

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

Statement of John Dalamaras

I, John Dalamaras, of Level 6, 5B Sheridan Street, William McCormack Building, Sheridan Street, Cairns, in the State of Queensland, Operations Manager, solemnly and sincerely declare as follows:

A Background

1. I hold the following qualifications:
 - a. Licensed Dogger;
 - b. Unrestricted Boiler Operator Licence;
 - c. Licenced Coxswain; and
 - d. Diploma in Government Investigations.
2. In 1984, I started an apprenticeship as a fitter and turner at the South Johnstone Sugar Mill, south of Innisfail. I was employed at the South Johnstone Sugar Mill until the end of 2000 (aside from a nine-month stint at another sugar mill in 1988).
3. Between 2001 and 2006, I was employed by the Department of Education in the role of Facilities Officer and then Boating Officer.
4. In between 1983 and 1988 I was also in the Army Reserves as an infantry soldier.
5. I was first employed by the Department as an A04 Industrial Inspector for Workplace Health and Safety Queensland (**WHSQ**) based out of the Innisfail office. I was promoted to the positions of:
 - a. A05 Senior Inspector in 2007;
 - b. A06 Principal Inspector (Industrial) in 2010; and
 - c. A06 Principal Inspector of Operations in 2011.
6. I also held the role of Acting Operations Manager of the WHSQ Cairns office for several periods between 2011 and 2017.
7. I was initially employed as an Industrial Inspector given my background and experience with the sugar industry. However, between 2006 and ~~2010~~²⁰¹³, I was primarily involved in the construction industry given the increased volume of construction work as part of cyclone-related recovery across the State. Primarily, that work related to

domestic construction. As an inspector, I was required to liaise with builders, construction companies, police, the Australian Defence Force, and other disaster recovery bodies to ensure that recovery works were being carried out safely. I received Director-General special awards in 2006 and 2011 in relation to my cyclone-recovery work.

8. In or around 2017, I was promoted from A06 Principal Inspector of Operations to the position of A07 Lead Inspector. At times throughout that year, I also held the role of Acting Operations Manager of the WHSQ Cairns office.
9. I left WHSQ in June 2018 to take up a position in private industry as a safety manager.
10. I worked in the private industry for approximately four years before returning to WHSQ in early-2023 as an A05 Senior Inspector. Towards the end of 2023, I again held the role of Acting Operations Manager of the WHSQ Cairns office.
11. In 2024, I was promoted to the permanent position of Operations Manager of the WHSQ Cairns office. The Cairns office is responsible for the geographic area from the Cardwell Range to the Torres Strait, including all of the inland area to the Northern Territory border and the islands off the east coast. The WHSQ Townsville office covers the region immediately below that. I still hold the position of Operations Manager of the Cairns office.

B The work of an inspector

12. The day-to-day role of an inspector involves responding to complaints about safety incidents or other safety-related concerns at workplaces (including concerns about potential non-compliance with workplace health and safety laws). While WHSQ also engages in proactive work (by visiting sites to conduct compliance checks), the majority of the work that inspectors perform is reactive to complaints that we receive.
13. Complaints range from very minor incidents (such as inadequate amenities, dirty toilets, and minor hazards) to serious matters including injuries, falls from height, and fatalities.
14. WHSQ sends an inspector to most complaints that we receive. I estimate that an inspector will attend the workplace for more than 95 per cent of the complaints that we receive during the dry season, and around 90 per cent in wet season (as it is not always possible to travel to the workplace immediately at certain times of year). Occasionally, WHSQ will liaise with other agencies to assist by attending a site on WHSQ's behalf, particularly in remote areas (including the Torres Strait Islands). We

do not attend the workplace if the complaint can be managed by telephone or administratively.

