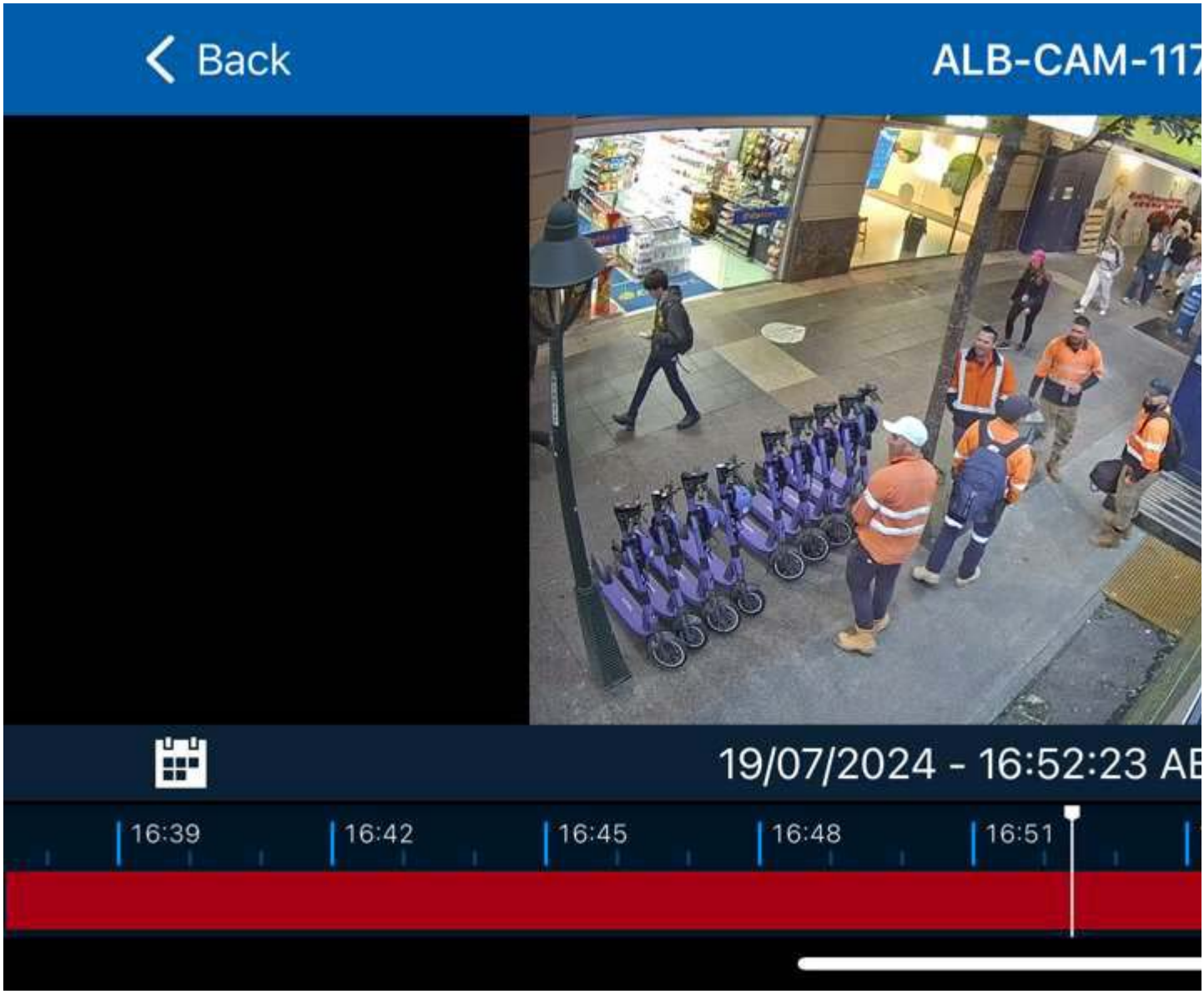
Through out the rest of the night on several occasions while michael was completing his boundary checks was photographed and threatened by there's and other strike crew members, "we know who you are Mike".

