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

WITNESS STATEMENT OF PHILLIP JAMES ROBINSON

I, Phillip James Robinson, c/- CPB Contractors Pty Ltd, 10/12 Creek Street, Brisbane City in the state of Queensland affirm:

Background

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

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

3. I am now retired.

4. Between approximately 2021 and mid-2025 I was employed by CPB Contractors Pty Ltd (**CPB**) as a Senior General Superintendent for Major Projects, working on the Cross River Rail Project (the **Project**).

5. Although my formal title was Senior General Superintendent for Major Projects, I was not the general superintendent for the whole Project and I did not have a conventional fixed position in the Project organisational structure. I was asked to come onto the Project to perform a roving “fix-it” role. Depending on the issue that needed attention, I would move between precincts and assist with industrial relations, work health and safety, productivity and other operational issues. When management wanted me involved in an issue, I would assist in leading and coordinating the Project response.

6. I was originally brought onto the Project by Mick Nash, who was then the Director of Safety, to assist with issues the Project was having in its dealings with Work Health and Safety Queensland (**WHSQ**). I notionally sat within the safety department at that time. I did not have a permanent office and moved between Project sites as required.

7. Prior to working on the Project:

   (a) I performed a similar close-out and problem-solving role for CPB on the M5 project in Sydney.

   (b) Before that I had worked in senior construction roles in Victoria, including for CPB and its predecessor Thiess Construction.

   (c) The last project where I held a 'conventional' general superintendent role was the Victorian Desalination Project. For many years after that, I was regularly asked by senior executives to move between major projects and assist with particular problems.

   (d) In total, I worked with CPB and Thiess for approximately 15 to 16 years and have substantial experience managing union interactions across Queensland, New South Wales and Victoria.

8. I have worked in the construction industry for over 40 years.

Issues with Work Health Safety Queensland – Background

9. I was asked to come and assist on the Project due to the very large number of notices being issued by WHSQ. My recollection is that, shortly before I arrived in about September 2021, there had been a month, possibly July or August 2021, in which the Project received in the order of 160 notices. Those included improvement, prohibition and other notices under work health and safety legislation.

10. The volume of notices received in that period was extraordinary. I was told, and understood at the time, that the number issued in that month exceeded the number the business had received over a much longer preceding period, which I recall being described as about 10 years. I cannot now recall whether that comparison was made by reference to Queensland operations or the business nationally.

11. The volume of notices and inspections was causing significant disruption to the Project. WHSQ inspectors would attend to investigate reported safety issues, often after saying that a report or complaint had been received. Work would be interrupted while the inspectors attended, and any notice that required rectification could cause further delay while the relevant issue was addressed.

12. I was brought on to manage these issues and to try to restore the Project back to a more productive state.

Attendances by WHSQ on site

13. When I started with the Project, I began accompanying WHSQ inspectors around the various sites when they attended.

14. In the ordinary course, inspectors (they ordinarily came in pairs) would come onto site and say that they had received a report from the union, typically the CFMEU. Sometimes they would show up to site, having been called by a CFMEU member who was already on site, though this was less common in the early days of my involvement.

15. Generally, I would walk around the site with the inspectors, along with a CPB safety official from the site. Sometimes the site superintendent would accompany me, though generally part of my role was to allow the site superintendents to get on with their day job and relieve them of the need to undertake this role.

16. Union representatives were not ordinarily part of those WHSQ inspection walks in the early period of my involvement. The walks were generally conducted with the WHSQ inspectors and Project representatives. This changed in the second half of 2023 after the CFMEU-aligned HSRs commenced on site. The HSRs would shut down a site and the Project would ask for assistance from WHSQ to resolve the issues.

17. Through attending those walks, I formed the view that the very high volume of notices was not, in itself, a reflection of an unusually unsafe project. I considered that WHSQ was applying an unusually intensive and technical level of scrutiny to the Project and that many of the matters raised were minor or highly technical issues rather than matters which, in my view, created a significant practical safety risk.

18. I also formed the view that complaints from the CFMEU were contributing significantly to the level of WHSQ attention on the Project. That view was based partly on what inspectors said when they attended, the timing and subject matter of inspections, and information I received over time from people I knew within WHSQ and the union movement. I cannot now identify a particular person who gave me that information,

and I did not personally witness any direction being given by the CFMEU to WHSQ. I therefore regard the existence of any such direction as something that would need to be confirmed from other evidence.

19. Many of my dealings were with John Azcune of WHSQ. Mr Azcune attended many of the inspection walks in which I was involved. I formed the impression that he and other inspectors were under pressure from higher within WHSQ to maintain a high level of enforcement activity. I do recall information coming back to me on more than one occasion that inspectors had been given directions from higher up.