15. Inspectors respond to the complaints by attending the workplace and conducting an investigation of the relevant incident. This involves the inspector securing the scene, meeting with the Person Conducting the Business or Undertaking (**PCBU**) (or its representatives) and any witnesses (including the injured person in the event of a workplace injury), taking witness statements and other documentary evidence (including photos, notes, and seizing property if necessary), and liaising with other agencies (including Queensland Police, the Queensland Fire Department, and Maritime Safety Queensland).
16. Following an investigation, a report is prepared. A file for the incident will be created within WHSQ's electronic document management system. All documentary records in relation to the incident are uploaded into that file, which is where all information for that matter is then stored. If new information or evidence comes to light following the initial investigation, it will likewise be uploaded to that file. If a more serious incident occurs, the case can be referred to Statewide Investigations (a unit within WHSQ) for consideration of a comprehensive investigation (which may lead to prosecution).
17. Inspectors may issue various kinds of notice to PCBUs following an investigation, including improvement notices, prohibition notices, non-disturbance notices, notices for seizure, and infringement notices (which are, in effect, on-the-spot fines). In each case, the inspector must have a reasonable belief, based on reasonable grounds, that the precondition for the notice exists. For example, prohibition notices enable inspectors to prohibit unsafe activities and require contractors or workplaces to cease work until they provide a system to perform work in a safe manner. These can be used to shut an entire workplace down, if appropriate. To issue a prohibition notice, an inspector must reasonably believe that an activity is occurring or may occur and that it involves a serious risk to health or safety from immediate or imminent exposure to a hazard.
18. In my experience, most unions interact amicably with inspectors. As an Industrial Inspector, I had regular interactions with the Electrical Trades Union (**ETU**), the Australian Workers' Union and Metal Workers Union. My experience with those unions was overwhelmingly constructive. In contrast, inspectors in the WHSQ Cairns office have regularly reported to me, as the Operations Manager for the WHSQ Cairns office, that the CFMEU officials are almost always hostile and aggressive during site

visits. Inspectors have also reported to me that the CFMEU has been the primary source of conflict with WHSQ in the Cairns region.

C The AAA triage of complaints

19. When I started working at WHSQ, complaints would be made directly to the relevant regional office. Sometime in late-2009 or in 2010, the 'AAA' (Advice and Assessment) triage was introduced. The AAA is a centralised contact point for people who wish to make complaints or notifications to WHSQ. People can make complaints to the AAA over the phone or online.
20. I understand that, when a person contacts the AAA with a complaint, the staff will triage the complaint in accordance with specific guidelines, although I am not familiar with those guidelines. If the incident is very serious, staff from the AAA will then call the regional office directly, normally the Operations Manager or the Principal Inspector of Operations. If the matter is not urgent, the staff will summarise the complaint and send a copy of that summary to the regional office by email. Again, the email will be sent to the Operations Manager and the Principal Inspector of Operations.
21. It is then for the Operations Manager (or, in the Operations Manager's absence, the Principal Inspector of Operations) to decide how to deal with the complaint, including whether to send an inspector to the relevant workplace and, if so, how urgently.
22. Complaints to the AAA come from various sources, usually a representative of the PCBU, Health and Safety Representatives (within larger PCBUs or government workplaces), an individual worker, a member of the public, or the relevant union. In the case of a union, the complaint is either made on behalf of a member, or after union officials have attended a site themselves and identified a potential safety or compliance issue.
23. I do not recall any union other than the CFMEU raising a complaint with the WHSQ Cairns office other than through the AAA triage system.

D Demands to attend CFMEU sites immediately

24. Based on my experience working at WHSQ since 2006, and my regular meetings and discussions with other inspectors in the WHSQ Cairns office, I observed that the CFMEU's conflict with WHSQ in the Cairns region began to escalate in or around 2015 or 2016.
25. In around 2014, WHSQ established the Construction Strategy Unit (**CSU**) in the Brisbane office. I understand that Helen Burgess was employed in the CSU in Brisbane, although I do not know what role she held. I know that Ms Burgess was

employed in the CSU because, starting in around 2016, she frequently telephoned me as Acting Operations Manager, and told me to send inspectors to CFMEU sites immediately, and to prioritise those CFMEU sites above others. During those calls, Ms Burgess told me that she was communicating directly with the CFMEU about these sites.