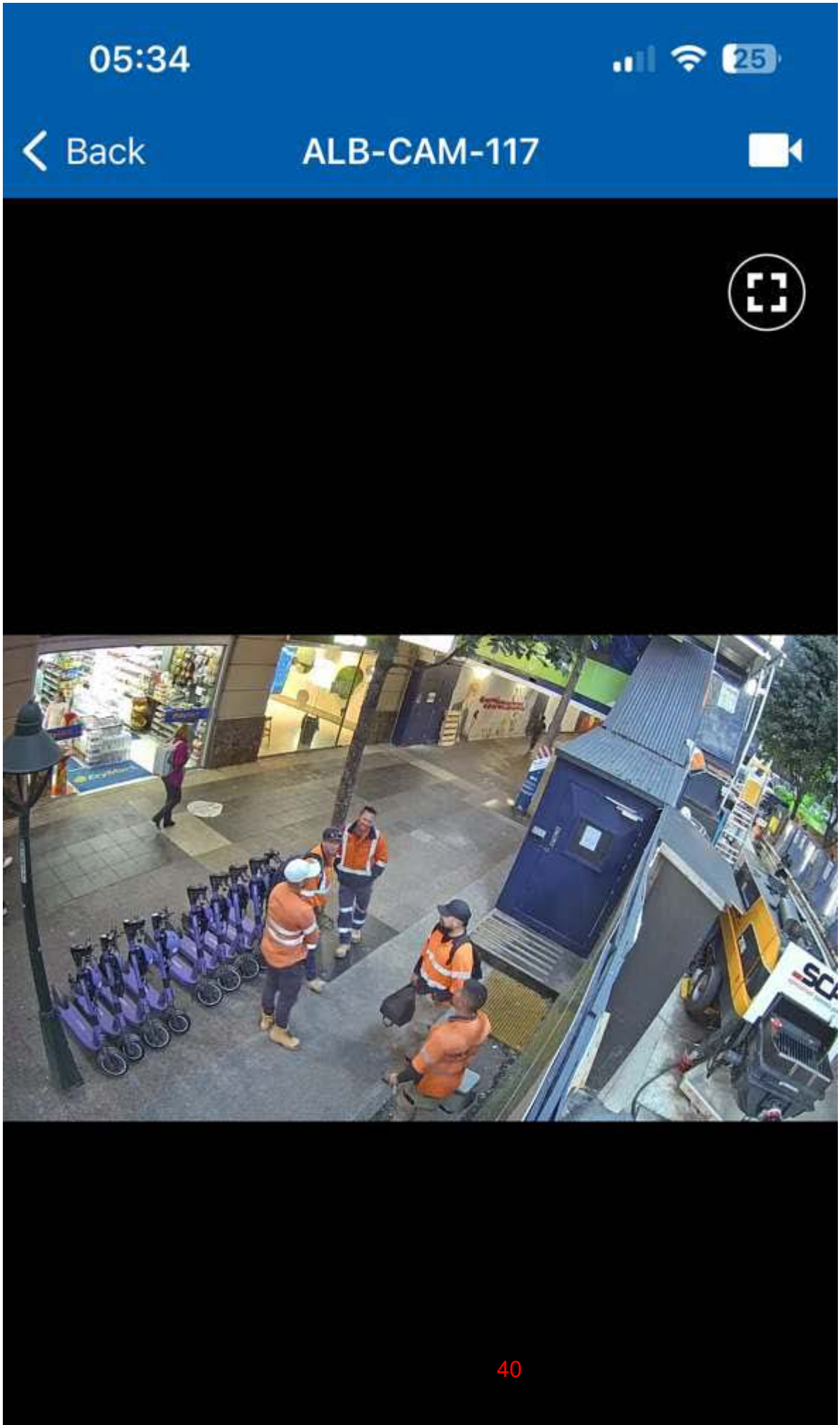
Images attached of the Damstra profiles found as well as evidence of the presence & interactions deterring from people entering (I had to get the security camera images from Dominic Byrne as I no longer have access to the cameras for some reason).