20. I observed that the WHSQ inspectors would come onto site to investigate, and issue notices, in relation to impractical or minor technical safety breaches.

21. For example, on one occasion they came on to site to audit all of our hazardous chemical and chemical safety data sheets. This involved going through a significant number of documents and marrying them up to the many chemicals we stored at various locations on the site. This was a tedious process and it did not appear as though the inspectors had a more specific or targeted safety issue that they were seeking to investigate.

22. Generally speaking, on a job of this size, if one applies a highly technical and strict approach, and looks hard enough, it will always be possible to find a technical breach of one regulation or another. This does not mean there is any practical impact on safety. In my experience, health and safety inspectors do not usually conduct inspections with a view to finding any technical breach that they can. However, this was my impression of how they were behaving on the Project.

23. Around the time I started on the Project, WHSQ was attending Project precincts approximately three to four times per week in total. In my experience that was an unusually high frequency for a major project with the safety record I understood the Project to have. On many of those visits the inspectors attempted to issue a notice of one kind or another.

24. Thus, my response was to challenge inspectors where I considered a proposed notice unreasonable or not supported by the complete legislative requirement. I would take them through the provision they relied upon and, where relevant, point out that the legislation also required consideration of matters such as what was reasonably practicable. I was not opposed to correcting genuine safety issues. My purpose was to require the regulator to identify a proper basis for a notice before the Project accepted it.

25. After a period of sustained pushback, I formed the impression that WHSQ understood that CPB would challenge notices it considered unjustified rather than simply accepting them. The frequency and effect of the notices reduced over time.

26. On one occasion, on a date I cannot recall, I was at the Boggo Road site with two WHSQ inspectors. They were looking at a shipping container in which spray paint and similar materials were stored. I heard the inspectors disagree with each other about whether the container was required to be earthed. Despite that disagreement, one of them proposed issuing a notice. I told them words to the effect, "*You do not even know whether this is right. I am not taking that notice*." I regarded that incident as an example of why I considered it necessary to challenge the basis of proposed notices.

27. On another occasion, an inspector raised an issue with the orientation of the portable gas bottle attached to an ordinary site barbecue. He suggested that the safety valve

was pointing towards the barbecue and that a notice could be issued. I made the point that the same configuration could be found on ordinary domestic barbecues and challenged whether the proposed response was proportionate. No notice was ultimately issued to me in relation to that barbecue.

28. There was also an occasion when I understood Mr Azcune and Ms Helen Burgess intended to take a disputed notice directly to Mr Nash after I had challenged it. I telephoned Mr Nash and told him I considered the notice unjustified and that he should not simply accept it. My recollection is that the notice was not accepted at that meeting. I regarded that episode as a turning point in making clear that the Project would scrutinise the basis of proposed notices.

Interaction with Unions

29. In my early days on the Project, I predominantly dealt with WHSQ. I did not have much direct interaction with the Unions.

30. I recall one day over at the Roma Street site, where I encountered CFMEU official Andrew Blakeley on site. He had not entered through the proper channels and had not signed in before entering site.

31. When I walked over to Mr Blakeley, he was speaking with industrial relations adviser Jessica Allam. She was trying to have him leave the site but he was ignoring her. He continued walking through work and crib areas speaking with workers. I joined her and repeatedly told him that he was not authorised to be on the site. He responded with remarks such as, "*Look at this little dog following me around*." I continued to remind him that he had not complied with the required entry process until he left.

32. In the earlier period of my involvement, the CFMEU organisers I most commonly encountered were Mr Blakeley and Beau Seiffert. I encountered occasions where one or other was already inside a Project site without having completed the entry process. I assumed on those occasions that a worker had let them in or that they had followed somebody through a gate, although I did not personally see how they entered on each occasion. Mr Seiffert was, as I understood it, a senior organiser with particular involvement in crane-related matters and had strong relationships with some subcontractors.

33. I was also told of an incident at the Gabba involving CFMEU representative Richie Atutolu and another individual whose name I cannot recall. I did not witness the incident. I was told that Mr Atutolu physically put his hands on the individual and that Justin Clements, the Project's scaffolding compliance officer, intervened and told him words to the effect that was enough and to back off.

Right of Entry

34. Although my duties did not explicitly require me to attend at the site gates when union organisers were seeking to exercise right of entry powers, I would occasionally go and help out on the gates if someone was away or if other site staff were stretched.