26. In 2017, Shannon Farrington was appointed Operations Manager of the WHSQ Cairns office. After Ms Farrington became Operations Manager, Ms Burgess also frequently telephoned her and made the same demands to send inspectors to CFMEU sites immediately. I know this because I was situated directly outside her office and I could hear those phone calls. I also regularly discussed them with Ms Farrington afterwards.
27. In my roles as Principal Inspector of Operations and Lead Inspector, I also had some responsibility for allocating work to inspectors (including who would attend site), which I did in consultation with Ms Farrington. As such, even if I was not present when Ms Burgess called Ms Farrington demanding that inspectors be sent to CFMEU sites, Ms Farrington and I needed to discuss how to respond to those demands.
28. I am aware that, in early 2018, a few months before my departure from WHSQ, Ms Burgess became the Director of Construction Compliance and Field Services (**CCFS**). However, the interactions that I had with Ms Burgess did not change. She continued to call Ms Farrington and me in the same way as she had done in her previous role (that is, demanding that we send inspectors to CFMEU complaints and sites).
29. I am also aware that Ms Burgess sometimes contacted our construction inspectors directly and told them to attend sites where CFMEU officials were present. I know this because inspectors reported to me that Ms Burgess had done so. Ms Farrington and I also discussed the issue of Ms Burgess directing our inspectors to attend CFMEU sites, as it appeared that she was attempting to dictate where they went, often with urgency, without involving us in those decisions (as their immediate supervisors).
30. While Ms Burgess was the primary person requesting that we send inspectors to CFMEU sites, others did so too. In particular, Ms Farrington told me that Ms Julie Nielsen (the Executive Director of WHS Compliance and Field Services) and Mr Marc Dennett contacted her directly for that purpose. I did not know what Mr Dennett's precise position was at the time, but I knew that he worked in the CSU. I understand

that, after my departure from WHSQ in June 2018, Mr Dennett replaced Ms Nielsen as Executive Director of WHS Compliance and Field Services.

31. While I was acting as Operations Manager in Ms Farrington's absence, I received a call from Ms Nielsen requesting that I immediately send inspectors to a site where the CFMEU was present. Additionally, in or around 2016, I recall that Simon Blackwood (who was Deputy Director-General of OIR at that time) called me in relation to a CFMEU complaint. Dr Blackwood told me that he had received a complaint directly from the CFMEU in relation to a Cairns Council Road works project. The CFMEU was asking for an inspector to be sent immediately to the site, which he asked me to arrange. I do not now remember anything else about this incident, but it struck me as odd that a Deputy Director-General was receiving phone calls from the CFMEU directly.
32. I also remember several occasions when Mr Royce Kupsch from the CFMEU contacted Ms Farrington or me to make a complaint about a particular site. I spoke to Mr Kupsch about these issues on six or seven occasions. Each time, he described a complaint at a particular site briefly and then said that an inspector needed to go to that site and deal with it urgently.
33. Ms Burgess, in particular, expected inspectors to attend these sites immediately, even if we were short staffed, and even if the issues that had been raised were not urgent. If we did not send inspectors immediately, Ms Burgess would follow up with further phone calls asking where our inspectors were and saying that they needed to hurry up and get to the site because CFMEU officials were waiting for us. I recall several occasions where I pulled inspectors off other sites and directed them to attend the sites where the CFMEU had requested attendance.
34. These directions from Ms Burgess were frequent. I estimate that we received two to three calls from her a week (and sometimes more) demanding that inspectors be sent to deal with CFMEU complaints (when I was Principal Inspector of Operations, Lead Inspector and then Operations Manager). That said, there were weeks when we did not receive any calls from Ms Burgess.

E Conduct of CFMEU representatives during site visits

35. Given the nature of my role, it was uncommon for me to attend sites personally. However, either Ms Farrington or I held a debrief with inspectors each time that they attended a CFMEU site. We did this because inspectors had reported to Ms Farrington and me that they had been abused by CFMEU officials during site visits, or that CFMEU officials had otherwise acted inappropriately towards inspectors

(including by criticising their competence or directing them how to carry out their functions). As such, we wanted to make sure that we had a good understanding of how the CFMEU officials were behaving during these site visits. Sometimes Ms Farrington and I would hold those debriefs together. For more serious incidents with the CFMEU (for example, where an inspector had been abused), we would involve the whole team of inspectors at the WHSQ Cairns office.