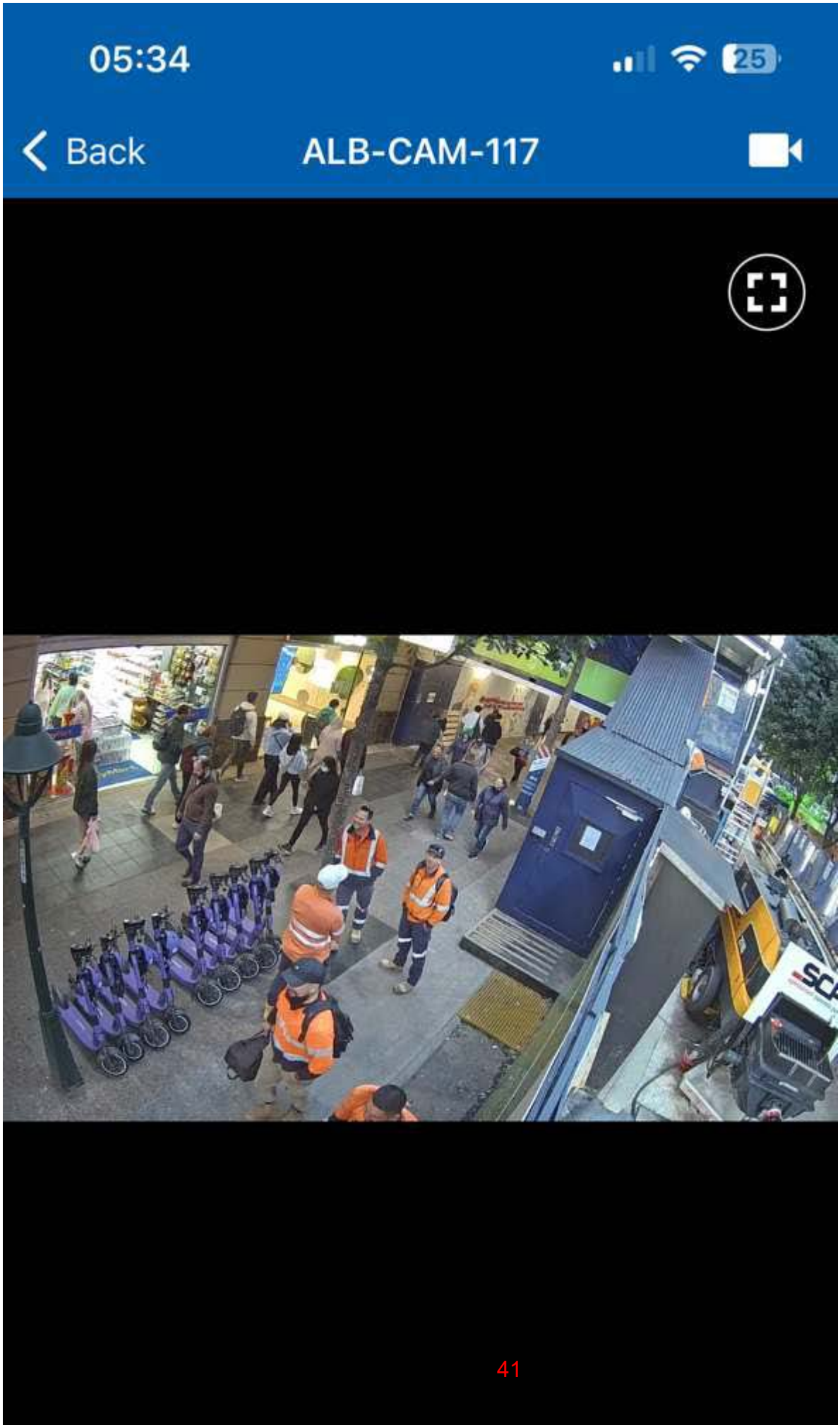
Please feel free to let me know if there is anything else that we can assist with. Happy to discuss further if required.