35. Again, whilst I was happy to facilitate a valid entry, where proper process had been followed, I would push back on the unions when they tried to be difficult.

36. On the occasions I assisted at the gate, I expected union officials to comply with the applicable right-of-entry requirements, including producing the necessary permits and notices. If an official did not have the required documentation, I would not agree to

entry and would tell the official that the entry process would need to be commenced again. My approach was that CPB should facilitate lawful entry but should also require the union to comply with the same process the Project was required to follow.

The Safety Reset

37. I am aware of a change in approach on the Project which occurred after the unfortunate safety incident at the Boggo Road site on 25 July 2023.

38. I understand that, under what was termed the "safety reset", senior management made a decision to work with the unions in good faith and agreed, among other things, to employ a number of HSRs who were supported by the CFMEU to operate across the Project.

39. The Project was moving from civil construction into the building phase, and I understood management considered a more cooperative relationship necessary. Don Johnson, who was then the Chief Operations Officer, was strongly in favour of that approach. I disagreed with the decision, but once it was made, I followed it.

40. Before the safety reset, the sites had effectively been shut down during the industrial response to the Boggo Road incident. I understood why senior management wanted to resolve the impasse, but I thought the compromise gave the CFMEU significantly more influence over the day-to-day operation of the sites.

41. The safety incident which had occurred was tragic. I know senior management felt horrible and were genuinely concerned for the injured worker and his family. However, I felt the CFMEU took advantage of this incident as an opportunity to increase their power and control over the Project.

42. Most of the HSRs brought in as part of the safety reset were, to my knowledge, not people who had previously formed part of the existing Project workforce.

43. In my view, CPB lost effective control of aspects of the sites for a period after the safety reset. I received frequent complaints from superintendents and supervisors that HSRs were shutting down work for matters they regarded as minor, were not following ordinary directions and were not performing ordinary productive work. I was often asked to explain to supervisors why the business was tolerating that position while a longer-term strategy was being developed.

44. It took, in my assessment, about a year for the business to regain effective control. When the enterprise agreement was ultimately approved in 2024, I received calls from many of our supervisors within a short period. Some were emotional and thanked me for helping to get the situation resolved. I regarded those calls as demonstrating the extent to which the preceding period of disruption, intimidation and uncertainty had affected the supervision team.

Industrial Action and Enterprise Bargaining 2024

45. By around mid-2024, I was tasked with helping develop and implement a strategy to restore management control of the Project sites. The strategy was developed by a small group because we were concerned that, if details became known too early, the unions could take steps to frustrate it. The people I recall being involved at the outset were Anthony Zervaas, Chris Butler, Terry Prior, me and Paul Winduss.

46. Around this time, the enterprise agreements on the Project were due for renewal and bargaining was taking place with the Unions. From about April 2024, CFMEU were conducting a protected action ballot.

47. The protected action ballot was intended to be confidential. I received reports that CFMEU delegates or officials were pressuring workers about how to vote.

48. There were also a series of online votes on the enterprise agreement proposed by CPB. Those votes were also intended to be private. I became aware of workers bringing screenshots of their votes to management and saying that they had been required to show an HSR how they had voted. I personally saw at least one such screenshot.

49. During the picketing in July 2024, I was based at the Albert Street site. On 16 July 2024, I recall walking up to the main pedestrian access near Lot 1. I've been shown CCTV footage from this morning.

50. I was walking onto site at about 5:20am. I saw about six people forming a picket on the door. As I was entering my code into the door the people picketing said things to me like:

    (a) We don't cross picket lines mate;

    (b) This company is unsafe and kills people;

    (c) Think of your wife and kids; and

    (d) You are a fucking grub.

51. A copy of the CCTV footage from this gate from that morning is **Annexure PJR-1**. Whilst my entering is not shown in this particular snippet, the footage shows the people in CFMEU clothing milling near the door and filming people as they enter the site. This is consistent with what I observed.

52. The conduct I experienced on 16 July 2024 was typical of what I saw during the picketing period. In particular, CFMEU members would gather around access points, film people entering and direct abuse or comments at workers who went to work. Roma Street was, in my observation, often the most intimidating of the sites. I saw large groups there, including people dressed in black and people wearing balaclavas or otherwise covering their faces.

James Maher

53. I also became involved in addressing what I regarded as particularly personal bullying and intimidation directed at James Maher.

54. Mr Maher was a regular target by the CFMEU.

55. During the 2024 picketing, signs were placed around Project gates containing photographs of Mr Maher's face and slogans directed at him. I considered that conduct had crossed a line from an industrial dispute into a personal campaign. The CBD sites were visible to large numbers of members of the public and I was concerned about the effect on Mr Maher and his family.