36. I was also concerned for inspector safety. WHSQ had an obligation to look after the mental health and the psychosocial safety of our inspectors attending what were hostile environments. Several inspectors reported to me that they had bad experiences with the CFMEU, and did not want to attend sites where CFMEU officials would be present.
37. From the regular debriefs that I had with inspectors, I learned that, during site visits, the CFMEU officials applied pressure on inspectors to issue notices to the PCBU. Most commonly, it was reported to me that CFMEU officials wanted inspectors to issue prohibition notices requiring a full shutdown of the site. If the inspectors formed the view that it was appropriate to issue a notice (or take some other form of action against the PCBU), then the site visits were concluded without too much trouble from the CFMEU. Inspectors regularly issued notices to PCBUs during these visits, if they had formed the reasonable belief that it was warranted.
38. In my experience, thorough inspection of any construction site will almost always reveal some minor breaches of health and safety requirements. These can typically be fixed by the PCBU immediately and do not require any notices. However, the CFMEU officials pressured inspectors to write notices even for very minor breaches that did not warrant them.
39. If inspectors declined to issue any notice to the PCBU, then CFMEU officials would become angry with the inspectors, demand that they issue notices, and, often, abuse them. One organiser in particular, Roland Cummins (known as 'Roly'), engaged in aggressive and confrontational behaviour towards inspectors. They were frequently subjected to yelling, derogatory language, and physical intimidation by Mr Cummins.
40. In addition, if inspectors did not issue any notice to the PCBU at the site, Ms Burgess would call Ms Farrington or me criticising their inaction. She would also criticise Ms Farrington and me. I know that Ms Burgess called Ms Farrington because, as I explained above, I was situated directly outside her office and we usually discussed her calls with Ms Burgess. During her calls to me, Ms Burgess spoke aggressively and in a raised voice. She was highly critical of our inspectors and of me for not

complying with the CFMEU's demands. In my view, she did not care that our inspectors had personally attended the sites and formed the view that notices were not warranted. Instead, it seemed that she was only concerned about complying with the CFMEU's demands to issue notices on these sites. Inspectors also reported to me that they had been criticised by Ms Burgess directly for not issuing notices during these site visits.

41. In response to the issues that our inspectors were having with CFMEU officials, in or around 2016, the WHSQ Cairns office instituted a policy that two inspectors would be required to attend sites where permit holders had exercised their right of entry and, following entry, had contacted WHSQ. While the policy did not expressly mention the CFMEU, it was introduced in response to the abuse that inspectors were receiving from CFMEU officials during site visits, primarily Mr Cummins. The practice in the WHSQ Cairns office was to send one inspector to complaints made by any other union, but two inspectors to any site where CFMEU officials were in attendance. Shortly afterwards, the two-inspector policy became standard across Queensland.
42. After the April 2018 incident (which I describe further below), inspectors in the Cairns office refused to attend any site when Mr Cummins was present. We had a meeting at the office, which was attended by all inspectors and Ms Farrington, during which the inspectors told Ms Farrington that they would no longer attend a construction site if Mr Cummins was there. Inspectors maintained that position for a period, although I do not know for how long, as I left WHSQ shortly afterwards in June 2018.