Back
ALB-CAM-117
19/07/2024 - 16:52:16 AE
16:39
16:42
16:45
16:48
16:51


Back
ALB-CAM-117
19/07/2024 - 16:52:19 AE
16:39
16:42
16:45
16:48
16:51


Back
ALB-CAM-117
19/07/2024 - 16:52:23 AE
16:39
16:42
16:45
16:48
16:51


05:34
25
Back
ALB-CAM-117


05:34
25
Back
ALB-CAM-117


N
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S
HOUSE

DAMSTRA

TRACK • MANAGE • PROTECT

View Profile

NIKORA, JAMES

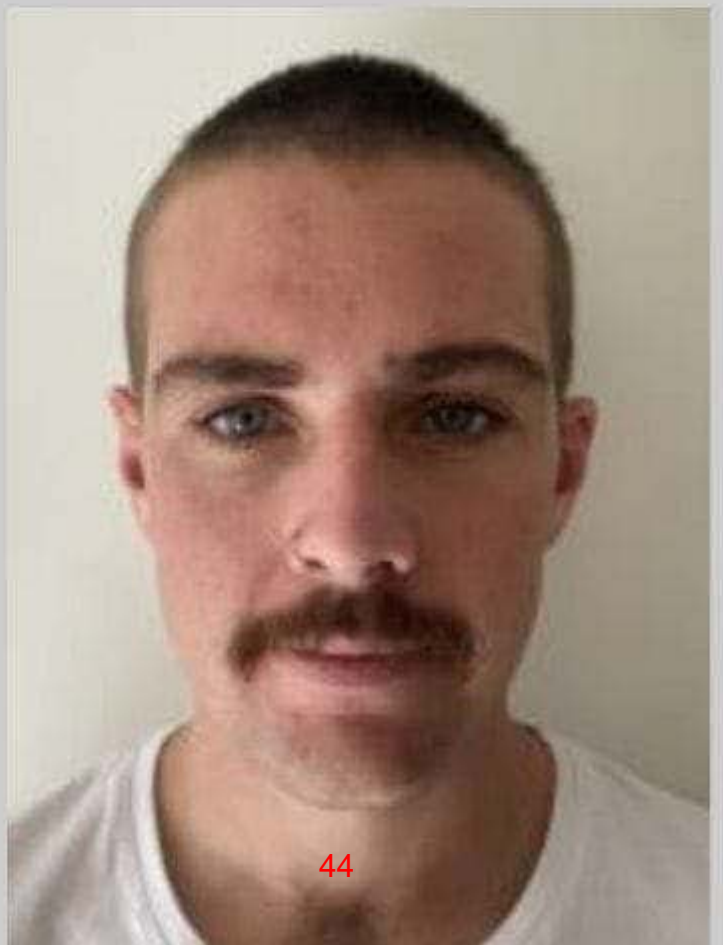


DAMSTRA

TRACK • MANAGE • PROTECT

View Profile

COYLE, KADYNE A



DAMSTRA

TRACK · MANAGE · PROTECT

View Profile

HAYES, TYSON E



Regards,

James Maher
Superintendent

Stations Matisse Tower, Level 8, 110 Mary Street, Brisbane, QLD 4000, Australia
T [redacted] **M** [redacted]
E [redacted]

At CBGU JV we work flexibly. I am sending this message now because it suits my work hours.
I do not expect that you will read, respond or action this message outside of your usual hours.

********** This email, and any files transmitted with it, are confidential and intended for use by the addressee only. The confidential nature of the information contained in the email and/or file attachment is not waived, lost or destroyed if it is sent to other than the addressee. Use or dissemination of the information contained in the email and/or file attachment, by a recipient other than the addressee, may cause commercial damage to both/either the sender and/or addressee. If you are not the addressee of this email/file attachment contact the sender immediately and delete this email/file attachment.
****

David Cooper

From: Prior, Terry [redacted]
Sent: Tuesday, 6 August 2024 7:25 PM
To: Malcolm Davis
Cc: Butler, Chris; David Cooper
Subject: UPDATED - History of CPB HSR - Delegate Sean Korostovetz since he was given a final warning on Tuesday 9th July 2024

Importance: High

Malcolm – as discussed. Updated with additional comments by Albert St Superintendent James Maher (who is on a months leave from Friday 9th August) but still waiting for additional statement from Rocktown employee Craig Kelly (outlined below in item dated Monday 29 July)

Thanks,

Terry

- **Friday 19th July** - Sean was seen participating in intimidation and chanting at workers who were attempting to enter site. This was witnessed by supervision earlier in the morning when workers were arriving for work, also on CCTV standing near the front access door. Sean remained by the main access throughout the day.

  -Specifically, Superintendent James Maher says at 05:35 while others were setting up a picket line at the gate on Albert Street Sean Korostovetz, made his way through the gates and towards the turnstiles. When I quizzed Sean as to was he crossing his own picket lines he responded, 'No James, I'm just going to make sure everyone in the cribs knows they are on the wrong side of the picket lines'. I reminded Sean about how we were not to mistreat our people during whatever process they were undertaking. Shortly afterwards, Sean exited followed by most of the workers that had been in the crib rooms waiting on pre starts to commence. From that point on Sean continued to deter people from entering the site from the blue door stating you don't want to cross that picket line"

- **Friday 19th July** – Sean witnessed speaking to a number of workers and delegates about picking up the night shift energy for the picket lines. Sean spoke to a number of delegates/ workers about getting more numbers for the night shift picket lines, that the people on the picket lines for night shift were not as effective in preventing works as the day shift numbers on the picket lines.

- **Monday 22 July** – James received a threatening call from Sean regarding the removal of the flags, posters in the crib rooms and that James cannot make this call on behalf of the workforce.

  -Specifically Superintendent James Maher says: I received a call from Sean Korostovetz circa 8am. Sean preceded to tell me that I had crossed a line and there would be payback as a result of taking down flags and posters in the crib sheds. I advised Sean that no lines have been crossed and that we all are only doing as directed by the business we work for. That afternoon Sean from a distance via his sub-con delegates intervened and prevented us from pouring a stair pour that had been planned and previously accessible for days. Also the volume of interference with Mick Fisher increased (I can only assume that this is the "payback" that Sean was referring too.

- **Tuesday 23 July** - Sean was witnessed on the phone and speaking to several subbie HSRs where pressure was applied for the subbies to leave site by 2pm. Sean remained around the access gates until after night shift commenced to ensure no one was working. Specifically, Sean was witnessed by supervision speaking on the phone and to delegates / workers outside site. Sean spoke to the Rocktown HSR on a number of occasions. The Rocktown HSR then went into the crib rooms and advised the workforce to leave site. Sean hung around the 15m radius (adjacent to site) until night shift commenced. The workers saw him there and felt threatened.