56. A photo showing an example of one such sign that was displayed at one of the project sites during this period is **Annexure PJR-2, page 2**.

57. During that picketing period, on a date I cannot now recall, I agreed to meet Dean Mattas of the CFMEU for coffee after he sought to catch up with me. I first checked with senior Project personnel that I should attend. Mr Mattas brought Steven Amies, an HSR from Albert Street, to the meeting.

58. I told Mr Mattas that I was not asking the CFMEU to stop being robust with Mr Maher about industrial issues, but that the personal attacks, including the photographs and signs, had gone too far. I asked him to consider the effect on Mr Maher's family and said, in substance, that there was a line that should not be crossed when an industrial dispute began affecting a person's family.

59. Mr Mattas responded, in substance, that he would have the CFMEU back off Mr Maher if I arranged for a particular worker whom Mr Maher had moved to another Project site to be returned to his original site. I cannot now recall the worker's name. My recollection is that the worker may have been one of two brothers, possibly with the surname Williams, but that needs to be confirmed with Mr Maher.

60. I told Mr Mattas that I would not make that arrangement and that this was not how the issue should be resolved. There was no agreement. I understood his position to be, in substance, "*you do this for me and I will do that for you*."

61. I spoke with Mr Maher on a number of occasions about the personal pressure being directed at him. He generally told me he was all right. From my own experience of union disputes affecting my family in Victoria, I remained concerned about the effect on him and his family and offered support if it was needed.

Interactions with Amies

62. I did not have too much to do with Steven Amies. He was a HSR allocated to Albert Street. He would often be paired up with another HSR Sean Korostovetz. They were both brought on to the Project as a result of the safety reset.

63. Other than the meeting with Mr Mattas, my direct interactions with Mr Amies and Sean Korostovetz were generally limited to remarks or abuse directed at me as I passed them at Albert Street. I did not personally witness either of them threaten another person. My broader concerns about the HSR group were based substantially on the repeated reports I received from the superintendents and supervisors whom I was mentoring.

Similarities to Victoria

64. As noted above, I have substantial experience working on major projects in Victoria and dealing with CFMEU officials during industrial disputes. I had seen direct threats, aggressive picketing and the use of intimidation in Victoria over many years.

65. During the later period of the CRR Project, I observed a change in the style of CFMEU activity which reminded me of conduct I had previously encountered in Victoria. In particular, the conduct became more openly personal and threatening rather than being confined to disputes about access, safety or other industrial issues.

66. I associated that change with the period in which Dean Mattas and Dean Rielly began attending Project sites more frequently. Earlier organisers I had dealt with, particularly

Andrew Blakeley and Beau Seiffert, were seen much less frequently once that later dispute developed.

67. I understood Mr Mattas and Mr Rielly to be aligned with Mr Ingham rather than Michael Ravbar. That was my assessment of the way the organisers changed and the way the CFMEU hierarchy appeared to operate.

68. I also received information during the 2024 picketing that a small number of people associated with outlaw motorcycle gangs were present on some picket lines. I did not know those people personally and could not identify them simply by looking at them. I was told by people I knew (but I cannot recall precisely who at this time) that some were associated with a group referred to as the Lone Wolf. I understood that they were present in small numbers across the main pickets at Boggo Road, Albert Street, Woolloongabba and Roma Street. I cannot identify any of those people by name.

69. The more outwardly threatening behaviour reminded me of what I had previously experienced in Victoria. In Victoria, I had personally been subjected to threats during industrial disputes, including threats communicated to my home and family. On the CRR Project, I did not personally witness every threat that was reported to me, but I was told of workers being subjected to comments about their children, family and where they lived. The comment directed at me on 16 July 2024 to "*think of your wife and kids*" was one example of the family-focused language I personally heard.

I affirm that the contents of this statement are true.

[redacted]

Signature of deponent

Place: [redacted] Date: 07 / 10 / 2026

[redacted]

Before me (signature of witness)

Toby Christopher Walthall

Full name of witness (please print)

☐ Justice of the Peace (JP No. _____)

☐ Notary public

X Lawyer

☐ Other authorised person (specify): _____

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

Bundle of Documents to
Statement of Phillip Robinson

PJR-1

Refer to Native File (COM.0001.0003.6071)

PJR-2


PRODUCTION OVER SAFTEY
MAN WITH GIRLS VOICE
GRUBBY SUBBIE'S
NO HEAT POLICY
FULL OF EXCUSES!
BULLYING