F 4 April 2018 Incident

43. One occasion in particular stands out for me, as I was required to attend a site where Mr Cummins were present. As I have said, I would not usually conduct site visits in my roles as Principal Inspector of Operations or Lead Inspector. However, Ms Farrington asked me to assist Inspector Rob Duckworth in attending to a request from the CFMEU at the Cairns Performing Arts Centre (**CPAC**) development site. Ms Farrington told me that the request came from Ms Burgess, and that Ms Burgess had been in communication with the CFMEU officials at the site. Ms Farrington told me that Mr Cummins was at the site, which was why she insisted on two inspectors attending. Because Mr Duckworth was a construction inspector, he was primarily responsible for conducting the inspection while I provided him support.
44. Upon arrival, Mr Duckworth and I followed the usual on-site procedure, which required us to sign in at the site office, and meet with the PCBU to advise of our entry. During this period (that is, while we were signing into the CPAC site and meeting with the

PCBU), I received a call from Ms Farrington. Ms Farrington told me that Ms Burgess was hassling her and wanted to know where we were and why we had not yet spoken with the CFMEU at the site.

45. After we had signed in, we walked to the area where Mr Cummins and three other union officials were present. They were Robbie Gould and James White of the Plumbing and Pipe Trades Union and Robert Hill from the ETU. The union officials raised several issues as we walked around the site. In my experience, it is not uncommon to identify issues during a site walk through. As I have said above, it is rare that any workplace is completely compliant with workplace health and safety laws, but inspectors must nonetheless be satisfied that it is appropriate to exercise their discretion to issue a notice. Three main issues were raised.
46. First, the CFMEU insisted that all machinery on the site be fitted with a fire extinguisher. This is not a regulatory requirement, but some PCBUs choose to implement it as a matter of policy. In any event, an individual was attempting to install a fire extinguisher onto a bitumen road roller by drilling it into a location that would have affected the machine's rollover protection, which would have made the machine unsafe. Mr Duckworth and I explained this to the individual and to the union officials, and so it was fitted to another part of the roller instead. We did not consider this to be an issue warranting further action, which we explained to the union officials on the spot. As I have just said, it is not a requirement to have machinery fitted with fire extinguishers, so we could not have intervened in any event.
47. Secondly, the union officials had located six or seven small pieces of ~~asbestos in cement shooting~~ ^{ACM} while undertaking excavation works and demanded that the whole site be completely shut down. In my view, however, a piece of the ~~shooting~~ ^{ACM} had not originated at the site. It appeared instead that it had been deliberately placed there. I say this because it had been raining heavily in Cairns in the days prior to the site visit, and the excavated part of the site was wet and underground. Material had been brought to the site and backfilled into the excavated area in preparation for asphalt to be laid over it. However, the ~~shooting~~ ^{ACM} that the union officials had identified was dry and white, and one piece was sitting on top of tracks in the dirt. It seemed implausible that it had been dug up from the wet ground, especially as it was sitting on top of the tracks in the ground. (I did not say this out loud at the time, as I expected that doing so would lead to immediate escalation and abuse.)
48. In any event, the PCBU made a commitment to stop work in that area of the site and engage an asbestos removal company to conduct a thorough investigation and

removal of any asbestos on the same day. Because of that commitment, Mr Duckworth and I could not take any further action against the PCBU. The union officials were not happy with that outcome as they wanted us to issue a prohibition notice and shut the entire site down. We explained that we could not do so if we did not reasonably believe that there was any serious risk to health and safety from the cement sheeting. As there was only a small amount of ~~concrete sheeting~~^{ACM}, the PCBU had cordoned off that area of the site, and the PCBU had engaged a contractor to remove that ~~concrete sheeting~~^{ACM}; we did not hold that belief.

49. Thirdly, the union officials were concerned that there were issues with the width of some of the walkways around the site and the fire evacuation plan. The complaints about the emergency evacuation plan were that it did not clearly mark where an individual was standing on the map (for example, by a “*you are here*” marker), did not include arrows, and did not clearly differentiate between the levels of the site and some fire extinguishers were not in the correct position. Where the union officials’ concerns were valid, the PCBU agreed to rectify those issues during the site walkthrough. For example, at parts of the site, the walkway was slightly narrower than it should have been, which the PCBU undertook to rectify.
50. However, Mr Duckworth and I did not consider the issues with the emergency evacuation plan presented an imminent risk that warranted a prohibition notice, which we explained to the union officials. This is because the emergency evacuation plan was primarily a document for workers to familiarise themselves during the site induction. We do not expect that workers will stop and consult with an emergency evacuation plan during an emergency. The key priority during an emergency is to ensure that workers can identify the safest escape route, which requires adequate lighting and signage (including illuminated exit signage). In our view, the site had adequate signage in the event of an emergency.
51. Mr Cummins was not happy with this explanation. After an exchange between Mr Duckworth and Mr Cummins, Mr Duckworth asked “*what would you like to happen?*” or words to that effect. At that point, Mr Cummins became angry. He repeatedly yelled “*you’re a fucking dog*” to Mr Duckworth. He was about two inches from Mr Duckworth’s face when he did so. I intervened and told Mr Cummins that his behaviour was unacceptable, and that he should not be speaking to us in that manner. I touched Mr Cummins on the shoulder as he stormed out the building. Mr White followed Mr Cummins out of the building.