- **Tuesday 23 July** – Brad Kinson (CPB HSR) received a threatening call from Sean that he (Brad) cannot return unless an EBA is agreed to. This conversation also occurred on the HSR WhatsApp. Details are Brad asked (via the WhatsApp) whether he could return to work earlier in order to close out a large number of safety concerns that had been posted to the HSR Committee WhatsApp. Sean replied that CPB needed to fix the safety concerns and then proceeded to call Brad. Sean verbally advised Brad that he could not return to work until an EBA had been signed and that CPB needs to agree to the heat policy and other CFMEU clauses before he (Brad) can return. Brad was reportedly shaken by this phone call and did not return to work as planned as he was feeling threatened and intimidated.

- **Thursday 25 July** – Sean stood near the site entrance and attempted to speak and/or stand in front of all workers who tried to attend work. This was witnessed by several CBGU supervisors prior to the commencement of prestart. Sean was advised by James and other supervisors that he couldnt stand within 15m of the site entrance. Sean refused to move.

- **Friday 26 July** – From 5.12am – 5.30am Sean continuously stood near the site entrance and within the 15m radius speaking to UGL delegates (UGL workforce left shortly after) . He was requested to move several times by supervisors. He refused to move. Sean set up his camp chair from 7.30am – 9.30am and only moved on after requests by police.

- **Friday 26 July –** From Superintendent James Maher - a member of the public complaint received about how our employee Sean Korostovetz was behaving outside Lot ,1 Albert street. (please note that this person has not permitted us to use their name) image below with the details.

16:57 4G 44

Cara

gates. Big fat cunt says u wanna come have a chat he said no he said well I can't make u.

I'm sitting downstairs watching the circus way better than watching tv



Old slim here needs to lay off the donuts, he is nothing but a fat bully. They're just intimidating people. It's actually disgusting

iMessage

- **Monday 29 July** – Sean was part of the group who threatened Rocktown worker Craig Kelly when he returned to work. Sean attempted to block Craig from entering site and advised that Craig would be blacklisted. This occurred at approx. 5.10am on Craig's arrival to work. It is unclear whether Sean was leading this action, however, he was participating / the main voice in the threats against Craig e.g. you will be blacklisted, don't cross a picket line, we know who your family are.

- -Superintendent James Maher says: Craig Kelly reported to me that he had come through the gate that morning after an interaction with Sean Korostovetz, Craigs departing words were I can't afford to be not working. I need to go to work. Craig then headed to work through the Blue site entry door and Craig was very upset as he had had a few calls from his family working on the John Holland light rail project advising him that he had been reported to have crossed a picket line and that they were receiving threats from the Union as a result. Craig was so upset at the impact of these threats that he decided to leave work and return home. I escalated the complaint to Craigs employer (Rocktown) for welfare checks as well as follow up an assistance / reporting that craig needed to complete for them.

  *NOTE: Since this occurred, on Tuesday 6 August Craig says that he has decided to lay a formal complaint about the matter. We are awaiting the result of this.

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****

David Cooper

From: Maher, James [redacted]
Sent: Saturday, 5 October 2024 6:14 AM
To: Prior, Terry
Cc: O'Brien, Michael; Butler, Chris; Byrne, Dominic
Subject: ROE: 04/10/24: CFMEU: D Mattas & Corey Taylor: Jump form, B7 & B9 Lot 1 Albert street (Silica & silica exposure registers)
Attachments: RE: WAH Incident Lot B7; WAH Incident Lot B7; Fw: B7 Union; Conversation with Sean k regarding B7 Signage.; Sean Korostovetv

Importance: High

Terry,

The following are my notes from Yesterday's ROE @ Albert Street. Let me know if you need any more details.

- CFMEU x 2 organisers Corey Taylor & Dean Mattas arrived at the Albert Street site circa 08:09
- I'm led to believe that they were trying to contact me but I was underground with limited phone coverage.
- @ circa 08:10 Mat Anforth (CBGU JV Supervisor) called as I resurfaced and advised me that x 2 cfmeu were at the gate and looking to see me for a 117
- @ circa 08:15 I contacted Terry Prior to arrange IR support for a suspected ROE (TP dispatched Michael O Brian
- @ circa 08:16 I contacted the Safety Team (Farren Wyper & John Wells to advise them of the arrival of the Officials and to prepare for a ROE when MOB arrived
- @ circa 08:30 MOB arrived and we engaged with the x 2 CFMEU officials
- Permits verified, ROE sighted & a quick discussion on the merits of the ROE completed
- JM contacted TP to verify it seemed to be a valid ROE and advise that the team would progress. Appeared at this stage that the ROE was for Rocktown works being undertaken on the jump, B9 & B7
- Sean K was hovering around the gate while we commenced the safety induction part and login of the visitors.
- Once in PPE yet again free issued to the CFMEU and again they refuse to wear the PPE once they had come through the gate despite several attempts by myself and the safety person (John Wells requesting that they comply
- First stop was the jump form , Focused on one of the cells, BC06
- They climbed down into a patchers work are and claimed that was dust in the area. Confirmed that the patcher was completing patching work known to have dust and he was to follow his SWMS and wear RPE

- They debate went on for 20 minutes or so before they started demanding documentation be brought to the site to verify personal medicals and face fitting. The safety team and I on several occasions advised that paper work/register doesn't get stored on site and any approved paper work to be shown would happen in the training room after the site walk.

- CFMEU official Corey Taylor attempted to claim immediate danger as a result of a steel fixer who never worked at Albert Street or even on the Cross river rail project having contracted Silicosis. He demanded that I pull the workers off the jump. I advised CFMEU officials that there was no immediate threat and that we would not be directing people out of the area. The Rocktown Supervision agreed and their workforce remained working

- CFMEU once they eventually accepted that we would not be taking registers to site move to inspect the other 2 areas noted on the ROE (nil further findings)

- @ circa 10 am all moved back to the gate and we were advised that WHSQ had been contacted by the CFMEU for assistance

- As we arrived back at the gate @ circa 10:10 WHSQ arrived and we were advised they were called to assist the CFMEU with a ROE they were exercising

- @ circa WHSQ advised that they would like to see the areas of concern, We completed the entry process and again we returned to site

- Once we arrived back at the Jump form, we reinspected the areas inspected previously by x 2 CFMEU. The inspector engaged with several employees and the Rocktown HSRs and the Rocktown supervisors as well as our management and safety team.

- WHSQ x 2appeared to be satisfied and only wanted to see some paperwork to verify what information they had collected

- The CFMEU x 2 and our own employee Sean K when seeing this became agitated and slightly aggressive to the point where the inspector was pinned into the corner and forced to defend herself by directing Dean Mattas to calm his deminer and stop his attacks. Dean then stepped away and took 5 mins away from the group. At this stage, I offered WHSQ an opportunity to take a break / respite from the environment. I was advised that they were fine and that they wanted to continue with a couple of workers conversations.

- The debate continued and WHSQ when Dean Mattas and Corey Taylor returned. Dean Mattas again raising his voice at the WHSQ officials attempting to point out a worker who did not put a mask off entering a RPE zone. The WHSQ inspector again became frustrated at the way she was being treated and advised Dean Mattas to allow her to finish doing her job and conversation. She also took the opportunity to advise Dean Mattas and Corey Taylor that if employees signed on to SWMS and trained as well as provided the PPE and tools they need chose not to follow the safe systems of work then fines would be applied to the individuals not the company.

- Dan Mattas raised a debate with the WHSQ about duty of care, went around in circles for another 5 mins.

- @ Circa 11:20 Once WHSQ had spoken to several employees, WHSQ advised that they wanted to return to the training room to verify the findings with the documentation requested. At this stage, Sean K attempted to insist on going to B7 to observe the other areas. The request was denied by WHSQ, they wanted to close out this area before looking at others, 2 mins later Sean K returned to advise WHSQ that there was a loose handrail and that we should go to level 7 immediately to view. Sean was claiming a potential fall to death scenario The WHSQ inspector advised Sean K that he should pass on the information to me, Sean advised its and a community group and that he didn't need to inform me.

Sean was advised that if he didn't inform us they how could we act on it. WHSQ agreed with me. Sean became irritated and claimed that he was being victimised for some reason. MOB was present for the whole of this event to verify the facts.