52. Mr Duckworth remained calm throughout the entire site visit but, given what had just occurred, I decided that we should leave the site. Accordingly, we finished the discussion and I told the rest of the group (being Mr Gould and Mr Hill and the representatives from the PCBU) that we were terminating the inspection.
53. I immediately called Ms Farrington and told her what had happened. During that conversation, I reported to Ms Farrington that Mr Cummins had abused Mr Duckworth. I told Ms Farrington that I considered that Mr Cummins's conduct amounted to intimidating a work health and safety inspector contrary to s 190 of the *Work Health and Safety Act 2011* (Qld). I also raised the matter with Kym Tollenaere, who was the Acting Regional Director at the time.
54. The following days, the CFMEU posted Facebook posts criticising Mr Duckworth and me. One of the Facebook posts was 'liked' by Ms Burgess
55. I raised the issue of Ms Burgess 'liking' the Facebook post with the executive team in Brisbane. I also spoke to Ms Farrington and told her that I wanted the matter to be taken further. I am not aware of any action that was taken against Ms Burgess in relation to her 'liking' of the CFMEU's Facebook post.
56. A day or two after the incident, two inspectors (Rebecca Wright and Angelo Capaldi) commenced an investigation into my complaint against Mr Cummins, specifically my concern that he had contravened s 190 of the *Work Health and Safety Act 2011* (Qld). I participated in an interview as part of that complaint.
57. I later found out that WHSQ had engaged Ashdale Workplace Solutions (**Ashdale**) to conduct an investigation into our conduct. I am not sure what prompted the Ashdale investigation. I have never been provided with a copy of Ashdale's investigation report. I have also attached a letter that I received from Simon Blackwood communicating that I had acted appropriately in respect of the incident, and I have marked it "**JD-1**".
58. The investigation into my complaint against Mr Cummins was paused while the Ashdale investigation was on foot. After the Ashdale report had been finalised, WHSQ brought proceedings in the Magistrate's Court of Queensland charging Mr Cummins with intimidating Mr Duckworth, and Mr Cummins was convicted at first instance. The CFMEU successfully appealed the decision to the District Court of Queensland, which overturned the conviction.
59. Mr Duckworth and I were also witnesses in an ABCC proceeding against Mr Cummins. The proceeding settled at mediation, partly because the ABCC had been disbanded by the time the mediation occurred.

G Preferential treatment for CFMEU aligned contractors and targeting of others

60. Although I did not regularly attend sites, due to my managerial role (as Principal Inspector of Operations, Lead Inspector and then Operations Manager), I regularly discussed the CFMEU's treatment of contractors with the inspectors in the WHSQ Cairns office in regular team meetings, in one-on-one meetings, and in debriefs following site visits involving the CFMEU. It was important for me to understand the CFMEU's actions because it directly affected the allocation of resources under my remit. As I have explained above, I also had to look after the safety of my inspectors.
61. During those discussions and meetings, inspectors regularly reported to me that the CFMEU targeted sites where non-CFMEU aligned contractors were present. By way of example, it was well known among the inspectors that the CFMEU did not like a company called Century Cranes. The Century Cranes directors, Bianca and Scott Wilson, told me that their employees did not want to be CFMEU members, and that they would not comply with the CFMEU requests to enrol their employees as members of the CFMEU or to make an enterprise agreement with the CFMEU.
62. The CFMEU had a preference for other companies called Crossy's Cranes and Smithy's Cranes. The inspectors and I believed that these companies were aligned with the CFMEU, as they had CFMEU flags and banners on their machinery and equipment and otherwise around the sites where they were engaged.
63. The CFMEU would generate complaints about safety concerns on sites where Century Cranes were present. I recall the CSU contacting the WHSQ Cairns office regarding the complaints that were raised on these sites. Examples of some of the sites where WHSQ received complaints involving Century Cranes include the Cairns Social and Affordable Housing Precinct, and James Cook University's Smithfield site.
64. The complaints at these sites did not appear to be genuine. It appeared instead that the CFMEU was attending sites where Century Cranes was engaged as a contractor and attempting to identify issues.
65. Based on my discussions with inspectors in the WHSQ Cairns office, and the patterns of complaints that I observed, it appeared that if a contractor (such as Century Cranes) resisted the CFMEU, then the CFMEU would cause trouble and disruption for them by raising trivial safety concerns (for example, that a toilet at the site was dirty).
66. On the other hand, I observed that far fewer complaints were made in respect of contractors who we perceived to be aligned with the CFMEU. We knew whether contractors were aligned with the CFMEU because they displayed CFMEU flags

across their sites (including on cranes, walls and hoarding). I can recall far fewer instances where trivial complaints were made in relation to sites under the control of these contractors. There were rarely complaints for Crossy's Cranes or Smithy's Cranes compared to the frequent complaints for Century Cranes.

H Targeting of sites during enterprise bargaining

67. I recall that during my time as an Inspector, the CFMEU would target specific sites. CFMEU officials would often arrive unannounced at certain sites where inspectors were present. I observed that these were almost always larger sites with bigger workforces. This included Cairns Regional Council sites, Lendlease sites, the Cairns Convention Centre, James Cook University, Cairns Hospital and Trinity Bay School. Based on that pattern, it appeared that the CFMEU was notified when WHSQ inspectors were at these sites and then sent officials to attend them.
68. Over the years, the inspectors in the WHSQ Cairns office and I observed a pattern where the volume of complaints increased when the CFMEU was bargaining for a new enterprise agreement. Occasionally, people making complaints expressly mentioned the fact that the parties were negotiating an enterprise agreement. Otherwise, CFMEU officials informed inspectors that they were in bargaining when they attended the sites. I know this because those inspectors reported it to me. I also know this because Cairns is a small town, and it was important for me to understand when enterprise bargaining was occurring at construction sites as it had a direct effect on the allocation of WHSQ resources (given the higher number of complaints at those sites during bargaining).
69. For example, sometime in 2018, I recall the CFMEU frequently contacting WHSQ about various alleged incidents at Cairns Regional Council sites. At the time, the Council was engaged in enterprise bargaining negotiations with the CFMEU. Many of these incidents, once investigated, were found either to be baseless or very minor in nature. On one occasion the CFMEU demanded a crib room for Council workers engaged to do road works near the CPAC centre. This was provided, but was never used, as the workers preferred to have their breaks under the shady trees in close vicinity of the site. On another occasion, I sent inspectors to a road works site in one of the northern beach areas as the CFMEU had made a complaint about traffic management. The inspectors told me that it was minor, and the PCBU rectified the signage issue immediately. There were several other incidents like this at Council sites during that bargaining period. The pattern that the inspectors and I had observed

was that the CFMEU was making significantly more complaints at Council sites during the period when the enterprise bargaining negotiations were occurring.