- Sean Departed to Level 7, where I had already dispatched a supervisor & leading hand to address the matter. An individual has removed a bolt from a hand rail, there were pipes through the penetration. Photos in the attached email, potential for someone to fit through the penetration (nil) The matter is currently under investigation by the safety team

- When we returned to the training room outside the turnstiles we, a staged visit was arranged by Dean Mattas where he took Andrew Thompson (Known CFMEU activist) into the room to describe his experience with the handrail and penetration, Dean Mattas, requested that CBGU JV depart the room, The inspector advised that she wished he escorts to remain with her (I got the scene she no longer felt comfortable and safe with ethe CFMEU on her own) Dean Mattas then used Mr Andrew Thompson as a tool to attempt to drag down the reputation of the Albert street Precinct. Talked about being here 3 years and having mental health issues and having just come back from a friend's funeral only to be met with potentially his own funeral today at Albert Street. Mr Thompson at one stage forgot that he was supposed to be distraught and started joking and mocking our flash report process while laughing. Once he realised his error he returned to his distraught position. Farren Wyper was also present to witness this

- While this was happening, I was advised that Sean K, was observed on B7 pulling off / hiding all of the Mandatory RPE signs and taking videos / photos of areas that would then appear to be patching works without adequate warning for persons entering these areas. This was reported to a CBGU JV supervisor who challenged Sean K. Mr Sean K advised the CBGU JBV supervisor that it was a lie and that his name is being dragged through the mud. Supervisor advised Sean K that he had been given several reports and he was obliged to enquire. Sean K then quickly departed the area. (Statement of witnesses also attached to this mail)

- Rocktown (Supervisor, & HSR) , WHSQ, and CBGU JV Reps (FW, MOB & JM) then attempted to walk through the paperwork requested. CBGU JV & Rocktown presented the all they were requested must to the disagreement of the x 2 CFMEU. The back and forward debates became again heated and I requested WHSQ to step out for some respite. (I was thanked by WHSQ before the CFMEU coming out and again attacking WHSQ. They did a spiel on not being assisted and not being supported by WHSQ. WHSQ protested advising that both CBGU JV as well as WHSQ had being addressing all and any concerns as well as making available evidence as required.

- @ circa 13:20 x 2 cfmeu departed site dissatisfied with their result for the day

- WHSQ and the rest of the team worked through the list of evidence only occasionally interrupted by Sean K. At several stages, I had to remind Sean K about the Cimic group code of conduct. I also advised the room to maintain a respectful environment, or we would have to end the exposure of this disrespectful behaviour to our visitors. At this stage, Sean K attempted to claim that he was being picked on. MOB, and FW were present to verify this was not the case.

- MOB offered Sean K the opportunity to lodge a formal complaint, but Sean K declined. I was outside the room for this addressing other site matters but I'm advised that Steve Amies returned just as the meeting was wrapping up.

- X2 WHSQ departed @ circa 2pm with nil notices issued.

Regards

James Maher
Superintendent



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David Cooper

From: John Stanton [redacted]
Sent: Friday, 4 October 2024 1:38 PM
To: Maher, James
Subject: Fw: B7 Union

CAUTION: This email originated from outside of the Organisation.

Hi James

As per our conversation regarding the union turning the signs on the patching crews restricted access zones on B7.

While I was on B7 checking in on the scaffolders, I could see Sean from CFMEU turning over signs on some barricades, it wasn't until the patchers said something to me about making sure it doesn't happen to my guys that I realised it was their restricted access for their works.

Thanks

John Stanton

Senior Scaffold Supervisor

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At Caledonia QLD we work flexibly. I am sending this message now because it suits my work hours.
I do not expect that you will read, respond or action this message outside of your usual hours.

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message or its attachments is strictly prohibited. I do not give permission for any of my contact details to be shared outside of this email. If you have received a message in error, please notify the sender immediately by replying to the message and please delete it from your computer.

From: John Stanton [redacted]
Sent: Friday, October 4, 2024 13:08
To: Maher, James [redacted]
Cc: Brendon Wright [redacted]; Jason Facer [redacted]
Subject: B7 Union

Hi James

As per our conversation regarding the union turning the signs on the patching crews restricted access zones on B7.

The patching crew on B7 approached me when I was on B7 inform me that they watched Sean from CFMEU turn over their signs, so it looked like they didn't have any on their barricade's, they wanted to give me the heads up so I can pass on to my scaffolders working in the same area to make sure they don't do it to Caledonia as well.

Thanks

John Stanton

Senior Scaffold Supervisor

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At Caledonia QLD we work flexibly. I am sending this message now because it suits my work hours.
I do not expect that you will read, respond or action this message outside of your usual hours.

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https://www.mailguard.com.au/mg

David Cooper

From: Anforth, Mat [redacted]
Sent: Friday, 4 October 2024 2:12 PM
To: Maher, James
Subject: Conversation with Sean k regarding B7 Signage.

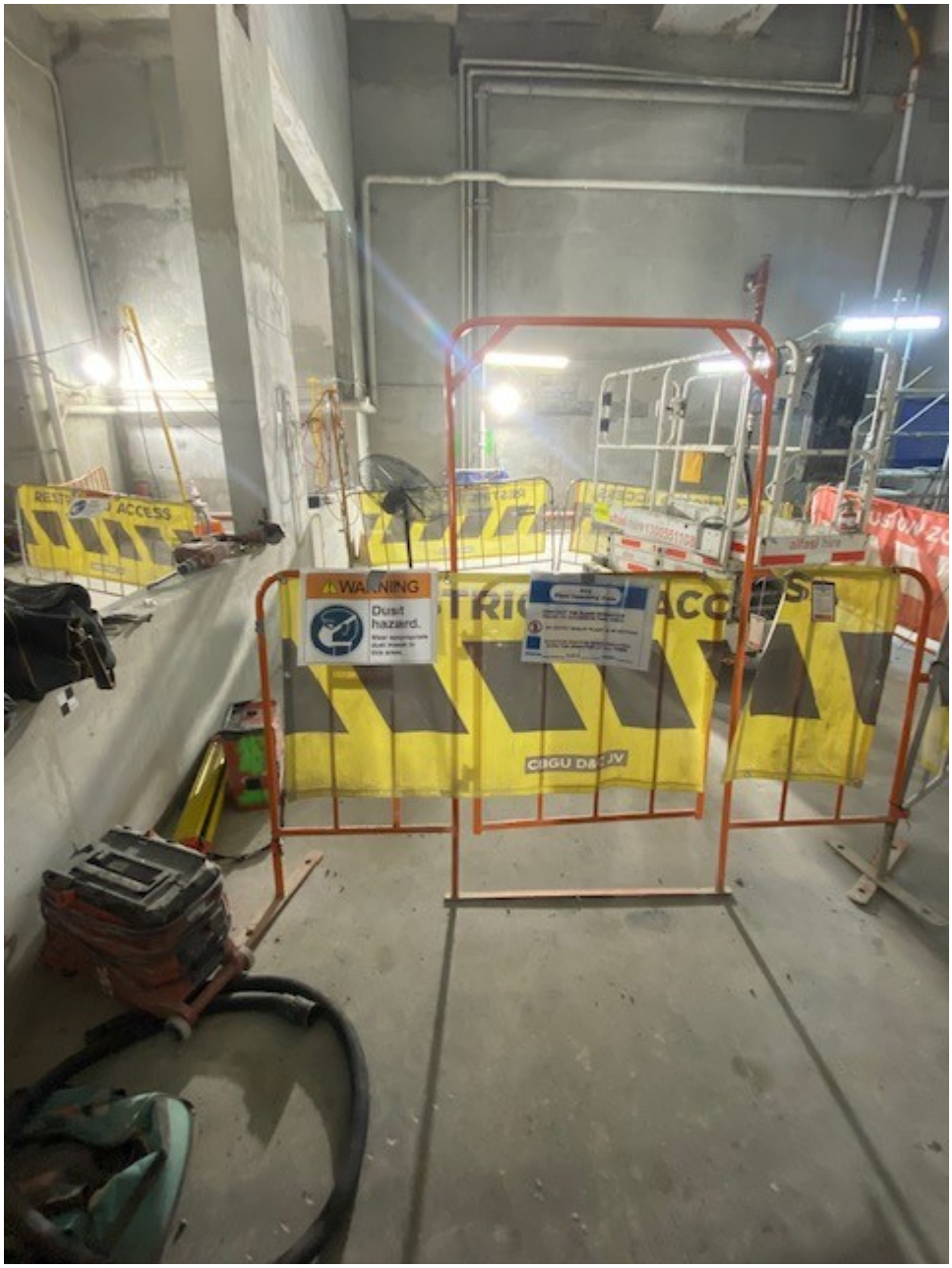
James,

Detail of conversation with Sean Korostovetz on B7 this morning regarding allegations of tampering with signage.

I was approached by 2 members of the patching crew and was told that they witnessed Sean standing against the barricading entrance to the work zone and then flipping over the sign saying (Warning Dust hazard. Wear appropriate dust mask in this area) so that the signage was not visible from the entrance point to the work area. Photo of sign attached. I myself did NOT witness this happening.

I then asked the men if they were willing to make a statement regarding what they had witnessed and they declined stating that they were worried about any reprisals from such action. They also declined to have there names mentioned in this email.

Once I had confirmed their version of the story I approached Sean and told him about the allegations and asked him if there was any truth to them. He denied the allegations and said his name was being dragged through the mud for no reason. (His words). I told him that I had an obligation to confirm the allegations and that they weren't coming from myself, I refused to name the persons who made them. He once again denied them and walked off.



Regards

Mat Anforth
Senior Supervisor

CROSSRIVERRAIL TUNNEL & STATIONS
CPB | bam | Ghella | UGL
Cross River Rail - Tunnels and Stations
CBGU D&C JV

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