I Brisbane inspectors directed to attend Cairns

70. Before I left the WHSQ in 2018, I remember that inspectors in the Cairns office had been pushing back on the CFMEU's complaints and pressure to issue notices (including by refusing to attend sites where Mr Cummins was present, as I have described above). Because of this push back, the CSU instead sent construction inspectors from Brisbane or other regions to attend to CFMEU complaints in the Cairns region. Sometimes those inspectors would be sent without notifying us that they were coming, and we only learned of their presence when they arrived in the WHSQ Cairns office having already conducted a site visit.
71. Inspectors from Brisbane and other regions were also being sent to some of the large infrastructure and energy projects in the Cairns region. Those inspectors did not have any specialised knowledge or different skills than the Cairns inspectors and received overtime and travel allowances to attend. I do not understand why they were sent instead of local inspectors. It was openly discussed in the WHSQ Cairns office that the same inspectors were being sent up from Brisbane and other regions. I recall that these inspectors were John Azcune, Bruce Elder and Brian Drake.
72. I remember a few instances when inspectors from the WHSQ Cairns office had attended a CFMEU site and not issued notices (or had issued a small number of notices). Within a few days, an inspector from Brisbane had attended the same CFMEU complaints and had decided to issue more notices. It appeared that they were issuing the notices that the CFMEU wanted, even though local inspectors had attended the site and did not consider that they were warranted.

This declaration was made, signed and witnessed under part 6A of the *Oaths Act 1867* (Qld).

AFFIRMED at Innisfail on 6 May 2026

JOHN DALAMARAS

John Dalamaras
.....
Signature of deponent

BEFORE ME:

JACK DOMINIC KERIN
Solicitor

Jack Kerin
.....
Signature of witness

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

ANNEXURE SHEET

This is the document referred to as JD-1 in the statement of John Dalamaras affirmed at Innisfail on 6 May 2026.

John Dalamaras

JOHN DALAMARAS

Jack Kerin

Witness (Lawyer)

Mr John Dalmaras

By email to: [REDACTED]

PRIVATE AND CONFIDENTIAL


Dear Mr Dalmaras

I refer to an incident at the Cairns Performing Arts Centre (CPAC) construction site on 4 April 2018 whilst you were undertaking site inspection activities in connection with your duties then as a Workplace Health and Safety Queensland (WHSQ) inspector.

As you are aware, information came to the notice of the Office of Industrial Relations (OIR), through social media postings, alluding to some manner of physical interaction between WHSQ inspectors and a representative of the Construction, Forestry, Maritime, Mining and Energy Union (CFMMEU). It was noted representatives from two other unions were on site at the time as well as a representative for the principal contractor, FKG Group.

It was determined appropriate that enquiries be undertaken to determine whether there were grounds for registering a complaint of inappropriate conduct on the part of WHSQ staff arising from this incident. An external investigative service, Ashdale, were engaged to undertake this review action. I confirm this review is now complete and I have recently received Ashdale's report into the matter.

In summary, the review found WHSQ staff acted in a professional and restrained manner in discharging their duties at the site on the day in question and in their interaction with Union representatives. The review found you had touched CFMMEU representative Mr Cummins on the shoulder, in the manner of a gesture, in an effort to defuse aggression and verbal abuse being directed at Mr Duckworth by Mr Cummins.

The finding was that no grounds for any complaint of impropriety could be established against any OIR staff member.

The review report recommended, amongst other responses, that OIR look towards equipping inspectors with the capacity to more easily record their interactions with union representatives and others when inspecting work sites. A further recommendation was that OIR clearly communicate to and reinforce with all stakeholders our expectations with respect to their treatment of our staff when they carrying out their inspection duties.

We acknowledge the critical and sometimes difficult tasks WSHQ staff undertake in ensuring the safe operation of construction sites and other workplaces, and we will consider the review's recommendations and determine an appropriate response.

Where information becomes known to the department through any means, alleging impropriety on the part of an employee, it is important that steps be taken to confirm the integrity of its staff and their processes. This is particularly important where an issue arises whilst staff are conducting regulatory work connected with their core duties. I thank you for your patience whilst the incident review process was undertaken.

If you have any further queries regarding this matter I invite you to contact Mr Peter Edwards, Director, Ethical Standards, Business and Corporate Services by email at [REDACTED] or by telephone on [REDACTED]

Yours sincerely

[REDACTED]
Dr Simon Blackwood
Deputy Director-General
Office of Industrial Relations

28 August 2018